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No. 139

## House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: O God of light and understanding, fill Your people with great expectations. With Your guidance and creative presence, good people working together can accomplish almost any goal set before them. Heartfelt prayer must conform their intention to Your holy will.

Be with the Members of Congress today as they accomplish the work of the people in this House of Representatives. Stir within them a wisdom that penetrates every problem. Send them sound knowledge to surround every issue important to this Nation, so that the consequences of their action, which will be felt around the world, may build true security and grant lasting peace both in our day and forever. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mrs. JONES) come forward and lead the House in the Pledge of Allegiance.

Mrs. JONES of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 one-minutes on each side.

### HONORING OUR TROOPS' SACRIFICE

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

Ms. FOXX. Mr. Speaker, following an historic election, the Iraqi people took another huge step towards democracy with nearly 79 percent approving a new constitution. However, this political milestone was not reached without a cost paid by our American soldiers.

As we sadly marked the 2,000th death in Iraq, we must take time to honor the sacrifice our soldiers have made for this country. Our men and women are fighting terrorists in Iraq, so that we do not have to fight them in this country. Now is the time to honor these soldiers and thank their families for the sacrifices they are making to keep our country safe.

Unfortunately, there are some out there who have chosen this solemn occasion to score political points. They are using this opportunity to call for withdrawal of our troops from Iraq. Nothing could be more wrong. Bailing out would hand a victory to the terrorists and a defeat to the United States.

One group is actually using this occasion to raise funds. Featured on their Web site is a television ad featuring a coffin in the sand. Click on this ad, and you are immediately taken to a contribution page asking for a donation.

Mr. Speaker, we need to continue to honor our troops by staying the course in Iraq. Using these sacrifices for political purposes, as many are doing, is wrong.

### CLEAN DRINKING WATER

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

Mr. BLUMENAUER. Madam Speaker, our Chaplain reminded us that our actions on the floor of the House are felt around the world. Well, today, one half

of the people who are ill around the world are sick needlessly from water-borne disease, and up to 5 million are going to die this year as a result.

We know how to solve this problem, and the solution is affordable. For less than what it costs our Europeans for perfume in a year, or less than what Americans spend on elective surgery, we could fulfill the United Nations commitment to cut in half the people without safe drinking water and sanitation by the year 2015.

Sadly, the United States, despite its leadership in the United Nations on this issue, still does not have a comprehensive program to address this crisis. Our International Relations Committee is sending to the floor bipartisan legislation to correct this policy deficiency. H.R. 1973, the Senator Paul Simon Water for the Poor Act, will establish safe drinking water and sanitation as a core foreign policy principle and create a plan. Today is the last day to add your name to the list of sponsors. I ask that you do so before it reaches the floor.

### SHERIFF SIGI GONZALEZ, JR., TEXAS LAWMAN

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

Mr. POE. Madam Speaker, in the early morning hours of this past weekend, I accompanied Zapata County Sheriff Sigifredo "Sigi" Gonzalez, Jr., his SWAT team and posse of deputies who were patrolling the U.S.-Mexico border in south Texas.

Every day Sigi leads his small 24-member force into the daily battle to protect Zapata County from the invasion of drug lords and human smugglers. Lots of drug money, filthy lucre, as I call it, fund these dangerous drug organizations and human smugglers that lurk across the Rio Grande River. These outlaws have better guns, better

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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vehicles, better electronic surveillance equipment than the good guys. They even track our peace officers with GPS when they use their cell phones. These drug demons who bring narcotics into the United States make \$30,000 a week. Sheriff Gonzalez makes about \$40,000 a year.

Sheriff Gonzalez is an unwavering patriot and an outstanding Texas lawman. He is defending America against illegal invaders and fighting the war against vicious, violent drug cartels that threaten our home and our country. He and his dedicated deputies need resources and funding to help fund the war for the border. Our homeland is worth protecting. That is just the way it is.

### THREE GREAT WOMEN

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio, Madam Speaker, I rise today to discuss the lives of three great women. The old people used to say that trouble comes in threes; and the threes I am thinking of are Constance Baker Motley, who was the first African-American woman elected to the New York State Senate in 1964, first woman to serve as Manhattan Borough president in 1965, and appointed the first African-American Federal judge in 1966.

The second is C. Delores Tucker, the first African-American woman to serve as Secretary of State of the Commonwealth of Pennsylvania, and in any State in America. She went on to be an advocate for appointment of women in presidential administrations.

Third, we lost Rosa Parks this week. They are three significant, hard-working, dedicated African-American women who stood out in history in the work that they did. I stand today and ask all of you to join me in extending sympathies and condolences to the families of C. Delores Tucker, Constance Baker Motley, and Rosa Parks.

### PRESIDENT ADDRESSES ECONOMIC CLUB OF WASHINGTON, DC

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

Mr. PENCE. When it comes to making tough choices in the wake of Hurricane Katrina, Madam Speaker, Presidential leadership will make the difference. Yesterday in remarks before the Economic Club of Washington, DC, the President of the United States called on Congress to "redouble our efforts to be wise about how we spend your money." The President went on to say, "We can help the people of the gulf coast region recover and rebuild and we can be good stewards of the taxpayers' dollars at the same time." He called on Congress to reduce unnecessary spending, to identify offsets, and pledged

again to offer spending rescissions to provide the emergency relief, in his words, in a fiscally responsible way.

President George W. Bush yesterday encouraged Congress to push the envelope when it comes to cutting spending, and his strong leadership will make the difference. Congress should heed the call of President Bush to rebuild with generosity and fiscal responsibility in the wake of Hurricane Katrina.

### CLIMATE CHANGE

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

Mr. KUCINICH. Madam Speaker, I am urging all Members of the House to join in support of House Resolution 151, which is a resolution of inquiry that requests the President of the United States to provide to the House of Representatives documents in his possession relating to the anticipated effects of climate change on the coastal regions of the United States.

With the devastation of hurricanes Wilma, Rita and others, we are aware that there is a new phenomenon that is affecting this country with respect to climate change. Scientists may dispute whether or not the meteorological changes that we have witnessed are somehow related to changes in the global climate, but one thing for sure, it is important that Congress begin a dialogue with the administration.

It is important that we find out what connection there may be with climate change and effects on coastal regions. Hurricane Katrina certainly illustrated that we should be concerned about climate change. This resolution of inquiry, now sponsored by 151 Members of the House, aims to get the facts from the administration and begin a dialogue that would be important to our Nation's economy and our national security.

### CONCERN—NOT PANIC

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

Mr. PRICE of Georgia. Madam Speaker, have you seen the headlines:

Bird Flu Anxiety Spreads Across Europe.

Bird Flu Could Kill 150 Million People.

WHO Warns of Dire Flu Pandemic.

Media should report facts, not create panic. Unfortunately, today many of the stories we see and read are short on facts and long on panic. It is time we brought some sanity to all the sensationalism. No one should doubt the potential of the bird flu. However, responsible people are working diligently to be certain that we are prepared for any threat and are able to respond quickly.

Certain facts are important to keep in mind. This Avian flu virus has been around since at least 1997. It is not a

new phenomenon. The CDC states that "the current risk to Americans is low." So there is cause for concern, but not panic. Our real concern should be expanded. We need to address our ability to respond to any infectious disease. Providing incentives to U.S.-based companies for vaccine production and building a routine adult immunization program are just two of the positive steps we should take. Importantly, these actions should move forward in an environment of concern, not panic.

□ 1015

### IRAQ MILESTONES

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

Mr. EMANUEL. Madam Speaker, this week we passed two milestones in Iraq: The constitution was ratified, and, tragically, the 2,000th American died. These milestones, one positive, one clearly negative, provide us with an opportunity to review our progress in Iraq. This is not a time to debate how we got into Iraq. What is important is resolving the mess.

Hear what the experts are saying: Retired Army Lieutenant General William Odom, former head of the National Security Agency, said that the invasion of Iraq "will turn out to be the greatest strategic disaster in U.S. history."

Brent Scowcroft, National Security Adviser under the first President George Bush, said, "You have to know when to stop using force. You can encourage democracy over time, with assistance, and aid, the traditional way. Not how the neoconservatives" are trying to do it in Iraq.

And Lawrence Wilkerson, a retired lieutenant colonel and former Secretary of State Colin Powell's former Chief of Staff at the State Department, said President Bush's foreign policy was "ruinous" and said that "we have courted disaster in Iraq, in North Korea, in Iran."

These are not the words of partisans or the board members of MoveOn.org. As these experts and the American people know, it is time for a new direction and new priorities. We can do better. The current path is not a path to success. It is time for the President to level with the American people and produce a plan forward.

### SUPPORTING THE NOMINATION OF DR. BEN BERNANKE

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

Mr. WILSON of South Carolina. Madam Speaker, I am thrilled that President Bush has nominated a son of South Carolina to serve as Chairman of the Federal Reserve Board.

As a boy in Dillon, South Carolina, Ben Bernanke demonstrated his brilliance for economics at a young age. He

taught himself calculus, excelled at his SATs, and eventually received his doctorates from the Massachusetts Institute of Technology, where he specialized in monetary policy.

Throughout the course of his career, he has taught our Nation's top schools and been a leader of our economic institutions. As President Bush's economic adviser, he has played a pivotal role in sustaining economic growth in our country. Today Dr. Bernanke is respected as one of the world's most accomplished monetary economists.

As a successor to Chairman Alan Greenspan, Dr. Bernanke will certainly have big shoes to fill. With his background, I am confident that he has the knowledge, experience, and ability to serve as Chairman of the Federal Reserve Board.

In conclusion, God bless our troops, and we will never forget September 11.

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#### HONORING THE LEGACY OF ROSA PARKS AND JUDGE CONSTANCE BAKER MOTLEY

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Madam Speaker, it is with great pain that I stand here today to mourn the recent passing of several phenomenal women and leaders in our Nation's struggle for equal justice under the law. The passing of Rosa Parks and Judge Constance Baker Motley is a sad reality, but I stand to commemorate their triumphant lives. Judge Motley and Rosa Parks faced racism head on and continued to work for a more just world until their last days.

Rosa Parks was 92 years old and almost made it to the 50th anniversary of the Montgomery bus boycott, which she set in motion by refusing to give her seat to a white man on Montgomery's segregated city bus system. Mrs. Parks was arrested for her action.

As a New Yorker, I hold dearly the legacy of Judge Constance Baker Motley. That is why I introduced legislation to honor her. Constance Baker Motley won nine out of 10 civil rights cases she argued before the Supreme Court. She worked on all of the major school segregation cases, including *Brown v. Board of Education*, and advised civil rights leaders including Dr. Martin Luther King, Jr.

Judge Motley was the first African-American woman to serve in the New York State Senate. She was the first black woman to be appointed to a Federal judgeship.

Rosa Parks once said, "Memories of our lives, of our works, and our deeds will continue in others." She was absolutely right. Not only will the memories live on, but the legacy has forever stirred the resolve of many in our Nation to advocate for social justice, human dignity, and harmony.

#### CONTINUING THE FIGHT AGAINST BREAST CANCER

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

Mrs. KELLY. Madam Speaker, I rise today, as we near the end of Breast Cancer Awareness Month, to emphasize that we must continue doing everything possible to help women across our country suffering from breast cancer. This Congress must remain committed to increased breast cancer research and ensure that necessary laws are in place so that no woman is forced to fight breast cancer and red tape at the same time.

I urge my colleagues to support the bipartisan Breast Cancer Patient Protection Act that I sponsored together with the gentlewoman from Connecticut (Ms. DELAURO). One hundred and fifty-one cosponsors in the House have recognized the importance of passing this bill, but we need more support. Together we can improve treatment coverages and access to inpatient care for the more than 200,000 women diagnosed with breast cancer each year.

The widespread commitment to fighting breast cancer was seen in so many amazing community efforts this past month. I particularly want to recognize the outstanding efforts of Lillian Jones and our Hudson Valley chapter of the American Cancer Society. They organized our very successful Making Strides Against Breast Cancer walk in Central Valley, New York. Also deserving of tremendous praise are Willa Wright and the Putnam County chapter of ACS and so many other groups in New York's Hudson Valley who continue to unite to fight breast cancer.

Congress must unite and fight breast cancer right along with them.

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#### SUPPORTING BREAST CANCER AWARENESS MONTH

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, too many American families have experienced the loss of a loved one or know someone close who has suffered from some form of cancer. Breast cancer in particular is the leading cause of death among between 40 and 55, including my sister-in-law Abby Irwin, who died at 41 after an 11-year struggle.

Two hundred thousand new cases of breast cancer will be diagnosed this year alone, including 1,100 in my district. The good news is the 96 percent survival rate when breast cancer is detected early. In fact, a study being published today in the *New England Journal of Medicine* found that mammograms contributed to a 65 percent drop in breast cancer deaths in the last decade.

Back home on Long Island, I am proud to have an active breast cancer advisory board with leading researchers, advocates, and survivors. I found their insights and ideas to be invaluable assets.

We should continue to do all that we can every day, not just during Breast Cancer Awareness Month, to encourage the survivors, volunteers, and health care professionals to keep up the fight against breast cancer.

Madam Speaker, by raising awareness, we bring ourselves that much closer to the promise of a cure.

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#### REFORMING OUT-OF-CONTROL FEDERAL SPENDING PROGRAMS

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

Mr. HENSARLING. Madam Speaker, this week the House will begin work on reconciliation, which is a way that we begin to reform out-of-control spending programs in order to help pay for the hurricane relief. There are only three ways that we can pay for this hurricane relief. Either, number one, we are going to raise taxes on the American people yet again, we are going to pass debt on to our children, or we are going to find a way to moderate the growth of Federal programs.

The Democrats say that this is tantamount to massive cuts that will hurt the poor. Madam Speaker, next year's budget is going to be greater than this year's budget, which was greater than last year's budget.

What we call mandatory spending, which encompasses most of these welfare programs, mandatory spending is going to grow at a rate of 6.3 percent as opposed to 6.4. I believe only an accountant for Enron would call that a cut.

Also, Madam Speaker, the best way to help the poor is through paychecks, not welfare checks. And under the economic policies of this administration, 4 million new jobs have been created with a future. We have the highest rate of homeownership in the history of America and unparalleled economic growth.

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#### DENOUNCING THE PRESIDENT OF IRAN'S STATEMENT THAT "ISRAEL MUST BE WIPED OFF THE MAP"

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

Mr. LANTOS. Madam Speaker, three generations ago Adolf Hitler threatened to destroy the Jewish people, and the appeasers and the pseudosophisticates said it was merely oratory. A few months ago, the leadership of Syria threatened to destroy the Prime Minister of Lebanon, and the pseudosophisticates and the appeasers thought it was only oratory. Yesterday

the President of Iran announced that it is his policy to destroy the State of Israel, and the pseudosophisticates and the appeasers again say this is only oratory.

But of course, it is more than that. I call on the United Nations, and all civilized nations, to take appropriate action, in the U.N. and individually, denouncing this outrageous statement. There is no room for the President of a nation to call for the destruction of a member state of the United Nations, the sole democracy in the Middle East and a close ally of the United States.

#### CELEBRATING THE LIFE OF JUDGE CONSTANCE BAKER MOTLEY

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

Ms. NORTON. Madam Speaker, Sadly, I have had to commemorate the lives of two important black women who died earlier: C. Delores Tucker, Rosa Parks.

However, this morning I rise to celebrate the life of one of America's great lawyers, Constance Baker Motley, the first black woman on the Federal bench. That, however, is surely not her greatest public service. What greater service to one's country than to have been an architect of the legal strategy that brought equality under law to the United States. She argued 10 cases before the Supreme Court. Perhaps the most notorious was the James Meredith case that integrated the University of Mississippi. She made 22 trips into Mississippi for that case alone; then, the University of Alabama; also the University of Georgia, where she helped Charlane Hunter-Gault integrate that university. Charlane Hunter-Gault said that Ms. Motley "talked about the South in those days as if it were a war zone and she was fighting in a revolution. No one . . . was going to distract her from carrying her task to a successful conclusion." Indeed, in the 1960s, the South was a war zone not only for activists, but for their lawyers.

In a car with Medgar Evers, Mr. Evers told her to put away her legal pad and not to look back. He, of course, was later assassinated.

She was so outstanding that every office wanted Mrs. Motley to be their first. She was the first woman to serve in the New York Senate, the first to serve as Manhattan borough president. She was the first woman, and for me perhaps the most important of her firsts, to argue a case before the United States Supreme Court, because she inspired a whole generation of young lawyers.

It should astonish us that the first African-American woman was appointed to the bench only in 1966, only 40 years ago. It should remind us that the integration of the courts of our country is and remains part and parcel of establishing equality under the law.

#### H.R. 4011, MERCURY IN DENTAL AMALGAM PROHIBITION BILL

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

Ms. WATSON. Madam Speaker, dentistry must stop hiding the large presence of mercury in dental fillings. The common name for dental fillings is "silver." The term is deceptive because it contains more than 50 percent mercury.

Who can conclusively say dental mercury is safe when in our bodies? It is undisputed as a fact that mercury vapor is released during the entire life of a mercury filling.

Madam Speaker, mercury amalgam is considered dangerous when it is put in the mouth, and it is labeled a hazardous waste when it is coming out. Dental offices contribute approximately 54 tons of toxic mercury to the environment each year. Mercury hurts the body's immune system. Mercury also causes neural development problems. My bill will protect children, pregnant women, and nursing mothers immediately.

We have abandoned other remnants of pre-Civil War medicine, and we have abandoned all other uses of mercury in the body. Now is the time to ban mercury in dental fillings.

#### CONGRATULATING THE 2005 WORLD SERIES CHAMPION CHICAGO WHITE SOX

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

Mr. JACKSON of Illinois. Madam Speaker, did you see the headlines? "Sox Win the World Series."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman will remove his hat.

Mr. JACKSON of Illinois. I thank the Speaker. This House will never be out of decorum. I see that.

Madam Speaker, the headlines are clear: The Sox win the World Series, and I rise to congratulate the 2005 World Series Champions, the Chicago White Sox, on their first title in 88 years. Not only were the White Sox in first place in the Central Division every single day of the 2005 baseball season, but they also had the best record in the American League for the entire season as they amassed a total of 99 wins.

This team had no batters with an average above .300, they had no superstars, yet they came together as a team, led by manager Ozzie Guillen, characterized by their stellar pitching and tenacious defense. This team epitomized the work ethic of the city of Chicago.

I would like to congratulate the Houston Astros on a great season and a hard-fought World Series. Every game was close and could have gone the other way.

I would also like to congratulate the American League Championship Series MVP Paul Konerko and World Series MVP Jermaine Dye for their stellar play.

Congratulations are also in order for the entire front office of the White Sox, including Chairman Jerry Reinsdorf, Vice Chairman Eddie Einhorn and General Manager Ken Williams, who were the architects of this championship team.

Madam Speaker, last, but not least, I would like to congratulate the dedicated and long-suffering fans of the city of Chicago and the South Side who once again celebrate a champion.

And to my friends and colleagues from the other side, both Democrats and Republicans:

"Na na na na,

Na na na na,

Hey hey hey,

Goodbye."

Maybe next year, guys.

Thanks, and God bless you.

Go Sox.

□ 1030

#### COMMUNICATION FROM DISTRICT DIRECTOR OF HON. DENNIS MOORE, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. MILLER of Michigan) laid before the House the following communication from Julie Merz, District Director of the Honorable DENNIS MOORE, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,

October 20, 2005.

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

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

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

Sincerely,

JULIE MERZ,  
District Director.

#### PROVIDING FOR CONSIDERATION OF H.R. 420, LAWSUIT ABUSE REDUCTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up H. Res. 508 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes. The first reading of the bill shall be dispensed with. All points of

order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Madam Speaker, House Resolution 508 is a structured rule. It provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill, and it provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

It makes in order only those amendments printed in the Rules Committee report accompanying the resolution. It provides that the amendments printed in the report may be offered only in the order printed, may be offered only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall

not be subject to a demand for division of the question in the House or in the Committee of the Whole.

This resolution waives all points of order against the amendments printed in the report, and it provides one motion to recommit, with or without instructions.

Madam Speaker, I rise today in support of House Resolution 508 and the underlying legislation, H.R. 420, the Lawsuit Abuse Reduction Act of 2005.

First, I want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, not just for the underlying bill but for a number of recent bills aimed at strengthening our legal system by protecting people's rights under the law and shielding them from frivolous proceedings. Additionally, I want to thank the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on the Courts, the Internet, and Intellectual Property, for sponsoring H.R. 420.

Madam Speaker, over the past couple of weeks, this House has taken several important steps to reform our legal system, to relieve our overburdened court dockets and drastically reduce the number of costly frivolous claims against innocent and legitimate businesses.

On October 24, we passed and sent to the President's desk S. 397, the Lawful Commerce in Arms Act of 2005, by a vote of 283 to 144 in the House. I might add that in the spirit of bipartisanship, 59 Democrats and one Independent joined 223 Republicans in passing this landmark legislation that refocuses liability for gun violence on the actual criminal, the person who pulled the trigger.

Additionally in this House, 226 Republicans, along with 80 Democrats, passed H.R. 554, the Personal Responsibility in Food Consumption Act of 2005. This bill also reaffirms the need for individuals to take responsibility for their own actions and not expect someone else to foot the bill for the adverse health consequences of their own glutony.

