There was no objection.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 342 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3058.

□ 1017

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. MCHUGH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday June 29, 2005, the amendment by the gentleman from Indiana (Mr. SOUDER) had been disposed of and the bill had been read through page 194, line 7.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 210, line 18, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the remainder of the bill through page 210, line 18, is as follows:

TITLE IX—GENERAL PROVISIONS, GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 901. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 902. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2006 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 903. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further,* That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 904. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 905. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 906. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 907. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 908. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 909. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 910. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 911. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service. The Postal Service may give such guards with respect to such property, any of the powers of special policemen provided under 40 U.S.C. 1315. The Postmaster General, or his designee, may take any action that the Secretary of Homeland Security may take under such section with respect to that property.

SEC. 912. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 913. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2006, by this or any other Act, may be used to pay any prevailing rate employee described in

section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2006, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2006, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2006 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2006 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2005, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2005, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2005.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 914. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 915. Notwithstanding section 1346 of title 31, United States Code, or section 910 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 916. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 917. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 918. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 919. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 920. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with

the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 921. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 922. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 923. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

AMENDMENT OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

Page 210, line 20, after ''used'' insert ''directly or indirectly, including by private contractor,''.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

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

This amendment, Mr. Chairman, clarifies that the existing anti-propaganda section of the bill also includes contracting out for these services to publicity experts and others. Its intent is to simply prevent contracts with journalists and other publicity experts without authorization by the Congress, and it will prevent additional embarrassing reports in the future because it will prohibit these bogus news reports, generated by contracts between the government and those willing to take the money and spin the information.

Examples of administrative propaganda are numerous. Last month, The Washington Post reported that the National Resource Conservation Service paid a freelance writer at least $7,500 to write articles touting so-called Federal conservation programs and placed them in outdoors magazines. These articles were placed and not one of them disclosed the fact that the writer was under Federal contract and that these were not objective articles.

Last year, the conservative commentator Armstrong Williams was paid $241,000 by the Education Department to promote the administration's education policy. And columnist Maggie Gallagher received $21,500 from the Department of Health and Human Services to work on the administration's marriage initiative. Again, neither of these individuals informed the public that they were working for the government and that they were not writing objective articles.

Finally, it has recently surfaced that a semi-invisible PR group had received $200 million of taxpayers' dollars to spread anti-Saddam Hussein propaganda prior to the Iraq war. In fact, soon after the attacks on our country on September 11, 2001, the company received a $100,000-a-month contract from the Pentagon to offer media strategy advice. This was part of the misinformation campaign that led to the war in Iraq; and the result of that misinformation was that two-thirds of the American people thought that Saddam Hussein was actually behind the 9/11 attacks. We know, of course, that that was not the case. And eight out of ten Americans thought that Iraq had nuclear weapons because they were afflicted with this misinformation campaign.

While the administration has been embarrassed by their contracts, at least the ones that have been made public, the agencies knew what they were doing when they hired these people to promote these misinformation campaigns. Many have questioned the legality of all of these contracts. The GAO, in fact, is looking into the legality of Armstrong Williams and the Gallagher case, and that ought to determine whether or not the administration violated the ban on covert propaganda.

It is obvious, however, Mr. Chairman, that we need to make this statement with greater clarity and define more clearly what cannot be done by this or future administrations to misinform and mislead the American people by contracting out and engaging in a propaganda campaign using taxpayer dollars to misinform the American people.

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

The CHAIRMAN. Does any Member wish to claim time in opposition to the amendment?

Mr. KNOLLENBERG. Mr. Chairman, I claim the time in opposition, but we accept the amendment.

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

Mr. HINCHEY. Mr. Chairman, is there an opposing argument to the amendment?

The CHAIRMAN. The gentleman from Michigan claimed the time in opposition, and he has reserved his time.

Mr. KNOLLENBERG. Mr. Chairman, if I may inquire, does the gentleman have any time remaining?

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) has 1½ minutes remaining; and the gentleman from New York has inquired if there are Members who wish to be heard in opposition. The gentleman from Michigan (Mr. KNOLLENBERG) controls the time in opposition.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume to note that there are no Members here that are in opposition, and I have no position on this matter except to accept the amendment.

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

Mr. HINCHEY. Mr. Chairman, I yield myself the balance of my time, and I thank the gentleman for accepting the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 924. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

SEC. 925. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 926. Notwithstanding 31 U.S.C. 1346 and section 910 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 927. Notwithstanding 31 U.S.C. 1346 and section 910 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and

other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Federal Acquisition Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $10,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 928. None of the funds made available in this or any other Act may be used by the Office of Personnel Management or any other department or agency of the Federal Government to prohibit any agency from using appropriated funds as they see fit to independently contract with private companies to provide online employment applications and processing services.

POINT OF ORDER

Mr. ISSA. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ISSA. Mr. Chairman, I raise a point of order against section 928. This provision violates clause 2 of House rule XXI. It proposes to change existing law within the jurisdiction of the Committee on Government Reform and, therefore, constitutes legislation on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this section addresses funds in other acts. This section, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and this section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 929. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 930. Notwithstanding section 1346 of title 31, United States 945./Code, or section 910 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided,* That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 931. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided,* That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 932. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note), as amended, is further amended by striking ''October 1, 2005'' and inserting ''October 1, 2006''.

SEC. 933. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 934. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 935. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 936. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 937. None of the funds made available under this or any other Act for fiscal year 2006 and each fiscal year thereafter shall be expended for the purchase of a product or service offered by Federal Prison Industries, Inc., unless the agency making such purchase determines that such offered product or service provides the best value to the buying agency pursuant to governmentwide procurement regulations, issued pursuant to section 25(c)(1) of the Office of Federal Procurement Act (41 U.S.C. 421(c)(1)) that impose procedures, standards, and limitations of section 2410n of title 10, United States Code.

SEC. 938. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 939. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. The department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 940. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 941. From funds made available in this or any other Act under the headings ''The White House'', ''Special Assistance to the President and the Official Residence of Residence of the Vice President'', ''Council on Environmental Quality and Office of Environmental Quality'', ''Office of Science and Technology Policy'', and ''Office of the United States Trade Representative'', the

Director of the Office of Management and Budget (or such other officer as the President may designate in writing) may, 15 days after giving notice to the Committees on Appropriations of the Senate and the House of Representatives, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from the heading ''Special Assistance to the President and the Official Residence of the Vice President'' without approval of the Vice President.

SEC. 942. Section 4(b) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) is amended by adding at the end the following new paragraph:

''(5) Executive agencies with fewer than 100 full-time employees as of the first day of the fiscal year. However, such an agency shall be subject to section 2 to the extent it plans to conduct a public-private competition for the performance of an activity that is not inherently governmental.''.

SEC. 943. (a) No funds shall be available for transfers or reimbursements to the E-Government Initiatives sponsored by the Office of Management and Budget (OMB) prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget or receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

(b) The report in (a) shall detail:

(1) the amount proposed for transfer for any department and agency by program office, bureau, or activity, as appropriate;

(2) the specific use of funds;

(3) the relevance of that use to that department or agency and each bureau or office within, which is contributing funds; and

(4) a description on any such activities for which funds were appropriated that will not be implemented or partially implemented by the department or agency as a result of the transfer.

SEC. 944. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2006 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2006.

(b) Notwithstanding section 913 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2006 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2006.

SEC. 945. (a) IN GENERAL.—Section 604(d) of the Fair Credit Reporting Act (15 U.S.C. 1681b(d)) is amended to read as follows:

''(d) LIMITATION ON USE OF CONSUMER REPORT.—

''(1) IN GENERAL.—A credit card issuer may not use any negative information contained in a consumer report to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for any reason other than an action or omission of the card holder that is directly related to such account.

''(2) NOTICE TO CONSUMER.—The limitation under paragraph (1) on the use by a credit card issuer of information in a consumer report shall be clearly and conspicuously described to the consumer by the credit card issuer in any disclosure or statement required to be made to the consumer under this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a)(3)(F)(ii) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(3)(F)(ii)) is amended by inserting ''subject to subsection (d),'' before ''to review''.

□ 1030

POINT OF ORDER

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) will state his point of order.

Mr. LINCOLN DIAZ-BALART. Mr. Chairman, I make a point of order that section 945 of H.R. 3058 is in violation of clause 2 of rule XXI.

That rule precludes changes in existing law from being report in a general appropriation bill. The section directly amends the Fair Credit Reporting Act, an Act within the jurisdiction of the Committee on Financial Services regarding the use of credit reports.

The section beginning on page 222, line 23, through 223, line 20, clearly constitutes legislation on an appropriations bill.

I would note further that House Resolution 342, the rule providing for consideration of the bill, did not waive points of order under clause 2 rule XXI against this section.

I would urge the Chair to sustain the point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I rise to be heard on the point of order.

Section 945 to which the gentleman objects is in this bill for the purpose of ending a practice under which a credit card company can jack up a cardholder's interest rates to the default rate which can be as high as 30 percent. Even if that person has never missed a payment and never been a day late on any payment to that credit card company, that interest rate can be jacked up if that consumer was 1 day late in the payment of some other bill and that was reported on a credit report.

This language is in here to correct a glaring and obscene omission in legislation which was passed by the House several weeks ago, the infamous bankruptcy bill.

As I understand the rules, the gentleman is objecting to this language because it is legislation on an appropriation bill and falls under the jurisdiction of another committee. As I understand the rules, while the Rules Committee did not protect this section in the rule under which the bill is being debated, this section could be passed by the House if no Member chooses to object to it.

I would respectfully suggest to the gentleman, in the interest of protecting consumers in this country from these bloodsuckers, I would suggest that the gentleman would do the country a great service if he would withdraw his point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, this issue has been debated at length by the House. There was a similar amendment that was debated at length. It was rejected by the membership of this House by a significant vote. In this case today on an appropriations bill, legislating this issue, that has been debated and rejected in an appropriate forum, this is not clearly an appropriate forum. I reiterate my point of order.

Mr. OBEY. Mr. Chairman, I would have to reluctantly concede because of the warped rules which the majority party passed out of the Committee on Rules, which protected countless other provisions from points of order, but neglected to protect this section so that some of the biggest banks in the country can rip-off Americans, I would have to confess that under that myopic and misguided rule, I would have to concede the point of order.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The Chair must first dispose of the point of order. Does the gentleman wish to be heard on the point of order?

Mr. OLVER. Mr. Chairman, I will wait until the point of order has been disposed of and then claim my 5 minutes.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this section directly amends existing law. The section, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the section is stricken from the bill.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to repeat some remarks that I made on the floor the other day. I happen to have a Visa card. I have had it for years.

The other day I received in the mail a notification that this Visa card had been transferred to another bank. If you take a look at the fine print on the notice that accompanies that transfer, the fine print makes clear that the following can occur.

Let us say that for 10 years the gentleman from Florida who just lodged

the point of order, let us say for 10 years that gentleman has held this same Visa card, and that for that 10-year period he has not been late a single day in any payment to this credit card company. Nonetheless, the gentleman from Florida, or any other citizen of America, can have the interest rate on this card raised to the default rate if, for instance, that person had gone on vacation and while on vacation that person's wife, let us say, had broken her arm. And let us say she was responsible for writing the checks each month and because she was hurt she could not write the checks for a couple of weeks. And if that late payment because of that injury—to another company on another account—wound up in a credit report totally unrelated to your performance on the initial card, nonetheless, that credit card company claims the right to jack up interest rates to 30 percent.

In my view, that is nothing but blood-sucking usury, and I find it incredible that the majority party in this House finds ways time and time and time again to genuflect to the special interests like these credit card companies and to use the technicalities of the rules of this House to deny the average American citizen the protection that they ought to have a right to expect from representatives of this body who are supposed to represent the general interests rather than the special interests of these credit card companies.

It is an outrage that this body would allow this kind of a practice to continue. It is an outrage that the well-connected shysters who engage in this practice are not stood up to unanimously by 435 people in this House.

So all I can say is if the majority wants to hide behind the technicalities to protect yet another well-paying special interest, I cannot do a whole lot about it except raise my voice, and that is what I am doing today.

I would hope that the American consumers would take notice who it is that decides that the technicalities of the rules are more important than giving the consuming public a fair shake.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. As the designee of the gentleman from Wisconsin (Mr. OBEY), the gentleman from Massachusetts (Mr. OLVER) is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, last week the full Committee on Appropriations voted 33 to 25 to accept this provision that prevents credit card issuers from using totally unrelated consumer information to raise the annual percentage rates on cardholders. The provision could have been protected by the Committee on Rules. It was not. Therefore, the point of order was possible. The gentleman from Wisconsin (Mr. OBEY) has accepted the point of order reluctantly.

But this provision in no way prevents companies from raising interest rates, but simply states that banks can only base that decision on the interest rate on information that is relevant to the account that they issue. This provision would make sure that people who pay their credit card account on time and remain within their credit limit do not have their annual percentage rates increased.

The practice of using unrelated information to increase those rates is not allowed when lenders issue home mortgages, and it simply should not be allowed when they issue credit cards. It is outrageous that this practice is legal.

I hope that the discussion here, since the issue has been ruled out of order, will be the impetus for the Committee on Financial Services, which has raised the point of order, it will be the impetus to get rid of this practice.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I find this inexplicable. This is the House of Representatives. We are here purposefully to protect the interests of the American people. There is no situation in which it is more clear as to where the interest of the American people lie than in the context of this amendment that has been offered today by the gentleman from Wisconsin (Mr. OBEY). I assume that is why it passed the Committee on Appropriations by such a strong vote.

But for political reasons, the Committee on Rules has decided not to protect the amendment, not to allow it to come out here and not be subject to the kind of opposition it received a moment ago from the gentleman from Florida.

This issue should be debated on the floor of this House. This amendment should be passed. Why? Because the credit card companies are increasingly putting American families deeper and deeper and deeper in debt. The average debt now, according to the Federal Reserve, the average debt of the average American family is 115 percent of income and the main reason for that is credit card debt.

The credit card companies attract consumers, often attracting them in at relatively reasonable interest rates, and then very rapidly for extraneous reasons and circumstances, increase those rates. And the debt that people owe to credit card companies is going up and up and up.

That is one of the reasons why this House of Representatives passed that atrocious bankruptcy bill not long ago, a bankruptcy bill which, in effect, in large part was influenced strongly by the credit card companies. What have we become? This House, which is supposed to represent the interests of the American people, the average American, the average American family, has fallen now to represent narrower and narrower special interests, and the obvious special interest in this case are the credit card companies which has become the fastest growing and one of the most lucrative businesses in America. And why? Because we are not doing our job. This House of Representatives is not doing what it is supposed to do: Protect the interest of the average family and not allow usurious interest rates to take place here over and over and over again.

□ 1045

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the practical result of the point of order lodged by the gentleman from Florida is to make the credit card companies the only people in America who can raise the price of something you bought after you bought it. If people are comfortable putting themselves in that supine position, I cannot do anything about it. But I find it interesting that the gentleman is a member of the Rules Committee, which cleverly left this measure exposed and then exploited that failure on the part of the Rules Committee in order to knock this language out of the bill. That is a nice sleight of hand operation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 946. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 947. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Federal Regulations, that was published in the Federal Register on February 25, 2005.

AMENDMENT NO. 14 OFFERED BY MR. SIMMONS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SIMMONS:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used to enter into, implement, or provide oversight of contracts between the Secretary of the Treasury, or his designee, and private collection agencies. Notwithstanding this provision, the Secretary of the Treasury, or his designee, may continue to utilize any private collection contract authority in effect prior to October 22, 2004. Nothing in this provision shall impact the administration of any tax or tariff.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''INTERNAL REVENUE SERVICE–BUSINESS SYSTEMS MODERNIZATION'' is hereby reduced by $5,000,000.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of June 29, 2005, the gentleman from Connecticut (Mr. SIMMONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

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

My amendment is very straightforward. It simply requires that the collection of Federal taxes will continue to be done by officials of the IRS and not by private contractors. This amendment is similar to one that was introduced by the gentlewoman from West Virginia (Mrs. CAPITO) last year and passed by voice vote, although it was ultimately taken out of the bill in conference.

I think all of us, Mr. Chairman, want a Federal system that efficiently collects taxes, but we cannot do it at the expense of taxpayers' rights or privacy. If the IRS is allowed to go forward with the outsourcing of tax collection, millions of taxpayer files will be made available to private debt collection companies. These companies, in turn, will collect up to a 25 percent fee for any collections from American taxpayers.

This type of incentive system on the part of collectors is ripe for abuse and ripe for harassment, which is why the IRS specifically prohibits its own employees from being engaged in a quota system with regard to tax collection.

Mr. Chairman, each year millions of Americans voluntarily disclose sensitive personal information to the IRS with the expectation that it will be handled with the utmost discretion and care, that it will be protected from erroneous or deliberate disclosure outside the IRS. Yet current law allows the IRS to disclose this information to third-party contractors. This cannot be allowed to stand.

Do we really want to release commission-hungry tax collection agents on the American public? Is this really good public policy?

Mr. Chairman, at a time when we are concerned about identity theft, we should not be in the business of putting sensitive information into the hands of private contractors. Just today, the Washington Post did an editorial, Have You Been Stolen? And it says, ''Once your name, date of birth, address and Social Security number go astray, you are permanently at risk.''

Yet, if we do not pass this amendment that I have offered here today, millions of American taxpayers will be permanently at risk.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I am pleased to join with my colleague from Connecticut in offering this amendment to ensure the fair treatment of the American taxpayer.