Today, Madam Speaker, we have another prime opportunity to pass meaningful legislation to strengthen our court system even further and to protect the falsely accused.

The Lawsuit Abuse Reduction Act of 2005 will go a long way to curb the actions of individuals who would seek to abuse our courts by gaming the judicial system. Last week, there were probably millions of people across this country who tuned in, ticket in hand, to see if they had won a \$340 million Powerball jackpot. Unfortunately, there are also people who look to the courts, legal briefs in hand, as if it were the Powerball lottery.

However, Madam Speaker, it is the American people and small businesses that pay the ultimate price for frivolous lawsuits and this type of jackpot justice. They pay for it through higher prices for goods and services, they pay

for it through diminished quality of products, they pay for it through loss of economic freedom, and they pay for it through a clogged court system that has been turned into an ATM for junk lawsuits. In fact, the current tort system is estimated to cost American people well over \$200 billion per year.

Clearly, the Lawsuit Abuse Reduction Act of 2005 is a bill that is sorely overdue, sorely needed and, I might add, was approved by this House in the last Congress by a vote of 229 to 174.

With respect to the underlying bill, it would amend Rule 11 of the Federal Rules of Civil Procedure by restoring the mandatory sanctions for the filing of frivolous lawsuits. This bill would require that courts impose an appropriate penalty on attorneys, law firms, or parties who continue to file frivolous lawsuits. Also this bill would eliminate the "free pass" provision that allows attorneys to avoid sanctions if they withdraw their frivolous claim after a motion for sanctions has been filed.

Madam Speaker, H.R. 420 also would prevent forum shopping by requiring that personal injury cases only be brought in those jurisdictions either where the plaintiff, the defendant or a related business resides, or where the alleged injury or surrounding circumstances occurred.

This act would also institute a three-strikes-and-you're-out sanction that would suspend an attorney from practicing in Federal court if a Federal judge determines the lawyer has violated Rule 11 on three or more occasions.

H.R. 420 clearly emphasizes that personal responsibility is not just some catch phrase that applies only to some people, such as a fast-food connoisseur, a firearms owner, a consumer or, indeed, a doctor. Personal responsibility and professional accountability should be the rule for those in the legal field, too, and that is why this House should pass this bill.

In closing, Madam Speaker, I would just emphasize that House Resolution 508 is a straightforward rule and H.R. 420 is a straightforward bill. Simply put, it just makes sense to stop and punish the willful abuse of our legal system by the slash-and-burn tactics of frivolous lawsuits.

As always, I look forward to the consideration of this rule, and I ask my colleagues to support it and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Madam Speaker, here we go again. Whenever the Republican leadership appears to be floundering or simply needs some legislative

filler, they turn to the Judiciary Committee for some kind of anti-lawyer, anti-lawsuit bill.

We recently considered a bill to ban lawsuits against people who want to sue fast food companies, even though these cases are nonexistent. Now we are here considering another bill that will pass the House and go nowhere in the Senate.

The fact is that the Republican leadership has run out of meaningful legislation to consider. They have run out of ideas. So here we are once again considering another bill that attacks America's judicial system and takes away rights from our fellow citizens.

Time after time, the Republican leadership refuses to bring necessary legislation to the floor. Where, Madam Speaker, is the legislation combating poverty or ending hunger or increasing access to affordable and comprehensive health care? Where are their priorities? There are 45 million Americans who have no health insurance in this country. Where is the increase in the minimum wage? Where is the legislation to lower gas and oil prices?

It was comical to see the Republican leadership gather at a press conference the other day in reaction to the news that oil companies are making record profits. And what was their response? They very nicely asked the oil companies to do more. Why should the oil companies do more when they have passed legislation to give oil companies more tax breaks and more oil subsidies?

Where, Madam Speaker, is the oversight into the Iraq war? Over 2,000 Americans have lost their lives in Iraq, and all we get from this leadership and all we get from this White House is "stay the course." Well, stay the course is not a policy; it is a sound bite. We owe our young men and women more than just a sound bite.

Where is the genuinely independent 9/11-style commission to investigate the botched response to Hurricane Katrina and to make recommendations on how to prevent such another tragedy in the future? Where is the fully constituted, functioning Ethics Committee to look into the numerous ethics charges that are mounting in this body?

No, here we are dealing with legislation that we dealt with last year that is going nowhere.

The fact is, the Republican leadership does not care much about these issues, and I know they are out of step with the American people on these issues. So, instead, they bring us the Lawsuit Abuse Reduction Act once again. This is like watching a bad TV rerun. It was not good the first time; it is even worse the second time.

□ 1045

Remember, we considered this bill last year, and just like last year, it will pass this Republican-controlled Congress. They will do their press releases, they will send it over to the Senate, and it will go nowhere.

Later today we will hear from members of the House Judiciary Committee who have particular subject expertise on the specifics of this legislation. I will leave it to these Members to explain the intricacies of the Federal Code and the Rules of Civil Procedure and how Rule 11 fits in. I would like for a few minutes, however, to talk about the continued abuse of power that the Republican majority takes to a new level today.

Under this rule and under this bill, Republican fund-raisers are rewarded, while the majority party continues its unabashed assault on the judicial branch of this Nation. Do not just take my word for it, Madam Speaker. One of the broadest arrays of groups that I have ever seen has come together to oppose this misguided, short-sighted, mean-spirited legislation. These groups include, but are certainly not limited to, the NAACP, the Legal Defense Fund, the American Bar Association, the National Conference of State Legislatures, the National Women's Law Center, and the Consumers Union.

The one that stands out the most, however, is the opposition from the Judicial Conference of the United States. Now, what is that? What is this conference that opposes what my Republican friends will describe as a critically important piece of legislation?

The Judicial Conference was created by this very Congress in 1922. Their congressionally mandated mission is to be the principal policymaking body concerned with the administration of the United States courts. The presiding officer of this organization is none other than the Chief Justice of the Supreme Court. You know what the Judicial Conference has to say about this legislation? In a three-page letter to Chairman SENSENBRENNER, in short, they say it is unnecessary and it is harmful. If they were less judicious in their choice of words, they would say what I say: It stinks.

But what they say, Madam Speaker, this group representing the Federal judges of this country, is that this legislation is fatally flawed. They say that Rule 11 of the Federal Rules of Civil Procedure, what the underlying legislation aims to fix, is working better today than ever before. In fact, in their letter to the Judiciary Committee chairman, they say that Federal district judges are united in their opposition to any legislation which seeks to amend rule 11. They specifically urge Congress to reject this legislation.

Now, Madam Speaker, let us think this through for just a second, shall we? The organization representing President-appointed, Senate-confirmed judges thinks this legislation is unwise. Why do we think we know better than our Federal judges how to operate the Federal judiciary? Frankly, I would laugh if I did not think that the majority was so sincere in their attempts to undermine the constitutional rights of every single American. Shame on you.

Shame on all of you for trying to eviscerate the Constitution, all for a few extra campaign dollars, because that is what this is about.

The underlying legislation is not sound public policy, plain and simple. On the contrary, it is outright political grandstanding. So let us be honest and let us call this bill and this debate what they really are: legislative abuse and a political charade.

The majority's reckless disregard for judicial integrity mocks our Constitution's separation of powers doctrine, and I implore my colleagues to reject this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, in response to some of the comments that were made, I just want to hold up this document that lists over 300 groups in support of LARA, the Lawsuit Abuse Reduction Act of 2005, and I will include them in the RECORD.

I would like to also point out that the Federal Judicial Center was in opposition to class action reform, which we passed in the previous Congress and in the 108th by a vote in this body of 279 to 149.

GROUPS SUPPORTING H.R. 420—THE LAWSUIT ABUSE REDUCTION ACT OF 2005

- Advanced Medical Technology Association.
- Air Conditioning Contractors of America.
- Alabama Civil Justice Reform Committee.
- Alabama Restaurant Association.
- Alabama Trucking Association, Inc.
- Alaska Cabaret, Hotel, Restaurant and Retailers Association.
- Alliance of Automotive Service Providers of Minnesota.
- Alliance of Automotive Service Providers of Pennsylvania.
- America Chamber of Commerce (NV).
- American Apparel and Footwear Association.
- American Automotive Leasing Association.
- American Bakers Association.
- American Boiler Manufacturers Association.
- American Business Conference.
- American Chemistry Council.
- American Council of Engineering Companies.
- American Health Care Association.
- American Home Furnishing Alliance.
- American Insurance Association.
- American International Automobile Dealers Association.
- American Legislative Exchange Council.
- American Machine Tool Distributors Association.
- American Petroleum Institute.
- American Rental Association.
- American Road & Transportation Builders Association.
- American Supply Association.
- American Trucking Associations.
- American Tort Reform Association.
- American Veterinary Distributors Association.
- American Wholesale Marketers Association.
- Antelope Valley Chamber of Commerce (CA).
- Ardmore Chamber of Commerce (OK).
- Arkansas Chapter, National Electrical Contractors Association.
- Arkansas Hospitality Association.
- Arizona Chapter, National Electrical Contractors Association.

Arizona Restaurant & Hospitality Association.  
 Associated Builders & Contractors.  
 Associated General Contractors of America.  
 Associated Equipment Distributors.  
 ASFE—Associated Soil & Foundation Engineers.  
 Associated Wire Rope Fabricators.  
 Association for High Technology Distribution.  
 Association of Equipment Manufacturers.  
 Association of Pool & Spa Professionals.  
 AMT—The Association for Manufacturing Technology.  
 Automotive Aftermarket Industry Association.  
 Automotive Parts Remanufacturers Association.  
 Automotive Parts & Service Association of Illinois.  
 Aviation Distributors & Manufacturers Association.  
 Bay Area Citizens Against Lawsuit Abuse.  
 Bearing Specialists Association.  
 Brunswick-Golden Isles Chamber of Commerce (GA).  
 Business Council of New York State, Inc.  
 Business Roundtable.  
 California Central Coast Chapter, National Electrical Contractors Association.  
 California Restaurant Association.  
 California/Nevada Automotive Wholesalers Association.  
 Central California Citizens Against Lawsuit Abuse.  
 Central Illinois, National Electrical Contractors Association.  
 Chamber of Business and Industry of Centre County (PA).  
 Chamber of Commerce for Anderson & Madison County (IN).  
 Chamber of Commerce of the Mid-Ohio Valley (WV).  
 Citizens Against Lawsuit Abuse of Central Texas.  
 Citizens for Civil Justice Reform.  
 City of Chicago, National Electrical Contractors Association.  
 Civil Justice Association of California.  
 Cleaning Equipment Trade Association.  
 Cleveland Chapter, National Electrical Contractors Association.  
 Coalition for Uniform Product Liability Law.  
 Colorado Civil Justice League.  
 Colorado Motor Carriers Association.  
 Colorado Restaurant Association.  
 Connecticut Restaurant Association.  
 Construction Industry Round Table.  
 Copper & Brass Service Center Association.  
 Council of Insurance Agents and Brokers.  
 Crawfordsville/Montgomery Chamber of Commerce (IN).  
 Dayton Area Chamber of Commerce (OH).  
 Delaware Motor Transport Association.  
 Delaware Restaurant Association.  
 East Texans Against Lawsuit Abuse.  
 The Employers Association.  
 Electrical Manpower Development Trust.  
 Equipment Leasing Association.  
 Florida Chamber of Commerce.  
 Florida Restaurant Association.  
 Food Industry Suppliers Association.  
 Gas Appliance Manufacturers Association.  
 Gases and Welding Distributors Association.  
 General Aviation Manufacturers Association.  
 Georgia Association of Petroleum Retailers, Inc.  
 Georgia Industry Association.  
 Georgia Restaurant Association.  
 Great Lakes Petroleum Retailers & Allied Trades Association.  
 Georgia Motor Trucking Association.  
 Hawaii Restaurant Association.  
 Hawaii Transportation Association.  
 Health Industry Distributors Association.  
 Healthcare Distribution Management Association.  
 Heating, Air Conditioning & Refrigeration Distributors International Association.  
 Hobbs Chamber of Commerce (NM).  
 Hospitality Association of South Carolina.  
 Hospitality Minnesota—Minnesota's Restaurant, Hotel & Lodging and Resort & Campground Associations.  
 Hudson Valley Chapter, National Electrical Contractors Association (NY).  
 Humble Area Chamber of Commerce (TX).  
 Idaho Lodging and Restaurant Association.  
 Illinois Chapter, National Electrical Contractors Association.  
 Illinois Civil Justice League.  
 Illinois Lawsuit Abuse Watch.  
 Illinois Quad City Chamber.  
 Illinois Restaurant Association.  
 Independent Electrical Contractors.  
 Independent Insurance Agents & Brokers of America, Inc.  
 Independent Sealing Distributors.  
 Industrial Compressor Distributor Association.  
 Industrial Supply Association.  
 International Association of Plastics Distributors.  
 International Foodservice Distributors Association.  
 International Franchise Association.  
 International Furniture Suppliers Association.  
 International Housewares Association.  
 International Safety Equipment Association.  
 International Sanitary Supply Association.  
 International Sign Association.  
 International Sleep Products Association.  
 International Truck Parts Association.  
 Iowa Hospitality Association.  
 Iowa Motor Truck Association.  
 Jackson Area Manufacturers Association.  
 Kansas Chamber of Commerce.  
 Kansas City Chapter, National Electrical Contractors Association.  
 Kansas Restaurant and Hospitality Association.  
 Kentucky Motor Transport Association.  
 Kentucky Restaurant Association.  
 Kern County Chapter, National Electrical Contractors Association (CA).  
 Kingman Area Chamber of Commerce (AZ).  
 Lakewood Chamber of Commerce (WA).  
 Latrobe Area Chamber of Commerce (PA).  
 Lawn and Garden Marketing and Distribution Association.  
 Lebanon Valley Chamber of Commerce (PA).  
 Los Angeles Citizens Against Lawsuit Abuse.  
 Los Angeles Fastener Association.  
 Louisiana Motor Transport Association.  
 Louisiana Restaurant Association.  
 Maine Liability Crisis Alliance.  
 Maine Restaurant Association.  
 Manufactured Housing Institute.  
 Manufacturers' Association of Northwest Pennsylvania.  
 Marion Area Chamber of Commerce (IL).  
 Maryland Business for Responsive Government.  
 Maryland Chapter, National Electrical Contractors Association.  
 Massachusetts Restaurant Association.  
 Material Handling Equipment Distributors Association.  
 Mechanical Contractors Association of America.  
 Memphis Chapter, National Electrical Contractors Association.  
 Metals Service Center Institute.  
 Mason Contractors Association of America.  
 Michigan Chamber of Commerce.  
 Michigan Lawsuit Abuse Watch.  
 Michigan Restaurant Association.  
 Minnesota Trucking Association.  
 Mississippi Hospitality and Restaurant Association.  
 Mississippi Manufacturers Association.  
 Mississippi Trucking Association.  
 Mississippians for Economic Progress.  
 Missouri Motor Carriers Association.  
 Missouri Restaurant Association.  
 Montana Chamber of Commerce/Montana Liability Coalition.  
 Montana Motor Carriers Association.  
 Montana Restaurant Association.  
 Motor & Equipment Manufacturers Association.  
 Motorcycle Industry Council.  
 National Association of Chemical Distributors.  
 National Association of Convenience Stores.  
 National Association of Electrical Distributors.  
 National Association of Home Builders.  
 National Association of Manufacturers.  
 National Association of Mutual Insurance Companies.  
 National Association of Sign Supply Distributors.  
 National Association of Wholesaler-Distributors.  
 National Concrete Masonry Association.  
 National Council of Chain Restaurants of the National Retail Federation.  
 National Electrical Contractors Association.  
 National Federation of Independent Business.  
 National Lumber & Building Materials Dealers Association.  
 National Marine Distributors Association.  
 National Paint & Coatings Association.  
 National Pest Management Association.  
 National Propane Gas Association.  
 National Restaurant Association.  
 NRF—The National Retail Federation.  
 National Roofing Contractors Association.  
 National School Supply & Equipment Association.  
 National Shooting Sports Foundation.  
 NAHAD—The Association for Hose & Accessories Distributors  
 NPES—The Association for Suppliers of Printing, Publishing and Converting Technologies.  
 National Small Business Association.  
 Nebraska Restaurant Association.  
 Nebraska Trucking Association.  
 Nevada State Medical Association.  
 New Hampshire Lodging and Restaurant Association.  
 New Jersey Automobile Wholesalers Association.  
 New Jersey Business & Industry.  
 New Jersey Motor Truck Association.  
 New Jersey Restaurant Association.  
 New Mexico Alliance for Legal Reform.  
 New Mexico Chapter, National Electrical Contractors Association.  
 New Mexico Restaurant Association.  
 Nevada Restaurant Association.  
 New York State Automotive Aftermarket Association.  
 New York State Motor Truck Association.  
 New York State Restaurant Association.  
 North American Horticultural Supply Association.  
 North Carolina Citizens for Business and Industry.  
 North Carolina Restaurant Association.  
 North Carolina Trucking Association.  
 North Dakota State Hospitality Association.  
 North Florida Chapter, National Electrical Contractors Association.  
 North Louisiana Chapter, National Electrical Contractors Association.  
 North Texas Chapter, National Electrical Contractors Association.



Northeastern Illinois Chapter, National Electrical Contractors Association.  
 Northern California Citizens Against Lawsuit Abuse.  
 Northern Illinois Chapter, National Electrical Contractors Association.  
 Northern New York Chapter, National Electrical Contractors Association.  
 Northern Rhode Island Chamber of Commerce.  
 Office Products Wholesalers Association.  
 Ohio Association of Wholesaler-Distributors.  
 Ohio Manufacturers Association.  
 Ohio Restaurant Association.  
 Ohio Trucking Association.  
 Oklahoma Restaurant Association.  
 Orange Chamber of Commerce (CA).  
 Orange County Citizens Against Lawsuit Abuse.  
 Oregon Restaurant Association.  
 Outdoor Power Equipment & Engine Service Association.  
 Outdoor Power Equipment Institute.  
 Outdoor Power Equipment Aftermarket Association.  
 Pacific Printing & Imaging Association (AK, HI, ID, MT, OR, WA).  
 Packaging Machinery Manufacturers Institute.  
 Painting & Decorating Contractors of America.  
 Penn-Ohio Chapter, National Electrical Contractors Association.  
 Pennsylvania Health Care Association.  
 Pennsylvania Restaurant Association.  
 Paris Area Chamber of Commerce & Tourism (IL).  
 Pennsylvania Automotive Wholesalers Association.  
 Pet Industry Distributors Association.  
 Petroleum Equipment Institute.  
 Petroleum Marketers Association of America.  
 Petroleum Retailers & Auto Repair Association.  
 Plumbing-Heating-Cooling Contractors Association.  
 Post Card and Souvenir Distributors Association.  
 Power Transmission Distributors Association.  
 Printing & Graphic Communications Association.  
 Printing & Imaging Association of Mid-America (KS, MO, OK, TX).  
 Printing & Imaging Association, Mountain States.  
 Printing Association of Florida.  
 Printing Industries Association of San Diego.  
 Printing Industries of Michigan.  
 Printing Industry Association of the South (AL, AR, KY, LA, MS, TN, WV).  
 Printing Industries of America.  
 Printing Industries of Illinois/Indiana Association.  
 Printing Industries of New England (ME, NH, VT, MA, RI).  
 Production Engine Remanufacturers Association.  
 Property Casualty Insurers Association of America.  
 Red River Valley Chapter, National Electrical Contractors Association (TX).  
 Retail Industry Leaders Association.  
 Restaurant and Hospitality Association of Indiana.  
 Restaurant Association of Maryland, Inc.  
 Restaurant Association of Metro Washington, Inc.  
 Rhode Island Hospitality and Tourism Association.  
 Richmond/Spring Grave Chamber (IL).  
 Rio Grande Valley Partnership.  
 Rubber Manufacturers Association.  
 Safety Equipment Distributors Association, Inc.

Saguaro Chapter, National Electrical Contractors Association (AZ).  
 St. Paul Chapter, National Electrical Contractors Association (MN).  
 San Diego Chapter, National Electrical Contractors Association.  
 San Diego County Citizens Against Lawsuit Abuse.  
 San Diego Employers Association.  
 Scaffold Industry Association.  
 Security Hardware Distributors Association.  
 SSDA-AT—Service Station Dealers Of America/ National Coalition Petroleum Retailers and Allied Trades.  
 Silicon Valley Citizens Against Lawsuit Abuse.  
 SBE Council—Small Business and Entrepreneurship Council.  
 Small Business Legislative Council.  
 SMC Business Councils.  
 Snack Food Association.  
 South Carolina Trucking Association.  
 South Carolina Civil Justice Coalition.  
 South Dakota Retailers Association.  
 Southern Nevada Chapter, National Electrical Contractors Association.  
 Specialty Equipment Market Association.  
 Society of American Florists.  
 The State Chamber of Oklahoma.  
 Steel Tank Institute.  
 Tarpon Springs Chamber of Commerce (FL).  
 Tennessee Chamber of Commerce & Industry.  
 Tennessee Restaurant Association.  
 Texas Association of Business.  
 Texas Civil Justice League.  
 Texas Restaurant Association.  
 Textile Care Allied Trades Association.  
 Tire Industry Association.  
 Truck Renting and Leasing Association.  
 U.S. Chamber of Commerce.  
 U.S. Chamber Institute for Legal Reform.  
 Utah Restaurant Association.  
 Valve Manufacturers Association.  
 Vermont Lodging and Restaurant Association.  
 Virginia Hospitality and Travel Association.  
 Virginia Trucking Association.  
 Washington State Liability Reform Coalition.  
 Washington Restaurant Association.  
 Waste Equipment Technology Association.  
 West Virginia Chamber of Commerce.  
 West Virginia Hospitality and Travel Association.  
 West Virginia Motor Truck Association.  
 Western Association of Fastener Distributors.  
 Western New York Chapter, National Electrical Contractors Association.  
 Western Pennsylvania Chapter, National Electrical Contractors Association.  
 Weston Area Chamber of Commerce (FL).  
 Wisconsin Manufacturers & Commerce.  
 Wisconsin Motor Carriers Association.  
 Wisconsin Restaurant Association.  
 Wood Machinery Manufacturers of America.  
 Woodworking Machinery Industry Association.  
 Wyoming Lodging & Restaurant Association.  
 Wyoming Trucking Association, Inc.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, if I could inquire from the gentleman how many more speakers he has, because I am the last speaker on my side.

Mr. GINGREY. To the gentleman from Massachusetts, we do not actually have any additional speakers at this time, so right now I am reserving

the balance of my time for the purpose of closing, unless another speaker comes.

Mr. MCGOVERN. Madam Speaker, I would like to enter into the RECORD as well another letter signed by a number of groups urging a vote against H.R. 420.

I would also like to include a letter that was sent to every Member of Congress by Michael S. Greco, the President of the American Bar Association, opposing this legislation.

I would also like to insert in the RECORD the text of the letter that I mentioned in my opening speech from the Judicial Conference of the United States which very strongly opposes this legislation.

OCTOBER 25, 2005.

DEAR REPRESENTATIVE: We urge you to oppose H.R. 420, a bill that would restore the discriminatory impact of the old version of Rule 11 of the Federal Rules of Civil Procedure, trample on states' rights to run their own courts, and increase the extent and expense of litigation rather than reduce it.

H.R. 420 seeks to roll back Rule 11 of the Federal Rules of Civil Procedure to an earlier 1983 version of the rule, which would undermine carefully crafted standards that were enacted in 1993. Those changes expanded responsibilities of litigants, while at the same time providing greater constraints and flexibility in dealing with violations of the rule. The current rule requires litigants to "stop-and-think" before making legal or factual contentions. It also, however, emphasizes the duty of candor by subjecting litigants to potential sanctions for insisting upon a position after it is no longer tenable, and by generally providing protection against sanctions if they withdraw or correct contentions after a potential violation is called to their attention.

There is no evidence that the current Rule 11 is not working. In fact, Department of Justice statistics show that the number of lawsuits is declining in both federal and state courts. The end result of H.R. 420 would be a shift of the function of Rule 11 from deterring frivolous litigation to increasing litigation by those who have the resources and the time to litigate against opposing counsel. History shows that mandatory Rule 11 sanctions imposed in 1983, and to which H.R. 420 would have us return, were used disproportionately against plaintiffs' (particularly civil rights) attorneys and those attempting to extend the law in support of unpopular causes. More than a decade ago, civil rights organizations—including some of the undersigned organizations—worked to amend Rule 11 because the old rule unfairly discouraged meritorious civil rights claims. H.R. 420 seeks to force litigants to operate under the terms that we fear, like the former rule we worked so hard to amend, will be used to punish and deter valid claims of discrimination.

Nationwide surveys about the former rule found that motions for sanctions were most frequently sought and granted in civil rights cases. Expressing his concerns about the former Rule 11, the Honorable Robert L. Carter, United States District Court Judge for the Southern District of New York, noted, "I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal [in *Brown v. Board of Education*] would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start." The language of H.R. 420 purporting



to protect civil rights claims provides insufficient protection for victims of discrimination because the more severe rules outlined in H.R. 420 can still be applied in civil rights. Had supporters of the bill wanted to effectively protect those who seek justice under our civil rights laws, they could have exempted those claims from the scope of the bill.

Moreover, H.R. 420 not only changes the rules for federal courts, it is unprecedented in that its reach extends to state court cases. Section 3 of the bill provides, upon motion, the court is required to assess the costs of the action "to the interstate economy." If the court determines that the state court action "affects interstate commerce," Rule 11 of the Federal Rules of Civil Procedure "shall apply to such action." Imagining the proceedings necessary to determine whether a particular state court action "affects interstate commerce" is mind-boggling. This provision will certainly spawn satellite litigation. Moreover, the total disregard for federalism is astounding.

Finally, the vast majority of the federal judiciary opposes the changes contained in H.R. 420. The Judicial Conference of the United States, headed by the late Chief Justice Rehnquist, clearly stated in a letter to Chairman Sensenbrenner that "the proposed changes to Rule 11 will not help deter litigation abuses, but will increase satellite litigation, costs, and delays." The letter also notes there is "a remarkable consensus" among Federal district court judges in opposition to changing the rule.

If you have any questions or need more information, please contact Pamela Gilbert, Cuneo Gilbert & LaDuca, LLP, representing the Center for Justice & Democracy, 202.587.5064; Sandy Brantley, Legislative Counsel, Alliance for Justice, 202.822.6070; or Jillian Aldebrun, Civil Justice Counsel, Public Citizen's Congress Watch, 202.454.5135.

Sincerely,

Alliance for Justice.

Center for Justice & Democracy.

Citizens for a Safer Minnesota.

Consumer Federation of America.

District of Columbia Million Mom March.

Legal Community Against Violence.

Maine Citizens Against Handgun Violence.

National Association of Consumer Advocates.

New Yorkers Against Gun Violence.

Public Citizen.

USAction.

Violence Policy Center.

Virginians Against Handgun Violence.

AMERICAN BAR ASSOCIATION,  
Chicago, IL, October 10, 2005.

DEAR REPRESENTATIVE: I write regarding H.R. 420, the "Lawsuit Abuse Reduction Act." The American Bar Association strongly opposes this legislation and respectfully urges you to vote "No" when it is brought to the floor of the House of Representatives in the near future.

Without any demonstrated problem with the enforcement or operation of Rule 11, H.R. 420 would (1) impose mandatory sanctions for any violation of Rule 11 of the Federal Rules of Civil Procedure and remove its current "safe harbor" provisions; (2) enforce a mandatory suspension from practicing law of an attorney who has violated Rule 11 three times; (3) impose federal mandatory Rule 11 sanctions upon any civil state court claim that materially affects interstate commerce; and (4) impose specific venue designation rules upon any personal injury claim filed in any state or federal court.

As a threshold matter, the ABA strongly opposes the legislation because these amendments to the Federal Rules of Civil Procedure are being proposed without utilizing the

process set forth in the Rules Enabling Act. This departure from the procedure of the Rules Enabling Act is also being proposed without any demonstrated problem with the operation of the Rules Enabling Act. The ABA fully supports the Rules Enabling Act process, which is based on three fundamental concepts: (1) the essential and central role of the judiciary in initiating judicial rule-making; (2) the use of procedures that permit full public participation, including participation by members of the legal profession; and (3) provision for a Congressional review period. We view the proposed rules changes to the Federal Rules in H.R. 420 as an unwise retreat from the balanced and inclusive process established by Congress when it adopted the Rules Enabling Act.

In 28 U.S.C. §§ 2072-74, Congress prescribed the appropriate procedure for the formulation and adoption of rules of evidence, practice and procedure for the federal courts. This well-settled, congressionally specified procedure contemplates that evidentiary and procedural rules will in the first instance be considered and drafted by committees of the United States Judicial Conference, will thereafter be subject to thorough public comment and reconsideration, and will then be submitted to the United States Supreme Court for consideration and promulgation. Finally and most importantly, the proposed rules resulting from the inclusion of all of the stakeholders, is transmitted to Congress, which retains the ultimate power to veto any rule before it takes effect.

This time-proven process proceeds from separation-of-powers concerns and is driven by the practical recognition that, among other things:

(1) rules of evidence and procedure are inherently a matter of intimate concern to the judiciary, which must apply them on a daily basis;

(2) each rule forms just one part of a complicated, interlocking whole, rendering due deliberation and public comment essential to avoid unintended consequences; and

(3) the Judicial Conference is in a unique position to draft rules with care in a setting isolated from pressures that may interfere with painstaking consideration and due deliberation.

We do not question Congressional power to regulate the practice and procedure of federal courts. Congress exercised this power by delegating its rulemaking authority to the judiciary through the enactment of the Rules Enabling Act, while retaining the authority to review and amend rules prior to their taking effect. We do, however, question the wisdom of circumventing the Rules Enabling Act, as H.R. 420 would do. The fact that the proposed changes to the Rules are flawed should give pause to those who are asked to support the circumvention of the process of the Rules Enabling Act. Not following the processes set forth in the Rules Enabling Act would frustrate the purpose of the act and potentially harm the effective functioning of the judicial system.

The ABA supports the current version of Rule 11 because it has proven to be an effective means of discouraging dilatory motions practice and frivolous claims and defenses. There has been no demonstrated problem with the enforcement or operation of Rule 11. The ABA opposes the provisions in H.R. 420 to enforce a mandatory suspension of an attorney for Rule 11 violations. The filing of frivolous claims and defenses is an important issue that deserves attention. It is appropriate and right for courts to have the ability to sanction attorneys for abusing the legal system by filing claims meant to harass or intimidate litigants. It is, however, important to remember that Rule 11 violations can be levied even when, in hindsight,

there may have been a legitimate claim, especially for civil rights cases or environmental litigation. Attorneys practicing in these areas may be subject to more Rule 11 sanctions than attorneys who handle other types of cases.

A system that provides for mandatory suspension of attorneys with three Rule 11 violations would have an extremely chilling effect on the justice system and could disproportionately impact attorneys who practice in particular areas, such as civil rights or environmental law. This type of mandatory suspension is even more damaging when taken in combination with efforts to require mandatory sanctions for Rule 11 violations, which cannot be appealed until after a judgment is rendered in a case.

Equally important, the ABA strongly opposes enactment of H.R. 420 because Congress should not dictate venue rules for state courts. State rules relating to venue and jurisdiction should be developed at the state level and supported by extensive study, vetted publicly, and made subject to comment by the legal profession. To do otherwise would violate our long-established principles of federalism. It should remain solely within the purview of the individual states to establish local rules for procedures, either through their state legislatures or through a grant of rulemaking authority to their state judiciaries.

The imposition of Rule 11 mandatory sanctions upon the individual state courts would also violate our time-honored principles of federalism. Earlier this year, the Conference of Chief Justices adopted a resolution in opposition to federal usurpation of state court authority as guaranteed by the United States Constitution. This resolution "strongly opposed" the enactment of any federal legislation that would "drastically change the traditional state role in determining ethics, jurisdiction and venue rules in state litigation." The determination of the states to establish and operate their judicial systems in accordance with principles important to each state is entitled to respectful deference from the federal government. Great deference should also be given to the views of these state court leaders.

For these compelling reasons the ABA strongly opposes the enactment of H.R. 420. We respectfully urge you to vote "No" on this legislation.

Sincerely,

MICHAEL S. GRECO,  
President.

JUDICIAL CONFERENCE  
OF THE UNITED STATES,  
Washington, DC, May 17, 2005.

Hon. F. JAMES SENSENBRENNER, JR.,  
Chairman, Committee on the Judiciary, House  
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to provide you with a copy of the Federal Judicial Center's Report of a Survey of United States District Judges' Experiences and Views Concerning Rule 11, Federal Rules of Civil Procedure. The report was prepared at the request of the Judicial Conference's Advisory Committee on Civil Rules to provide information as part of the Advisory Committee's study of proposals introduced in Congress to amend Rule 11. The report makes it clear that the vast majority of federal district judges believe that the proposed changes to Rule 11 will not help deter litigation abuses, but will increase satellite litigation, costs, and delays.

Since 1995, legislation has regularly been introduced that would reinstate a mandatory sanctions provision of Rule 11 that was adopted in 1983 and eliminated in 1993. The 1993 change followed several years of examination and was made on the Judicial Conference's recommendation, with the Supreme

Court's approval, and after Congressional review. The 1983 provision was eliminated because during the ten years it was in place, it did not provide meaningful relief from the litigation behavior it was meant to address and generated wasteful satellite litigation that had little to do with the merits of a case. On January 26, 2005, Representative Lamar Smith introduced the Lawsuit Abuse Reduction Act of 2005 (H.R. 420). The bill would restore the 1983 version of Rule 11, undoing the amendments to Rule 11 that took effect in December 1993. The enclosed report shows a remarkable consensus among federal district judges supporting existing Rule 11 and opposing its amendment.

In 1983, Rule 11 was amended to require judges to impose sanctions for violations that could include attorneys' fees. The 1983 version of Rule 11 was intended to address certain improper litigation tactics by providing some punishment and deterrence. The effect was almost the opposite. The 1983 rule presented attorneys with financial incentives to file a sanction motion. The rule was abused by resourceful lawyers. A "cottage industry" developed that churned tremendously wasteful satellite sanctions litigation that had everything to do with strategic gamesmanship and little to do with the underlying claims or with the behavior the rule attempted to regulate. Rule 11 motions came to be met with counter motions that sought Rule 11 sanctions for making the original Rule 11 motion. The 1983 version of Rule 11 spawned thousands of court decisions unrelated to the merits of the cases, sowed discord in the bar, and generated widespread criticism.

The 1993 amendments to Rule 11 were designed to remedy major problems shown by experience with the 1983 rule, allow courts to focus on the merits of the underlying cases rather than on Rule II motions, but still provide a meaningful sanction for frivolous pleadings. The rule establishes a "safe harbor," providing a party 21 days within which to withdraw a particular claim or defense before sanctions can be imposed. If the party fails to withdraw an allegedly frivolous claim or defense within the 21 days, a court may impose sanctions, including assessing reasonable attorney fees. Rule 11 does not supplant other remedial actions available to sanction an attorney for a frivolous filing, including punishing the attorney for contempt, employing sanctions under 28 D.S.C. 1927 for "vexatious" multiplication of proceedings, or initiating an independent action for malicious prosecution or abuse of process.

H.R. 420 would amend Rule 11 to restore the 1983 version, by removing a court's discretion to impose sanctions on a frivolous filing and by eliminating the rule's safe-harbor provisions. The Judicial Conference opposed the Lawsuit Abuse Reduction Act of 2004 (H.R. 4571), the predecessor of H.R. 420. The Judicial Conference based its position on the problems caused by the 1983 version of Rule 11, which H.R. 420 would restore. The Judicial Conference noted that these problems included:

- creating a significant incentive to file unmeritorious Rule 11 motions by providing a possibility of monetary penalty;

- engendering potential conflict of interest between clients and their lawyers, who advised withdrawal of particular claims despite the clients' preference;

- exacerbating tensions between lawyers; and

- providing little incentive, and perhaps a distinct disincentive, to abandon or withdraw—and thereby admit error on—a pleading or claim after determining that it no longer was supportable in law or fact.

The Advisory Committee on Civil Rules regularly monitors the operation of the Civil

Rules, inviting the bench, bar, and public to inform it of any problems. The Committee stands ready to address any deficiency in the rules, including Rule II. Although the Committee is mindful of Congressional concerns about frivolous filings addressed in pending legislation, the Committee has not received any negative comments or complaints on existing Rule II from the bench, bar, or public. To gain a clearer picture of the operation of Rule 11, the Committee asked the Federal Judicial Center to survey the experience of the trial judges who must apply the rules. The survey sought responses from judges with experience under the 1983 version as well as judges serving only after the 1993 version was adopted. The results of the Federal Judicial Center's survey show that judges strongly believe that Rule 11, which was carefully crafted to deter frivolous filings without unduly hampering the filing of legitimate claims or defenses, continues to work well. The survey's findings include the following highlights:

- More than 80 percent of the 278 district judges surveyed indicate that "Rule 11 is needed and it is just right as it now stands";
- 87 percent prefer the existing Rule 11 to the 1983 version or the version proposed by legislation (e.g., H.R. 4571 or H.R. 420);

- 85 percent strongly or moderately support Rule 11's safe harbor provisions;

- 91 percent oppose the proposed requirement that sanctions be imposed for every Rule 11 violation;

- 84 percent disagree with the proposition that an award of attorney fees should be mandatory for every Rule 11 violation;

- 85 percent believe that the amount of groundless civil litigation has not grown since the promulgation of the 1993 rule, with 12 percent noting that such litigation has not been a problem, 19 percent noting that such litigation decreased during their tenure on the Federal bench, and 54 percent noting that such litigation has remained relatively constant; and

- 72 percent believe that addressing sanctions for discovery abuse in Rules 26(g) and 37 is better than in Rule 11.

The judges' experiences with the 1993 version of Rule 11 point to a marked decline in Rule 11 satellite litigation without any noticeable increase in the number of frivolous filings. H.R. 420 would effectively reinstate the 1983 version of Rule 11 that proved so contentious and wasted so much time and energy of the bar and bench. Rule 11 in its present form has proven effective and should not be revised. The findings of the Federal Judicial Center underscore the Federal district judges' united opposition to legislation amending Rule 11. I urge you on behalf of the Judicial Conference to oppose legislation amending Rule 11.

The Judicial Conference appreciates your consideration of its views. If you have any questions, please feel to contact me. I may be reached at (202) 273-3000. If you prefer, you may have your staff contact Karen Kremer, Counsel, Office of Legislative Affairs, Administrative Office of the United States Courts, at (202) 502-1700.

Sincerely,

LEONIDAS RALPH MECHAM,

Secretary.

Mr. MCGOVERN. Madam Speaker, I think the reason why we have no other speakers on this side is because everything that possibly could be said was said last year. So all we need to do is just replay the tape recorder and listen to all the arguments. We just seem to be repeating the same debates over and over and over again.

Again, I would urge my colleagues to vote against this legislation. This is

unwise policy. I understand that the genesis of this legislation is to appeal to those who like to contribute lots of money to particular campaigns, but, quite frankly, I think that is not a sound reason to pass this legislation.

As I mentioned before, the Judicial Conference of the United States has outlined very clearly why this is a bad bill. I would hope that my colleagues would listen to some of the experts and do what is right and reject this legislation.

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

Mr. GINGREY. Madam Speaker, I might point out that the people that oppose this legislation, as the gentleman from Massachusetts mentioned earlier, are the very ones that support his party. So I think that there is a little balance there, if that be true in either instance.

Madam Speaker, I would first like to close this debate by thanking my colleagues for a very productive discussion of both the rule and H.R. 420. The opportunity before this House today is another example of how this Congress has improved our legal system and preventing frivolous lawsuits from closing the doors of justice for those who have truly been harmed.

Contrary to what the opponents of legal reform might say, the underlying bill, as well as other recent bills, do not demonstrate contempt for our legal system or the esteemed profession of attorneys, but rather demonstrate respect for the important and historic role of our judicial system in defending the rights and ensuring the constitutional application of the laws. Frivolous lawsuits have not only driven up costs and destroyed economic opportunity for the American people, but they have also damaged the image of the courts. When the American people stop respecting the decisions of the judiciary, the courts begin to lose their effectiveness, and they cease to perform their constitutionally mandated role.

For the sake of the courts and for the sake of the American people, we in this House need to push forward with this additional meaningful and genuine reform. Therefore, I would like to urge all of my colleagues on both sides of the center aisle to support this rule and the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, while the Committee on Rules reported out a rule that made in order a substantive amendment offered by the Gentleman from California, Mr. SCHIFF, I rise in opposition to it, H. Res. 508 because the legislation underlying is pernicious.

As I mentioned during the Committee on the Judiciary's oversight hearing on this legislation during its first iteration in the 108th Congress and reiterated in my statement for the markup, one of the main functions of that body's oversight is to analyze potentially negative impact against the benefits that a legal process or piece of legislation will have on those affected. The base bill before the House today does not represent the product of careful analysis and

therefore, it is critical that Members be given the ability to offer amendments to improve its provisions.

In the case of H.R. 4571, the Lawsuit Abuse Reduction Act the oversight functions of the Judiciary Committee allowed us to craft a bill that will protect those affected from negative impacts of the shield from liability that it proposes. This legislation requires an overhaul in order to make it less of a misnomer—to reduce abuse rather than encourage it.

The goal of the tort reform legislation is to allow businesses to externalize, or shift, some of the cost of the injuries they cause to others. Tort law always assigns liability to the party in the best position to prevent an injury in the most reasonable and fair manner. In looking at the disparate impact that the new tort reform laws will have on ethnic minority groups, it is unconscionable that the burden will be placed on these groups—that are in the worst position to bear the liability costs.

When Congress considers pre-empting state laws, it must strike the appropriate balance between two competing values—local control and national uniformity. Local control is extremely important because we all believe, as did the Founders two centuries ago, that State governments are closer to the people and better able to assess local needs and desires. National uniformity is also an important consideration in federalism—Congress' exclusive jurisdiction over interstate commerce has allowed our economy to grow dramatically over the past 200 years.