Mr. Chairman, it was just back in 1998 that, in response to overly aggressive IRS collection tactics, the Congress passed the IRS Restructuring and Reform Act. That act specifically prevented IRS agents and their supervisors from being evaluated based on how much taxes they collected. They couldn't get a bonus based on how much tax they collected. The reason was pretty simple. We wanted to make sure that the IRS agents had an objective approach, that they weren't harassing taxpayers for their own personal benefit.

That brings us to why we are offering this amendment here today. The provision that was included last year in the FSC corporate tax bill reversed that policy. In fact, even worse, it said that private collection agencies could go out and collect these taxes and that they would get a 25 percent bonus if they collected those taxes. In other words, they were on a commission, based on how much they collected, which creates exactly the wrong incentive, an incentive that we tried to address back in 1998 when we passed that earlier legislation.

Furthermore, it hurts the American taxpayer in another way. Right now, when the IRS agent goes out and collects taxes, 100 percent of those taxes go to the public Treasury to be spent on education and health care and other things that this Congress may decide to invest in for the American people. Under the existing special interest provision that got stuck into the law last year, 25 percent of those moneys are now going to go, not to the Federal Treasury for public purposes, but they are going to be pocketed by these private bounty hunters, essentially, debt collectors who are out there, who have an incentive to be overly aggressive with the taxpayer, have an incentive not to look at the issue fairly; and at the end of the day, they pocket 25 percent instead of those funds going to the benefit of the American taxpayer.

Mr. Chairman, I commend my colleague for offering this amendment and I urge its adoption.

Mr. SIMMONS. Mr. Chairman, could I ask how much time I have remaining?

The CHAIRMAN. The gentleman from Connecticut has 30 seconds remaining.

Mr. SIMMONS. Mr. Chairman, in those 30 seconds I would like to say that taxes today are complicated. Senior citizens have problems with them. Single moms have problems with them. Small business owners have problems with them. Mistakes can be made. But the collection should not be turned over to commission-based bounty hunters. We should not adopt a policy that turns these people loose on our citizens.

Mr. Chairman, I ask unanimous consent that this amendment be withdrawn, as I understand that there is a point of order against it.

The CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do understand that the point of order lies, and I understand why my chairman has raised the point of order. I just want to make something clear on the record, however, that I believe that collection of tax is an inherent role of government, and if the point of order had not lay against the provision, I would have supported the amendment that was offered by the gentleman from Connecticut.

Given the ongoing reports of identity theft and lost data these days, I have come to abhor the very idea of putting private and sensitive information in the hands of debt collectors. It seems to me, as I have already pointed out, it is an inherent role of government to collect taxes. It is a fundamental responsibility of government. We shouldn't privatize this activity, particularly when it will cost taxpayers more money than collecting the owed taxes by Federal employees.

For that reason, I would have supported the amendment, but I do understand the point of order as my chairman has raised it.

AMENDMENT OFFERED BY MR. FLAKE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title) insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.561 of title 31, Code of Federal Regulations, as published in the Federal Register on June 16, 2004, with respect to any Member of the United States Armed Forces.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the house of June 29, 2005, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume. I had assumed that a point of order would be raised. I know that those opposing this amendment don't want to talk about this amendment, and I can understand why.

Carlos Lazo escaped from Cuba in the late 1980s. He hopped a raft, but unfortunately he was caught; he was caught by Castro's forces. He was taken back to Cuba where he spent 1 year in Castro's prisons.

A little later he decided that the pull from freedom was strong enough that

he would try again, and he did. He got on another raft and this time he made it. He made it and he became an American. Not only did he become an American, he became a soldier. Not only that, he went over to Iraq and served us proudly. In fact, Sergeant Lazo was recently awarded the Bronze Star for bravery in action in Iraq.

Last June, when he came home from Iraq, he wanted to visit his two sons who are still in Cuba. He is divorced. They and their mother live in Cuba. He tried to do so. He went to the Miami Airport only to find that since he had been in Cuba once in the past 3 years, he couldn't go again for another 3 years. He was prevented from going to see his family.

Here we are, our government, telling one of its finest, a soldier who put his life on the line in Iraq, a soldier that we trust in Iraq, but don't trust to be able to go and see his family more than once out of every 3 years. We acknowledge that he should be able to go see his family, but only once every 3 years.

What kind of a policy is that for us to have? And who would object to that? How hard-hearted do you have to be to say a soldier serving his country cannot go home and see his two kids?

Those on the other side might say, well, why don't we just bring his family over here? And he says, well, I have a good relationship with their mother and she wants them to stay there, and who am I to say any different? He also would like to see his grandmother and relatives while he is over there, that couldn't come here.

The notion that we should tell him what is best for him is at the root of this whole policy of denying Cuban-American families the right to see their families. If this amendment is indeed ruled out of order and we are unable to decide the fate of Sergeant Lazo, the only alternative is to vote for the Davis amendment that will be offered shortly.

POINT OF ORDER

Mr. LINCOLN DIAZ-BALART of Florida. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LINCOLN DIAZ-BALART of Florida. Is debate supposed to be on the point of order?

The CHAIRMAN. The gentleman from Florida reserved a point of order. The Chair has recognized the gentleman from Arizona for 5 minutes on his amendment pursuant to the unanimous consent agreement.

Mr. FLAKE. Mr. Chairman, let me point out again, this is another thing that the other side doesn't want you to hear. That is why I was just interrupted.

□ 1100

The only way we can allow Sergeant Lazo to see his family is to vote for the Davis amendment, which will allow him and other Cuban American families to go see their families better than once every 3 years.

I think Sergeant Lazo says it best. He says, Cubans pray every day that their parents die 3 years apart if their parents are in Cuba, so they are able to go see them.

Who are we? Who are we as Americans to tell other Americans that they should only be able to go and see their family, their mother, their father, or their kids in this case once every 3 years? What kind of policy is that?

Again, I am not able to offer this amendment. It is going to be ruled out of order. So the only way we can allow Sergeant Lazo or other Cuban Americans or others to see their families more than once every 3 years is to vote for the Davis amendment that will be offered shortly.

Again, Cuban Americans are only allowed once every 3 years. If they have a mother in Cuba and she dies and they decide to attend her funeral, if their father's dies 2 years later, they cannot go to his under this policy unless we vote for the Davis amendment.

I ask my colleagues to please look at their hearts here, see if this is what they want to do as an American to deny another American the right to see their family in Cuba. That is what this amendment is all about. Because we are unable to offer this one, that is what the Davis amendment will be about.

When we are debating the Davis amendment, I suppose we will hear on the other side, as we have heard in the past, hey, we oppose this, we live in a Cuban American community, we know that they do not want to go see their families. Perhaps the people they know feel that way, but I can tell my colleagues, I represent some Cuban Americans as well. People do all over.

Sergeant Lazo comes from the State of Washington, and they would like to go. And who are we, who is anyone to tell others that they cannot go there?

At the root of what we are trying to do is to give people the freedom to make that choice themselves rather than imposing that choice upon them, a choice whether to go see their families, to be able to visit their kids, as a soldier. And there are other soldiers as well; he is not the only one.

I would ask Members to please vote for the Davis amendment if we are unable to vote for this one.

Mr. FARR. Mr. Chairman, the hypocrisy of this Administration is stunning. Sergeant Lazo was sent by his commander in chief to fight in a war that President Bush has claimed is a "fight for freedom."

Yet this same Sergeant Lazo, an American citizen, has been told by the Government he serves that he is forbidden from seeing his children simply because they live in Cuba.

This tragedy is an extension of the administration's idiotic policy to restrict travel to Cuba.

This myopic policy is anti-family, anti-democratic values and it must be repealed.

I have been a strong supporter of lifting the travel ban and embargo; there is no better way to spread democracy and improve relations between Cuba and the United States then by allowing for people-to-people exchanges and unlimited family travel and promoting trade between our two countries.

But because of the restrictive travel policies implemented by this administration, each and every U.S. citizen should be very concerned that fellow American citizens do not enjoy the same rights and freedoms that each one of us has.

Sargeant Lazo is a tragic victim of a flawed 40-year-old policy. It is time for change. Support the Flake amendment and allow Sargeant Lazo to visit his children.

POINT OF ORDER

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment at hand requires a new determination. And so I make the point of order against this amendment.

We will have discussion today, Mr. Chairman, on the right of all the people of Cuba to be free and the right for them not to have families divided. They pray every day for freedom, and they work for it. We will have that debate. But not on amendments that violate the rules of this House.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Hearing none, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination by Federal officials to discern whether a person is a member of the Armed Forces. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I cannot believe what has just happened on the floor of this House. In effect, what has happened is that some of these same people who tried to stick their noses into the question of how the Schiavo family should deal with an end-of-life issue at a time of great pain for that family, some of the people in this House who felt compelled to stick their noses into that case are now trying to stick their noses into the question of how often someone who is wearing the uniform of the United States can see their family.

I am getting awfully tired of having people on this floor bleat about family values and then take actions which keep families apart. I am awfully tired of hearing people, in effect, suggest that because we dislike Mr. Castro so much that the only way someone wearing the uniform of the United States is going to be able to see his family in Cuba is only if they are lucky enough to see Castro go.

What happens in the meantime? Where are these vaunted family values?

I will tell the Members where they are. When they get in the way of people's political ideology or family squabbles in Cuba, they get tossed out the window. What a pitiful joke.

AMENDMENT NO. 4 OFFERED BY MR. DAVIS OF FLORIDA

Mr. DAVIS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. DAVIS of Florida:

Page 224, insert the following after line 8:

SEC. 948. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.560 or 515.561 of title 31, Code of Federal Regulations (relating to travel-related transactions incident to travel to Cuba and visiting relatives in Cuba), as published in the Federal Register on June 16, 2004.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Florida (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, may I first ask, as a matter of procedure, who will be claiming time on the other side?

The CHAIRMAN. Time has not yet been claimed.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 2¾ minutes.

Today I am offering an amendment to repeal the administration's rules restricting family travel to Cuba. I offered this same amendment last September. It passed by a vote of 225 to 174. Unfortunately, the amendment was not included in the conference report. I am asking my colleagues, Democrats and Republicans, to join me again today in correcting this cruel injustice.

As was just described in the prior amendment, the Department of Treasury introduced rules in June of 2004 that limit to once every 3 years the opportunity of anybody in my home State of Florida of the United States to visit their own flesh and blood, their family, in Cuba regardless of the circumstances.

Furthermore, the policy that I seek to repeal through this amendment is an unforgivable policy that redefines the family to exclude aunts, uncles, and cousins. And I ask anybody on the floor of the House today to stand up and defend this indefensible aspect of the policy.

A vote for my amendment is to reinstate the prior rule that allowed people here in the United States to visit their own family once a year and to apply for a specific license if there were an emergency: a birth, a death, or someone who is very sick and might die.

I represent hundreds of people in the Tampa Bay area, like many Americans, who simply would like to be with their family in these tragic times. This policy prohibits it.

Let me be clear. My amendment does not address the broader issue of the embargo or unfettered travel to Cuba. That is a debate for another day. This is simply about families. This Congress, this country should be in the benefit of supporting families, not undermining them, not separating. This policy punishes Cubans on both sides of the straits, and it has no positive impact on the embargo issue. I represent many people who are trying to reach out to their families at a time they have little hope, little support, under this oppressive regime in Cuba I have seen with my own eyes.

As was mentioned earlier, Sergeant Lazo was good enough to be sent to Iraq to defend our country as part of the Washington National Guard. He has two sons in Cuba, one of whom, I understand, is in the hospital. He is not allowed to go visit his own son because he was in Cuba 2 years ago.

A deputy assistant secretary of the United States State Department summed this up last year. He said, an individual can decide whether they want to visit Cuba once every 3 years and the decision is up to them, and if they have a dying relative, they have to figure out the best time to travel. These are words that no one would dare speak on the floor of this House of the United States of Representatives. How outrageous.

This Chamber is constantly taking steps to defend and support families: tax relief, marriage penalty relief, child tax credits. Everyone on the floor of this House of Representatives talks about family values here and at home. This is a chance to act on family values. We have an opportunity today to support families who may be divided in geography, but they are not divided in flesh and blood and commitment to each other.

I hope this body, which is divided on the embargo, will come together, support families, and adopt the Davis amendment.

Today I am offering this amendment to repeal the administration's rules restricting family travel to Cuba.

As you may remember, I offered this same amendment last September. The House of Representatives recognized this injustice and passed my amendment by a bipartisan vote of 225 to 174. Unfortunately, my amendment was not included in the conference report. I call on my colleagues to pass this amendment once again.

On June 30, 2004, the Department of Treasury implemented new restrictions on family travel to Cuba. Cuban Americans are now limited to one 14-day visit with their Cuban relatives every 3 years.

The administration has also attempted to redefine the Cuban family. Cuban-Americans are no longer permitted to visit their aunts, uncles or cousins in Cuba.

My amendment would prohibit funds in this bill from being used to implement, administer or enforce the changes made to family travel.

A vote in favor of my amendment is a vote to reinstate the previous policy, which allowed Cuban-Americans one trip per year under a general license, allowed for additional emergency visits under a specific license and kept aunts, uncles and cousins where they belong—as part of the family.

Mr. Speaker, let me be clear. This amendment deals exclusively with keeping families together and would not permit unfettered travel.

But the United States should not be in the business of separating families. The new family travel rules undermine families, punish Cubans on both sides of the Florida straits and have minimal effect on the Government of Cuba.

The Cuban people are talented and ambitious, but under Castro's oppressive rule, they are left with little hope. For many, their only lifeline is the emotional and financial support they receive from relatives in America.

Mr. Chairman, I have spoken with numerous Cuban Americans in my district of Tampa Bay and across Florida who were heartbroken by these regulations. And, most recently, I met with SGT Carlos Lazo, a Cuban American who bravely served our country in Iraq. He is not even permitted to visit his two sons in Cuba.

In fact, last year, a deputy assistant secretary at the U.S. Sate Department summed up the outrageous insensitivity of these rules when he was quoted by Reuters as saying, "An individual can decide when they want to travel once every three years and the decision is up to them. So if they have a dying relative they have to figure out when they want to travel."

Mr. Chairman, this chamber is constantly celebrating and supporting America's families. We've passed marriage penalty relief and child tax credits. But these sweeping changes on family travel to Cuba were enacted without so much as one hearing in Congress.

Again, we have an opportunity to right this wrong. We have an opportunity to celebrate the positive relationships between the United States and Cuba. We have the opportunity to support families who may be divided in geography, but not in flesh and blood and certainly not in love.

This body may be divided on whether the United States should allow travel to Cuba for tourism or business reasons, but I hope that today we can unite in support of families. I urge my colleagues to vote in favor of the Davis amendment.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the gentleman from Florida's amendment.

A year ago I too had concerns about the changes in the regulations on family travel when they were first introduced, and I voted with the gentleman from Florida (Mr. DAVIS) because I believed that Cuban Americans had virtually no notice that the regulations were about to be changed and they could not plan their travel to Cuba accordingly. But a year later my view of these concerns no longer applies.

So now the question becomes the focus on the impact of travel to Cuba, and I would like to share with Members of the House a letter that many of us recently received from the leading Cuban opposition leaders: Martha Beatriz Roque Cabello, Rene de Jesus Gomez Manzano, Felix Antonio Bonne Carcasses. These are the same opposition leaders who, on May 20 of this year, organized an historic Assembly to Promote Civil Society on the 103rd anniversary of Cuban independence.

This event brought many civil society organizations together for the first time to discuss democracy in Cuba. And as we learned in a hearing earlier this year in the Subcommittee on the Western Hemisphere, of which I am the ranking Democrat, the organizers and the participants in this event risked their personal freedom for the freedom of the Cuban people. In fact, these leaders have already suffered in Castro's jails for speaking out on behalf of the Cuban people. And it is the same group of leaders who risked their lives for democracy in Cuba, not those here in the diaspora, but those who are inside of Castro's Cuba, who ask this Congress in their letter not to adopt any changes, any changes, which would either partially or totally change the nature of the embargo.

In fact, they clearly state that any such change would be interpreted as a new policy of compromise with the Castro regime and cite that nothing has been done by the regime to move forward to an accommodation with that element of civil society that ultimately seeks to change the fundamental basics of human rights that we seek to promote throughout the world. And I think we have to heed the warning that they are sending, and we must send a clear message to the Castro regime that we will not compromise when it comes to human rights, freedom, and democracy in Cuba; that we will not dilute the embargo in any way and that we must respect the voices of those very same Cubans who suffer under the regime.

And, finally, let me just say that one cannot seek political asylum from a country and then constantly travel back to it. One is either a political asylee or one is not. One cannot keep traveling back to a country from which they are a political asylee.

And, lastly, we all know the great difficulties, those of us who are not only Cuban Americans but who represent 99 percent of all Cuban Americans in the country; and they have one voice, and that voice is to do everything we can to end the suffering of the Cuban people.

We hear those voices from Cuba. We should listen to them.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, some may ask why the Cuban American community overwhelmingly not only supports these measures to limit resources to the terrorist regime, but elects Members, each and every Member, Cuban American Member whether they are Republicans or Democrats, who also agree with the overwhelming majority of the Cuban American community on measures to limit resources to the terrorist regime.

Among the reasons for that, obviously, it is because it is a terrorist regime, an anti-American terrorist regime, that oppresses the Cuban people and has done so for 46 years; but also because Cuban Americans know that freedom never comes free. The only country in the world that has the benefit of a law here in the United States that says one reaches soil in the United States and they are treated like a political asylee are Cubans. And with those great privileges, the great privilege of the Cuban Adjustment Act, come responsibilities.

If one is from any other country in the world, as the gentleman from New Jersey (Mr. MENENDEZ) said, and they are a political asylee, they cannot go back once every 3 years. They cannot go back, period, until the political situation changes in the country they have left. But Cubans not only are treated, and rightfully so, because they are fleeing a Communist tyranny in this hemisphere, as though they were jumping over the Berlin Wall, they are treated as political asylees, but they can go back and visit family every 3 years; whereas from any other country in the world, political asylees cannot.

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So, at this point, I would say this is a very serious issue, but suffice it to say that it is not by chance that all the Cuban American Members of this House and the overwhelming majority of the community support all of these measures to limit resources from the terrorist regime.

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

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 1 minute.

The argument has been made that this debate is about limiting resources. Does anyone want to stand on the floor of this House of Representatives and tell anyone that they cannot go visit a dying member of their family because that is an appropriate limitation on resources?

I have been down to Cuba and seen with my own eyes the suffering and injustice and misery under this oppressive regime. This government is treating their people terribly. One of the few things they have left in life, apart from their own faith and pride, is the support of our own family. No one, no one dares stand on the floor of this House today and answer the question, what do you tell somebody I represent or you represent when someone in their family is having a baby, is approaching death or may die and cannot go down to visit their own family because they were just there 2½ years ago. That is indefensible. It is unforgivable. This is not a debate about the embargo. This is a debate about whether we are going to stand on the floor of the House of Representatives and support families and support family values.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield the balance of my time to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished leader and Member from the International Relations Committee.

Ms. ROS-LEHTINEN. Mr. Chairman, when we eliminate all the emotional rhetoric here on the floor, what we get to is this amendment. This amendment provides an economic lifeline to the dictatorship. By prohibiting OFAC from enforcing U.S. laws and regulations, this amendment removes those safeguards and it provides the Castro regime with the much needed currency to continue its reign of terror.

Prisoners of conscience are languishing in squalid cells in Cuba, and yet, what are we doing? We are going to bestow this pariah state another victory. Castro is very happy when we do these amendments. Former political prisoners in my Congressional district who endured the most inhumane treatment are the first ones to oppose any weakening of these restrictions.

I urge my colleagues to vote ''no'' on the Davis amendment.

Mr. DAVIS of Florida. Mr. Chairman, I yield 15 seconds to anyone who opposes this amendment, that wants to defend a policy that says that your family or mine or anybody's family cannot include aunts, uncles or cousins.

I would be happy to yield to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, the reason that President Bush implemented these regs, the reason we have an embargo is because we want the political prisoners freed, because we want political parties legalized, labor unions legalized, the press legalized, and elections scheduled, and we want to retain the leverage of those billions of dollars in travel until the dictatorship releases political prisoners. And you know something, yes, there is pain involved in the Cuban tragedy. But the pain comes from the tragedy of the dictatorship and not because of our policies.

Mr. DAVIS of Florida. Mr. Chairman, reclaiming my time, the silence is

deafening here. With all due respect to my colleague, with whom I agree on many Cuba policies and respect, no one dares stand on the floor of the House of Representatives and answer the question why we are supporting a policy that says that your uncle, aunt or cousin is not a member of your own family, your own flesh and blood.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Did the gentleman not hear when I spoke 10 seconds ago?

Mr. DAVIS of Florida. Mr. Chairman, reclaiming my time, this is not a debate about the embargo. This is a debate about who is considered a member of the family. No one dares stand on the floor of the House of Representatives today and answer the question why we are going to deny to an individual the right to visit a member of their own family who may be having a child, who may be dying. I represent people who every day are facing the cruel injustice of this policy. For them it is not about a message. It is not about rhetoric. It is about the facts. The fact is we are denying Sergeant Lazo, who was good enough to represent our country and our families, including our aunts, uncles and cousins in Iraq, the ability to visit his own sons in Cuba, including one who in the hospital. This is an unforgivable indefensible policy.

I would urge Democrats and Republicans to once again adopt the amendment.

Mr. DELAY. Mr. Chairman, the author and proponents of this amendment, which would lift the longstanding prohibition on American travel in Cuba, support it for perfectly valid motives. They believe the infusion of both American money and American culture—however limited—will be a net positive for Cuba's struggling economy. And if, in fact, Cuba's economy was simply struggling, I would whole-heartedly support this amendment. But Cuba's economy is not struggling—it is strangled. It is dominated, oppressed, and leeched by Fidel Castro's terrorist regime in Havana.

Cuba has no economy, not in the way we understand the term; it merely has economic extensions of Castro's tyranny. In Castro's Cuba, any money taken in from tourists is pilfered by the government and used to fund its decades-old machinery of oppression. There is no free market; just a command economy. There are no small businessmen; just Castro's button-men. There is no service industry; just a giant money-laundering apparatus for a murderous tyrant. Proponents of this amendment, Mr. Chairman, would have us believe Cuba could become America's playground if only the economic sanctions were lifted—that once Cuba's economy and culture were exposed to American dollars and sensibilities, we would have a tropical paradise, an exotic vacation Mecca, right around the corner.

But Mr. Chairman, the difference between Cuba and Bermuda is not the absence of tourists in the former but the absence of secret police in the latter! The money Americans would spend in Cuba under this amendment would directly—not indirectly, but directly—benefit Fidel Castro's dictatorship, his aiding and abetting of international terrorism, his oppression of the Cuban people, and his hijacking of Cuban history. The only solution is to not spend that money in the first place.

President Bush is right, as he has been for four years, to promise to veto any legislation that enriches Fidel Castro or benefits his regime. The president is right. I stand with him, and I urge all my colleagues to do the same.

Mr. MCGOVERN. Mr. Chairman, these cruel anti-family restrictions need to be reversed. They have already caused too much human pain and suffering.

Nelson Diaz arrived in the U.S. in 1981, leaving his father, brothers and extended family in Cuba. He visited his family in May 2004—and is now not eligible to return until May 2007. His father is 87 years old and in failing health. If he is forced to wait the full three years, Diaz will not see his father alive again.

Waldo Parravicini left his family behind in 1958 when he came to the U.S. Until last June, he saw them on a regular basis, delivering vital medicines to his aging father. Under the new restrictions, Waldo has missed the deaths of his father and grandfather, aunts, uncles, cousins and friends, as well as the births and baptisms of nieces and nephews. If Waldo and his 93-year-old mother have to wait two more years, she may never see her oldest daughter and grandchildren again. Regarding the new limits on family travel, Waldo says they are "not worthy of any nation that truly values family and God."

Ana Karim, a pastor with the Richmond Mennonite Fellowship in Richmond, Virginia, has family throughout Cuba, who she visited regularly until last year. She brought medicine, clothing and food to her two uncles, one suffering from cancer and the other from Parkinson's disease. Now Ana cannot visit any of her family in Cuba because the new law declares that her uncles, aunts and cousins are not immediate family.

Mr. Chairman, who in this Chamber can possibly, in good conscience, support a policy that deliberately creates such family pain and suffering?

We're supposed to be the good guys.

Stop punishing these innocent families.

Support the Davis amendment.

PROFILES OF CUBAN-AMERICANS HARMED BY THE NEW FAMILY TRAVEL RESTRICTIONS ON CUBA

MARISELA ROMERO

Marisela Romero is a 56-year-old Cuban-American woman who lives in Miami. Her only sister and her mother had died in Cuba several years ago, leaving her to manage the care of her elderly and demented father who lived in a small coastal town on the island. Prior to last summer she had traveled every two to three months to visit him. She sent him medicines, diapers, and other supplies to make his life easier, and hired several Cubans who provided him with the round-the-clock care that allowed him to stay in his own home. Then, in 2004 our government dramatically restricted Cuban-Americans in terms of both traveling to Cuba and sending material aid. She was forbidden to send money to those who were caring for him. She was forbidden to visit him more often than once every three years. She was even forbidden to send him the diapers he needed because they were not deemed to be ''medicine.'' After several months of not seeing his only living child, he died. Both he and his daughter suffered irreparable harm because of the new regulations. It is unacceptable to treat either American families or Cuban families with such cruelty.

NELSON DIAZ

Nelson Diaz arrived in the United States in 1981, leaving his father, brothers, and extended family in Cuba. He was able to visit the island in May 2004 and is not eligible to return until May 2007. However, his father is 87 years old and in failing health. Diaz fears that if he is forced to wait the full three years that he will not see his father alive again. He also worries about his limited ability to send money and goods to the rest of his family. Despite having built a successful life in the United States, according to Diaz, ''I cannot be completely happy if my family and friends in Cuba are in need and I cannot help them.''

WALDO PARRAVICINI

Leaving behind his family in Cuba, Waldo Parravicini came to the United States in 1958 to attend college after Batista shut down the University of Havana. Until last June when the regulations governing family travel to Cuba changed and restricted visits to once every three years, Parravicini visited his family on a regular basis, delivering vital medicines to his aging father during his long battle with illness.

Referring to the travel restrictions, Parravicini says, ''its hypocrisy and double standard are incredible . . . and not worthy of any nation that truly values family and God.''

Because of the limitations on travel to Cuba, Waldo has missed important family events including the deaths of his father and grandfather, aunts, uncles, cousins, and friends; and the births and baptisms of nieces and nephews. If Waldo and his 93-year-old mother have to wait two more years to visit Cuba, his mother may not be able to see her oldest daughter and grandchildren again.

ANA KARIM

Ana has family throughout Cuba and has made a habit of visiting them at least once a year. On her visits to Cuba, Ana brings medicines, clothing, and food. These gifts are particularly helpful to her two uncles, one suffering from cancer and the other from Parkinson's disease.

While her uncles have received free medical treatment from the Cuban government, they face a drastic shortage of medicine, particularly ibuprofen. When Ana visited last May, she took several bottles of the pain medicine with her; a gift which was immensely appreciated.

Under new travel restrictions, effective June 30th, Ana is no longer able to visit her family in Cuba. The new law dictates that aunts, uncles, and cousins are not in one's ''immediate family'' and Cuban Americans cannot legally visit those relatives.

Ana works as a pastor with the Richmond Mennonite Fellowship in Richmond, VA. She has traveled to Cuba in this capacity as well leading two-week seminars in Cuba that fulfill a class requirement for students at Baptist Theological Seminary at Richmond. The new restrictions now prohibit any programs lasting shorter than 10 weeks, severing this opportunity from her as well.

Mr. FARR. Mr. Chairman, I rise in strong support of the Davis amendment to the Treasury Transportation bill.

Our foreign policy should reflect our Democratic values. The Administration claims that family values are the bedrock of our society,

yet this same Administration has instituted one of the most anti-family policies in US history.

In June 2004 the Office of Foreign Assets Control issued regulations that only permit Cuban-Americans to visit their immediate family members in Cuba every three years.

Are any of us willing to trade places with Cuban-Americans living in the United States who are denied the opportunity to visit freely with their family members . . . because of geography? I think not.

What does such a restrictive policy say about American values to Cuban Americans? What does such a restrictive policy say about American values to the rest of the world? What does such a policy say about the civil rights of Cuban Americans living in the United States?

It is akin to a ''separate but equal'' policy since Cuban Americans, who should enjoy the same civil liberties that all other Americans enjoy, cannot freely visit their families in Cuba.

As this Nation prepares to celebrate its 229th birthday on July 4, I urge my colleagues to remember the democratic principles our Founding Fathers enshrined in the Constitution. Don't treat Cuban Americans as ''separate but equal.''

Overturn the ban on travel to Cuba and support the Davis amendment.

Ms. DELAURO. Mr. Chairman, none of us come here to defend the Cuban Government or its historically poor human rights record and repressive system of government. But 46 years of the same failed policy have accomplished nothing. And the more we normalize relations with Cuba, the faster Fidel Castro will lose his grip on the Cuban people. This is why we should be making it easier for Americans to go to Cuba.

Yet we seem to be going in the opposite direction. Rather than being committed to political openness and the free exchange of goods and ideas—powerful forces—we are clamping down on our own citizens—in the process, preventing any liberalization of the Castro regime and penalizing law-abiding Americans.

Last week, I met with U.S. Army Sgt. Carlos Lazo, who has two sons in Cuba, one critically ill. This is a man who won the Bronze Star for fighting in Iraq, but our government will not let him visit his own son. Why? Because he traveled to Cuba last year. Even the Cuban government has said Sgt. Lazo's son can come here to visit his father.

So, Mr. Speaker, this is an issue of human rights and economic freedom. Limiting the rights of Americans to travel back to Cuba, or to send money home to their families is no way to bring change to Cuba.

In committee, we already acknowledged as much from the business end. There, we recognized how much progress we have made in the last few years on the economic front, with agriculture sales growing to almost $400 million from almost nothing 4 years earlier. That is why the committee unanimously agreed to loosen traveling restrictions to Cuba with respect to agribusiness.

There is no reason we should not do the same for these families. Now is a time for compassion. Particularly when we are talking about men and women in the United States military uniform, who are defending our freedom overseas, we should show them that their Congress recognizes that freedom begins at home. Support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DAVIS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DAVIS) will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 224, insert the following after line 8:

SEC. 948. None of the funds made available in this Act may be used to amend section 515.566 of title 31, Code of Federal Regulations (relating to religious activities in Cuba), as in effect on June 29, 2005.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I reserve a point of order on Mr. FLAKE's amendments. He has got, I believe, eight of them, and I am not sure if all of them are consistent with the rules of the House. So what I would like to do because I do know that some at least or at least another one is not, I reserve a point of order on Mr. FLAKE's amendments.

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of June 29, 2005, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would rather respond to the questions on this. What this amendment simply does, those who are opposed to change in Cuba have said let us keep the current regulations. Let us keep the current exemptions that we have. Let us keep it all the same. The gentleman from New Jersey (Mr. MENENDEZ) just stood and said the dissidents are saying that, let us keep it exactly the same.

This amendment, with regard to the religious exemption that exists, says keep it the same. That is what we are doing with this amendment.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, again, I was not aware of which of the multiple amendments that the gentleman from Arizona (Mr. FLAKE) has filed he was going to bring up at this time. My understanding is that this particular amendment, of the many that he has filed, is in order. So I look forward to the debate.

The CHAIRMAN. Does the gentleman withdraw his reservation of the point of order?

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

My understanding of this, of the many amendments that Mr. FLAKE has filed with regard to matters that would increase currency to the regime, this amendment states that he wants to tie the President's hands from issuing any further regulations that could have the effect of changing the current regulation that does permit religious travel to Cuba. So I want it to be clear, there is currently a category in U.S. law that permits travel for religious purposes to Cuba.

What the gentleman from Arizona (Mr. FLAKE) is saying is, well, I do not know if in the future the President could do something that I disagree with, and so I want to prohibit something the President may do in the future with this amendment. For example, the regime, colleagues, I am sure are aware of the fact, has had about 15 spies arrested in the United States in the last 3 or 4 years. If the administration should find that the religious travel category were being utilized to either train spies or intensify the efforts of Cuban state security against the United States, this amendment would prohibit the President from issuing, in effect, further regulations on that.

Religious travel is legal. That is not being debated at this time. What the gentleman from Arizona (Mr. FLAKE) is saying is that he wants to tie the hands of the President in the future with regard to one of the six remaining terrorist states in the world. It is wrong. We should not tie the President's hands, and so I oppose the amendment.

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

Mr. FLAKE. Mr. Chairman, I yield myself 1 minute. I offered this amendment to see what the other side would do on this, and just to let this body know how far we are going here. They claim to respect religious liberties and to allow religious visits to Cuba. Yet, when I say let us protect that current exemption that exists, they say we might want to go further. We might want to apply a religious test and, in fact, it is happening right now in Miami. There are groups that are going down under a certain religion, and now we have our own Department of Treasury and the Congress apparently saying we are not sure you are really that religion, we are not sure you really believe that. And so we might restrict that further.

In fact, regulations were just issued a few months ago to say that, you know, we think, and this is without approval of Congress, just new regulations saying it ought to only be 25 people that could go at one time. Anything else is unreligious apparently. That is where we are going. It just baffles me to see where we are going here.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute

to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I think the gentleman from Arizona's amendment is very dangerous. Let me tell you why. Read the amendment. It says none of the funds made available in this Act can be used to amend this section relating to religious activities. If the administration or any future administration, if this amendment were adopted, wanted to increase the flow of religious activity into Cuba, which is permitted under existing law by license, is permitted under existing law by license, if there came a point in time in which the floodgates wanted to be open, the gentleman from Arizona's amendment would prohibit the Federal Government from doing so.

That is a prohibition that is not in the national interest, security or in the foreign policy of the United States, and it is very clear that religious institutions right now have all the wherewithal and have been traveling to Cuba.

Mr. FLAKE. Mr. Chairman, I yield myself 2 minutes. Mr. Chairman, believe me, given the history of this issue, the last thing any of us worry about is for those who oppose changes on the Cuba issue to liberalize or to allow more religion and more religious travel, because every effort is to restrict, is to tell people we know better than you. We apparently can define whether you are really religious or not or whether you really believe in that faith. That is what this is about. We are simply trying to protect it.