This legislation would reverse the changes to Rule 11 of the Federal Rules of Civil Procedure, FRCP, that were made by the Judicial Conference in 1993 such that (1) sanctions against an attorney whose litigation tactics are determined to harass or cause unnecessary delay or cost or who has been determined to have made frivolous legal arguments or unwarranted factual assertions would become mandatory rather than discretionary to the court, (2) discovery-related activity would be included within the scope of the Rule, and (3) the Rule would be extended to state cases affecting interstate commerce so that if a state judge decides that a case affects interstate commerce, he or she must apply Rule 11 if violations are found.

This legislation strips State and Federal judges of their discretion in the area of applying Rule 11 sanctions. Furthermore, it infringes States' rights by forcing State courts to apply the rule if interstate commerce is affected. Why is the discretion of the judge not sufficient in discerning whether Rule 11 sanctions should be assessed?

If this legislation moves forward in this body, it will be important for us to find out its effect on indigent plaintiffs or those who must hire an attorney strictly on a contingent—fee basis. Because the application of Rule 11 would be mandatory, attorneys will pad their legal fees to account for the additional risk that they will have to incur in filing lawsuits and the fact that they will have no opportunity to withdraw the suit due to a mistake. Overall, this legislation will deter indigent plaintiffs from seeking counsel to file meritorious claims given the extremely high legal fees.

Furthermore, H.R. 4571, as drafted, would allow corporations that perform sham and non-economic transactions in order to enjoy economic benefits in this country.

This is a bad rule that will have terrible implications on our legislative branch, and I ask

that my colleagues to defeat the rule, defeat the bill, and support the Substitute offered by Mr. SCHIFF. We must carefully consider the long-term implications that this bill, as drafted, will have on indigent claimants, the trial attorney community, and facilitation of corporate fraud.

Mr. GINGREY. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### DISAPPROVING THE RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Mr. HUNTER. Madam Speaker, pursuant to section 2908(d) of Public Law 101-510, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER).

The motion was agreed to.

□ 1055

#### 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 consideration of the joint resolution (H.J. Res. 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission, with Mr. GINGREY in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the joint resolution was considered read the first time.

The CHAIRMAN. Pursuant to section 2908(d) of Public Law 101-510, debate shall not exceed 2 hours.

The gentleman from California (Mr. HUNTER) will be recognized for 1 hour in opposition to the joint resolution and a Member in favor of the joint resolution will be recognized for 1 hour.

Mr. LAHOOD. Mr. Chairman, I would like to claim the 1 hour in support of the resolution.

The CHAIRMAN. The gentleman from Illinois (Mr. LAHOOD) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri (Mr. SKELTON), and I ask unanimous consent that he be allowed to control that time. I also ask unanimous consent that I be allowed to designate the gentleman from Colorado (Mr. HEFLEY) as controlling our time.

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

There was no objection.

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

Mr. Chairman, tonight marks the end of a long and difficult process for selecting military installations for closure and realignment.

Under BRAC law, the realignment and closure recommendations by the BRAC 2005 Commission will become binding, unless a joint resolution of disapproval, such as the one before us today, is enacted.

For those of us with military installations in our districts, the BRAC process is a trying one. And I might mention we have had four BRAC rounds previous to this one. Every one of us spent the last 4 years making a case to the Pentagon and the BRAC Commission with respect to the military value of our bases. Nevertheless, both DOD and the BRAC Commission have determined that a portion of our military infrastructure should be closed or realigned.

As a result, the final recommendations of the Commission include 22 closures that we would designate as major closures, 33 major realignments, and many smaller closure and realignment actions. According to the Commission, these actions will save more than \$15 billion over the next two decades with annual savings of more than \$2.5 billion after implementation.

Some of my colleagues have questioned the need for a round of BRAC and the timing of this round. While I understand and appreciate such concerns, I believe that these issues have been thoroughly discussed and debated. In addition, by a vote of 43 to 14, the Armed Services Committee reported this resolution adversely to the House with a recommendation that it do not pass. As such, I intend to vote against House Joint Resolution 65 today, thereby allowing the BRAC Commission recommendations to stand, and I would urge my colleagues to join me in doing so.

On a final note, I would like to thank the BRAC Commissioners for their service. Since their appointments this spring, the Commissioners visited more than 170 installations, conducted 20 regional hearings and 20 deliberative hearings, and participated in hundreds of meetings with public officials. Also, Mr. Chairman, I would particularly like to thank the chairman of the Commission, Anthony J. Principi. Tony Principi took on another tough one in chairing this BRAC Commission. It is a commission in which you get beaten up lots of times, second-guessed a lot, and cross-examined a lot. Yet, it is a necessary position, and it is one that requires a guy or a lady with a lot of integrity. Chairman Principi is just such a person.

Also, we had on our committee two former members of the Armed Services Committee who were on the BRAC Commission, Jim Bilbray and Jim Hansen, and Mr. Chairman, they have served us well as senior statesmen in

again what amounted to very, very difficult roles.

□ 1100

I would like to acknowledge the good work of all of the commissioners. It is not an easy job and it is, to some degree, a very thankless job. Nonetheless, it is necessary and they put a lot of time and a lot of sweat into this process. So I want to thank them.

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

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

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

Mr. LAHOOD. Mr. Chairman, the reason that I introduced this resolution is because I feel very strongly that we are in a position in the House to send a very strong message of support to those who are doing the hard work in Iraq, those who have done the hard work in Afghanistan, and those men and women who we call our citizen soldiers, and a big debt of thanks for what they have been doing in the work that we have asked them to do.

I have been a very strong supporter of the President's position when we went to Afghanistan because I thought we needed to bring down al Qaeda. And no politician can take credit for what has taken place in Afghanistan. It has been done by the hardworking men and women who brought down al Qaeda and the 25,000 troops that are still there.

And no politician can take credit for what has taken place in Iraq. I supported the resolution to go to Iraq. I have supported President Bush on every request that he has made before this House for the money to support our troops, and now we have more than 135,000 troops and many men and women working in the State Department and the embassy there trying to help stand up a democracy, help stand up a police force, and help bring about democracy in Iraq.

If we go along with the BRAC Commission recommendations, what we say to those hardworking men and women who have done the work that we have asked them to do is that we are thinking about, not thinking about, the BRAC recommendations would close the bases, close some of the guard bases, say to the citizen soldiers who have done the hard work, thanks, but we don't need you any longer.

This is the wrong message to be sending. These hardworking men and women have done the job that we asked them to do, and that is the reason that we have seen such great success in Afghanistan and in Iraq. So I ask Members today to support this resolution and send a message to those who have done the hard work that these BRAC recommendations are not the right approach.

When the establishment of the BRAC came about, it was prior to 9/11. It was prior to going into Afghanistan, prior to going into Iraq, and prior to us ask-

ing our men and women, the citizen soldiers and the full-time military, to do the hard work that they are doing. This sends the wrong message. This is not the message that we want to send to those that are there, that the Guard bases and the air bases and the military bases that are being recommended for closure or realignment were not right.

When we are spending the kind of money that we are spending, we are not saving an awful lot through these BRAC recommendations. I would submit to the House that if 9/11 had happened prior to us passing this BRAC, that BRAC would not have passed, we would not have established a commission, because we would need a very strong military and we would need these Guard bases.

I also want to point out to the House that there is a Federal law that has been ignored by BRAC and ignored by the Defense Department. It is a Federal law that says you cannot close air and Guard Reserve bases without the authority of the Governor of the State, and this has been ignored.

It was ignored by BRAC, and it was ignored by the Defense Department. I think it is a law that has standing, and I think it is a law that makes an awful lot of sense. The Governors should have a say in what bases are closed. But it was a law that was ignored. So I say to those in the House that today is not the day to send the kind of message that we will be sending if we do not approve the resolution that was considered by the Armed Services Committee and being considered here today. We need to pass this resolution.

If we pass the resolution, we do send a strong message to our citizen soldiers and to the military that the work that they are doing is important, that the Guard bases that they represent, that the air bases that they represent are important, and that our citizen soldiers have done the good work.

There is going to be another report coming from the Defense Department about realigning and about the kind of defenses that our country wants. We do not know what that report will say, but I think it is another indication that the BRAC is premature. I know what the chairman said about those who served on the BRAC, but I am not sure that we were quite as well served by some of those members as we could have been in some of their deliberations.

These are people that were called upon to do very difficult work. They have completed their work, and now it is up to Congress to speak. The Defense Department has spoken. BRAC has spoken. The President has spoken. Now, Mr. Chairman, it is up to the House to speak today.

I urge the House to adopt this resolution in support of those that have done the hard work, in support of those who are citizen soldiers who come from the communities that we represent and say to them, we thank you for your hard

work. We thank you for what you have done. We thank you for bringing down al Qaeda. We thank you for helping stand up a democracy in Iraq, and we are not going to eliminate the bases from which you come or realign them.

Mr. Chairman, I rise today to offer H.J. Res. 65, a resolution that I introduced that would disapprove the recommendations of the 2005 Defense Base Closure and Realignment Commission.

As I have stated many times since this BRAC round began, it is absolutely wrong that we are considering closing and realigning bases while we are at war. We in Congress spend quite a bit of time proclaiming that we are doing all we can to care for our troops. Spending billions of dollars closing and realigning bases isn't caring for our troops—it's just plain wrong.

Congress created the BRAC process so that there would be a non-partisan, independent method of reviewing our military's post-Cold War excess infrastructure. Unfortunately, we live in a different world today and we face challenges that we, as a nation, couldn't even imagine in the late 1980s. There is no more "peacetime dividend" to be gained from closing bases. The Global War on Terrorism has reached deep into our military structure and showed us that we can no longer ask our military to do more with less.

This BRAC Commission was asked to do a very difficult task in a very uncertain environment. Early next year the Department of Defense will issue its latest Quadrennial Defense Review, a document that will outline the future structure of our military as they continue their fight against terror. We do not know what the QDR will contain, and what sort of infrastructure will be required to support it. We are also waiting to hear the plan for bringing as many as 70,000 troops and their families home from Europe and Asia as the Department reduces its Cold War footprint overseas. We do not know what that plan will contain, either, but those 70,000 people and their dependents will have to live and work somewhere. The BRAC Commission noted in its report to the President that the timing of this BRAC round was not ideal because of all of the uncertainty surrounding these upcoming major events. Even the most well-intentioned decisions, if they are made without taking all of the facts into account, can end up hurting those we say we are trying to help.

The list of recommendations that were released by the Department of Defense on May 13 contained more proposed actions than all previous BRAC rounds combined. In its report to the President, the BRAC Commission was very critical of the Department's methods. The Pentagon lumped together unrelated activities into one recommendation, leaving a mess for the Commission to try to untangle. The DoD proposed the consolidation of many jobs and commands that had similar names, even if they did not have the same missions. There was apparently no interaction between the Pentagon and other federal agencies that share assets and installation space, such as the Department of Veterans Affairs and the United States Coast Guard, agencies that could be now left in serious financial straits if the burden of maintaining these facilities falls completely on them. And, most striking of all, there was very little cooperation and interaction between the Pentagon and the Department of Homeland Security. How can we feel

secure in voting on these recommendations without knowing the full impact they will have on our homeland security? These bases are not simply staging areas before our military goes to fight overseas. Our military is vital to securing our homeland. We cannot make it more difficult for them to achieve that mission.

The one aspect of this year's BRAC round that brought this issue home to many of my colleagues was the inclusion of Air National Guard bases. I am proud to say that I represent 2 flying units of the Illinois Air National Guard in my district, and I have seen firsthand the vital roles they play in our nation's defense. We ask our Guard to make extraordinary sacrifices and become masters of a wide range of issues, from fighting against terrorism in Iraq and Afghanistan to rescuing victims and providing relief to those who are impacted by natural disasters here at home. They do so willingly and heroically, leaving behind their families and their jobs as soon as they get the call. These Guard units, under the purview of the governors of the states, are now being closed or "enclaved" without the consent of the governors and without proper consultation of the State Adjutants General. This is how we support those who serve both their states and the federal government? These men and women are not going to uproot their entire lives to follow their units to other states. We will lose them, their knowledge, and their expertise. This is a price we cannot afford to pay.

Title 10 of the United States Code prohibits the closure or relocation of Army and Air National Guard units without the consent of the governors of the states in which those units are located. A number of governors have gone on record and refused to give their consent for the movement of their National Guard units. Many states have filed lawsuits in federal court demanding that the Pentagon and the BRAC Commission follow federal law. The Speaker, Senator DURBIN and I brought this provision to the attention of the Secretary of Defense in a letter dated March 24. To date, the Pentagon still has not been able to answer that letter. On July 14, the BRAC Commission's own Deputy General Counsel issued an opinion that not only are the proposed Air Guard moves in violation of federal law, they may be unconstitutional. The Commission ignored its own lawyer! This BRAC round is going to leave us with flying units that no longer have planes, and for what reason? These Air Guard moves do not save money. They will weaken the Air Guard in many states and make recruiting and retention of these dedicated Airmen next to impossible. Not only is this wrong, it is illegal, a clear violation of Title 10 of the United States Code. Lawsuits are still pending.

Much has been said about the proposed "savings" if this round of BRAC is enacted. A figure of \$35 billion in savings over 20 years seems to be popular in the media. However, this \$35 billion figure includes assumed personnel cost savings; savings that both the BRAC Commission and the GAO have stated should not be included. Once those personnel savings are removed, the total savings falls to approximately \$15.1 billion over the next 20 years. We cannot forget that this round of BRAC will cost \$21 billion to enact. That kind of math simply does not make sense.

This round of BRAC has strayed far from Congress' original intent. We aren't reducing

excess infrastructure to save money. This BRAC is the beginning of implementing major force structure changes without the consultation of Congress. Sweeping changes like this require more than just one up or down vote.

I have heard a number of my colleagues state that they will support this round of BRAC even though they do not agree with it, simply because this is the process that Congress established. This is not something we can close our eyes and blindly support. We are a nation at war, the timing is wrong, the savings are not there, and Guard units are being moved out of their states in violation of federal law. The process did not work this time, and we need to stand up and say "Stop".

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

Mr. SKELTON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I have long supported the base closure process as a way to eliminate excess infrastructure in the Department of Defense. This is an important and very noble goal. We need all of our resources to be devoted towards supporting our fighting men and women. This includes having the best and most efficient facilities.

For this reason, Mr. Chairman, I will today vote to uphold the list recommended by the BRAC Commission and against the resolution of disapproval.

Even though I support the BRAC, I would like to take this opportunity to comment on the process that was used in this round of BRAC. In the last three BRAC rounds, the Defense Department demonstrated that it could successfully close bases and reduce infrastructure through a measured and deliberative process.

In this round, however, neither the Department of Defense nor the BRAC Commission, in my opinion, has lived up to the high standards that we set for them. The execution of the process and the final outcome has suffered. The end result is that I doubt we will see another round of base closures due to missteps along the way.

This is it, Mr. Chairman. This is it for BRAC. But even with the BRAC shortfalls, I feel that the Congress created a law that we are obligated to follow. While it missed some opportunities, the commission made some closures that will benefit the Nation. There are some outstanding prospects for jointness included on the list.

I sincerely hope that the Department of Defense will work to maximize their effect, while it works to assist communities that will be affected by closures with redevelopment.

Mr. Chairman, we must vote upon the product that is before us and the good that it can do. This BRAC may not be perfect, but we must take the opportunity presented to us to streamline our military infrastructure.

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

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

Mr. Chairman, I rise to join Chairman HUNTER and Ranking Member

SKELTON in opposing House Joint Resolution 65.

I was not a fan of us doing this BRAC round. The gentleman from Illinois said that if 9/11 had happened before the approval of this round, we probably would not have had a BRAC round. But the truth is that we have reaffirmed this BRAC round time and time again since 9/11.

Each year I would offer an amendment in the Armed Services Committee to put off the BRAC for many of the reasons that the gentleman from Illinois has stated: to put off the BRAC for 2 years until we could see where we are about bringing troops home, to see where we are on our war against terror.

Each time it would pass overwhelmingly in committee, it would pass overwhelmingly in this House, and we would be shot down in the conference committee by the Senate and the White House. We lost that battle. That would have been my choice.

But once we have gone through this process, I think we should proceed with it at this point. Just 5 months ago, the House voted down an amendment that would have delayed BRAC, the 2005 BRAC, indefinitely. I argued then, as I do today, that we must allow the BRAC process at this point to run its course.

As it turned out, that course took several unexpected twists and turns along the way. On the positive side, the BRAC Commission removed several significant bases from the closure list. In doing so, they validated our belief that our military should not give up the ability to surge to meet future crises in times of war and peace, allowing this ability that is fundamental to our Nation's security.

On the negative side, the commission's actions on some issues like the commission's directive relating to the Naval Air Station Oceana, for example, raise a number of questions about the credibility underlying the BRAC process.

Considering that credibility is the foundation upon which BRAC is built, such questions are troubling. While I do not believe the BRAC 2005 outcome to be sufficiently flawed to vote to disapprove it, I have reached the conclusion that any future use of the existing BRAC laws to close or realign bases would be a mistake.

In balance, Mr. Chairman, I feel that this may have been the best BRAC process that we have had in all of the BRAC processes we have had. There are problems with it. It has never been perfect. It was not perfect this time. But I think it was perhaps the smoothest and best process that we have had.

To those of my colleagues who still may be on the fence about today's vote, I would point out that disapproval of the BRAC 2005 recommendations would guarantee yet another round of base closures in the very near future.

Bases on today's closure list would likely appear again on the future list. And those bases that escaped closure

this time would again be at risk of closure or realignment. Whether or not you support any given closure or realignment within BRAC 2005, I hope that all of my colleagues will recognize that the alternative, which is another round of BRAC in the near future, would be even worse.

My friends, I do not want to go through this again. Any of us who represent bases across this Nation do not want to continually go through this kind of agony. For all of these reasons, I will vote against H.J. Res. 65 and vote to allow the BRAC process to run its course.

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

Mr. LAHOOD. Mr. Chairman, let me just speak for a minute or two. I thought there were going to be some other Members that wanted to speak in favor of the resolution; but until they arrive, let me just talk for a minute or two about some of the costs.

The BRAC Commission estimated that \$35 billion would be saved over a 20-year period, but the \$35 billion figure includes assumed cost savings due to military personnel actions. Both the BRAC Commission and the GAO believe the military personnel savings should be excluded from the overall savings figure.

Once those personnel savings are removed, the overall savings fall to approximately \$15 billion over 20 years. There is a one-time up-front cost of \$21 billion to implement the BRAC round, and the DOD claimed that the savings from military personnel are not savings at all. These costs do not disappear; they simply shift from one base to another, and those folks are still in the military, and we still have to pay for them.

For some Air Force recommendations, the military personnel cost savings represents 90 percent of the total savings. And in the case of the Air National Guard end strength, it remained mostly the same. Obviously, no savings come from simply moving positions around the country.

If we keep the same number of personnel, DOD spending levels will not actually be reduced. The BRAC Commission concludes that DOD savings estimates were vastly overstated and overestimated. And there is also a quote from the commission on page 330 of their report: "In fact, the commission is concerned that there is a likelihood that the 2005 BRAC round could produce only marginal net savings over the 20-year period."

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

□ 1115

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my two very good friends, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Illinois (Mr. LAHOOD) for yielding me

time, and I thank the gentleman from Illinois (Mr. LAHOOD) for bringing forth this resolution, which I support because it is a resolution of disapproval.

Now, you should know where I am coming from, Mr. Speaker. In my congressional district there are almost 23,000 people being displaced because of BRAC. It is the equivalent of four major military bases. But we could accept that, and Senator WARNER, the chairman of the Senate Committee on Armed Services, has said as well we can accept that decision, but for the fact that it is inconsistent with the BRAC authorizing legislation which was designed to save money and to improve military effectiveness. It does neither.

Initially, it was supposed to save \$48.8 billion over 20 years. The latest analysis tells us that it is actually going to save only \$15.1 billion over 20 years, about \$700 million per year, which, incidentally, is about as much as we spend in a day in Iraq now.

So the question is, why we would be disrupting the lives of so many thousands of people if we are going to save so little money. And, in fact, even this savings estimate is suspect because as the gentleman from Illinois (Mr. LAHOOD) has explained, it is based upon personnel savings, and all we are doing is moving the personnel around the country. That does not save any money.

In fact, what is going to happen based upon the surveys we have taken of the personnel that are going to be displaced from northern Virginia, as many as 50-75 percent of the employees are going to decide not to move, to leave the government. And who are these people?

Well, it turns out they are the most experienced, they are the most skilled, they are the very people that we need the most to lead our defense agencies. In other words, this is going to cause a brain drain, and it is one that we can ill afford at the Federal level. As many of you may know, because it applies to most urban metropolitan areas, with the cost of housing, both spouses have to be in the workforce, and it is very disruptive to tell families that one of the wage-earners has to move hundreds of miles away.

In this case, the Missile Defense Agency is a good example. About 2- to 3,000 people are going to be moving down to Alabama. Now, I like Alabama, I like the gentleman who represents that district, but the reality is not all of them are going to move, because they like our schools, their children are in the school system, their spouses have jobs here, and most of them have security clearances, which means they are going to be picked up by the private sector in a New York minute.

Is this in the national interest? I do not think so. I do not think it is in the national interest. I could see if we were going to save the money. I could see if we were going to follow the intent of

the BRAC process, which was to improve military preparedness, but I do not know how we achieve that. We were supposed to take people that were in facilities that were overcrowded and move them to surplus facilities in other parts of the country. That is not being achieved.