I would love the President to say, hey, let us open it and I would sponsor legislation to do that certainly. I have. But the last thing we are worried about here is for religion to be opened up because every effort by those who oppose the freedom to travel to Cuba has been to restrict people's freedoms and rights and religion.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield the balance of my time to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my friend from Florida for yielding time.

Mr. Chairman, this amendment is prospective. It seeks to prohibit the use of funds on something that may or may not happen, may be looser, may be stricter, legislating on hypotheticals. And once again, U.S. law already allows individual members of religious organizations to travel to Cuba for religious purposes. The only requirement is that they have a specific license. That is a safeguard in U.S. law to ensure that travel is in fact for the stated purposes, and not for the purposes of tourism.

□ 1130

The regulations ensure that financial donations are not provided to the regime under the guise of religious activity. Current law seeks to prevent the manipulation of legitimate activities to practice or share as one believes about the Cuban people.

The practice of religion should be reaching out, in solidarity, in total respect for the fundamental rights of each and every human being. But what happens in Cuba? The Cuban people continue to live mired in misery and oppression. In Cuba, people are denied their freedom of conscience, their freedom of belief, their freedom of religion. They are persecuted, prosecuted for those beliefs because they run contrary to the Communist doctrine.

Proponents of this amendment and others seeking to revoke U.S. policy toward the Castro dictatorship argue that they are doing it to help the Cuban people. But when we speak of helping the Cuban people, Mr. Chairman, we need to focus on the freedom of the Cuban people. Help is liberty. Help is helping to ensure that every Cuban can speak their minds, not be imprisoned or threatened or beaten to death for it. Help is ensuring that the Cuban people are permitted to practice their religion in true freedom. That is not taking place in Cuba right now.

I urge my colleagues to vote against this amendment. This amendment will just free, open so much of the lawlessness that is going on with the permitting process. It promotes lawlessness because it states we are not going to regulate it in the future. We do not know what will happen.

Reject this amendment.

Mr. FLAKE. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Arizona has 2½ minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I offered this amendment to allow people to see what this is all about. And the notion that what the other side wants to defeat this amendment for, because they might allow more religious travel, is pretty much laid bare by opposition to the other amendments that have been offered, allowing family members to travel or military members to travel, or support for regulations in the past to restrict religious freedom; to say, hey, if you are of a certain religion, then we at the Department of Treasury, we are going to decide how many are really in your congregation, what kind of religion you have or whether it is really a religion at all. That is what this is about.

But I am cognizant of the fact that if this is twisted, like many of the amendments offered on Cuba are, and people misunderstand it as this is something to lift the whole embargo, in fact, the talking points just read refer to a different amendment because it talked about lessening.

I am talking about keeping. I am cognizant that if this were to go down, that would embolden this side to restrict religion even further, saying we have license. The House has said, let us restrict religion even further.

That is the last thing I want, and I will not be party to that.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to paragraphs (a) and (b) of section 515.565 of title 31, Code of Federal Regulations (relating to specific licenses for United States academic institutions and other specific licenses), as published in the Federal Register on June 16, 2004 (69 Fed. Reg. 33772). The limitation in the preceding sentence shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentlewoman from California (Ms. LEE) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

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

Mr. Chairman, this amendment is very simple and, hopefully, should be very noncontroversial. It passed this body last year by voice vote, and I am asking for support again this year. This amendment is good for education, the budget, and our national security concerns and it supports our students. It is good for the spread of democracy. Let me explain why I say that.

This amendment prohibits funds in this bill from being used to enforce new regulations, promulgated in June of 2004, that severely restrict and in many cases eliminate opportunities for United States students to study abroad in Cuba.

The revised travel regulations take our policy towards Cuba in exactly the wrong direction. These regulations are plain punitive and undemocratic. They simply do not make sense for Americans. Regulations that have already denied and will continue to deny many American college students the basic opportunity to gain experience, knowledge and insight through study abroad in Cuba should not be funded.

This is an issue of freedom for our students to travel and gain invaluable experience and educational opportunities that only international study abroad programs can provide.

After the House passed this amendment last year, students and institutions from across the country were

very relieved. They want the opportunities to conduct their studies, learn about other cultures, and make independent judgments for themselves.

Mr. Chairman, this amendment simply moves students closer to what they really deserve. And make no mistake, isolating Cuba and preventing these important contacts between students and Cuba will not change the Government of Cuba.

In 1963, let me remind you that Attorney General Robert Kennedy sought to lift the entire U.S. travel ban to Cuba. He believed that the travel ban was inconsistent with our views, our views of a free society. More than 40 years later we are still debating an outdated policy from a bygone era, but this is just a very simple amendment that will speak right to our American students. We need this policy to allow our young people to change ideas, values and experiences.

These types of exchanges are what will truly bring change to Cuba. Our students are the best ambassadors for democracy. Also, Mr. Chairman, money spent enforcing these regulations, I think this money would be better spent tracking down terrorist finances.

Before the new regulations were enacted, the Miami Herald reported that the Office of Foreign Assets, which, of course, is the department responsible for tracking the finances of terrorists, international narcotics, and weapons of mass destruction, has six more times personnel, I could not believe this, six more times personnel working on Cuba licensing than tracking bin Laden.

Now, OFA officials are tracking students and Cuban American families instead of focusing on terrorists.

Today, I stand against squandering our resources to enforce these ineffective, outdated policies as they relate to our students and to our education. And I ask Members to support the ranks of American students to be educated, to travel abroad, to gain experience and to make judgments for the themselves.

American students are allowed to visit and participate in educational opportunities and programs in China and in other countries which we may or may not agree with, and so I believe that our own young people deserve this right. It is basic to their educational desires if they choose to do this.

Finally, I want to remind my colleagues that last year the State Department and the 9/11 Commission both underscored the importance of our youth in spreading American values. Patricia Harrison, Assistant Secretary of State for Educational and Cultural Affairs, stated before the Committee on International Relations, on which I serve, she said, One of our greatest assets in public diplomacy is the American people themselves. Programs, she said, that which bring Americans and foreign citizens in direct contact, can and do have tremendous positive impact.

The recommendations of the 9/11 Commission report stated that we must rebuild the scholarship exchange and library programs that reach out to young people and offer them knowledge and hope. I cannot agree more. It is in our best interest to allow our youth to spread the message of American values and hope so that people can see for themselves who America is and what we stand for.

This amendment is straightforward, Mr. Chairman, and should not be controversial. We are talking about mainstream family values, education, freedom to learn and the freedom to export our American principles.

I urge my colleagues to vote ''yes'' on the Lee amendment.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, it is interesting how amendments make themselves to the floor, find their way to the floor with regard to the Cuban terrorist dictatorship, with language of freedom, talking about education, talking about reunification, talking about students.

Over 100 pro-democracy activists, leaders in Cuba met last month at great risk to their lives and to their families' lives, and they met publicly for the first time in 46 years. They held a convention. Many of them were not permitted to arrive. State security kept them in their homes, threw them in prison, but over 100 did arrive at the convention.

They met there and for the first time in 46 years they had elections and they elected leaders of the prodemocracy movement. They issued positions calling for the release of political prisoners and democracy, free elections. And they sent us a letter, Mr. Chairman, signed June 24, the three leaders of the Assembly to Promotes Civil Society.

They asked us in this letter with great respect for the decisions of a sovereign Congress, to reject each and every amendment that was going to be presented this week, either completely or partially eliminating sanctions against the dictatorship. And the dictator, Mr. Chairman, has gone on his state television, obviously, the only channel that belongs to him, and has said, ''A severe response'' awaits those mercenaries.

The omnipotent, totalitarian dictator, Mr. Chairman, until one day, omnipotent, goes on television and says ''a severe response'' awaits. The Cuban people know what that means. At any moment these leaders or their families will be thrown in dungeons and subjected to the torture that thousands of political prisoners are subjected to in Cuba each day and hundreds of thousands have been subjected to for 46 years.

Now, this letter, should we give it the credence and authority and respect that its courage, its heroism demands? I believe we should. This is a very serious issue. We have a policy to help the Cuban people and not the jailers of the Cuban people, not the oppressors of the Cuban people.

Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I reserve the balance of my time.

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

First, let me comment with regard to the gentleman's presentation, and I thank the gentleman for calling to our attention the letter. But I am opposing U.S. foreign policy. And it is my contention that we should not allow letters from foreign citizens to dictate those types of foreign policy measures that the United States of America should be making in terms of our educational programs for our American students.

This is about American students and their right to participate in educational programs. It has nothing to do with any of the issues that this letter addresses.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, with over 160,000 American students studying abroad each year, the United States acknowledges the potential contribution of true educational exchanges, and Cuba is no exception.

Under current law, educational activities by American students in Cuba are permitted. In fact, under current law, these activities are enhanced by regulating the manner in which students may fulfill these study semesters abroad. Therefore, if it is truly the opportunity for education that the Lee amendment attempts to preserve, then I would like to respectfully remind my colleagues here today that American students are afforded this opportunity through the implementation of current regulations.

The regulations in place merely serve to ensure that those students traveling for educational purposes are doing just that. Current law establishes that specific licenses for educational activities be preserved for undergraduate and graduate institutions. These measures were enacted and must been enforced to prevent the abuse of educational activities such as spring break getaways and island shopping sprees.

I urge my colleagues to join me in voting ''no'' for the Lee amendment because educational travel is already permitted.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 1½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute

to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I have been listening to this debate, and one of the things that was said today is that we should not accept letters from even freedom fighters, heroes who are suffering under Castro's oppression.

If we should not listen to them, maybe we should listen to what the dictator himself has said about amendments such as this in the past. When an amendment such as this passed a couple years ago, he said, ''The House of Representatives voted with determination and courage for amendments that bring glory to that institution. We should always be grateful for that gesture.''

That is the dictator himself, grateful for amendments like this. Should we be on the side of the Cuban people or should we be taking actions that the dictator himself calls glorious?

□ 1145

I think that is something that clearly this body needs to take in consideration.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself the remaining time.

I would ask all of colleagues who may be watching this debate to realize this is a very serious issue, that the policy of the United States is a well-thought through policy. It permits travel for educational reasons, humanitarian reasons, family reasons. There are 13 categories of legal travel.

Remember, it is terrorist state that has shot down Americans just years ago, that has the head of its air force indicted for murder of American citizens, shot down over the straits of Florida. It has the head of its navy indicted for drug trafficking. It is a terrorist state, one of six remaining states.

So these are serious issues. We must keep this policy to deny hard currency to the regime while permitting the 13 categories of legal travel.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Ms. LEE) will be postponed.

AMENDMENT OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

At the end of the bill (before the short title), insert the following: ''None of the funds made available in this Act may be used to provide for the competitive sourcing of flight service stations.''

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Vermont (Mr. SANDERS) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 10 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

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

This tripartisan amendment is being cosponsored by the gentleman from Indiana (Mr. HOSTETTLER), the gentlewoman from South Dakota (Ms. HERSETH), the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Oklahoma (Mr. BOREN), the gentleman from Connecticut (Mr. SHAYS), and the gentlewoman from Connecticut (Ms. DELAURO). It also has the strong support of the AFL–CIO, representing 13 million American workers, the Transportation Trades Department, the Professional Airway Systems Specialists and the National Association of Air Traffic Specialists.

Mr. Chairman, on February 1, 2005, the FAA awarded a $1.9 billion contract to Lockheed Martin to close 38 out of 61 automated flight service stations across the country and privatize 20 others. This contract is not scheduled to go into effect until October 1, 2005.

If this contract is implemented, over 1,000 highly trained air traffic control specialists will be in danger of losing their jobs, and the retirement benefits of some 2,500 Federal aviation workers will also be in jeopardy.

Mr. Chairman, this privatization scheme is a bad idea, a wrong idea for a number of reasons. First and foremost is the question of air safety, something that is on the mind of every Member of Congress and every American person who flies.

Flight service stations are crucial to the safety and security of our Nation's air space. They provide a host of critical services to more than 600,000 general aviation pilots, as well as providing assistance to military and commercial pilots.

Air traffic control specialists advise pilots on such information as terrain, pre-flight and in-flight weather information, suggested routes of flight, altitudes and indications of turbulence or icing. As a matter of fact, when this country was attacked on September 11, 2001, the key national security function of air traffic control specialists was on full display. During that national tragedy, air traffic control specialists communicated crucial information to planes in the air and on the ground and were responsible for restarting air traffic in the days following. In addition, Mr. Chairman, keeping airplanes out of restricted air space is the responsibility of air traffic control specialists.

Further, air traffic control specialists are critical to protect our airways during a natural disaster. When hurricanes hit the southeast last year, flight service stations remained open, and air traffic control specialists remained working to ensure the safety of airline passengers, even though other FAA facilities were shut down.

Mr. Chairman, it is my very strong opinion that we should not be compromising air safety by privatizing air traffic control specialists to a corporation, Lockheed Martin, whose main function in life is making a profit. When passengers get on a plane, when passengers take off and land at an airport, they want to know that everything possible is being done to protect the safety of those flights and not that operations have been turned out to the lowest possible bidder.

Interestingly enough, Mr. Chairman, Congress has already passed a provision prohibiting three flight service stations in Alaska from being privatized, and that provision has been signed into law by the President. Mr. Chairman, I support that law and believe that what is good for Alaska, a State highly dependent on air travel, should be good for the rest of the country and that we should prevent flight service stations across the country from closing, which is exactly what this amendment will do.

Mr. Chairman, the second important reason that we should pass this amendment is that at a time when millions of American workers are worried that the pensions that have been promised to them will not be there when they retire, we must show that Congress will not be complicit in that process and that we will stand up for them when their pensions are going to be slashed.

Mr. Chairman, if this amendment fails, not only will 1,000 highly trained air traffic control specialists be in danger of losing their jobs, but the retirement benefits of some 2,500 Federal aviation workers, most of whom are over the age of 40, will be in jeopardy. That is wrong.

The Federal Government must set an example to the private sector. When we promise a Federal employee that he or she will get a pension, that promise must be kept. If we do not keep our promises regarding pensions to Federal employees, how can we expect that United Airlines or other major corporations will keep their promises?

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

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

Let me respond to the Sanders amendment, which I am opposed to. It is a transparent attempt to void a contract that would deliver tremendous benefits to the general aviation community and save the FAA $2.2 billion over the next 10 years.

It also could result in up to $350 million in additional costs to the FAA in the form of termination penalties.

There is no erosion of safety associated with contracting out flight service stations. Simply put, flight service stations do not control air traffic. Flight service stations receive and file flight

planes and provide pilot weather briefings, en route communications, and search and rescue services to general aviation pilots.

The contract will enhance all of these services to the general aviation community. It has strong support from private pilots because they know that better services will result in a safer system.

This contract will have little or no impact on commercial or military pilots who get these services from different sources.

It also protects existing flight service station employees. Lockheed Martin will offer jobs to all incumbent employees. Salaries will be matched, including locality pay. Lockheed Martin will provide a sign-on bonus, as well as a retention bonus for many positions, as well as up to $50,000 for relocation allowances. Additionally, Lockheed Martin will offer a 401(k) savings plan, income protection plan and performance bonuses.

The contract was fairly bid, and the flight service station employees competed in the offering.

This contract has been years in the making. Congress should not step in after the fact to stop this contract and deny better services to more than 600,000 private pilots.

Let me turn to some of the pilot private pilots on this. This is a quote: ''After spending 90 minutes getting an advance look at a 21st century flight service station and asking hard questions, all I can say is, Wow! On the basis of what the contractor will deliver under the contract, pilots are going to be much better served and much safer.''

Another: ''For the first time in history, pilots are going to get a contractual guarantee that a live briefer will answer their phone calls within 20 seconds and acknowledge their radio calls within 5 seconds. Flight plans will be filed within 3 minutes. It's in the contract.''

Then: ''And as any pilot who has been stuck on hold for 20 minutes trying to get a weather briefing can tell you, the system is overloaded and frequently non-responsive.''

These are all quotes from people who actually are involved in this process. So I strongly urge the defeat of this amendment.

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

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Vermont (Mr. SANDERS), of which I am a cosponsor.

It is very important that we pass this amendment to protect aviation security and safety. The service provided by the flight service station specialists is an inherently governmental function. It is important to the community of McAlester, Oklahoma, in my district where we have many, many people employed and not only to McAlester, Oklahoma, but to our Nation because flight service stations across the country are a critical component of our air traffic system.

At a time when we all agree it is critical to strengthen aviation security and safety, privatizing these jobs is the wrong way to go. While there is a role for the private sector to competitively provide certain government services, this is not one of those services.

It is imperative they not be turned over to a for-profit company. We should not outsource our Nation's air traffic control functions. The safety of the flying public should not be offered to the lowest bidder, and these highly trained and experienced specialists should continue to provide their critical service to keep our Nation's air space safe and secure.

Mr. KNOLLENBERG. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in very strong opposition to the Sanders amendment.

I chair the Subcommittee on Aviation, and I can say that we have been involved for a number of years. We have had a comprehensive 3-year study by the Federal Aviation Administration, and in February of 2005, we awarded a contract to provide automated flight services for the next 10 years by a competent contractor.

This competitive sourcing process was supported by the aircraft owners and pilots association. They are the primary organization that represents many of the 600,000 pilots that we heard the sponsor of the amendment refer to. They are the main users of flight service stations, private pilots.

Flight service stations do not control air traffic. Flight service stations receive and file flight plans and provide pilot weather briefings, en route communications, and search and rescue services to the general aviation pilots.