Now, Senator WARNER, the chairman of the Senate Armed Services Committee, did a very extensive analysis, of the BRAC legislation because he happened to be the architect of it, and he shows that these decisions, are inconsistent with the intent of that authorizing legislation. That alone is reason to oppose the BRAC conclusions and support this resolution.

We are going to, in fact, have to spend billions of dollars on building new facilities, and the fact that that money is going to have to come out of the Military Construction, Quality of Life appropriations subcommittee where we need to be conserving money to pay for veterans health care for the thousands of veterans that are coming back from the Iraq and Afghanistan war, defies common sense.

I do not think this is in the national interest, Mr. Speaker. I think that this body should support this resolution of disapproval until we get recommendations that show us how we are actually going to save money and improve military effectiveness.

Now, Secretary Rumsfeld has improved new building standards, and that was the justification that the BRAC Commission used to move these people. And the building standards necessitate that you cannot be within 100 feet of the sidewalk where the public is allowed. You cannot be near a public transit station. You cannot have public underground parking. You cannot do any of the things that you have to do in a metropolitan area like northern Virginia or the Washington metro area, even though we have buildings that are right on the sidewalk that are just as important in Florida and Texas that were not touched. But in northern Virginia they made the decision to implement these building standards as they apply to any DOD agency no matter how unlikely a terrorist target that agency might be.

But there are very different building standards that apply to the Department of Homeland Security, the Department of Justice, the FBI, all of these other agencies that would be just as likely a terrorist target, so it does not seem to make sense. In fact, I question why we would have published the location of all of these defense agencies when terrorists did not know where they existed, could not even figure out the acronyms for the agencies.

But we have very different, inconsistent building security standards, one by the General Services Administration, which has the authorizing responsibility for building Federal buildings; and another by DOD, which is not supposed to be building its own buildings,



but are requiring enormous restrictions that preclude a location in a metropolitan area anywhere in the country, and that are going to cost such a premium to build, they are going to make them prohibitive for any other activity to be in those buildings.

Mr. Speaker, I could go on at greater length on why I do not think that these recommendations make sense from a cost standpoint, from a military effectiveness standpoint, from just a common-sense standpoint. I will not do that, but I will summarize by again pointing out that these recommendations are going to cost billions of dollars to build new buildings for DOD money that we do not have, that we are going to have to take from veterans health care. It is not going to improve our military preparedness. It is going to cause a brain drain in terms of many of the agencies that we rely so much on for technological superiority and intelligence. And when you have a recommendation that causes such additional cost and is going to make it so much more difficult to implement our military mission, I think the right thing to do is to reject it.

That is what this resolution does. That is what I would urge my colleagues in this body to do, to vote for the resolution of disapproval that has been offered by the gentleman from Illinois (Mr. LAHOOD) so as to have the administration go back and tell us ways they can, in fact, save money, ways they can, in fact, improve the efficiency and effectiveness of our military mission.

The Acting CHAIRMAN (Mr. BONNER). The Committee will rise informally.

The SPEAKER pro tempore (Mr. HEFLEY) assumed the chair.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3057. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3057) "Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. BOND, Mr. DEWINE, Mr. BROWNBACK, Mr. COCHRAN, Mr. LEAHY, Mr. INOUE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the fol-

lowing title in which the concurrence of the House is requested:

S. 1285. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The Acting CHAIRMAN. The Committee will resume its sitting.

#### DISAPPROVING THE RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

The Committee resumed its sitting.

Mr. HEFLEY. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

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

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

Mr. Chairman, many of us who have been privileged to serve in this great institution for some time have been through this process many times. This is not the first or second or third. We have had BRAC after BRAC. But I could not agree more with my distinguished colleague from Colorado (Mr. HEFLEY) who observed this was the best BRAC of all. We are finally getting it right. This was the least political, most professional BRAC we have ever had. And that is a tribute to Chairman Principi and all of the distinguished members of the panel: Admiral Gehman; General Newton; former Congressman and colleague Jim Bilbray; Phil Coyle; Sam Skinner; General Turner; Jim Hansen, another former colleague who served with great distinction; and General Hill. This reads like a Who's Who list of distinguished Americans who are providing a very important service for our Nation.

The fact is DOD had too much physical inventory. It is costing DOD to maintain that physical inventory. It is costing the taxpayers. So understandably they wanted some realignment, adjustments; and there had to be winners and losers. As someone who has been on both sides of that issue, let me say I know what it is like. I can feel the pain of the losers. But I would say to those who are on the short end of the recommendation, one, you should have confidence that the recommendations were made once again by the least political, most professional BRAC we have ever had, a BRAC whose individual members, including the Chairman, were available not just to have a courtesy photo opportunity, but to hear out those of us who had presentations before that Commission.

They asked pertinent questions. They had on-site visits. They were very, very serious about their important work; and they were not alone. The highly dedicated and very competent professional staff of BRAC was even more accessible. You can under-

stand when you get on the phone and you try to get a conversation with Chairman Principi or General So-and-So or Admiral So-and-So, a lot of people want to talk to them. I must say that I was fortunate to be able to talk to each and every one of them. I had quality time. But the fact of the matter is the staff followed through once again with on-site visits, and that was so very important.

The dedication and determination demonstrated by the Commission, its accessibility for individual members, their willingness to listen produced a product that I think we can all be proud of.

Let me once again address those who represent communities who are not treated favorably by the BRAC recommendations. I have been through that before with a magnificent Air Force base that dissolved back as a result of the 1993 Commission report, and in 1995 it actually closed down with a couple of exceptions. And there were some people in the community at large who wanted to write the economic obituary for that community, Rome, New York, and the surrounding areas. There were others, a lot of us, not just me, the mayor, the county executive, local officials, business communities, that were determined to make the best of a bad situation.

□ 1130

Today, that once-vibrant military installation, Griffis Air Force Base, is now a very vibrant business and technology park with upwards of 4,000 people gainfully employed there; but part of that installation involves an Air Force research laboratory which was set off as a containment area as a result of the decision to close the base in 1993, and the people at DOD and everywhere were wondering would this work.

It has worked in spades, and now the Air Force research laboratory, incidentally operating out of a \$25 million state-of-the-art new facility, is the center of excellence for the entire Air Force in command, control, communications, and intelligence technology. It is an information directorate, and it not only services the Air Force well but it services a whole wide range of other activities. It is serving so well.

So BRAC looked at that and made the decision that some operations that had been located there should be transferred elsewhere in line with the overall scheme of the Air Force to consolidate like operations at a central facility. Some moved out; some moved in. The net result is maybe a gain of 15 to 25 jobs for Rome, New York. I am not supporting the BRAC because we have got 15 or 25 jobs. I am supporting the process and what it did and what it produced.

Let me tell my colleagues another story. At that same business and technology park, we now have a defense finance accounting service, and that employs exactly 382 people. DOD said, well, we want to consolidate, restructure. We do not need 26 locations all



over the country. We want to go down to three locations. That did not really make a heck of a lot of sense; and when all was said and done, when the BRAC looked at that, they recognized that maybe the answer was somewhere in between. Instead of going from 26 to three, they went from 26 to about five or six, consolidating, saving money, improving efficiency.

Guess what. This facility at Rome, New York, which incidentally is operating and out of a new \$10 million state-of-the-art facility, was examined very carefully. They did not just listen to me, and they did not make a decision that was posited with that because I had a scintillating personality or I had some influence down here. Influence down here did not make much difference in this process.

What they listened to were the facts, and the facts are that when they examined all of the DFAS operations, in 16 measurable categories where you could quantify, where you could measure, where you could compare the output of one against the other, this installation was at or near the top.

A final BRAC decision, not only are those 382 jobs preserved, 600 additional are coming.

So I say it from the perspective of a proud Member of a district who is gaining, and I say it as a proud Member of this institution who identified with creating a process that is serving our Nation well; and therefore, I would strongly oppose the resolution to disapprove and urge that the movement go forward.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Chairman, I thank the gentleman from Illinois both for introducing this resolution and for yielding me some time to speak in support of the resolution.

The stakes could not be higher. Of course, we should take steps, even if politically difficult, to cut waste and improve efficiency in the military. Let us look where we are.

The Pentagon has recommended closures through the BRAC Commission. The BRAC Commission has approved them. Now the House is going to stamp them approved before the Department of Defense has completed its force structure review. This is exactly the opposite of what was supposed to happen. The BRAC commissioners themselves pointed out when they began their hearings this summer that the entire process has the cart before the horse.

Also, the Overseas Basing Commission noted that the Pentagon had not factored in the impact of the return of tens of thousands of personnel from Europe to the United States in its BRAC recommendations; and even now, we are proceeding with the BRAC process before the Pentagon has even com-

pleted its periodic force review, which is supposed to be the blueprint for what we need for the 21st century.

So we will be closing bases, losing key personnel, diminishing critical capabilities, even before we have determined which of those capabilities we need in order to meet current and future threats. The process, Mr. Chairman, has been backwards.

I certainly can find fault with some of the specifics in here. I am very familiar with the excellent work done by the people at Fort Monmouth in central New Jersey where they do electronics, command, control, communications, computers. They have taken the lead in developing countermeasures to detect and disarm roadside bombs in Iraq. It is hard to think of anything that could be more important.

We know that a large number of these scientists, probably 70, 80 percent of these scientists and engineers and procurement experts will not make the move if Fort Monmouth is closed. That capability would be lost at a time that we cannot afford it.

The harm to the military, to the Army, and to the joint services effort, I can assure my colleagues, is much greater than the harm to New Jersey. That is why I am highlighting this example of the problems.

Let me be clear, I have nothing but great respect for each of the commissioners and their staffs. They worked for months a grueling schedule, reams of data, listening attentively, openly. In the end, however, the commission produced a series of recommendations that could not be right because the whole thing was flawed from the beginning. They got the cart before the horse.

In the resolution before us today, we have the means to stop this flawed and dangerous process, and it is apparent that the commissioners knew that they were not getting it right.

In the case of Fort Monmouth, for example, in their recommendations, they charged Congress, not that they are able to charge Congress, but nevertheless they did, to review their results with respect to Fort Monmouth to say do not go ahead with them if it might hurt the capabilities that we need to fight terrorism around the world, to support our troops in the field and Iraq and Afghanistan. They actually said that in their recommendations. They were acknowledging that they were not getting it right, or at least they thought they might not be getting it right.

They have got the cart before the horse. It is a flawed process. To give us a chance, I will urge my colleagues to vote for this resolution so that we can get it right. Our country's security depends on it.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) for the opportunity to be heard.

After a series of hearings and debates today, the House will vote on H.J. Res. 65, disapproving recommendation of the Defense Base Closure and Realignment Commission. I stand here in opposition to that resolution and support the BRAC process.

Since the Department of Defense released those dreaded base closure recommendations on May 13, 2005, elected officials, community leaders, and employees have come together to make the case for keeping their respective facilities open.

I respect the BRAC process. I understand that it is necessary for the Department of Defense to reconfigure its infrastructure into one where operational and support capacity is optimized for both war-fighting capability and efficiency. I also understand that the BRAC process assists the Department in maximizing joint utilization of defense resources and reallocates military personnel from supporting and operating unnecessary and underutilized infrastructure. However, I believe that the BRAC process should remain a fair process, allowing for every facility to be evaluated in a clear and consistent manner.

Let me state that I am extremely pleased that on August 26, 2005, the BRAC Commission decided not only to reverse its decision to close the Defense Finance Accounting Service in Cleveland, Ohio, but to expand and add jobs at this facility. This facility has earned the right to remain open and continue to provide A-plus services to its executive clients and, most importantly, the men and women serving in Afghanistan, Iraq, and around the world.

DFAS Cleveland is an integral part of the nerve center that supports our troops on the ground in Iraq and worldwide. It is the homesite of the Reserve pay center of excellence which processes payroll for the Army, Air Force, Naval Reserves and National Guard. It has a track record of innovation and success that has been recognized on more than one occasion.

I thank the entire BRAC Commission, particularly Chairman Principi and General Lloyd Newton, for their service. In addition, I would like to thank the gentleman from Ohio (Mr. LATOURETTE) who is seated on the floor and his staff for all the work they did in supporting DFAS, as well as the gentleman from Ohio (Mr. KUCINICH) for his tireless efforts.

Through our collaboration, we were able to outline to the commission the various discrepancies in the initial recommendation and make a good case for reversing the recommendation for removing the Cleveland DFAS office.

I want to thank also the Cleveland Partnership and its membership. Thanks to Carol Caruso behind the scenes and thanks to attorney Fred Nance, the managing partner of Squires, Sanders and Dempsey, who argued our case before the commission. He was brilliant.

Finally, I would like to say that this process has been a grueling process. In the city of Cleveland, we have lost so many jobs over the past 4 years. The thought that we would lose another 1,200 jobs if DFAS moved was just grueling, and we are thankful for the commission's recommendation. Again, I vehemently argue in opposition to H.J. Res. 65 and thank my colleagues for their support.

Mr. HEFLEY. Mr. Chairman, it is my pleasure to yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, I thank the distinguished gentleman from Colorado for the time.

First, let me thank the BRAC Commission head Anthony Principi and all of the panel members for their hard work for listening to all of us, both at the regional hearings and in person, and with the staff and the Department of Defense who worked with so many of us in these very difficult decisions.

I rise in opposition to my colleague from Illinois's resolution, but I share some of his concerns. I would like to talk about a few of these.

In the State of Indiana, the previous round of BRAC, I was legislative director for the junior Senator from Indiana when we watched all of our active military bases get wiped out in the State of Indiana, one of the number one recruiting States in the United States.

My hometown in Fort Wayne, Indiana, is one of the major centers of defense electronics in the United States with ITT Aerospace, with Raytheon, Defense Electronics based there making many highly classified electronics, defense systems, with General Dynamics with a huge facility there, with BAE Systems with a huge facility there, with USSI with a huge facility there, with Northrop Grumman with a large and expanding facility there.

We have defense electronics and a very patriotic, one of the highest, if not the highest, congressional districts in America in military recruiting for Army, Navy, Air Force and all of the various Guard and Reserve groups.

We have an Air Guard base there in Fort Wayne, Indiana, that is gaining under this process. It was a very difficult process as to how we deal with the Guard and particularly the Air Guard, and it was a very stiff competition with the gentleman from Illinois' air base and the air base in Terre Haute, and we can argue the relative merits.

What I heard at the hearing is, look, I am very proud of our Air Guard. They are way over. They have the highest percent retention, actually overretention at 116 percent of their recruiting quota. They have won national outstanding unit award three times by the Air Force and recipient of the National Guard number one Air Guard unit in the United States.

But I also heard from the people in the capital region Air Guard unit and

the people in the Terre Haute Guard unit. In fact, they were all high in recruitment, and they were all high in national awards.

□ 1145

The problem is the Air Force is cutting. The F-16s are aging and declining in quality and disappearing from our defense system, and the Air Force plans are to reduce the number of fighter planes by two-thirds. So where is this going to leave the Air Guard and the Reserve, and how do we work this through when we head into a BRAC process? I am very concerned where we are headed long term with this, not just this BRAC process but the next BRAC process.

It is clear we are leaning heavily on Guard and Reserve. Are we going to the point where Guard and Reserve and the Air Force are only going to be at active bases, and where does that leave the heartland of the United States as we move everything to the coast? Where does it leave us in homeland security?

The gentleman from Illinois (Mr. LAHOOD) raised a very difficult and interesting question that worked through the courts in this process, that it is pretty clear that the Department of Defense cannot close an Air Guard base, but they can move the airplanes. So we had one court ruling in Pennsylvania that said they could not close the base, but we have other rulings that said they could move the airplanes. What exactly is the role of an Air Guard base if it does not have any airplanes, and how are we going to work this through?

I believe there will be other types of defense systems in homeland security that hopefully will be located in Terre Haute and will be located in Springfield, Illinois, very important cities to homeland security and our national defense. We have to work this through.

I believe the BRAC Commission made the right decisions, but this does not necessarily give us much guidance as to where we are headed and how we are going to integrate and maintain the defense structure we have in the United States with our Air Guard, Army Guard, and all of our Reserve units around the country if we do not have an adequate base structure, if we do not have adequate training places and ways to do this.

I hope we can find, in addition to the fighter planes that are located in Fort Wayne, and the expansion of our base, for which I am very thankful, ways to work with Springfield, Illinois, with Terre Haute, Indiana, and other bases around the United States because we need all of those pilots. We need all of those Guard and Reserve people around the United States because we are strapped very thin. I hope this BRAC Commission report, while I strongly support it, will also be a launching point as to how we are going to work and build and keep this very diverse Armed Forces system in the United States.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee (Mr. COOPER).

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

Mr. COOPER. Mr. Chairman, I come here today to praise the men and women of the 118th Air Wing who fly out of Nashville, Tennessee. They have been mistreated by this BRAC process. I do not blame the BRAC Commission. I think the fault lies originally with the Pentagon recommendation because they simply did not take into account one of the best flying units in America. They are proven, they are ready, they have performed valiantly every time the Nation has called them to service. They have volunteered for extra duty. They fly C-130s. We have, and we soon will miss, those eight C-130 airplanes.

The bottom line for the Pentagon decision, did it really have anything to do with military judgment for value or cost savings? No. What did it have to do with? A political calculation on the part of the Pentagon that because Tennessee had a great air unit in Memphis with C-5s and a great air unit in Knoxville with KC-135s, that therefore, Nashville had to lose one of the best Air Guard units in the country.

Now, they did not close down our base entirely; they did not have the temerity to do that, but they took all our aircraft. They took the "air" out of the Air National Guard in Nashville, Tennessee.

Now, Members might say, well, I am just protecting a local interest. Look at the facts. First they came at us with wrong data because the Air Guard unit there does not own the runways; we only lease them from a fine commercial airport. We got no credit for that. So we addressed that problem.

Then they did not take into account the fact that we had some of the newest and best facilities in all of our military, the number one best hangar in America, brand new, barely opened, and it will probably never see an airplane. It won the top Air Force award for best hangar in the country, so why did American taxpayers pay \$55 million for that hangar never to see it used?

Guess what, almost every other facility on that base is less than 2 years old, and we are taking away all of the aircraft. How does that make sense? It only makes sense if you look at the politics. Tennessee had three bases; they wanted to cut us down to two and distribute it more evenly around the country. So they can take our airplanes, are they going to train the new air crews at these other bases? Are they going to build them brand new and wonderful facilities and hangars? Will that save the American taxpayer money when we already had one of the top units in the country in Nashville performing perfectly?

If you ask Secretary Rumsfeld, he knows about the men and women from Nashville who have flown him wherever he needed to go, in the Middle East or other places in the world.

So I am in an ironic situation. I believe in the BRAC process. I do think Congress needs a restraint. We cannot just all protect our local bases, but the Pentagon's recommendation has to be based on sound military judgment, and at least in this one small case, it was not. Unfortunately, the BRAC commissioners did not have the temerity to override in this case, at least, the Pentagon recommendation.

If Members talk to top folks in the Pentagon, they will tell you that from the expected savings from the BRAC round, they are virtually gone, because the BRAC Commission did interfere in a lot of other bases, and some services, so 70 to 80 percent of the expected savings are not there. I think history will chalk this up as a failed BRAC round, not because of Nashville but because of larger issues.

So I hope and pray that when the next BRAC round comes around, we will do a better job starting with the Pentagon and through the BRAC Commission.

Mr. Chairman, I rise today in favor of H.J. Res. 65, which would reject the recommendations of the Defense Base Closure and Realignment Commission.

As a member of the House Armed Services Committee I initially supported the BRAC process. It is very important that the composition of our bases and infrastructure support the operational needs of the 21st century—a century that is emerging to be as dangerous and challenging as the 20th century. We must adapt to new threats and challenges. But our decisions concerning future base structure must be based on what best supports the national security of the United States. The BRAC decisions regarding the Air National Guard do not meet this test.

Consequently, I disagree with the Department of Defense's recommendations concerning the Air National Guard. Our citizen soldiers of the Air National Guard are a critical part of our defense structure. They have done heroic work since 9-11. We simply would not have been able to sustain the current pace of our operations without the Air National Guard.

The Air Force BRAC recommendations failed to fully consider the unique capabilities and civilian-military partnerships of many of our Air Guard facilities and the legitimate recruiting, training and retention concerns of the state adjutants. Moreover, the BRAC analysis did not address the potential impact of realignments on State homeland security missions. These ill considered recommendations generated almost unanimous opposition from State Adjutants. Despite the efforts of the commission, this entire process has done great harm to the vital relationships between the Air National Guard and the Air Force. This harms our national security.

Let me briefly discuss these flaws using the 118th Air Wing (AW) stationed in Nashville as an example. The decision regarding the realignment of the 118th AW, one of the premier C130H flying units in the United States, illustrates the nature of the flawed recommendations that grew out of a closed process.

First, the loss of aircraft from the Air National Guard and the movement of aircraft to fewer sites will have negative impact of the retention of our most experienced air crews and

maintenance personnel. Unlike active duty airmen and pilots, Air National Guard personnel do not just pack up and relocate with their aircraft. It is highly unlikely that the majority of the 118th AW's highly experienced pilots and maintenance personnel will move with the C130H aircraft to new base locations.