According to their pilots, again AOPA, and this is Phil Boyer, he said this is the way the current system works for the safety of our pilots and so-called security in the air: ''Any pilot who has been stuck on hold for 20 minutes trying to get a weather briefing can tell you, the system is overloaded and frequently non-responsive. The system had to change, and this is a change for the better.'' He also said, ''Pilots are going to be much better served and much safer.''

□ 1200

Now, private pilots do recognize that the current system that we have in place is antiquated and it is costing us more than $600 million a year. So the worst part about this is we are paying more and getting bad service, or no service, as the head of the Aircraft Pilots Association has said.

So this contract is estimated to save the taxpayers about $2 billion over the next 10 years and provide dramatically improved service. If this amendment passes, in fact, there will be no transition money; and on top of that, there will be a $350 million penalty for termination of the contract.

Under the FAA reform plan, $2.2 billion in taxpayers' dollars will be saved, and again we will have new technology to make the airspace for our general aviation pilots safer, with the best, most efficient, cost effective technology and, at the same time, we protect the employees that are in place.

Mr. Chairman, I urge Members to consider this amendment and defeat it.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in support of this amendment to protect hard working Federal employees in my district from having their jobs transferred to the private sector and ultimately lost.

The Federal Aviation Administration recently awarded to Lockheed Martin to run the Flight Service option of air traffic controller. The AFSS facilities in Cleveland, Ohio, will be closed down in the next year or 2, and approximately 32 jobs will be lost.

The only winner here is the contractor, Lockheed Martin, who will certainly profit handsomely. From my past experiences with the A76 process, I can predict with certainty that the Federal Government will lose money, many jobs will be lost, and the essential services of air traffic control will suffer. Privatization of essential government jobs is dangerous and unnecessary.

The FAA has steadfastly refused to answer several questions I and several other Members of Congress have asked about this privatization effort. We asked questions about the process of this privatization effort, employee transfers, the retirement options, opportunities to challenge the privatization, and future health care benefits. These are the sort of questions that employees should have had answers to months ago but still lack today.

We raised concerns as Members of Congress about how the vendor bids were evaluated, how risk was assigned to these bids and how the priority of the relationship between the FAA and the winning vendor was justified. We asked for copies of various vendor bids to make sure the process was fair. To date, the FAA has not responded to any letters that Members of Congress who are concerned about this have sent. This is outrageous and evidence that FAA privatization is faulty.

If the FAA cannot even respond to simple Congressional inquires, I question their ability to perform a fair process. Employees deserve better. Support the Sanders amendment and stand up for Federal employees.

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

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I wish to thank the gentleman from Vermont for bringing this issue before us today.

Mr. Chairman, I have a station in my district that would be impacted by this; hard working people who work to protect all of the general pilots that come into that area, the City of Hawthorne, will lose their jobs. I do not understand why somehow the Alaska Flight Service Stations are protected from this privatization effort but all of the other stations are not, and they are going to consolidate and basically close down most of these 61 Flight Service Stations in the United States that service the needs of general aviation pilots, but not the Alaskan service stations.

In addition to that, I do not know what pilots the gentleman is referring to who have gotten behind consolidation and closing down these stations. It is not true of the pilots who call me. They do not like the privatization. They want to do away with it. They support the amendment of the gentleman from Vermont that we have before us, and I would ask the Members of this Congress to stand behind this amendment.

Save these Federal jobs and keep the protection that we have with these very caring Federal employees who do not want to be placed in a situation of unemployment.

Mr. KNOLLENBERG. Mr. Chairman, pardon me, but what is the time allotment on the other side and here?

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 30 seconds remaining and the gentleman from Michigan (Mr. KNOLLENBERG) 3½ minutes remaining.

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

Mr. SANDERS. Mr. Chairman, may I inquire as to how many more speakers the gentleman from Michigan has?

Mr. KNOLLENBERG. I have no speakers left, but I reserve the right to close, so I want to continue to reserve my time.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the issue here is a simple one: We cannot compromise the air safety of the United States of America to the lowest bidder, whose main function in life is profiteering rather than protecting the needs of American air travelers.

Equally important, we cannot turn our backs on the promises made to 2,500 Federal employees in terms of their pensions. If we turn our backs on them, we are turning our backs on millions of American workers whose pensions can also be slashed. Let us protect Federal employees. Let us pass this amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself the balance of my time.

Let me close with just a few points, Mr. Chairman. To summarize: Contracting out Flight Service Stations will result in no erosion in safety. It is a safer system and 600,000 general aviation pilots will get better service. The contract will save taxpayers money. Not a bad idea. Employees will be protected. This, in my judgment, is a no-brainer.

Mr. Chairman, I oppose the gentleman's amendment very strongly and urge all Members to oppose this amendment.

Ms. HERSETH. Mr. Chairman, I rise in strong support of this amendment, and I urge my colleagues to support it for several reasons.

This amendment would prevent the FAA from privatizing the critical flight safety functions that are currently performed by highly trained flight service professionals. Some government functions, like ensuring safe airspace for the flying public, play such a significant role in protecting public safety and enhancing homeland security, that we must insist that they remain government functions. Privatization, when used selectively, can deliver savings and efficiency, but not all functions are good candidates for privatization. Flight service falls into this category.

We have a flight service facility in Huron, South Dakota, that employs specialists who live in the community, and many of them are pilots themselves. The decision by the FAA to close Automated Flight Service Stations across the country would include the Huron station. Its functions are set to be delegated to facilities hundreds of miles away in other States. Taking this step would greatly strain the national capacity of the flight service and reduce pilots' access to the localized knowledge of weather and topography that the Huron station currently provides.

Of even more concern, this decision also could mean the elimination of virtually all of the flight service stations across the Northern Plains; an area of the country that relies on general aviation much more than the more densely populated regions of the country.

Finally, this step will not only weaken our Nation's air safety system, it will unfairly treat thousands of dedicated flight service employees that would be affected. While I agree that we cannot oppose privatization proposals solely because some Federal employees might lose their jobs, we also have an obligation to treat our dedicated public servants fairly. Most of the professionals that would be affected by this change, including many at the Huron flight service facility, have given many years of their professional lives to the Federal flight service. Many are within years or even months of qualifying for their Federal Government pensions. This policy would have the effect of unfairly slashing the retirement benefits that they have earned, and it is another reason why we should delay this action for a year and devise a more reasonable approach.

This amendment will give us time to devise a plan to ensure that vital aviation safety functions are provided by a well-trained and highly qualified workforce, and it would enable us to treat fairly those that have worked for many years to provide this important service. I urge my colleagues to support this amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT OFFERED BY MR. RANGEL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RANGEL:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except that the foregoing limitation does not apply to the administration of a tax or tariff.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

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

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

Mr. RANGEL. Mr. Chairman, right now in the Committee on Ways and Means there is a lot of discussion going on in reporting out a Central American Free Trade Agreement, which includes the Dominican Republic. This is part of an effort on the part of our great country to try to open up the doors and to make certain we give an opportunity to people throughout the world, but especially those in our own hemisphere to have an opportunity for a better quality of life.

This concept has been extended to Communist China, to North Korea, and to other countries. But here, we believe, in Cuba, it has nothing to do with anything except politics. It has nothing to do with the economy. It has everything to do with a small group of people in Florida. With all due respect to their strong feelings against Castro, it would seem to many of us that the best way to get rid of a dictator is to really open up the country; to be able to go to send remittances to families; to be able to travel; but certainly to be able to have an exchange of commodities between their country and ours.

It seems to me that American businesses are losing billions of dollars by not being able to trade. And who is being hurt? It is certainly not Castro. It is the poor people in the country. And if we cannot believe or bring ourselves to see that this policy for over 45 years has cost us in prestige around the world that respects international trade agreements; that has cost us in money; but I really believe it has cost us by allowing Castro to tell the people in Cuba that every economic crisis that

they have is based on the United States' embargo.

As an American, if every country in the world has recognized this man, why can we not say that we recognize the Cuban people? Why can we not allow our business people to establish a relationship so that we are not blamed for what is happening in Cuba?

We have tried to do this before. The United Nations believes that we are in violation of international law. The CARICOM nations in the Caribbean believe that we are violating the law. The World Trade Organization certainly cannot support what we are doing. In many areas it is considered an act of war to surround a nation and not allow ships to go in or to penalize a country.

Most importantly, however, this is an un-American concept. We should not be afraid that any small island nation can take away from the strong deep-seated principles of democracy that we enjoy here.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in support of the Rangel amendment. The current policy of trying to starve Castro out of Cuba by imposing travel bans and embargoes was put in place in 1960. Since then, Castro has outlasted nine Presidents, from Eisenhower to Clinton, and he may outlast a 10th.

It does not seem like this policy has been very successful. It has not driven Castro from power. It has not caused him to improve his human rights' record. It has not prevented him from oppressing his people. In the meantime, the power of American economy and culture has brought about changes in terrible and despotic regimes in various corners of the world.

This amendment, and others like it, simply recognizes the truth about the situation; that our current policy is a failure and needs to be replaced by something that has demonstrated success. By easing travel restrictions and the economic embargo we have a chance to overwhelm Castro with America's culture of freedom, democracy, and free markets. I urge a ''yes'' vote on the Rangel amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, just 2 years ago three young men, three young black Cubans, tried to leave Cuba to come to the United States for a better life; obviously fleeing the oppression of the totalitarian regime. They were captured by the dictatorship and, under orders of the dictator, they were summarily executed.

The distinguished gentleman from New York at that time stated, and I saw his quote in a New York newspaper, La Prenza, ''I am shocked,'' he said. ''There is nothing that the Cuban government could tell me that would interest me. It is totally incredible that a government would justify this type of action. The execution of these people puts an end to any possible discussion there could have been.''

Now, that was 2 years ago. What we have seen in the interim, further repression, further torture of political prisoners, and, just in the last 2 months, more than 500 young men, over 90 percent of them black, have been rounded up by the dictatorship in Cuba and thrown in prison under what is known as preventive, preventive detention. And they are thrown in the most brutal of gulags under the concept of preventive detention.

That is what is new since the author stated that he was shocked. Also what is new, what is current, is that there are indictments at this time against the head of the Air Force of the Cuban dictatorship for murder of American citizens, indictments at this time for drug trafficking against the head of the navy of the Cuban dictatorship; that 15 spies of the dictatorship have been sent to prison in the United States in the last year alone for spying against American interests. That is what is new. What would be rewarded, in effect, Mr. Chairman, by the amendment if it were to pass.

This is a normalization of relations amendment that would reward the most brutal conduct by the only dictatorship in the Western Hemisphere. I ask our colleagues to reject it.

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

□ 1215

Mr. RANGEL. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, in the Committee on Ways and Means we are debating CAFTA, and market analysts estimate the U.S. economy is losing up to $1.24 billion annually in agricultural exports alone because of the Cuban embargo.

According to the USTR, CAFTA would bring $1.5 billion in agricultural trade. Six countries, $1.5 billion; one country, $1.24 billion in trade.

The administration says CAFTA is a way for America to support freedom and democracy and economic reform in our hemisphere, yet the Cuban embargo they say is also a way to support freedom, democracy and economic reform to developing Cuba.

The consistency in your trade policy would bring a smile to George Orwell's face.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Chairman, I rise today in opposition to this amendment and would start off with the simple question: Do we want to reward the most notorious human rights abuser in our hemisphere with American trade, American travel, and American currency? Does this House want to appease the only state sponsor of terrorism in this hemisphere? I think the answer to that is no.

This is a call to conscience in this body. Do we stand for freedom, or do we stand with tyrants? The choice today could not be more black and white. Either you stand for freedom, or you stand with Fidel.

I urge all of my colleagues to vote ''no'' on this amendment. There have been many examples where Fidel Castro has abused any kind of trade, any kind of currency that is brought to his country, where he has done so only for himself, always looking to oppress and to hold down the wishes and hopes of others.

I today stand with the Cuban people, not with a dictator who only seeks harm.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from New York (Mr. RANGEL) for his leadership and for helping us correct a failed 40-year policy which does not work.

This is about the right of American businesses, the right of Americans to travel, to create jobs, to create a level playing field for our country and the world economy.

Let me just respond to the gentleman from Florida. I think what the gentleman just talked about in terms of Cuba's black population, I need to remind the gentleman of the prison population here in America of African Americans. Look at the health disparities and look at the unemployment rates.

I think we need to understand that we who are supporting this amendment are talking about the right of Americans to travel, to create businesses, to create business opportunities and jobs. This is about giving Americans the opportunity to develop their own perspectives and own opinions. It has nothing to do with incarceration rates, and it has nothing to do with our own incarceration rates in America.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I appreciate what was pointed out by the gentlewoman from California (Ms. LEE). I have no idea why the gentleman from Florida would refer to the victim of this atrocity that was committed in Cuba as being black. I do not see what that adds to the discussion as to whether or not as a free country we should not continue to respect international trade. I think that is what we are trying to do.

We are trying to say the best way to get after dictators is to make certain that we have communication between nations. The best way to have people to understand what democracy is all about is to demonstrate what democracy is about by allowing Americans to

go where they want to go when they want to go, to allow Americans to send money to whomever they want to send money to in Cuba.

I truly believe all of the things that have been said, we would all agree. I believe that Saddam Hussein was a terrible man; but I do not believe we had a right to have a preemptive strike against a country. What we are trying to talk about is the value of trade, the value of countries communicating with each other.

Who is being penalized? No embargo works when only one country is perpetrating the embargo. If all of the countries in the world are trading with Cuba, the best we do is lose money and restrict ourselves from showing that when it comes to competition, quality goods, farm goods, that America is the best. But when people say they do not want to offend a handful of people in Cuba, and therefore we put an embargo against an independent country, it is not the democratic, American thing to do.

Mr. OBEY. Mr. Chairman, I simply add to the gentleman's thoughts this point. I find it quaint, indeed, that this House would appear to want to try to promote the freedom of Cubans by denying freedom to Americans. That makes no sense to me.

The last time I looked at it, we are supposed to be representing Americans; and the people I represent ought to have a right to travel anywhere they choose so long as they are citizens of what is supposed to be the greatest, freest democracy in the world. I wish everyone in this Chamber would have a better understanding of that than they seem to have. I thank the gentleman for his efforts.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, the previous speaker asked as to the relevance of the fact that the dictator had summarily executed three young black Cubans 2 years ago. It is quite relevant and it is quite consistent with the fact that the dictator has consistently embarked on policies of hatred against the Cuban people, especially the black people of Cuba, which should not surprise anyone, because at the end of the 19th century, his father was sent to Cuba as a member of the Spanish Army that was fighting against Cuba. He is, in effect, the historical revenge of Spanish colonialism.

And, yes, the prisons are full of young men and women, especially young black men, that he summarily rounds up and puts under preventive detention. This is a very relevant issue, Mr. Chairman. It is very relevant. The oppression of the Cuban people and the hatred of the dictator against the Cuban people, especially the black people, it is very relevant.

Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, we have had sanctions in different parts of the world: Jackson-Vanik with Soviet Jewry, disinvestment in South Africa. There are those who would seek disinvestment and sanctions in the Sudan and many other parts of the world, so we understand that these are ways that we can ultimately bring the end of totalitarian regimes and democracies to those people, yet we hear no voices in opposition to that.

After 2 million people visit Cuba every year, spending $2.3 billion, this regime has become more repressive, not less repressive. Let us not add to that repression.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RANGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. RANGEL) will be postponed.

AMENDMENT OFFERED BY MR. SOUDER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER:
Page 224, insert after line 8 the following:

TITLE X—LIMITATION

SEC. 1001. None of the funds contained in this Act may be used to enforce section 702 of the Firearms Control Regulations Act of 1975 (sec. 7—2507.02, D.C. Official Code).

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to offer an extremely simple, commonsense amendment that is a first step towards restoring the rights of self-protection, a right guaranteed under the second amendment to the citizens of the District of Columbia.

My amendment would restrict funds from being used to enforce section 703 of the D.C. Firearms Control Act. This section requires that every registered gun owner ''shall keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business or while being used for lawful recreational purposes within the District of Columbia.''

This amendment does not legalize anything that cannot be legally owned now: No machine gun, sawed-off shotguns, AK–47s, or Uzis. All it does is let people keep the handguns purchased before 1976, shotguns, or rifles unlocked or loaded that they already have registered in their homes.

My amendment gives D.C. citizens the same rights at home as they have at work. Under the current law, a legal gun owner who owns a business in the District of Columbia can register a gun at their place of business to defend their business against criminals. The same person cannot use a legally registered gun to protect his or her life or family at home.

Over the past 30 years, there have been too many times where staffers or residents who live and work right here on the Hill have been at home and have come under attack from dangerous criminals. The way the current law is set up, these law-abiding citizens are forbidden from using a legally registered gun in defense of his or her home or family. I believe the good people of D.C. deserve the recognition of this basic civil right.

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

Ms. NORTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I appreciate that the gentleman from Indiana (Mr. SOUDER) has pulled back from total repeal of our gun safety laws. I wish I could thank him, but I do not think Mayor Williams or Chief Ramsey would yet be ready to do so. Our moderate, even-tempered Mayor, who has worked so well with this Congress and the administration, is much praised in this Congress, is really beside himself when at a time crime is at a 20-year low, here comes the Congress to do what he and the police chief say will surely increase crime.

Disassembled weapons, yes, citizens may have them in their house. Look what this does: loaded shotguns, loaded handguns, as long as citizens had them before 1976, in your home or in your place of business. Let me say that the Board of Trade does not want them in our places of business. They came to testify in total support of the laws as they are. The businesses of the District of Columbia have petitioned the Congress to keep our laws exactly as they are. Businesses say the last thing they want is the kind of liability and responsibility they would have for keeping a gun in the place of business, so they do not do it.

Post-9/11, do Members really want to legalize shotguns, handguns grandfathered in the District of Columbia at a time when we are still stopping people at checkpoints to see whether they are terrorists? Do Members know what can happen here? Someone can take one of these rifles or shotguns to the roof of an apartment or office building, aim it at foreign visitors, tourists, Members of Congress or their families, not to mention residents of the District of Columbia. I am particularly worried about children, teens.

Imagine big long guns, now loaded. Some people would call that an attractive nuisance. That is a term of art in the law. Parents, I think, would call it an unattractive, deadly, very lethal weapon. That is who is most likely to be attracted by this new set of gear that you can have loaded in your home.

There must be countless handguns that have been disassembled that were held before 1976. Now just load them up. So the same kids who knew they were unloaded before, do not know perhaps that now the guns are loaded, and here we have kids among the thousands who die every year in play from guns.

□ 1230

Mr. Chairman, no Member of Congress has the right to usurp our right to protect ourselves and our kids as we see fit. That is a basic right of self-defense of every jurisdiction.

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

Mr. SOUDER. Mr. Chairman, I yield myself 1½ minutes.

I thank the gentlewoman from the District of Columbia. She serves on my subcommittee. We work together on many issues and we have a deep disagreement on this one. I believe a constitutional right to bear arms supersedes local authority.

A couple of facts here are very stubborn things: One is that as far as accidents, the total rate of firearm accidents from 1981 to 2002 in the District of Columbia was 2.5 times higher than across the border in Maryland which does not have a storage law. The fact is that it has not reduced accidents. It is a nice thought to talk about that, but the facts don't bear that out. Secondly, this has nothing to do with businesses. This is about self-protection in your home. If a rapist is breaking into your house or a murderer is coming after you and your children and you are struggling to find the key to the lock and then have to get your gun out and put it together, odds are pretty good you are not going to make it. And under current D.C. law, if you find the lock and get your gun out and get your gun put back together and defend yourself, you can be prosecuted. What in the world is going on?

We heard that the crime rate has dropped in the District of Columbia. For 15 of the last 16 years, the District of Columbia has been the murder capital of the United States. In the last statistics, they were again for the fourth year in a row. How can it get worse than that? Former Mayor Barry has one of my favorite quotes: Outside of the killings, Washington has one of the lowest crime rates in America.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not believe in gun control laws. I think in most instances they don't work and I think lots of times they are designed by people who would not know one end of a gun from the other. But having said that, there is something that bugs me about this amendment, and that is that I did not come here to be a city councilman for the District of Columbia. I represent the people of my congressional district. The other thing that bugs me is that the citizens of the District of Columbia have no vote in this body, and in my view, as long as the citizens of the District of Columbia have no vote in this body, this body has no business telling the District of Columbia what their municipal laws ought to be.

Now, I have an amendment that I am going to offer if this amendment passes and that amendment reads as follows: ''The salary for individual Members of Congress shall be paid out of the funds provided in this bill for the District of Columbia and shall be limited to $92,500.'' That is the salary of a District of Columbia city councilman. If the people of this House want to act like you are a D.C. city councilman, then you ought to get paid like you are a D.C. city councilman, which means you can take about a $70,000 pay cut and I think that would be fitting.

I do not have the slightest idea what kind of laws the District of Columbia ought to have with respect to guns, but I do know one thing. I very often simply vote ''present'' whenever any matter affecting the District of Columbia comes up on this floor, because I think we have no business trying to interfere with what the city does on any subject so long as that city and its citizens do not have a vote in this Chamber. The gentlewoman from the District can speak, but when it comes to voting, she is out in the hall, just like anybody else who is not a Member of Congress.

So what you are saying is that you are going to take advantage of the fact that she has no ability to defend her district by voting in this place and you are going to say, ''Well, that's tough, but we're going to impose our judgment.'' If you want to tell the District of Columbia what their laws ought to be, run for the city council. This is not the city council. We look ridiculous and abusive when we try to act as though we are.

Ms. NORTON. Mr. Chairman, I yield myself 1 minute.

The gentleman talked about somebody breaking into your house. What his amendment does is to legalize shotguns, rifles. Already it seems to us insane that you would have a handgun at the ready when somebody broke in. And, remember, handguns grandfathered before 1976 would be legal. But imagine somebody breaks in and you go get a long rifle or a shotgun. This isn't about self-defense. This is about pressing forward the gentleman's preferences on the District of Columbia where unanimously every mayor of the city of D.C., every city council member overwhelmingly, all the residents have voted ''no.''

Mr. SOUDER. Mr. Chairman, I reserve the right to close.

Ms. NORTON. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN (Mr. BASS). The gentlewoman from the District of Columbia has 1 minute remaining.

Ms. NORTON. Mr. Chairman, I yield myself the balance of my time. No Member of Congress has the right to encourage guns in homes where the overwhelming evidence is that they are mostly used for suicides and in domestic quarrels, and please do not do that here in the District of Columbia because that is the most likely use of such guns in homes. The most bankrupt rationale offered for this outrageous interference in a local jurisdiction is that we already have gun violence in the District of Columbia. Let me hear the cosponsors argue with a straight face that allowing guns in people's homes will reduce rather than increase the gun violence in the District of Columbia.

The most deeply held principle of the Founders was local control. First local from England, and then because they were so deeply principled, they denied to the national government that they themselves created any control of the local jurisdiction. The Congress gave us this control in the Home Rule Act. I ask the Congress of the United States to respect the mayor, the council and the residents of the District of Columbia by in fact defeating this amendment.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. SOUDER. Do I have the right to close at this point?

The Acting CHAIRMAN. The gentleman does have the right to close, and the time of the gentlewoman from the District of Columbia has expired.

Mr. OLVER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend, the ranking member from Massachusetts, and I also want to associate myself with the distinguished gentleman from Wisconsin and his remarks. We have no right to overturn a law that has been on the books for three decades. The gentleman from Indiana, I know, believes in democratic governance. But he wasn't elected by D.C. residents. He was elected by his constituents in Indiana. What right does he have to overturn D.C.'s law particularly in this situation that puts D.C. residents at such serious risk? If the Souder amendment were made law, it would allow anyone who owns a firearm to carry it loaded and without a trigger lock on city streets throughout the District of Columbia. How does that make sense from a homeland security perspective? We have spent hundreds of millions of dollars to secure our Nation's Capital from terrorists and now we are going to turn around and make it okay to carry a loaded AK–47 or a .50-caliber sniper rifle down Independence Avenue? Are we serious? That is perhaps the unintended effect, but it is clearly the effect of this legislation.

In 2003, the police confiscated 1,982 firearms from criminal suspects. They would not be able to do that if this amendment passes. They confiscated almost 2,000 last year. This overturns their ability to do that. This amendment is an affront to the concept of

home rule, my colleagues, a slap in the face to the people of the District of Columbia. It gives a new meaning to hypocrisy when we talk about fighting so hard to achieve democracy in Iraq. We have an insurgency raging in another part of the world. We are committing lives and billions of dollars to achieving that objective of a democracy, of giving people the right to represent their own interests, to have the people they elect making the laws that govern them. Yet we would consider an amendment that opens another front on the city streets of our Nation's Capital? This is unbelievable that we would even be considering such an amendment.

I strongly urge a negative vote against this outrageous amendment.

Mr. OLVER. Mr. Chairman, I yield to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, certainly no disrespect is intended to my colleague from Indiana (Mr. SOUDER). I have come to this microphone before this year criticizing Congress for meddling. I think this is another clear example of how Congress meddles in areas in which he or she has no business. I was reminded of a story in my district where a lady came home with her baby from the hospital, her 2-year-old was playing at her feet, went on the couch and got a gun, shot it, a 2-year-old, mind you, and killed the mother and the newborn baby. If the gun had been protected, that tragedy would have never existed.

Homicides remain unabated, especially among kids from 14 to 18. A lot of those guns are stolen from people's homes. If we had a mechanism that would prevent those kind of incidents, perhaps all of society would be better. I would encourage you to vote down this amendment with no deference to the author.

Mr. OLVER. Mr. Chairman, I yield to the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform which is the committee of jurisdiction for our Capital City.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, let me just make a couple of points. My friend from Indiana with whom I have worked on so many issues, I tend to agree with him on the substance of the issue, an individual being able to keep a weapon in their own home to defend themselves, but the issue here is larger than that. It really goes to the question of respecting the rights of the District of Columbia to make their own laws and the mayor and the council have spoken on this innumerable times. They seem to have the support of the vast majority of the city.

Our committee held a lengthy hearing on this, hearing from all sides just 2 days ago. It was an illuminating hearing that I think highlighted both sides very, very well. But to me the issue comes down to one of home rule. Are we going to allow cities and States to make these jurisdictions or are we going to try to federalize everything out of Washington? I would just caution my colleagues that once we start doing everything out of Washington, it may be on your side, but tomorrow it could go the other way. We have to respect the Federal system that was set up.

This does not affect the workings of government, so in my judgment, Congress really should not be intervening in this matter although we have the legal right to do so.

I also want to note that there is pending the case of Parker v. District of Columbia that offers the opportunity for second amendment advocates to answer with finality the question of does this violate the second amendment. Passing this amendment today could possibly moot that decision which is currently on appeal to the D.C. Court of Appeals. This is one opportunity because the court has looked for ways out of deciding this decision. This is a way we may be able to speak with clarity and finality. If this amendment passes, we won't have that. It is a very two-edged sword, and I urge opposition to this amendment.

Mr. Chairman, I rise today in strong opposition to the D.C. Personal Protection Amendment. Let me say that I respect my colleague from Indiana's perspective on this issue. There is room in the Congress for debate on the merits of some of our nation's gun laws. My opposition is based on the legislation's blatant and potentially dangerous assault on home rule in the District of Columbia.

The Committee on Government Reform held a hearing this week on this very issue. We heard compelling stories from Mayor Tony Williams, Chief Charles Ramsey, and an array of witnesses, including residents of the District of Columbia and representatives from national think tanks and community organizations on both sides of the debate. I was disappointed that my friend from Indiana, the author of this amendment, was not able to attend the hearing to hear these views himself.

I am a strong supporter of Home Rule. For our system of federalism and democracy to work, states and localities need to be able to make their own decisions on these sorts of matters—even if some of us think they're bad ones.

There is an appropriate place for a debate on D.C.'s gun laws—and that place is the chambers of the District of Columbia Council, not the floor of the House of Representatives.

Proponents of this bill want to frame this debate in terms of the Constitutionality of the District's law. Various lawsuits have been filed in recent years questioning the constitutionality of the D.C. gun law under the Second Amendment. There's a case pending on appeal right now, Parker v. District of Columbia, that offers the opportunity for the Second Amendment challenge to be answered with finality. Proponents of this amendment have the opportunity for the courts to declare that the D.C. ban violates the Second Amendment. So what's the rush? What are they afraid of? We (and for that matter, the City Council) can consider the gun ban in light of the result of that case. In fact, if this Amendment becomes law, it could moot the ability of the Court of Appeals to address this critical 2d Amendment with finality. We are only here today because of Congress' plenary power over the District. This is a constitutional authority that is, unfortunately, occasionally abused, as is the case with this legislation. D.C. leaders have enacted gun laws that reflect their constituents' view that any increase in the number of guns in the District increases the odds that crimes will be committed with those guns. That's their view, and it should be respected.

I'm not saying I agree with the District's gun ban. Frankly, I don't. But I strongly oppose this amendment because I have a profound respect for Home Rule, for the right of local jurisdictions to craft their own local laws—even laws some of us don't agree with. This District law has no bearing on Congress and no bearing on the ability of the federal government to conduct its business. That should be the litmus test for federal involvement in the District.

□ 1245

Mr. SOUDER. Mr. Chairman, I yield myself the balance of my time.

First, I want to say again for the record this only applies to one's home. It does not also apply to Uzis. It applies to already registered legal guns that one is forced to put under lock and key and separate; and if a criminal breaks into their house, unlike a business, they have to find their key, unlock the box, put the gun together to defend themselves, and if they defend themselves, they can be prosecuted.

This is a straight second amendment vote. If Members believe in the right to bear arms, if Members believe in the second amendment, it is not a question of home rule. Home rule does not cover the right to abrogate constitutional rights. It does not give the right to abolish free speech. It does not give the right to abolish freedom of religion, and it does not give the right to abolish the right to bear arms.

Last year on a broader vote, we had 250 votes in this House. We had 230 cosponsors of this bill. We have 210 this year. This is a much narrower amendment. But I would urge my colleagues who support the second amendment, who believe that the Constitution overrides local laws, to vote ''yes'' on this amendment.

Mr. CUMMINGS. Mr. Chairman, I rise today to express my opposition to the Souder Amendment that would prevent the use of funds in the bill to enforce the District of Columbia's laws prohibiting the possession of a firearm or ammunition, as well as laws relating to keeping a firearm or a pistol. It is the apex of hypocrisy to defend the right of local communities to govern themselves free from the burden of needless federal interference, but deny that very right to the citizens of our Nation's capital. I encourage members of this body to agree that we need not agree on the merits of the District's gun safety laws to respect home rule for the District of Columbia.

Since the passage of the District of Columbia Self-Government and Governmental Reorganization Act or Home Rule Act in 1973, the District has utilized its authority to not only

elect a Mayor and a City Council, but also to regulate firearms. In 1976, the District of Columbia Council passed the Firearms Control Regulations Act, establishing one of the most robust limitations on gun ownership in the nation with the intention of and protecting public safety.

Specifically, this gun safety law required all firearms in the District be registered, restricted the classes of individuals who can register a firearm, and generally banned the registration of all handguns. Despite the suggestion by my colleagues on the other side that all firearms are banned in the District, it must be noted, however, that since 1976, 100,000 firearms have been lawfully registered.

Although Mayor Williams and Metropolitan Police Department Chief Ramsey testified just yesterday before the Committee on Government Reform that they passionately support the District's gun safety laws, this amendment would undermine their efforts to safeguard their city from the ravaging effects of gun violence.

In evaluating the District's limitations on firearm possession, one is compelled to ask two central questions: one, are the District's gun safety laws effective; and two, are they constitutional? In short, the answers to both those questions seem to be yes. The District's gun safety laws are effective at discouraging gun violence by making firearms less widespread throughout the city and assisting law enforcement efforts in recovering unlawful firearms that endanger the lives of police officers and law-abiding citizens. What is most tragic is the fact that some in Congress would seek to undermine or repeal the District's gun safety laws at a time when the District's homicide rate is the lowest it has been since 1986.

Secondly, the two lawsuits challenging that the District's gun laws are a violation of the Second Amendment rights, failed to overturn these laws on constitutional grounds. Specifically, the judges in both cases ruled that the District's gun safety laws were constitutional declaring that the Second Amendment does not confer a protected right of private gun ownership, rather the Second Amendment applies solely to State militias.

Mr. Chairman, it seems wise to move forward guided by the principle that democracy often functions best when those closest to an issue are empowered to address it. The residents of the District of Columbia speak through their elected Mayor and City Council that their existing approach to gun safety is best for their community.

If the residents of the District want to repeal their gun safety laws, then we should let democracy work and permit them to elect those leaders who will ease the existing restrictions on firearms within the city. Until then, let us embrace the constitutional principle from whence our great Nation was born—the right of self-determination—and let the District of Columbia manage this matter how best it sees fit. When the sun rises tomorrow, let it rise upon a city where the right of self-determination is not subject to the interest of the NRA or a congressional veto.

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

The Acting CHAIRMAN (Mr. BASS). The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

AMENDMENT OFFERED BY MR. OBEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

SEC. . The salary for individual Members of Congress shall be paid out of funds provided in this bill for the District of Columbia and shall be limited to $92,500.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve a point of order against the amendment.

The Acting CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

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

Mr. OBEY. Mr. Chairman, I ask unanimous consent that the Clerk read the amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read the amendment.

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

Mr. Chairman, the purpose of this amendment is simple. I happen to agree with the gentleman from Indiana that I think that the provision in D.C. law that he referred to on guns is a dumb law, and I would hope that it would be overturned by the city council. But what I resent is year after year after year having to vote on issues that belong in the backyard of the D.C. City Council, not the House of Representatives.

I have taken this position for a good long time. The second term I was here, I organized the effort that eventually freed up the money for the D.C. subway, when our distinguished friend Bill Natcher decided to hold up that money until the District of Columbia was forced to proceed with building the Three Sisters Bridge. Thankfully, that bridge was never built, and the Congress did not dictate to the District that they do so.

But the purpose of this amendment is simply to illustrate the fact that the Congress is acting like it is the city council for the District of Columbia; and as long as it is acting that way, that is the way it ought to be paid.

I do not object to any Member of Congress having any view he wants with respect to the District of Columbia, but I feel strongly that it is wrong for this Congress to dictate to the District what any of their local laws are so long as their representative does not have a vote. That is the point that I am trying to make to the gentleman from Indiana. The problem is not that Congress has opinions about the District. The problem is that the District of Columbia has no way to express their own views on their own issues through their own elected representative because their elected representative does not have a vote in this Chamber. Until she does, I think the Congress ought to stay out of these issues.