Next, consider the airmen and airwomen left behind in enclaves. The realignment of the 118th and many similar units across the country essentially takes the "air" out of Air National Guard. Attracting and retaining highly motivated young men and women for a placeholder organization with no real mission will be difficult, if not impossible.

Third, rebuilding the deep operational experience and cohesion of units like the 118th AW, forged through multiple deployments and demanding combat missions that have continued through the rescue and recovery efforts associated with Hurricane Katrina will require many, many years. The direct and indirect personnel costs of realigning units like the 118th AW do not appear to have been considered in the BRAC process. It takes time and money to recruit, train and develop experienced pilots and co-pilots and highly skilled maintenance and support personnel. Indeed, duplicating the skill, experience and dedication of the 118th AW may be impossible.

Fourth, it appears that the Air Force failed to fully consider the military value of the Air National Guard facilities under consideration. For example, in Nashville, we have spent over \$55 million over the last five years on military construction to include a new state of the art hangar/maintenance complex that won an Air Force design award. Yet it appears much of this new construction was not considered in the evaluation of the 118th AW's "Military Value." Consequently, these excellent facilities will remain in limbo—neither closed nor fully operational. Where is the efficiency, cost savings or operational advantage in this arrangement?

Finally, the overall BRAC savings are minimal. According to the Base Closure and Realignment Commission, the Department of Defense claimed that their recommendations would save \$47.8 billion over twenty years. The Commission concluded that once one time up-front costs of \$21 billion are subtracted and personnel costs are accurately calculated the total savings to the American taxpayer will only be \$15 billion. This figure is likely high because costs for the retraining of pilots, air crews and mechanics are not factored into the up-front costs. This is extraordinary.

Consequently, I have concluded that the marginal fiscal benefits of these recommendations do not out-weigh the costs to our Air National Guard flying formations and our national security. I will vote "yes" on H.J. Res. 65.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in opposition to this resolution because I believe the BRAC Commission has performed its job admirably. It wisely chose to remove from the closure list the Defense Finance and Accounting Services in Cleveland which was scheduled to lose 1,028 jobs. This came after a very strong community effort in Cleveland that was led by the Greater Cleveland Partnership and attorney

Fred Nance, whose brilliant presentation at the BRAC Commission hearing was quite persuasive.

It also came as a result of work that was done by our colleague from Ohio (Mr. LATOURETTE). The gentleman from Ohio has demonstrated that a bipartisan cooperation and partnership can be quite successful in helping to strengthen a community's economic position.

We worked together, along with the gentlewoman from Ohio (Mrs. JONES), other Federal officials, and local officials to ensure that we made the best case possible as to why the people who do an admirable service at DFAS in Cleveland should be permitted to continue doing their work.

The 2005 Department of Defense recommendations put on the BRAC closure list inappropriately the Cleveland area, and they targeted Cleveland with over 1,000 job cuts. We made the case that those potential job losses were unjust and unfair and counterproductive to the interest of our Federal Government. The BRAC Commission reversal wound up adding 475 jobs, in addition to saving the current jobs. This means Cleveland will host 1,500 DFAS jobs and continue to be a major financial center for the Department of Defense.

The BRAC Commission showed independence from the Pentagon, which is a rare feat in Washington, D.C. and Cleveland is grateful for their independence. This shows all of us why independence in our government's decision-making process is a crucial ingredient to ensure that the right decisions are made. This is another opportunity to move our great city off the list of cities with the highest poverty rate. The commission accepted the argument that the Pentagon should not move jobs from Cleveland, a city with one of the highest poverty rates in the Nation, to other cities which ranked much lower in poverty.

So in all, I believe that the BRAC recommendations represented a very thoughtful, well-reasoned set of recommendations. I was honored to have the opportunity to participate and actually see the process at work, and I was also honored to work closely with my colleagues from the House of Representatives, the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Ohio (Mr. LATOURETTE).

Mr. HEFLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Ohio (Mr. LATOURETTE).

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

In one of the few times since 1995 when we arrived in the House together, I am going to disagree with the gentleman from Illinois and will vote against this resolution today.

I want to talk a little bit about the Cleveland experience and then the process and how we moved forward, which has been addressed by the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from Ohio (Mrs. JONES).

I understand why the gentleman from Illinois has brought this resolution here today because I remember the shudder that can go through a community when 1,200 jobs are being discussed, in some cases more, some cases less. In Cleveland's case, they were jobs that pay an average of \$54,000 a year. You are not just talking about the loss of the tax base. You are also talking about individuals who have made lives, whether it be in Cleveland, Indiana, Colorado, Missouri or other parts of the country.

I had one grandmother who came up to me in Lake County, Ohio, after the decision was made to keep the facility open in Cleveland, and she said I want to thank you because it means my grandchildren will not be going to some faraway place. I can understand the shudder, and as the gentleman from Colorado said, maybe we should reexamine how we engage in this. But I want to talk about the process.

The process, although it was nerve-racking, was also healthy. It was healthy because it gave me the opportunity to work together with the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Ohio (Mr. KUCINICH). I am Republican and they are Democrats, and we all put our shoulders to the same wheel to get the same result. It was good to see the labor community and the business community in Cleveland all come together, because sometimes they have disagreements. It was encouraging to see the leadership of the city of Cleveland come together, with Mayor Campbell and others all working towards achieving this result. From bad news, good news took place.

But as the gentleman from New York (Mr. BOEHLERT) said, it was not because the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Ohio (Mr. KUCINICH) and I are so powerful. This was a process done on facts. Anthony Principi and the BRAC commissioners and the professional staff, and hats off to Marilyn Wasleski in particular, they took the time to look at the numbers and figure out that when the Pentagon came up with its original proposal, they had the numbers wrong. Just one small example: they overvalued the square footage that was being paid to the General Services Administration so Cleveland did not score as well.

It would have been easy to say we are not going to pay attention to that, but the BRAC commissioners paid attention. They paid attention to the arguments and observations; and at the end of the day, Cleveland did not win because Cleveland had more political muscle, Cleveland won on the facts and on objective standards.

Another thing that impressed me, the BRAC Commission not only looked at the numbers, they looked at the human cost. They considered the value of the 1,100 people that work in that building, the Celebrezze Federal building in the city of Cleveland, and they

said to those Federal employees, you have value, you have worth. They recognized what they have accomplished in becoming centers of excellence, and they were rewarded for that. That is exactly what we would want to encourage.

The last thing I want to say, we have some force protection issues, antiterrorism protection for Federal properties are coming up in 2009. I understand that when it comes to the men and women who are serving in the active military, but the Cleveland facility is made up primarily of accountants. And I want to protect our men and women in uniform, but the folks in the Cleveland building are accountants, by and large. And I try to read all of the chatter from al Qaeda and everywhere else, and I do not hear a lot of chatter about taking out the accountants. I would argue that our civilian Department of Defense employees are valuable, but they are no more valuable than the people who work for the Social Security Administration or the U.S. Marshal's Office. Before we make sure that we fortify and penetrate all of these buildings for DOD civilian employees' work, we should look at force protection for everybody who works for the Federal Government.

Mr. LAHOOD. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Chairman, I would like to thank the gentleman from Illinois for introducing this resolution. I will be voting today in favor of H.J. Res. 65 because I believe the BRAC Commission's recommendations should be overturned. I commend the commission for their thorough and diligent work. They certainly had a very difficult job.

□ 1200

However, I believe that now is not the time to implement a BRAC round, considering the number of operations our armed services are currently engaged in around the world. I have great concern about the Pentagon's ability to adequately assess our needs and assets while there are so many soldiers abroad and while the Pentagon awaits the results of the Quadrennial Review.

I am also concerned about the Commission's recommendation to place Cannon Air Force Base in enclave status. This decision places Cannon in enclave status until 2009, or until a new mission can be identified for the base. I do view this recommendation as a partial victory for New Mexico since the Department of Defense initially slated Cannon for closure, but I firmly believe that Cannon should simply have been removed from the list altogether.

Cannon offers the Air Force and its pilots unrestricted airspace and training ranges just off its runways. This is a rarity in today's Air Force, as more

bases experience increasing encroachment. This unparalleled airspace is in the process of being expanded, making the base even more valuable. When approved, the New Mexico Training Range Initiative would make Cannon's airspace wider and taller and allow for training at supersonic air speed.

I strongly believe we will be able to identify appropriate missions for Cannon Air Force Base to minimize the amount of time during which the base will remain in enclave status. Nevertheless, Cannon is too important to our national defense for it to be placed in enclave status.

I urge passage of H.J. Res. 65.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak against this resolution. I understand the frustrations that have been expressed by some of our colleagues here on the floor about the BRAC safety valve. I understand their frustration. We were in the crosshairs in my community, and some of the issues that were raised earlier about the friction within the Pentagon, the inability to appropriately focus on the value of the Air Guard and there were some other issues that were at work here. I think this process is helping.

I appreciate the debate here on the floor. I hope that we are able to further clarify the role that the Guard, especially the Air Guard and Ready Reserve, play as opposed to the Pentagon.

The BRAC process in our case allowed us to make the case. We pulled together as a community. We were able to document that the transfer of the Air Guard actually would end up costing the taxpayer money, and we were able to demonstrate that it would leave a whole sector of the Northwest United States vulnerable, taking away critical air support that has loomed larger as we deal with the role of homeland security in our national defense.

I would hope that our friends on the Armed Services Committee would focus on adjustments that may need to be made to the BRAC process to allow a higher priority attached to homeland security in these decisions in the future. It was not as clear when the BRAC legislation was enacted almost 20 years ago. I think things have shifted. I think it is time to readjust it.

I would also hope that this would be an opportunity for us to focus on what we are leaving communities with after the bases are closed. I have come to the floor pleading for more support from Appropriations and more attention from the Armed Services Committee to unexploded ordnance and military toxins.

The problem we are facing right now, after the 1988 BRAC process, we still have a dozen communities where they have not finished cleaning up those bases. Indeed, the Mather Air Force Base in California, in Sacramento,

closed in 1988. The cleanup is not going to be completed until 2072. That is not fair to communities where bases are closed.

While I support the BRAC process, I oppose the resolution. I think, in the main, BRAC has worked. I hope we are able to clarify the role of the Guard and the Ready Reserve as it relates to national security.

I do hope this is a wake-up call to what we are leaving communities with, and we can accelerate the cleanup process.

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

Mr. LAHOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. EVANS) who represents one of the largest military installations in our State.

Mr. EVANS. Mr. Chairman, today I rise in support of H.J. Res. 65. I totally disagree with the Base Realignment and Closure Commission's decision pertaining to Rock Island Arsenal and other key installations across the Nation, including Springfield Air Base as well.

The BRAC process is seriously flawed. Both the Department of Defense and the BRAC Commission failed to follow the criteria established by Congress to base its decisions on military values and cost savings. I expected the DOD and the Commission to follow the criteria outlined in the BRAC legislation. It failed to do so.

The BRAC Commission stated it will actually cost the American taxpayer with no further expectation of future savings. The government will never receive a financial payback from this move.

The BRAC Commission recommended realignment of installations in the 17th Congressional District of Illinois, but failed to base its decision on military value criteria. Rock Island DFAS was rated number one in military value, but the Commission recommended consolidation at facilities rated substantially below Rock Island: Columbus, 7; Indianapolis, 9; Cleveland, 12; Limestone, 17; Rome 19.

The BRAC decisions regarding not only bases in Illinois, but throughout the Nation, are extremely frustrating because the Commission recognized the military value and cost savings provided streamlining of bases already undertaken on a local level.

I am a former marine, and I will not surrender this fight to save jobs at the Rock Island Arsenal. I will continue to work with the Quad City Development Group and local officials to strengthen the arsenal and to bring more jobs to the island.

Mr. Chairman, I want to thank the gentleman from Peoria, Illinois who has done an outstanding job in fighting this battle. I look forward to working with him on the cleanup of this process and hope that we do not have to go through it again. I appreciate his leading the charge on this bill today.

Mr. LAHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, there is no shortage of valid complaints to be made of this round of the Defense Base Realignment and Closure Commission's work. I generally support the BRAC process. But what is important about the BRAC process is the process and how it is handled by the Commission itself. I feel that insufficient attention was paid to the role each individual base played in the United States national security, and, more importantly, the homeland security.

The recommendations seem to be based much more on bean counting than strategic value, nowhere more so than in the case of Ellington Field in Houston, Texas. Ellington Field is currently home to the Texas Air National Guard's 147th Fighter Wing, who just got back from Iraq and showed themselves to be exemplary not just in their efforts before going to Iraq, but in Iraq itself. They were absolutely exemplary in their efforts and in their service. We appreciate them in everything that they do.

But Ellington is also home to several other branches and resources of our armed services, all of whom are responsible for the protection of the entire gulf coast. Its national and homeland security facilities should be plain to anyone as in need of more personnel, greater maintenance and better military assets.

Yet the BRAC Commission has chosen to realign Ellington, removing its F-16 Fighter Wing and leaving the gulf coast, to my mind, in many ways more vulnerable than it is now. The Houston-Galveston region has all nine of the FBI targets. It is the only region in the entire United States that has all nine of those targets.

The Commission's Ellington decision was a bad one. I join with the proponents of this resolution and, for that matter, the two BRAC Commissions, including Chairman Principi who voted to save Ellington, in their frustration. The flawed methodology and dangerous implications of the Commission's work, particularly with regard to the Ellington Field decision, leave me no choice but to oppose the BRAC recommendations and support the resolution before us.

We should all support the work of the BRAC Commission to consolidate and improve the alignment of our military assets to strengthen our national security. This round of recommendations, in my view, does not accomplish that goal. I will continue to work on behalf of Ellington Field and to ensure national and homeland security interests of the gulf coast region.

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

Mr. LAHOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I am proud to follow my neighbor from Texas (Mr. DELAY). Ellington is in his district, but I am the next closest Member.

I rise to express my disapproval for the recommendations of the Defense Base Realignment and Closure and urge my colleagues to support the gentleman from Illinois' resolution, of which I am a proud cosponsor. This is the most ill-advised, ill-timed round in base closure history. We currently have men and women fighting in two countries, and we passed three large supplemental requests, and the fourth likely in the next few months. We are in the process of closing bases overseas and bringing them home. Given these uncertainties, we cannot know what our base needs or our threat needs will be for the next 5, 10 or 20 years.

Ellington is home to the 147th Air National Guard Wing, Texas Air National Guard Wing. Houston is the fourth largest city in our Nation. It is our home and has a huge petrochemical complex that accounts for nearly half of the Nation's base petrochemical production. The Houston ship channel in the Port of Houston handled more foreign tonnage than any other port. We have the Texas Medical Center and NASA's Johnson Space Center. One of the most vulnerable targets in the area is the petrochemical complex, along with these other assets. Yet the base closure commission on a close vote decided to close Ellington.

Now, what they are doing is they are saying that we are going to provide service from San Antonio, Texas. The problem is that is 23 minutes away. As we know, an airborne attack on a refinery complex could seriously disrupt our Nation's energy supply, causing major nationwide economic impacts. An attack on a chemical plant could result in a hazardous release and thousands of casualties.

Currently our 147th Air Wing provides air security in the area, and the solution from the Pentagon is rotating several planes to fly on alert out of Ellington, which provides a much smaller deterrent than having a full squadron. What would happen if we had multiple planes that are attacking different facilities?

I urge a "yes" vote on the resolution.

Mr. Chairman, I rise to express my disapproval with the recommendations made by the Defense Base Realignment and Closure Commission, and to urge my colleagues to support this resolution.

This is the most ill-advised and ill-timed round in the history of Base Realignments and Closures. We currently have men and women fighting in two countries, we have passed three of the largest supplemental requests in our Nation's history with a fourth likely in the next several months, and we are in the process of closing bases overseas and bringing troops home.

Given these uncertainties, we cannot begin to know what our basing needs will be 5, 10, or 20 years down the road. However, instead of postponing this round of closures for 2 or 3 years like many members of the House and Senate supported, one of the most contentious rounds of BRAC was pushed through.

Like many other communities across the country, the district I represent was affected

by the Defense Department's plan to consolidate Air National Guard units, leaving one of the largest metropolitan areas in the country less prepared to respond to a terrorist attack.

Houston is the fourth largest city in the Nation, and is home to a petrochemical complex that accounts for nearly half of the Nation's base petrochemical production capacity. The Houston shipping channel and the Port of Houston handle more foreign tonnage than any other U.S. port. Also, we have NASA's Johnson Space Center, and the Texas Medical Center.

One of the most vulnerable targets in the area, and possibly the country, is the petrochemical complex; a tremendous complex that stretches the length of the Houston Ship Channel and continues along the coast through Beaumont, Texas. We have seen in the aftermath of Katrina and Rita the negative effects caused by disruptions in our oil supply and refining capacity, and leaving this area unprotected is leaving the door open to a terrorist attack on this critical infrastructure.

The Port of Houston is the second largest petrochemical complex in the world, and the largest in the Western Hemisphere, which produces over 35 percent of the Nation's gasoline at a great many refineries.

Numerous chemical plants also line the channel, producing a number of volatile compounds. According to the U.S. Coast Guard, 7,600 deep draft vessels arrive each year, and 60 percent of those ships carry sensitive oil/chemical cargos.

An airborne attack on the refinery chemical complex could seriously disrupt the Nation's energy supply, causing major nation-wide economic impacts. An attack on a chemical plant could result in a hazardous release with thousands of casualties.

Currently the 147th Fighter Wing of the Texas Air National Guard provides air security in the area and could respond to a threat on the complex or at the port in minutes because of the close proximity.

Rotating several planes to fly on alert out of Ellington, provides a much smaller deterrent than having a full squadron permanently stationed there, and would not provide enough planes to respond to multiple attacks on multiple targets in the area.

Meanwhile the closest full squadron would be in San Antonio, and would take approximately 23 minutes longer to respond to a threat than the F-16s at Ellington can currently provide.

In addition to providing security for the Houston area, the 147th is capable of providing precision strikes, close air support, offensive counter air, defensive counter air, and suppression of enemy air defenses.

The area around Ellington also provides the 147th with excellent training airspace, including over-water air-to-air training on the Gulf of Mexico allowing them to perform supersonic flights and lights out training from the surface to 50,000 feet.

Terrorists have proven their intent and capability to attack ground targets with multiple aircraft and retiring the 147th Fighter Wing's F-16s leaves Houston vulnerable to an attack.

The savings estimated in the DoD's BRAC report are minimal and do not justify moving the F-16s away from Ellington; while it is estimated that retiring the F-16s will save DoD \$3.6 million over 20 years, an attack on any of the possible targets listed above, especially

the petrochemical facilities and Port of Houston, would cost our national economy billions of dollars.

Mr. Chairman, this round of BRAC is ill-advised and ill-timed and I urge my colleagues to join me in supporting this resolution.

Mr. LAHOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. HOBSON).

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

□ 1215

Mr. HOBSON. Mr. Chairman, I rise reluctantly in support of this motion. I have always supported the BRAC. I have been here through three of these, and I always thought they were well reasoned before, win, lose or draw; and by the standards of win, lose or draw, I probably came out okay in a lot of ways in this, because four out of five facilities in my area did well. The Army did well in this BRAC.

But I always thought the BRAC was based upon numbers and savings and mission, and suddenly I find out that is not true. I am going to read something here in a minute about that. That is what troubles me in this one, because the Air Force set out on a plan to arrive at a number, and they destroyed, in my opinion, much of what one of their components does best, and that is the Air National Guard.

Let me give you an example. At Mansfield, Ohio, they realigned the base. "Realignment" means you do not technically get BRAC'ed, but you get no airplanes, so you have to find something else to do. Let me tell you, the soldiers that were in the Dome shortly after Katrina were Ohio Army Guardsmen. They were flown there in 130s out of Mansfield. The soldiers that were in Mississippi from Ohio were flown down by 130s from Mansfield. The soldiers that were in Texas from Ohio were flown in by 130s from Mansfield.

When BRAC gets done, there are not any airplanes at Mansfield. So how many days are we going to wait to come in and pick those people up and bring them down? Because we have still got a large Army Guard that can perform, and they have shown they can perform; but 2 years from now, that is not going to happen. That does not look smart to me.

If you look at the chart that shows the support in the hurricane by the Air National Guard, it is far superior to what the Air Reserve did or especially the active duty in response to these hurricanes. That is not going to be there 2 years from now.

Now, closer to home, my Springfield Air National Guard Base. It is a training base. I did not ask to do this mission. The Air Guard and the Air Force came to me and said, We screwed up. We have closed much of our flight training. We need another place to do this. Will your State take this on? My State said it will.

They came to me, I was chairman of the MILCON, if you wonder how they

came to me. They said, Will you take this on at your Springfield F-16 base? We saluted and said, Yes, sir, we will do it.

We put in over \$85 million to make this a first-class flight school. We have not even opened the \$8.5 million tower yet. We just finished the fire station. We put in a \$10 million pad. And what do we find out? We are being realigned. "Realigned" means you lose your airplanes; you lose your mission. What are we going to do? Now I find out there is another mission available for flight school, but they want to take it and possibly put it in another place, someplace else, and spend the money again and take these airplanes.

Let me tell you what the Commission's findings were regarding Springfield Air National Guard Base. I am upset because they always did this by the numbers in the past. This was not done by the numbers, and that is why I am so infuriated about what happened, because I do not mind a fair fight.

We thought we had this won, until the Air Force went to the commissioners at the last moment and said, Hey, you have got to change this, because they were going in the right direction the day before. The next day when they got up, I knew we were dead.

Let me read the commission findings: "The commission found that the Department of Defense recommendation to realign Springfield-Beckley Municipal Airport Air Guard Station should be supported even though the military value criteria were flawed and the realignment will be a cost instead of a savings to the Department."

I mean, give me a break. It is flawed and there is no savings; but, by the way, the mission is going away, and we are not going to train these pilots. This place is training pilots better than they were expected to do and more than they were expected to do, and yet it is being realigned. The airplanes are gone. If we are going to do this this way, this is wrong and we have to stand up and say it is wrong.

I think this happened in more instances than just mine, and that is why I am so upset about the way this was done. It was not done by the numbers; it was done to drive to a number that the Air Force had to get to to save some airplanes like the F-22 and some other things.

So I am just hoping the people will vote in support of the resolution.

Mr. Chairman, I rise today to support this resolution of disapproval on the Base Realignment and Closure Commission's (BRAC) recommendations that are now before Congress. This is not a decision that I have come to lightly. During this latest BRAC round, there were several recommendations made that will benefit the State of Ohio and the 7th Congressional District that I represent. However, I cannot in good conscience accept a process that was fundamentally flawed and very unfair in the decisions made with regard to our country's National Guard and Reserve.

I represent four military bases, including the Springfield Air National Guard Base (ANG),



the Defense Supply Center Columbus (DSCC), Wright Patterson Air Force Base (AFB), and Rickenbacker International Airport. Each of these military installations has an exceptional workforce dedicated to the military missions assigned to them, whether it is logistical support for deployed troops, research and development, or pilot training.

Mr. Chairman, this is the third BRAC round that I have been through, so I understand the importance of community leaders and base officials doing the homework necessary to define the installation's military value, and the potential economic impact this process will have on communities where bases are located. During this latest round, I would argue that Ohio had some of the most hardworking and competent individuals working on behalf of our State's installations.

We testified at hearings in Buffalo and Washington, DC, and briefed BRAC Commissioners and staff during site visits to DSCC in Columbus and to Wright-Patterson. We also worked together in reviewing the numbers used by the Pentagon in making their BRAC recommendations.

Mr. Chairman, I think that I can speak for other delegations when stating that our efforts in getting information from the Air Force during this BRAC round did not start well. When we requested material on how they came to their recommendations, we didn't receive it for weeks. And when we did receive the data, it was inaccurate.

As I've already stated, I was very disappointed by the DOD and BRAC Commission's final recommendations with regard to the Air National Guard. This was especially true regarding their recommendations to redistribute the 178th Fighter Wing F-16 aircraft from the Springfield Air National Guard Base.

I have said all along that if the BRAC process had been fair and done "by the numbers", that I would accept the outcome, even if I didn't like it. But unfortunately, this was not the case.

First of all, the BRAC analysis material stated there is only one F-16 Formal Training Unit in the Air National Guard. This is wrong! There are two Air National Guard F-16 Formal Training Units, and one of them is at the Springfield ANG Base.

Second, I was asked several years ago if I would support Springfield taking on this training mission that would require specialized infrastructure to support it. I was the Chairman of the Appropriations Subcommittee for Military Construction at the time, and I agreed to support the Air Force in this effort. More than \$75 million in federal funding has been invested in the Springfield base to support its F-16 training mission. Over the years, we have put in a new ramp to accommodate the plane, a flight simulator, a dining hall, an operations building, and a new control tower that is still under construction. Some of these assets are only now becoming operational.

Third, everyone agrees there are no cost savings achieved by realigning the Springfield ANG Base. In fact, the commission actually concluded in its report that DOD's "recommendation to realign the Springfield base should be supported even though the military value criteria were flawed and the realignment will be a cost instead of savings to the Pentagon."

Fourth, the Air Force lacks sufficient training capacity for F-16 pilots. If we further reduce

this capacity through this proposed realignment, it even further diminishes this capability, especially since this unit is the highest F-16 pilot production unit in the Guard. The BRAC analysis on Springfield shows that operational personnel will begin to leave the base in 2007, while there are student pilots scheduled for training in 2008.

Mr. Chairman, there is also the issue of homeland security. Like some of my colleagues, I think it is fair for us to consider what these BRAC recommendations will mean for the future of the National Guard in responding to emergency situations. As we saw in the days following the recent hurricanes in the gulf coast region and on 9/11, the Air National Guard was a critical resource in transporting troops, supplies and protection. For example, the Mansfield, Ohio-based 179th Airlift Wing flew over 50 missions in support of Hurricane Katrina relief efforts. Yet, homeland security did not appear to be a major part of this BRAC process.

Overall, I was very disappointed in the process by which the Air National Guard decisions were made, particularly the flaws in the Air Force analysis. These flaws run throughout the entire BRAC process, from the consolidation of aircraft models, and the so-called right sizing of operations, to the poor or nonexistent analysis of the cost to replace the people from the locations that are being set aside. This doesn't even consider the recruiting and retention issues that we already face. And, it doesn't speak to the cost of personnel training to recreate this capability, and the loss of experience that will occur by the Air Force plans.

Finally, I was dismayed that there was absolutely no discussion by the BRAC commissioners or staff regarding the National Guard recommendations during the final considerations on August 26th. Until then, there was much talk about the lack of consultation and the quality of the recommendations by the Air Force throughout this BRAC round. There was even the suggestion that the entire set should have been thrown out by the BRAC commission.

On the day the BRAC Commission upheld their recommendation to realign the Springfield Air National Guard Base, I wrote a letter to each BRAC Commissioner to express my disappointment with the way they handled decisions regarding the National Guard. I pointed out that there was no discussion when, by the numbers, we had demonstrated the flaws in the Pentagon's proposal. I also asked for an explanation on how the commissioners arrived at their decision, and I received no answer.

Finally, in early September, I wrote to the President requesting the same information, and for his consideration to send the recommendations impacting the Air National Guard back to the BRAC Commission with instructions to use programmatic changes to reshape our state militia forces. Unfortunately, for the men and women in the Guard and Reserve, I am still waiting for a reply.

As I stated before, opposing the BRAC recommendations was not an easy decision. Overall, Ohio fared well during the commission's final proceedings. Wright-Patterson will keep over 2,000 information and technology jobs that were to be transferred to Hanscom, Massachusetts, and it will also keep a first-class post-graduate program known as the Air Force Institute of Technology (AFIT). In Columbus, the Defense Supply Center will main-

tain its 6,000 jobs, and is scheduled to receive many high-paying jobs.

But, Mr. Chairman, I think that in the years to come when the recommendations regarding the Guard and Reserve are set in motion, people will realize that this latest BRAC round was flawed, and consequently the wrong thing to do. It is for these reasons that I will stand here today and support this resolution to overturn the 2005 BRAC recommendations.

Mr. LAHOOD. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I have come to the same conclusion as the great gentleman from Ohio (Mr. HOBSON). I have just probably been at it longer. Article I, section 8 of the Constitution gives Congress the responsibility to provide for the national defense. It does not make us generals; it does not make us admirals. We do not tell admirals how to sink ships; we do not tell generals how to take hills. We do, hopefully, provide sound business decisions for them.

The whole concept of BRAC is taking that decision-making process away from the people who begged for the job and were given the job by the citizens and delegating it to some other people. I did not run for Congress to delegate my responsibilities. I take them very seriously.

The service Secretaries would come before our committee, for years they have come before our committee and said, We have too many bases. Every single service Secretary. The gentleman from Hawaii (Mr. ABERCROMBIE) and I would respond to the service Secretaries, Name one base that you want to close. Just one. The same service Secretaries who said they wanted to cancel the Crusader, who said they wanted to cancel the Arsenal ship, who wanted to cancel the Joint Strike Fighter, the same guys who have no hesitation on canceling things and making tough decisions, never named one base that they wanted to close.

We followed that up with a very simple question: In the three previous rounds of BRAC, can you name one weapons system that you have bought with those savings? Can you name one additional benefit that you have given to the troops? Can you name one good thing that came out of this? Never once could they answer that question.

You see, BRAC saves no money. What people miss in all of this is that when a base is closed, the local communities then come to Congress, as they should, and say, Look, you have just put all my folks out of work. We at least want the property back. And in every instance Congress has given that property back to the locals, so there is no savings of selling off the property.

As a matter of fact, it gets worse, because our Nation has to live by the same laws as everyone else. If an individual pollutes a piece of property, they have to clean it up before they can sell it. To date, our Nation has spent \$15 billion cleaning up properties before we gave them away.



The gentleman from Ohio (Mr. HOBSON) makes an excellent point: every time you lose a base, you lose a capability. The worst of Hurricane Katrina hit my congressional district. I was very fortunate to be friends with Admiral Mullen, the Chief of Naval Operations. I was very fortunate to be friends with General Steven Bloom, the head of the National Guard Bureau. In my frantic calls to them in the aftermath of the storm begging for their help, their first response was, Where can I put my people? Name a barracks, name an airfield, name a place where I can put my people so they can help the people of Mississippi.

Every time you lose a base, you lose a place to put those people in the event weather, whether it is a tsunami in the Pacific, a hurricane in Mississippi, a flood or earthquake on the west coast, a flood in the Midwest, you lose a capability to help the American people.

We are at war. Goodness gracious, we have 140,000 Americans fighting and dying in Iraq. We have another 20,000-plus in Afghanistan. Did anyone see these wars coming? The truth of the matter is, in my time in Congress we have had a war in Panama that no one saw coming, we have had two wars in Iraq that we really did not see coming, we had a war in Bosnia that no one saw coming. So when you close a base, you close it forever and you lose that capability to respond to future contingencies.

Above all, when some new weapons system comes along, you lose a place to deploy it. Right now our Nation is buying 30,000 acres in North Carolina, and some people in North Carolina think it is a great idea and some people think it is a terrible idea. We are spending a heck of a lot of your money buying land in North Carolina so we can build a base to land F-18s, the newest version of the F-18, when they come off the carriers.

Then we have to buy the land and build a runway. And everyone who has served knows it does not end with the runway. You have to have a fire station, barracks for the enlisted, barracks for the single guys, family housing for the married folks, you have to have commissaries, you have to have fun things for the guys to do when they are off duty, because we are trying to attract young people like you to come serve our country. All of these things cost money, and we are going to build all these things in North Carolina at great expense to the public.

With you we already had all those things. We had all those things that we are getting ready to buy and build in North Carolina in Jacksonville, Florida. It was called Cecil Field. It had a 10,000-foot runway and three 8,000-foot runways. It had an excellent quality of life, and it was all paid for by the American taxpayer, and a previous round of BRAC closed that.

So, please, proponents of this, tell me how we are saving the taxpayers money, how we are making the Nation

more secure, and, above all, if the service Secretaries cannot name a single base that they think is worthy of closing, why are we going to close so many bases in one fell swoop?

We were elected to follow the Constitution. The Constitution clearly gives Congress the responsibility to provide for the Army and the Navy. Let us do our job and let us not hide behind some commission to do our work for us. I urge Members to vote against the recommendations of this commission.

Mr. LAHOOD. Mr. Chairman, I thank the gentleman from Mississippi for his very articulate statement.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, let me say initially I do not believe in the BRAC. I have opposed every BRAC initially from the very beginning, and I have been here in Congress 18 years.

The reason I do not believe in BRAC was somewhat articulated by the previous speaker. I think it is a abrogation of Congress' responsibility. There is no reason why we cannot make these decisions, and to give these decisions to an independent commission, I think, is just a cop-out on our part. So I want to start out with that.

I also want to say in this particular round in 2005, I strongly disapproved of the BRAC even more so than in the past because we are in a war in Iraq. You do not shut down, in my opinion, military infrastructure at a time of war. I think this BRAC in particular is poorly timed and ill advised.

Now, the 2005 round of BRAC also was done hastily, in my opinion, with very little regard to the actual warfighter. A number of bases with great functional value are being shut down in the name of savings. I do not believe anyone at the Department of Defense or any member of the BRAC Commission actually believes that this round of BRAC will actually save us any money, and I listened to many of the BRAC hearings.

I am also truly disappointed because I believed that the BRAC ultimately would try to be an independent broker and that the commission would review each facility, analyze the data, and come to conclusions based on facts. I do not think that was the case. The opposite was the case. In the case of Fort Monmouth, which is the installation near my district, a lot of the people employed there live in my district. We successfully proved, myself, the two Senators and several other Congressmen, including the gentleman from New Jersey (Mr. HOLT), we successfully proved to the BRAC Commission, in my opinion, that the Army substantially deviated from six of the eight BRAC criteria. The BRAC actually said that, that the Pentagon deviated from six of the eight BRAC criteria.

But, even so, even though the BRAC was supposedly an independent commission tasked with ensuring that the

DOD's recommendations would not hurt the warfighter, even though they admitted there was a serious concern about the warfighter and how in the days of Fort Monmouth the communications and electronics functions crucial to Iraq might be seriously hampered, they still decided to include it on the list.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to my friend from Hawaii (Mr. ABERCROMBIE).

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

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

Look, we are down here on the floor, it is empty. Maybe some folks are listening in their offices. I hope they are. I hope at least some of the staff, some folks may be paying attention.

□ 1230

Our problem here is very, very simple. Over and over again our colleagues will say to us, well, I got out of this okay, or we have resolved that issue. I am one of those folks. I can say that. I have had people come up and say to me, well, why are you bothering? Pearl Harbor made it out of there.

Why was it taken up in the first place? I will tell you why. It is politics. This has nothing to do with whether or not there is some rational process that has been undertaken, and everybody in here knows it. For once, can we not come down on this floor and actually vote the way all of us really understand where our responsibilities are?

Pearl Harbor got brought up for a very simple reason. They were going to close a facility up in Maine, and the people in Maine in their panic said, do not take us, take Pearl Harbor instead. They started comparing some naval apples, some shipyard apples with some shipyard oranges, and they came up with, well, go get Pearl Harbor. It had nothing to do with it. I did not come back and say, no, no, no, not us; go back to Maine, go get them. What kind of a process is that where we try to devour each other? I said, let us keep all of them open. We need every shipyard facility that we can get in this country.

We are going to be going back out to Guam soon because of what is taking place in the Pacific right now, and having to recapitulate everything that got put under the water out there in Guam, billions of dollars is going to have to be put back into Guam in order for us to be able to protect and project our strategic interests in the Pacific.

We are under a review right now in the Armed Services Committee, and we do not even have the courage of our own convictions under our own jurisdictions in our committees.

It is not that I am right or Mr. LAHOOD is right or Mr. HOBSON is wrong or right, or Mr. TAYLOR. That is not the issue. The issue is are we meeting our responsibilities here? We are

constantly admonished that no sacrifice is too great. We are constantly admonished that we have to honor the sacrifices that are being made by our fighting men and women all over the world right now. Yet we cringe from our own responsibilities as Members of Congress to meet those responsibilities and obligations with regard to bases.

Now, I have been told over and over again, well, that is all well and good, but people are going to come down here, and you are going to lose anyway. It happens occasionally some people come down and say, you know, I was going to vote the other way. Let us, for once, come down here, and I make this appeal out there to anybody who is thinking about coming to the floor. Vote for Mr. LAHOOD's recommendation.

We are not down here just to hear ourselves. When you come over here, search your conscience, and, for once, let us live up to what people expect of us in this Congress. For once let us not fulfill some stereotype that we are just going to roll over because we managed to make it out the door. That is not what we are here for.

If this is just a job to you, then do not run again. This is a calling. This is a vocation. It is supposed to be. That is the way I feel about it, and I know that is the way most Members feel about it. They want to be able to look in the mirror at night and recognize somebody with a little bit of integrity and walk into their homes justified.

If we are going to justify our job, everybody knows in their heart that we should not be voting for this, regardless of our good friends being on it, like Mr. Hansen and Mr. Bilbray, for example, who are colleagues and personal friends to many of us here. It is not a question of whether they did their job or did not do their job; it is whether we are doing our job, and we are meeting our obligations.

So I appeal to everybody on their way over here. Let us vote for RAY LAHOOD's resolution, and let us do the right thing by ourselves and the Nation.

Mr. LAHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I rise today in strong support of the resolution and join the growing chorus of the Members of Congress who are coming down to the floor today disappointed in the recommendations of the Base Realignment Closure Commission.

I cannot understand why, in a time that we are fighting a global war on terror, a war where we are actively engaged on two fronts and obligated to also increase domestic defense against terrorism here at home, the Department of Defense has suggested, in fact recommended, that we close bases across the Nation.

More troubling is the fact that the Department of Defense has moved ahead in this BRAC round by applying

a Cold War model to a post-Cold War security environment. Remember, the Department of Homeland Security has not been consulted, Mr. Chairman, on the impact these base closures pose to our domestic security.

Mr. Chairman, the world has changed enormously since the last BRAC round. Our threats are not static as they once were. Today we face an asymmetric threat from an enemy that knows no borders nor rules of warfare. The threat of international terrorism requires us to have the best tools available to respond to threats on our allies, our interests, and our homeland at a moment's notice, and I am afraid that the current BRAC recommendations hamper our ability to do so.

Take, for instance, the recommendation that the largest joint reserve base on the east coast should be closed. The Willow Grove Joint Reserve Base directly borders my district in Pennsylvania. Hundreds of my constituents rely on that base for their National Guard training. Thousands of my constituents rely on the customer traffic the servicemen and women stationed at Willow Grove provide for their local businesses that surround the base. And, on a larger scale, both my constituents and Americans from New York to Baltimore benefit from the base's protection. Willow Grove's strategic position allows its air assets to protect the ports of Philadelphia, Wilmington, and Baltimore. It serves as a FEMA alternative site, providing a staging ground so Federal resources can be distributed in the event of a natural disaster or a terrorist attack.

Militarily the base has a great track record of achievement by training combined arms jointly for over a decade, practically setting the standard for interoperability between branches of the armed services.

I urge my colleagues to support this resolution.

Mr. LAHOOD. Mr. Chairman, I believe I have the right to close. I have no other speakers, and if these gentlemen are ready, when they finish, I will close.

The Acting CHAIRMAN (Mr. BISHOP of Utah). The Chair will recognize for closing speeches in reverse order of opening. It will be the gentleman from Missouri (Mr. SKELTON), the gentleman from Illinois (Mr. LAHOOD), and the gentleman from Colorado (Mr. HEFLEY).

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

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

Mr. LAHOOD. Mr. Chairman, I yield myself whatever time I have remaining.

Mr. Chairman, let me just pick up on a couple of the people that have spoken. I want to pick up on a point that Mr. DELAY made. He has an Air Guard unit returning to Ellington Air Force Base to a slap in the face, to essentially being told, you have done great work, thanks for what you did in Iraq;

oh, by the way, we are closing your base. Now, what kind of a message is that? That was my point earlier on in my opening statement. We owe it to the people.

I ask Members to consider this: To the people who are doing the hard work in Iraq, the people that did the hard work in Afghanistan, this is not the way to say to them, job well done. It is not the way to say to them, you did a great job in standing up for democracy in Afghanistan and doing the hard work in Iraq. And, oh, by the way, there is no base to come back to, because your unit is being eliminated. Is that the message we want to send to the people who do the hard work, to the 130,000, 140,000 people now serving in Iraq, the citizen soldiers that have left their jobs and their families and left their communities? I do not think so.

The point that Mr. TAYLOR made, why not give Congress the responsibility, the Armed Services Committee the responsibility; why lay it off on somebody else? We should not be doing that. This is our responsibility. That is why we are elected, to make these decisions.

The report is flawed. You can say all you want about the great work that was done. I know people that serve on the base closing commission, and I know they spend a lot of time, but this work is flawed. This is a flawed report. This is our opportunity in the House to speak up and speak out. The Defense Department has had their say. The President had his say. The BRAC Commission had their say. Now it is the House's turn to say to the hard-working citizen soldiers, we appreciate your work, we are going to stand with you, we are going to allow these bases to remain open, we are going to vote for the resolution that says that this BRAC should not stand, that these recommendations should not stand. That is what the House should be saying today. I hope the majority of Members will do that.

I mentioned earlier, there is a law on the books, passed by Congress, that says that you cannot close air and Guard bases unless you get the authority from the Governors. We even had a report from one of the people that was working for BRAC that this law has standing. The BRAC ignored this. The Defense Department has ignored us on this. We should not be doing this. This is the wrong message. This is the wrong idea to send to our country, to send to the people who are doing the work and continue to do the work.

As I said earlier, I have supported the President and this administration and the Secretary of Defense, who is a friend of mine from Illinois, in everything they have wanted to do in Afghanistan and Iraq. I know a lot of Members have. The majority of the membership of this House has. Now we ought to say to them, we do not agree with your recommendations. We do not agree that we should be realigning

bases, turning people away, turning out bases and shutting down bases where the good work has been done.

So based on that argument, based on the flawed BRAC report, based on a law that is on the books, a Federal law that says you cannot close these air and Guard bases without the authority of the Governor, I ask Members to speak up today, to be a voice for the people, to be a voice for the military, to be a voice that says, this BRAC is not right, and I urge Members to vote for the resolution.

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

Mr. HEFLEY. Mr. Chairman, I yield myself the remaining time.