Much though I agree with the gentleman from Indiana on the substance, in this case it seems to me that democratic processes are much more important than my individual opinion on any subject matter.

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

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, a point of order has been reserved, and I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, the gentleman from California has made a point of order. I am simply offering the amendment to make a point.

I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to enforce the judgment of the United States Supreme Court in the case of Kelo v. New London, decided June 23, 2005.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself 2 minutes.

I rise today to offer an amendment to help protect one of America's most cherished rights of an American, to own their own home, to own their own property.

Last week the U.S. Supreme Court, by the slimmest of margins, ruled that

a local government can come in and seize people's homes, seize their small businesses against their will for other private economic development. This decision now will allow cities to come in and bulldoze their house, bulldoze their business, tear it all down just so that they can build a shopping center owned by somebody else.

The Garrett-Kennedy amendment seeks to prohibit any funds made available under this act from being used to enforce the judgment of the U.S. Supreme Court in the case of Kelo v. New London.

The practical effect of this will mean that we will prohibit Federal dollars from going out to be used for support purposes, infrastructure and the like, so that a private developer will benefit from the loss of these people's homes. It will mean that a bus stop will not be able to be built on what was once their home in order that a commercial building can be built there instead. It will prohibit Federal dollars from building a new entrance ramp or an exit ramp in partnership with that developer so that that developer can build a strip mall there instead.

I believe that if a private developer is going to push someone off their land, out of their house, and destroy that house or small business, then he should foot the bill for any infrastructure that he is going to build. I want to ensure that the Federal Government does not contribute in any way financially to this terrible Supreme Court decision.

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

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

The CHAIRMAN. The gentleman from Massachusetts (Mr. OLVER) is recognized for 5 minutes.

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

Mr. Chairman, America has enjoyed the oldest and the most successful democracy in the history of the world. I think this amendment puts us on a very slippery slope. This amendment places our greatest document, the Constitution of this country, which gives us three co-equal branches with a separation of powers among those branches and a whole host of checks and balances set up within that Constitution, it puts the whole Constitution under attack. When the Supreme Court of the U.S. gives final adjudication, that is the law of the land, whether it is a 9–0 or a 7–2 or a 5–4 decision.

Let me just mention a few of the 5–4 decisions that I believe I am correct on: one of them was Chief Justice Marshall's 5–4 decision against a government policy to remove American Indians west of the Mississippi River. Then President Andrew Jackson was quoted roughly, and I am perhaps not being precise in this quote: Judge Marshall has spoken, or has ruled, I guess was probably the word he used, now let them enforce it. And there resulted the complete removal of American Indians west of the Mississippi River, which was one of the blackest blots on our history.

Brown v. Board of Education, if I remember correctly, was a 5–4 vote. With an amendment of this nature, we would still have segregated schools. And then there was a 5–4 vote that assured one person, one vote. It was called ''one man, one vote'' at that time, which has assured each and every citizen that their vote would be of about the same value. That decision was not enjoyed by a sizable number of people.

I think this amendment leaves us with serious problems, and I urge the Members to oppose this amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

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

I rise in opposition to the amendment as well. The Supreme Court has ruled on the matter of eminent domain and its constitutionality. Yesterday, we debated for quite some time the issue of eminent domain, for 45 minutes I would suggest. We voted and we overwhelmingly rejected, by a margin of 42 to 374, the 374 opposing, obviously, the amendment, which I thought was a very punitive amendment, to cut funds from the Court because of its ruling.

This amendment, I am afraid to say, sets a more dangerous precedent. It would allow the legislative branch to override the independent decisions of the Court. If this passes, then what will be the next Supreme Court decision that will be effectively overturned? While we may not agree with the Court's ruling, and I understand the gentleman has a right to believe what he wants, if we do not agree on the Court's ruling, we must respect it.

For this reason and for those that have already been mentioned, I ask all Members to vote ''no'' against the Garrett amendment.

Mr. OLVER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have been reminded that the Brown v. Board of Education was actually a unanimous vote, and I just want to say that regardless of whether it was unanimous or a 5–4, it is the Court's decision to make, not ours, and one where the separation of powers and the checks and balances should be upheld.

I urge a ''no'' vote on the amendment.

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

Mr. GARRETT of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise today to stand with the gentleman from New Jersey (Mr. GARRETT) because I am deeply concerned about the potential effects of the recent Supreme Court decision in Kelo v. The City of New London.

The fifth amendment of the Constitution provides that private property shall not be taken for public use without just compensation. The language is meant to prohibit government, not give a grant of power to government. However, on June 23, the Supreme Court handed down this decision under which any private property may now be taken from its owner for the benefit of another private property.

□ 1300

The Court held in this decision that even the possibility of positive economic effects to the city was sufficient public purpose to justify the taking of one's properties. Under this standard, the seizure of virtually any private property for almost any purpose would be allowable.

Mr. Chairman, I am deeply concerned about the grave effects this decision will have on property owners. Because of this decision, State and local governments now have the power to determine that a property owner is not sufficiently using his or her own property. I urge my colleagues to think about how this decision will disproportionately affect the poor, the elderly, and minorities. Cities may choose to take a person's property for anything they believe will increase their tax base. Certainly, those with less political power and less resources will make for the easiest targets.

As Sandra Day O'Connor said in her dissenting opinion: ''Nothing is to prevent the State from replacing a Motel 6 with a Ritz Carlton, any home with a shopping mall, or a farm with a factory.''

The fifth amendment was supposed to stop that, Mr. Chairman. That is why this decision was opposed by such groups as the NAACP, the AARP, in addition to the National Taxpayers Union, the Americans for Tax Reform, the Institute for Justice, the NFIB, the National Association of Homebuilders, and the list goes on.

Mr. Chairman, property rights are fundamental freedom. There is an opportunity for every American to control their own destiny. They serve as our fundamental protection from the utter destruction of government. Congress must take action to protect property owners in the aftermath of this flawed decision.

I encourage all Members to stand with the gentleman from New Jersey (Mr. GARRETT) and me on this important amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I will just close by addressing the comment by the chairman, and I appreciate the chairman's remarks.

This decision of the Supreme Court will continue to be respected by this House and by the people of New London, Connecticut and the State of Connecticut as well. This legislation simply sees to it that the taxpayers of that community and the taxpayers and the citizens of the United States of America will not subsidize those private developers in that instance.

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

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if this amendment passes, you might as well tear up the Constitution and toss it in the ash basket. That is what this amendment does.

I happen to think that the Supreme Court decision that came down last week was nutty, and I agree with the gentleman on the substance. But if we disagree with court decisions, folks who are a heck of a lot smarter than we are, the Founding Fathers, spelled out a way to deal with that. It is called passing a law.

All we have to do if we do not like the Supreme Court decision is to bring legislation into this House, take it before the proper committee, have the committee have sensible hearings so that all points of view can be heard, and then bring to the floor either a piece of legislation or a constitutional amendment, whichever you want.

But the idea that this House, every time we do not like a court decision, should decide that we are not going to allow Federal money to be used to enforce that court decision is as nutty as the original court decision in the first place.

So I would hope that we would recognize that the Founding Fathers created the system of separation of powers; they created three independent branches of government for a purpose.

I would not ordinarily rise to oppose an amendment like this, because it is so ridiculous on its face, but it follows in a long line of actions that I have seen coming from that side of the aisle since the beginning of the year.

First, you called the Congress back in order to try to pass legislation saying that you knew better than the Florida courts in the Schiavo case. Then we had another attack launched on independent judges in the form of speeches given by your majority leader and others, and then we have seen various other activities; in fact, I listened to the majority leader himself in a conversation the other day tell some Supreme Court Justices that they were way out of line, and that if they wanted to understand American public opinion, they needed to go through the United States Congress.

Well, God help us if the Supreme Court ever starts going through the United States Congress for its advice on every subject under the sun. They are supposed to use their own independent judgment and, once in a while, they may make a screwy decision, and I think they did last week. But that does not mean that we ought to act in a way which is just as screwy as the original Court decision.

I would urge that we vote down this ridiculous amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to enter into any contract with an incorporated entity where such entity's sealed bid or competitive proposal shows that such entity is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 7½ minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield myself 2½ minutes.

This amendment would prevent the Departments and agencies under this bill from using any funds to contract with American companies which have created shell corporations in tax-haven countries in order to reduce their U.S. taxes. The Department of Homeland Security is operating under a similar contracting ban.

Recent data shows that despite costing our government $5 billion in lost revenue, corporate expatriates reaped $1.4 billion in Federal contracts in 2002 alone. This in the middle of a budget crisis. In every appropriations bill we have considered this year, we have heard the same refrain: we have done the best we could under the circumstances. But this budget crisis did not create itself; it is a direct result of the budget and tax choices of this Congress; and as a result, this bill lacks sufficient funding for public transit, Amtrak, housing. Perhaps if we did more to discourage companies from setting up post offices overseas to reduce their tax burden here, we would have more funding available for these critical investments.

Four of our top 100 Federal contractors have incorporated in tax-haven countries. One of them actually holds a contract with the IRS. The agency charged with collecting taxes willingly contracted with a company that is determined to avoid paying them.

These companies are not overtaxed. In fact, effective corporate tax rates have fallen by 20 percent since 2001, even as pretax profits jumped 26 percent. Between 2001 and 2003, our 275 largest companies paid taxes totaling about half of the 35 percent corporate tax rate.

I should emphasize that this amendment will not affect existing contracts. It will not affect existing contracts. It simply ensures that in the future, we will favor good corporate citizens with government contracts, rather than rewarding companies for moving overseas and putting tax-paying American companies at a permanent competitive disadvantage. Corporate expatriate companies have made a clear choice: leave the country and not pay their taxes. It is up to us to make the choice and set a standard. If they are going to manipulate loopholes in our Tax Code, they should no longer be able to reap the benefit of current government contracts.

I urge my colleagues to support this amendment.

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

Mr. KNOLLENBERG. Mr. Chairman, I rise to oppose this amendment and also to manage the time on this side of the issue, and I yield myself such time as I may consume.

Mr. Chairman, Congress addressed the issue of corporate inversions in the JOBS Act, the Jobs Creation Act of 2004. The JOBS Act added a new section to the Tax Code, section 7874, which treats U.S. companies that complete a corporate inversion transaction after March 4, 2003, as domestic U.S. corporations for tax purposes.

Congress also addressed the issue of corporate inversions by enacting a contracting ban. Section 835 of the Homeland Security Act of 2002 does prohibit the Secretary of the Department of Homeland Security from entering into contracts with companies that have completed corporate inversions as defined by the act. Congress revisited the issue in the 2005 Department of Homeland Security Appropriations Act where Congress expanded the scope of section 835.

Critics may argue that companies that have engaged in corporate inversions prior to March 4, 2003, should be covered by the JOBS Act. However, Congress should not bar companies from competing for government contracts because of legal transactions that they performed more than 2 years ago. Companies that qualify for government contracts and successfully fulfill their responsibilities should not be barred from future contracts because of retroactive legislation.

The rules for competing for Federal contracting should not be changed in midstream.

Retroactively imposing a contracting ban on companies would be severely punitive, particularly if a company's incorporation was conducted in compliance with existing law.

I strongly urge the defeat of this amendment.

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

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time. She has provided great leadership on this matter, and I think it is the right thing to do.

This amendment very simply would prohibit companies that have renounced their American citizenship in an effort to avoid their responsibilities as American citizens from taking part in getting contracts where they would be paid with taxpayers' dollars.

At a time when we have men and women on the battlefield and they have to pay taxes on the monies that they receive for their families; at the time when they are on the battlefield to protect this country in the most unselfish way you can imagine, we are going to say, if you renounce your American citizenship and avoid taxes and get an advantage, then come and bid on our contracts and take taxpayers' dollars. That makes me want a dip of snuff.

I cannot imagine why anybody would do anything like that. I cannot imagine why this government would do it. I know the gentleman that opposes this. I know several of them. They are good people. They have good sense. I do not understand why we cannot as a body deal with this issue and stop people from getting good hard-earned taxpayers' dollars when they have renounced their United States citizenship. If they do not want to be citizens of the United States, as far as I am concerned, good riddance. Let them go. Excenture can go to Bermuda or wherever in the Sam Hill they want to go. And I say, good, let us be rid of them, but do not give them U.S. contracts in the government. Do not give them government contracts. That is all we are talking about doing here.

Mr. Chairman, it is time to hold these people accountable, and it is time for us to be responsible to our men and women on the battlefield.

Mr. KNOLLENBERG. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. First of all, we should understand that the companies that are at issue here pay American taxes. They pay taxes on all of the income that is derived from Federal contracts that they are performing and on work done in the United States. Many of these companies are multinational corporations, and they may be headquartered in Panama or Bermuda for other reasons, and maybe how they treat their global income, but their American income is all fully taxed.

We should not force companies to reincorporate in the United States; and, in the case of a company just mentioned here, it was never incorporated in the United States. They just happened, as a multinational partnership, when they decided to go as a corporation, to locate their headquarters outside the United States, but they employ tens of thousands of Americans who are paying taxes every day. Why do you want to put them out of business, particularly if they are providing a service to the American Government that is the best value for the American taxpayers?

Why, if a company provides the best body armor or provides the best mechanics or the best service, are we excluding them and making the American taxpayer pay a higher rate for the same service that may be inferior? That is what this does.

□ 1315

Our procurement system should be based on getting the best value for the American taxpayer. If you do not like the tax system, let us go back to the Tax Code. And as the chairman said, Congress addressed this issue of corporate inversion in the JOBS Act. The JOBS Act added a new section to the Tax Code which treats U.S. companies that complete inversion transactions as domestic, U.S. corporations for tax purposes.

This amendment is not going to produce any more jobs, but it will produce higher costs for American taxpayers that buy goods and services. It will produce less of a marketplace that we can go out and shop and get the best value for our troops in the field and for government services. And for that reason it ought to be voted down. This is outdated in a global economy.

I urge my colleagues to vote against this amendment.

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

This amendment does not affect existing contracts. That is something people would like to portend to our colleagues, but it is not the fact. And later in the conversation, I will talk about dispelling some of the inaccuracies that have been talked about this afternoon.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I thank the gentlewoman for yielding time to me. And frankly, if this business had been taken care of in the JOBS Act we would not be here today trying to pass this amendment.

And no corporation just happens to go to Bermuda to incorporate. They go so that they can avoid paying taxes. You know, let us be realistic about it.

I want to support this amendment because new contracts would have to go to companies that pay taxes and operate in America. Corporations who set up the offshore tax havens cost us approximately $5 billion a year in tax revenue. And of course, as you say, the employees that they have here pay taxes. But all of us pay more taxes when corporations get out from under their tax liability. These companies received $1.4 billion in Federal contracts in 2002 alone.

Now, corporations located in the United States that conduct their business in the United States and employ most of their workforce in the United States should not skirt their tax obligations by opening a Post Office box in Bermuda. And it is unconscionable that we would reward these corporate tax cheats with millions of dollars in taxpayer funded Federal contracts. The corporate expatriates hurt the other U.S. taxpayers by shifting more of the tax burden on to their shoulders. This is a point that somehow we fail to grasp here. When other people get out of the burden of paying taxes the taxes do not go away. They are simply shifted to the rest of us. They drain funds from this budget that are desperately needed here in America for essential services, Medicaid, Social Security, health care for veterans from Iraq. You have heard already that that is underfunded by $2 billion. For education, housing, child care, transportation programs, that just names a few.

This government needs a stronger safeguard to ensure that we are not pumping hardened American tax dollars into the coffers of the same corporations that maneuver and scheme to exploit tax loopholes. This is a pro business amendment that ensures that only the responsible U.S. companies can benefit from Federal contracts.

I urge my colleagues to support this amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman, the chairman of the appropriation subcommittee for yielding me the time.

Notwithstanding what my good friend, the gentlewoman from Connecticut (Ms. DELAURO) said, this really goes back to a contract that was issued more than a couple of years ago. It was as a result of very competitive bidding and the winning contractor is required to pay U.S. taxes on every dollar earned in the United States. Every employee employed has to pay U.S. income taxes on the revenue they earn.

Now, if the gentlewoman wants to suggest that there are any contracts where money is not being paid in taxes for revenue earned in the United States, I would agree with her, or if there are employees working in the United States not paying taxes I wholly agree we should collect from them.

But also bear in mind when we do these things, they often come back to haunt us. Trying to change the Tax Code in an appropriations committee is generally not the most effective or appropriate place to make tax law. It can come back to haunt us because we have got so many other corporations that are doing business in other parts of the world and we do not want to be suggesting to them that they ought to shut off that business. What goes around, though, generally comes around. The revenue earned overseas does generate tax revenue into our government here. But it won't if foreign countries decide to punish American

corporations who might win bids on European or Asian or Latin American government contracts.

Like it or not we must compete in a global economy. We have got to be very careful with the precedent that we set. The contract that was issued was competitive. It is a Homeland Security contract. And from everything I understand, they are doing good work and paying 100 percent of the taxes due.

Ms. DELAURO. Mr. Chairman, I yield myself 1 minute.

Let me just try to correct some inaccuracies. First of all, once again, this amendment does not deal with existing contracts. It is contracts in the future. We are not discussing the Homeland Security bill. We are discussing the Transportation Treasury bill, so this does not affect what happened with Homeland Security.

I might also add under the Homeland Security bill, this ban is in place and we voted on it in this institution.

Secondly, my colleagues have talked about the JOBS Act. Very quickly, the JOBS Act does not solve the existing problem that we have here today. Corporations who are paying their taxes in the U.S. to the full amount. Let us take a look at what Accenture is doing. Accenture earned $503 million in the United States in 2004, up from $243 million in 2002. They reduced their tax liability to $135.5 million from $241 million. Their tax burden is going down because they have set up very intricate and elaborate structures in order to reduce the amount of taxes owed in the United States. That is what this is about. They are free to go to tax haven. They should not get any contracts because they are lowering their tax obligation to the United States at a time of a budget crisis and a time of war.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, it is rare that I find myself in opposition to my good friend, the gentlewoman from Connecticut. But I thought that we had settled this the last time around. And this is an example of why it is so difficult to legislate tax matters on an appropriations bill.

The company in question did not flee the United States and create an elaborate tax structure. I went back and checked this because it came up prior. And the fact is, my research indicated this company had never been incorporated in the United States. It is international in scope, although it employs tens of thousands of Americans, and the information I put in the record last time indicated that their tax rate was actually above the effective corporate tax rate at that time. And I looked at more recent information. But the point is, they are paying taxes. They have never been incorporated in the United States. We want to make sure that we are sending the right signals at the right time. And I could not agree with the gentleman from Virginia more.

I am going back at the break to Oregon. I am setting up meetings with Oregon companies that are practiced in sustainable development, in land use planning, in environmental technology. I am working with them so that they can be more effective marketing their goods around the world, in China, in India, in Japan, in Singapore.

And for us to sit here and say we are not going to permit opportunities for people who are incorporated in targeted companies is undercutting a message I am taking back home. But as I say, I really think we have solved this before and I have not heard anything new that makes me think that this amendment is good policy.

Mr. KNOLLENBERG. Mr. Chairman, I will be very brief.

I think the points that have been made by the several individuals who have spoken out against this amendment pretty much says it all. I just would follow by saying I urge strongly a no vote on this amendment.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding.

You know, of all the many, many injustices for which this House Republican leadership is responsible, surely there are few that are less defensible than their defense of corporations that flee America. And how appropriate that we bring to the House this amendment at this time as we approach our Nation's Independence Day on July the 4th, because a few corporations have declared their independence from America when it comes to paying their taxes. They formally fled our shores. They dodge their taxes by reincorporating in some tax haven, buying a mailbox and having a beach-side board meeting.

To add insult to injury, the same corporations that renounce America stretch their hand out to all of us who are paying our fair share, businesses and individuals, and say ''can we have some of your tax money?'' They ask to be given the opportunity to bid on government contracts that they are not contributing to pay for. That is right. An outrage that exists that has been defended by this Republican leadership. Why do we do this in an appropriations bill? Because the House Ways and Means Committee, on which I serve, has, under the Republican leadership, as its primary responsibility to protect corporations just like those that flee and then ask to do government business.

What about this argument that these corporations are paying taxes on their government business? Well, frankly, it is a half truth. Let me tell you, these corporations do not go to Bermuda for the shorts. They do not go there for the suntan. They go there to dodge taxes. And the way they do that, as in the case of Accenture, one company that has been mentioned, is to strip away earnings and have them taxed there—at non tax rates really—in Bermuda. For example, the name Accenture did not exist a few years ago.

And so Accenture used its American presence to advertise and build up the value of the name. And so when they come to their name being owned by a foreign corporation, when they come to calculate any taxes they owe in the United States, they deduct all the royalties that they pay to that foreign corporation. So they may be paying a certain tax rate on their income, but they do not include all their income because they have stripped it and sent it abroad.

What of the argument that we will lose the opportunity for the best contract? We are not saying that Accenture or any other company cannot contract for business. Just pay your fair share of taxes like every other American is all that we say through this amendment.

And what makes the opposition to this amendment particularly shameful at this time is that wealthy tax-dodging corporations are not sacrificing at all, while we call on some young Americans to give their all and sacrifice for America. Middle-class Americans are paying hundreds of billions of dollars for this adventure abroad, while tax dodgers and tax cheats avoid paying their fair share. It is wrong. We ought to correct it with approval of this amendment.

Mr. OLVER. Mr. Chairman, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank the gentleman for yielding.

Let me just first say once again, and I will say it as many times as we have to. This does not affect existing contracts. It does not affect existing contracts.

Second, the Department of Homeland Security is operating under a similar contracting ban now. We are not talking solely about one company. There are some 25 or 26 companies who, in fact, have reincorporated in tax haven countries in order to be able to diminish their tax obligation to the United States. Accenture, in fact, has its roots back to 1953, as part of the Illinois-based Arthur Andersen Company. It incorporated in Bermuda in 2001. Their CEO was based in Dallas. And the fact of the matter is that they are now having it both ways.

□ 1330

I would make the point that this comes down to a question of values. Do you stand with corporations who have abandoned our country in a time of war, who have gone through these elaborate contortions to reduce their U.S. tax burdens, or do you stand with the companies who, in fact, have been good corporate citizens? They are paying their taxes, they are employing Americans, and they are living up to their obligations of their country.

Now, as it has been said by my colleagues, these companies can go and do

what it is that they would like. And if they want to diminish their tax burden here, we should not allow it, but we do at the moment. But the fact is, should we then add insult to injury to other American corporations and to American citizens by allowing these companies to get billions of dollars in Federal contracts? Again, it does not affect existing contracts.

We have a historic low in Federal corporate income taxes. The fact is these folks set up these mailboxes overseas. That they are overtaxed is not, in fact, the case. It is time we tell these corporate expatriates the free ride is over. I urge my colleagues to vote in favor of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

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

The Acting CHAIRMAN (Mr. SHIMKUS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following:

SEC. 948. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) or of section 552.224 of title 48 of the Code of Federal Regulations.

The Acting CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. Chairman, I would just briefly explain the intent of this amendment.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I would be happy to accept the gentleman's amendment.

Mr. MARKEY. If I may explain what the amendment is before the gentleman accepts it?

Mr. KNOLLENBERG. We know what it is; but if the gentleman wants to take a moment or two, yes.

Mr. MARKEY. Reclaiming my time, I will take just a moment.

There has been a recent wave of massive privacy breaches that has highlighted the need to reaffirm the principles of the Privacy Act. This week the IRS announced that they are going to have a $20 million contract with ChoicePoint, the same company involved in a massive privacy breach in its operations in February of 2005. This reminder of the potential compromise of information is, of course, very necessary if the IRS is going to contract with ChoicePoint, with the very sensitive information of Americans.

So this amendment restates the importance of the Privacy Act being implemented. I ask the House to adopt this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 4 by the gentleman from Florida (Mr. DAVIS), amendment by the gentlewoman from California (Ms. LEE), amendment by the gentleman from Vermont (Mr. SANDERS), amendment by the gentleman from New York (Mr. RANGEL), amendment by the gentleman from Indiana (Mr. SOUDER), amendment by the gentleman from New Jersey (Mr. GARRETT), amendment by the gentlewoman from Connecticut (Ms. DELAURO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. DAVIS OF FLORIDA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 211, not voting 14, as follows:

[Roll No. 345]

AYES—208

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cox
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Garrett (NJ)
Gilchrest
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wynn

NOES—211

Ackerman
Aderholt
Akin
Alexander
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Engel
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo

Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Oxley
Pallone
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—14

Bachus
Bishop (GA)
Cooper
Cramer
Everett
Kingston
Moore (WI)
Peterson (PA)
Reyes
Rogers (AL)
Ross
Schiff
Scott (GA)
Westmoreland

□ 1357

Messrs. BARRETT of South Carolina, JONES of North Carolina, UPTON, DANIEL E. LUNGREN of California, and BAKER changed their vote from ''aye'' to ''no.''

Mr. HIGGINS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MOORE of Wisconsin. I was unavoidably detained and missed the vote on this amendment. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. COX. Mr. Chairman, on rollcall No. 345 I am recorded as having voted "aye." I intended to vote "no," and ask that the RECORD reflect this.

AMENDMENT OFFERED BY MS. LEE

The Acting CHAIRMAN (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 233, not voting 13, as follows:

[Roll No. 346]

AYES—187

Abercrombie
Allen
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Harman
Herger
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Shays
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—233

Ackerman
Aderholt
Akin
Alexander
Andrews
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carnahan
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Engel
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Higgins
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—13

Bachus
Bishop (GA)
Boozman
Cooper
Cramer
Everett
Kingston
Peterson (PA)
Rogers (AL)
Ross
Schiff
Scott (GA)
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SHIMKUS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1405

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Chairman, I inadvertently voted ''no'' on rollcall No. 346. I intended to vote ''aye'' on rollcall No. 346.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 177, not voting 18, as follows:

[Roll No. 347]

AYES—238

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conaway
Conyers
Costa
Costello
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Gerlach
Gibbons
Gonzalez
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rogers (MI)
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—177

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Cox
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Smith (TX)
Souder
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—18

Bachus
Barrow
Bishop (GA)
Brown, Corrine
Cooper
Cramer
Everett
Johnson, E. B.
Kaptur
Kingston
Ortiz
Peterson (PA)
Rogers (AL)
Ross
Schiff
Scott (GA)
Stearns
Westmoreland

□ 1412

Mr. NUSSLE changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Mr. Chairman, on rollcall No. 347, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. RANGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 250, not voting 14, as follows:

[Roll No. 348]

AYES—169

Abercrombie
Allen
Baca
Baird
Baldwin
Bean
Becerra
Berry
Biggert
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Eshoo
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Harman
Herger
Herseth
Hinchey
Hinojosa
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—250

Ackerman
Aderholt
Akin
Alexander
Andrews
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Berman
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Engel
English (PA)
Etheridge
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)

Hayes
Hayworth
Hefley
Hensarling
Higgins
Hobson
Hoekstra
Holden
Holt
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kuhl (NY)
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—14

Bachus
Bishop (GA)
Cooper
Cramer
Evans
Everett
Kingston
Peterson (PA)
Rogers (AL)
Ross
Schiff
Scott (GA)
Shadegg
Westmoreland

□ 1421

Mr. DICKS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOUDER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 259, noes 161, answered ''present'' 1, not voting 12, as follows:

[Roll No. 349]

AYES—259

Aderholt
Akin
Alexander
Baca
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Feeney
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (AK)

NOES—161

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bono
Boren
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—12

Bachus
Bishop (GA)
Cooper
Cramer
Everett
Kingston
Peterson (PA)
Rogers (AL)
Ross
Schiff
Scott (GA)
Westmoreland

□ 1430

Mr. MEEK of Florida and Mr. SMITH of Texas changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 189, not voting 13, as follows:

[Roll No. 350]

AYES—231

Abercrombie
Aderholt
Akin
Alexander
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)

Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costello
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Kuhl (NY)
LaHood
Leach
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Pallone
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiberi
Upton
Walden (OR)
Wamp
Waters
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Young (AK)
Young (FL)

NOES—189

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Cleaver
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hinojosa
Hobson
Holden
Holt
Honda
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Regula
Reichert
Reyes
Reynolds
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simpson
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Thomas
Thompson (CA)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Wolf
Wu
Wynn

NOT VOTING—13

Bachus
Bishop (GA)
Cooper
Cramer
Everett
Kingston
Peterson (PA)
Rogers (AL)
Ross
Schiff
Scott (GA)
Tiahrt
Westmoreland

□ 1438

Ms. DeLAURO and Mr. RYAN of Ohio changed their vote from ''aye'' to ''no.''

Messrs. BOREN, LINDER, and CONYERS, and Mrs. MUSGRAVE and Ms. LORETTA SANCHEZ of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. TIAHRT. Mr. Chairman, on rollcall No. 350 I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. DELAURO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 231, not voting 12, as follows:

[Roll No. 351]

AYES—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Rahall
Rangel
Reyes
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Serrano
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley
Hostettler
Hulshof

Hyde	Miller (FL)	Sanchez, Loretta
Inglis (SC)	Miller (MI)	Saxton
Issa	Miller (NC)	Schwarz (MI)
Istook	Miller, Gary	Scott (VA)
Jefferson	Moore (KS)	Sensenbrenner
Jindal	Moran (VA)	Sessions
Johnson (CT)	Murphy	Shadegg
Johnson (IL)	Murtha	Shaw
Johnson, Sam	Musgrave	Shimkus
Keller	Myrick	Shuster
Kelly	Neugebauer	Simpson
Kennedy (MN)	Ney	Smith (TX)
King (IA)	Norwood	Snyder
King (NY)	Nunes	Sodrel
Kirk	Nussle	Souder
Kline	Osborne	Spratt
Knollenberg	Otter	Stearns
Kolbe	Oxley	Sullivan
Kuhl (NY)	Pearce	Sweeney
LaHood	Pence	Tancredo
Latham	Petri	Tanner
LaTourette	Pickering	Taylor (NC)
Leach	Pitts	Terry
Lewis (CA)	Poe	Thomas
Lewis (KY)	Pombo	Thompson (CA)
Linder	Pomeroy	Thornberry
LoBiondo	Porter	Tiahrt
Lofgren, Zoe	Price (GA)	Tiberi
Lucas	Price (NC)	Turner
Lungren, Daniel E.	Pryce (OH)	Walden (OR)
	Putnam	Walsh
Mack	Radanovich	Waters
Manzullo	Ramstad	Watt
Marchant	Regula	Weldon (FL)
Matheson	Rehberg	Weldon (PA)
McCaul (TX)	Reichert	Weller
McCotter	Renzi	Whitfield
McCrery	Reynolds	Wicker
McHenry	Rogers (KY)	Wilson (NM)
McHugh	Rogers (MI)	Wilson (SC)
McKeon	Ros-Lehtinen	Wolf
McMorris	Royce	Young (AK)
Melancon	Ryan (WI)	Young (FL)
Mica	Ryun (KS)	

NOT VOTING—12

Bachus	Gillmor	Ross
Cooper	Kingston	Schiff
Cramer	Peterson (PA)	Scott (GA)
Everett	Rogers (AL)	Westmoreland

□ 1448

Mr. JEFFERSON changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. PETRI) assumed the chair.

ENROLLED BILLS SIGNED

The Speaker pro tempore, Mr. PETRI, announced the signature of the Speaker to enrolled bills of the following titles:

H.R. 289. An act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the ''Sergeant First Class John Marshall Post Office Building''.

H.R. 504. An act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the ''Ray Charles Post Office Building''.

H.R. 627. An act to designate the facility of the United States Postal Service located at 40 Putman Avenue in Hamden, Connecticut, as the ''Linda White-Epps Post Office''.

H.R. 1072. An act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the ''Judge Emilio Vargas Post Office Building''.

H.R. 1082. An act to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the ''Francis C. Goodpaster Post Office Building''.

H.R. 1236. An act to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the ''Mayor Tony Armstrong Memorial Post Office''.

H.R. 1460. An act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the ''Captain Mark Stubenhofer Post Office Building''.

H.R. 1524. An act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the ''Ed Eilert Post Office Building''.

H.R. 1542. An act to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the ''Honorable Judge George N. Leighton Post Office Building''.

The SPEAKER pro tempore. The Committee will resume its sitting.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The Committee resumed its sitting.

AMENDMENT NO. 7 OFFERED BY MR. HEFLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $669,350,000.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume. I have learned to do these pretty fast, and I do not think there is anyone here in doubt as to what it is.

I rise today to cut the level of funding in this appropriation bill by approximately 1 percent. This equals approximately $670 million. The bill is 6 percent over last year.

It seems to me that when we do not have the money, we do not spend over last year, or should not. I will emphasize again this is not an across-the-board cut; this is an off-the-bottomline. They can make a choice of where it comes from.

This is the seventh time that I have offered an amendment of this type this year; and had those amendments been adopted, we would have saved $3.3 billion out of our spending for this year. Now, $3.3 billion sounds like a lot of money to most of us, but it is not in comparison with the overall budget we have for the United States Government; but, still, it is a tremendous step in the right way.

It is important to remember that we do not have this money. This money is debt we are burdening our children and grandchildren with to pay back someday.

I would like to congratulate the chairman and the ranking member and the committee on addressing an issue I followed in the spending bill for years. While I would have preferred not to spend a dime on Amtrak, the committee has dramatically reduced the spending in the bill, and that would go a long way towards forcing Amtrak to change its ways. Now, I know there was a vote to reverse that last night, but I trust that this battle is not over, and I hope it is not over.

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

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, my good friend, the gentleman from Colorado, has offered this any number of times; and I am not counting, but I know he has done this before. He is getting very good at it.

With all due respect to the gentleman from Colorado, I believe this to be an unnecessary amendment. The Congress cannot and should not abdicate its responsibility to review individual programs and make individual recommendations based on that review. The desire to hold spending in check should be based on congressional oversight of specific programs. We should not take a meat-ax approach, and we should not yield our power to the executive.

I ask, therefore, that this amendment be defeated.

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

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

I would just say to the gentleman, who is a dear friend and for whom I have the highest respect, we should not, he is absolutely right, we should not abdicate our responsibility to the executive branch; but sometimes around here what should be done and what is reality are two different things. I know what it is to get bills out of committee. The gentleman and I worked on the subcommittee on military construction for years together, the gentleman on appropriations and me on the authorizing, and we know what it takes to get bills out of committee sometimes. Sometimes this may be the only way to do it to get a hold on spending.

But anyway, Mr. Chairman, I encourage an ''aye'' vote.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.