Several Members have spoken eloquently about the fact that this is our job. Mr. TAYLOR did an excellent job of that, Mr. ABERCROMBIE did an excellent job of that, that we ought to be making these decisions, that we should not turn it over to a commission. I would agree with that wholeheartedly, except this is a job that we simply cannot seem to do.

We did not close a major base in this country from the 1970s until the BRAC process began. I did not like supporting the BRAC process when the BRAC process was first introduced, but I saw it as the only way that we could ever deal with the question of excess inventory.

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

Mr. HEFLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I might point out to the gentleman that we in Congress did pass the basic BRAC law which we are following today.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I would like to remind the gentleman that this Congress closed the naval station at Roosevelt Roads without a BRAC.

Mr. HEFLEY. Mr. Chairman, reclaiming my time, we did, following the introduction of the BRAC process, but we did close that. But we basically do not have the power to do that, because if I have the power to close Mr. SKELTON's base, he might vote to close my base, and we keep going around the room like that, and we are unable to do it.

So the BRAC process has worked for better or for worse. I see both sides of it. I chaired a committee that oversees the BRAC process. I do not want any more BRAC processes like this. But I would remind my colleagues again that if we vote for this resolution, and this resolution passes today, and we turn down this BRAC process, we will be back here in this room a year from now or 2 years from now, probably more like a year from now, we will be back in this room dealing with another BRAC process, and we will have the same arguments as we are having here today.

Now, it may be different people. Maybe some of the people that are dissatisfied today will be satisfied at the next round, but we would all have to go through this again next year or the next. And we would, all of our communities that have any base connected to them would have to go through this again. I am not sure we would get any better results, no matter what process we use, than we have today. Some would be happy, some would be unhappy, some would complain, some would want it to go just like it is. I think we would end up with the same kinds of results as we have today.

So while I agree that this is not a perfect process, I do not think we want to go through it again next year.

I would ask each of my colleagues to vote against this resolution, and let us proceed to make the best we possibly can out of this for the defense of this country.

Mr. MEEHAN. Mr. Chairman, as a member of the House Armed Services Committee, I reluctantly support the BRAC recommendations today, and oppose this motion of disapproval pending before the House.

I support these recommendations because I believe that the goals of BRAC are worthy—to maximize warfighting capability and efficiency for both traditional warfighting and counterterrorist efforts. An integrated military force able to communicate and coordinate effectively in response to conflict remains crucial to national security and the war on terrorism.

I am concerned by technical errors and the overall process used by the Pentagon and the Base Realignment and Closure—BRAC—Commission to reach the recommendations before us this evening, and it is my hope that in the future, significant improvements will be made on the current model when realignment and closure decisions are made.

However, within the current model, there are some successes to which we can point. For instance, the Pentagon and the BRAC Commission rightly highlighted the key role that Hanscom Air Force Base, located in my congressional district, plays in our national security efforts.

The process reaffirmed Hanscom's role as the military's pre-eminent development center for communication and intelligence technologies. Hanscom will clearly play a central role as we transform our military in the coming decades.

In its decisions on Hanscom, the BRAC process recognized that the success or failure of a base in fulfilling its mission relies on the availability of skilled and experienced personnel and the connections that develop in intellectual clusters.

Unfortunately, the Commission wrongly decided to move an estimated 200 jobs from Hanscom's Air Force Research Lab—AFRL—Space and Sensors Directorates. Those functions are best left at Hanscom to maintain existing synergies and human capital.

When the BRAC Commission held their New England Regional Hearing in Boston on July 6, I submitted testimony to the commission arguing that the decision to realign the AFRL at Hanscom was inconsistent with other aspects of the Pentagon's analysis of Hanscom, and could disrupt key programs operating there. I am deeply disappointed by the

commission's decision to move these Directorates from their home at Hanscom.

I am concerned that the recommendation to realign the AFRL did not appropriately value the highly skilled workforce currently at these facilities, and that the expertise of many of these employees will be lost as the recommendations are implemented. The relocation of AFRL's Sensors and Space Vehicles Directorates will result in significant costs with few gains.

While I strongly protest this decision, I am pleased that overall, the commission's recommendations on Hanscom reaffirmed the value of the regional human capital capabilities in science and technology—and I am encouraged by the commission's indication that the Air Force will look to expand the mission at Hanscom outside of the BRAC process. I look forward to working with the Air Force as this process takes shape.

With respect to the overall BRAC process, I am concerned by flaws in the current model that led to a number of errors. For instance, questions remain unanswered about the Pentagon's failure to consult with State governors, State adjutants general, and the Department of Homeland Security on decisions related to the National Guard and key homeland security functions located outside the Pentagon's bureaucracy. These questions resulted in lawsuits against the Pentagon and the BRAC Commission by a number of States, including my home State of Massachusetts.

Additionally, a lack of organization was evident during the commission's consideration of the possible expansion of Hanscom, as well as the commission's overall recommendations related to Otis Air Force Base at Cape Cod.

While I support the 2005 BRAC recommendations, I am deeply concerned that these types of errors set a bad precedent for future BRAC rounds. The Pentagon must ensure that the Department of Homeland Security and other relevant stakeholders are appropriately included in their process, and that our Nation's homeland security needs are fully evaluated.

Mr. MICHAUD. Mr. Chairman, today, the House will likely vote not to reject the recommendations of the Base Realignment and Closure Commission, moving the BRAC process one step closer to an end. This has been a very difficult BRAC round for the State of Maine. When the list came out 5 months ago, all of Maine's three facilities were in great jeopardy, and few believed that we had a chance of saving any of them. But the entire delegation, the governor, and the communities came together and presented the best possible arguments in all three cases, and as a result, Maine did better than anyone thought we could. We saved Portsmouth Naval Shipyard and in a victory that would have been unthinkable only a few months before, we actually grew DFAS Limestone, bringing jobs to an area that desperately needs them. These two actions represent tremendous victories for the people of Maine.

I strongly disagree with the recommendation to close Naval Air Station Brunswick. It was the wrong decision and I have fought it every step of the way together with the whole Maine delegation.

Today's vote is difficult. I deeply believe that Naval Air Station Brunswick should not be closed. Yet, when this process began, Maine stood to lose everything, and now we have

saved and expanded two of the three endangered facilities. The likely alternatives for the State were far worse. Indeed, if this resolution were to pass today and the BRAC process were to be reopened from scratch, there would be no guarantee of saving Brunswick, but Portsmouth could be closed and Limestone with its planned increase in jobs could be lost. That is why I am going to vote against the resolution to disapprove the BRAC list.

As we approach the end of this very difficult BRAC round, it is important that we remain focused on promoting the best interests of the entire State and that we continue to work as one Maine. I will do whatever I can to make sure that we build upon the successes of saving Portsmouth and growing DFAS Limestone, and that we make the best of a difficult situation by enabling the Brunswick community to build a bright future.

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, the base realignment process is designed to provide a more efficient and effective military structure. But, BRAC 2005 failed to meet these goals and that is why I will vote against implementing the recommendations of the Department of Defense and the Base Realignment Commission.

The base realignment recommendations fall short because they eliminate military resources and installations without producing meaningful cost-savings. And, the base realignment recommendations fall short because they call for the closure of Naval Air Station Joint Reserve Base Willow Grove, a military installation that plays a vital role in our Nation's security.

Mr. Chairman, at a time when we are fighting a global war on terror and facing new and very real threats, the Nation must be fully prepared. This BRAC round does not live up to the original goals of the process and, therefore, it should be rejected.

Mr. OXLEY. Mr. Chairman, I stand in support of House Joint Resolution 65, disapproving the recommendations of the Base Realignment and Closure Commission.

This will be my first vote against a BRAC list, and it is not a vote I take lightly. I support the BRAC process as a whole as a reasonable and apolitical method for evaluating our Nation's defense infrastructure needs, and recognize the necessity of this first BRAC round in a decade. But while I salute the hard work of the BRAC Commission members in their deliberations and recognize the difficulty of their task, this BRAC round took place in the context of flawed methodology as regarded Air National Guard bases.

It was my expectation that the Department of Defense would solicit input from all relevant sources in evaluating our Air National Guard requirements—most importantly, the adjutant general of each State. But at no time in the Pentagon's development of its Air Force BRAC recommendations did it ask the Adjutant General of Ohio or any of the other 53 adjutants general for input. I find this shocking, considering that the Army consulted the adjutants general when crafting its recommendations—and considering that 37 of the 42 Air Force BRAC proposals involved Air National Guard units.

For the past 24 years, I have had the privilege of representing the guardsmen of one of those units: the 179th Airlift Wing of the Ohio Air National Guard, located at Mansfield Lahm Airport. The 179th has been a vital part of Mansfield and Richland County since 1948, with an annual economic impact of roughly

\$70 million. Members of the airlift wing have served more than 195,000 days just since 9/11 in support of homeland defense and the global war on terror.

More recently, the guardsmen of the 179th have flown sorties to the gulf coast region, delivering much-needed supplies and transporting hundreds of troops to assist those affected by Hurricane Katrina. Relief missions such as this are nothing new for the men and women of the 179th, who have answered the call during past hurricane relief missions in Florida and other States, and have assisted with vital defense operations in Iraq, Saudi Arabia, Afghanistan, Kosovo, and elsewhere.

I was disappointed, therefore, at the inclusion of the 179th on the Pentagon's proposed closure list in May. As I said in a letter to President Bush last month in support of the 179th, the unit has always stood ready to accept any flying assignment, and represents a wealth of expertise and professionalism that Ohio and the Nation can ill afford to lose.

Contrary to national trends, the 179th has consistently excelled in recruiting and retention, currently standing at 105 percent of assigned strength. Mansfield draws from a rich recruiting base, boasting the best personnel strength figures of any Air National Guard C-130 unit. The men and women of the 179th are highly experienced, with an average of more than 12 years of service; Mansfield's aircrews have an average of 16 years of military aviation experience. In just the last few years, all Mansfield aircrew members have flown combat sorties in the Middle East and Asia, and have received 116 air medals for their bravery, courage, and skill.

In its final deliberations, the BRAC Commission found that closing Mansfield was "not supportable" and recommended instead that a "contiguous enclave" be established at Mansfield Lahm. The commission further acknowledged that the Air Force did not adequately consult with governors and State adjutants general with respect to its Air Guard recommendations. Had there been consultation, better decisions could have been made about Air Guard infrastructure in view of our national defense and homeland security needs.

In short, the Air Force would have done well to follow the Army's BRAC model, which stood as an example of good consultation among parties. When the Joint Systems Manufacturing Center—located in Lima in my congressional district—was placed on the BRAC list with a recommendation to reduce manufacturing space by 27 percent, top Army officials working on the BRAC staff made themselves available to meet with representatives of JSMC and the community. The JSMC delegation explained that such a reduction would impede operations at the plant, resulting in a higher cost to the government for the weapons systems the plant produces. As a result of these discussions, the BRAC staff recommended that the commission remove the JSMC proposal from its final list, which it did. The Army's deliberations on JSMC were an ideal example of how the BRAC process works well: when information is shared and all relevant parties are consulted.

Even with the commission's decision to reverse the JSMC proposal—and even with the partial reversal of the Mansfield decision and the encouraging possibilities for obtaining a new mission for the more than 1,000 guardsmen of the 179th—I will vote for this resolution of disapproval. By statute, the purpose of BRAC is to reduce excess infrastructure. The

current BRAC round, though, is being used to implement operational policies and transfer Mansfield's C-130s from the Guard to the Active and Reserve Forces. Such complex issues should not be handled within the BRAC procedure.

Although I strongly oppose the transfer of Mansfield's planes, I welcome the opportunity to work with the Department of Defense and State officials to obtain a new mission for Mansfield, should the BRAC recommendations be upheld. In just the last 8 years, more than \$20 million has been invested in the 179th's facilities at Mansfield Lahm. Thanks to the efforts of Mansfield Mayor Lydia Reid and other local officials, the city has made 163 acres adjacent to the airport available for Guard expansion or joint service activities. This significant investment and possibility for expansion should make Mansfield an even more attractive site for locating a new air-based mission.

Nonetheless, given Mansfield's solid track record as a C-130 unit and its many contributions to our Nation and world, I oppose the transfer of its planes. At a time when our troops are already stressed by operational tempos, and when our national recruiting and retention rates are reaching record lows, I fear any disruption to our well-equipped and well-manned Guard units. Our planes are only as good as the people who maintain and fly them, and our country cannot afford to lose their skills.

Mr. EVERETT. Mr. Chairman, I rise today in opposition to H.J. Res. 65, a resolution disapproving the recommendations of the Defense Base Realignment and Closure Commission.

It is clear that we have too much military infrastructure in this country, whose operations and maintenance compete for scarce resources needed by our warfighter and modernization efforts. This BRAC process has become the most effective way to rid the military of installations that provide minimal military value.

I am pleased that the commission recognized the importance of keeping the Operations and Sustainment Systems Group—OSSG—at Maxwell-Gunter AFB in Montgomery, Alabama. After an extensive review, the BRAC commissioners did not adopt the Department of Defense's recommendation to realign the OSSG and its 1,251 civilian and military jobs from Maxwell-Gunter AFB to Hanscom AFB.

The BRAC decision was due in large part to the world-class combat operational support provided by the OSSG to Air Force bases and DOD agencies around the world from Montgomery for more than 30 years. It did not need to be moved in order to continue to perform this critical national security mission. The OSSG is the only organization with experience fielding systems across the entire Air Force and DOD. Moreover, Gunter is home to one of four major Defense Information Systems Agency—DISA—nodes, which provide the backbone on which Air Force Systems run. The DISA presence, along with the OSSG, enables testing of enterprise-wide combat support software applications in an operational environment. With its extensive background, experience, and expertise, this organization is truly a one of a kind national resource and belongs in Montgomery.

While I intend to vote for the implementation of the commission's recommendations, I remain very troubled by some of the things the commission did not do. Specifically, I have trouble seeing the logic in overturning DOD's recommendation to move the Aviation Logistics School to Fort Rucker. I am disappointed that the commission failed to see the significance of co-locating the Aviation Logistics School with the aviation pilot training under one roof at Fort Rucker. This move would have consolidated Army Aviation training and doctrine development at Fort Rucker. I still hold the belief that consolidating aviation logistics training with the Aviation Center and School will foster consistency, standardization, and training proficiency. As the premier rotary wing aviation training center in the United States, this move would have completed the formation of the Army's decision to create an aviation branch in 1983. The benefit of being able to train the entire flight crew, from the maintainers to the pilots, is quite significant. A flight crew who must go to war as a team, should train as a team.

A second notable absence from the BRAC recommendations is consolidation of rotary wing pilot training at Fort Rucker. Although DOD did not make this recommendation, I believe a thorough review of the facts would have led the commission to include this in its final list. Currently, both the Army and Air Force conduct their rotary wing pilot training at Fort Rucker, which has sufficient capability to support Navy initial rotary wing pilot training as well.

Numerous reviews conducted by DOD and the GAO dating back to 1974 have been made regarding the relocation of this Navy mission. In addition, when Colin Powell was chairman of the Joint Chiefs of Staff, he testified before the House Armed Services Committee that he supported this consolidation at Fort Rucker. Similarly, the overwhelming majority of the reviews have called for the Navy to move their operation to Fort Rucker for a number of reasons. Past studies have indicated that tens of millions of dollars per year could be saved by going through with this consolidation. Unit costs would be reduced for both aircraft maintenance and logistics. Additionally, both the Army and the Navy use the same training helicopter which would allow for further savings by using the Army's existing instructor pilots. This consolidation will also advance a key component of DoD's way ahead, jointness.

Finally, I was troubled to see that the commission supported the DOD recommendation to move the Aviation Technical Test Center—ATTC—to Redstone Arsenal. This issue is very close to me personally as I have been intimately involved with it for over 10 years. In the mid-90s, there was an effort made within the Pentagon to move the ATTC out of Fort Rucker. As is the case now, I was very disturbed by this, and began to investigate in an effort to determine if this would be best for the Army, highlighted by a personal meeting with the then-Secretary of the Army, Togo West. This culminated when my amendment was included in the House version of Fiscal Year 1996 National Defense Authorization Act—H.R. 1530—which blocked the Army's proposal to relocate the ATTC until an outside independent study of the proposal could be completed. After the Army reviewed this further, not only did the ATTC stay at Fort Rucker, but the Airworthiness Qualification

Test Directorate was moved from Edwards AFB to Fort Rucker as well. I believe the arguments presented then still have substantial merit today.

At Fort Rucker, the ATTC is able to have their fleet of approximately 40 test aircraft maintained by the large maintenance and logistics operation that supports the training mission on post. A move to Redstone disregards these significant costs of keeping the test fleet flying. The vast pool of pilots and aircraft from the Aviation Center also facilitates the ATTC's ability to realize a greater return on the testing dollar invested.

Another problem with this recommendation revolves around airspace. As the home of Army Aviation, Fort Rucker is blessed with over 32,000 square miles of airspace to conduct its mission. This irreplaceable natural asset cannot be duplicated in Huntsville. A potential move also undermines the synergies that currently exist between the schoolhouse and the experimental pilots. Finally, with Fort Rucker being the Army proponent for unmanned aerial vehicles—UAVs, it is crucial that the ATTC be able to leverage the expertise associated with this proponenty to conduct its tests on UAVs.

While I do not agree with all of the recommendations included in the commission's report, I do recognize that the BRAC process must go forward. At present, DOD has excess infrastructure which needs to be realigned or closed in order to achieve the billions of savings which will result from the implementation of these recommendations. As costs of weapons systems crucial to winning the war on terror continue to rise, it is important that we explore all avenues in order to find the money necessary to give the warfighter everything he or she needs to complete their mission. In conclusion, I would like to thank all of the commissioners and their staffs for their tireless efforts on one of the most thankless jobs in government. I urge a no vote on the resolution and yield back the balance of my time.

Mr. ALLEN. Mr. Chairman, I rise in support of H.J. Res. 65, to disapprove the recommendations of the Base Realignment and Closure Commission—BRAC.

Closing surplus military infrastructure makes sense, but only if it is done in a proper strategic context and through a rational, deliberative, and fair process. The 2005 base closure round does not meet these tests.

Secretary of Defense Rumsfeld proposed this BRAC in 2001, before September 11 and our occupation of Afghanistan and Iraq. The world changed, but the Defense Department's BRAC process did not.

I voted against this BRAC in 2001, on the grounds that it presumptively put infrastructure decisions before force structure decisions. At the time, I said that with "uncertainty about our future military needs in the new security environment, I believe that this is not the right time to add a new layer of uncertainty to our military communities in Maine by approving a new base closure round."

My view has been validated by the statements of the Base Realignment and Closure Commission itself. In its final report, the commission faulted the Department of Defense—DOD—for making infrastructure decisions prior to conducting a "comprehensive review of the underlying strategic issues that is to be set forth in the [2006] Quadrennial Defense Review [which] may have better informed and as-

sisted the Commission in making its final recommendations."

The commission also criticized DOD for failing to provide necessary source data on its proposals for as long as a month after the DOD list was submitted. This delay hampered the ability of the commission to do proper analysis and hamstring communities trying to defend their bases.

My view has been validated by the Overseas Basing Commission, which found that the "massive realignment of forces requires that the pace of events be slowed and reordered." It faulted the administration's plans to bring 70,000 troops home from overseas without a full analysis of the infrastructure to accommodate them.

My view has been validated by a recent revelation by BRAC Commissioner Phillip Coyle that information gathered to support some of DOD's BRAC recommendations were based largely on Google searches. The commission observed that several DOD plans to consolidate multiple military facilities were based not on in-depth analytic work but on Internet search engine queries used only to match facility names and functions.

Lastly, my view has been validated by the questions my constituents repeatedly asked me:

Why are we closing military installations when we are at war?

Why are we building new bases in Iraq while closing them in America?

Will our troops in Iraq and Afghanistan have the right facilities to come home to?

I don't have good answers to those questions, but neither does the Pentagon.

By pushing BRAC at the wrong time, our Nation risks losing key assets that can never be reconstituted. We jeopardize our security if we close infrastructure before we first come to consensus on an overall defense and homeland security strategy.

The BRAC Commission's decision to remove several major bases from DOD's list demonstrates that the Pentagon put the cart before the horse. For example, the commission voted to keep open the submarine base at New London, CT, and the Portsmouth Naval Shipyard, in my district. The commission expressed serious doubts about DOD's force structure plan and the submarine force's ability to confront uncertain future threats.

In addition, I object to this BRAC list due to the inexplicable and unwise closure of the Brunswick Naval Air Station—NASB. This facility is the last remaining fully operational military airfield in the northeast. Its loss will hamper our capability to perform homeland defense and maritime patrol missions in the region, leaving a vulnerable flank for the entire Nation.

NASB was the only major base closed by the commission that was not recommended for closure by DOD. I believe the commission failed to adequately justify its decision that the base was "not needed." The commission completely ignored the combined military value judgment of combatant commanders that Brunswick is a vital strategic asset. It failed to explain how, or at what monetary or mission cost, the military could perform essential maritime patrol missions in the northeast without Brunswick.

In closing NASB, the commission appeared to deviate from its own charter. It justified closing the base merely in order to “reduce excess capacity and result in significant savings,” despite its own directive to seek a balance between the goals of realizing savings and rationalizing our military infrastructure to meet the needs of future missions.

I was pleased that the commission listened to the arguments put forth to them and voted to reject the closure of two facilities in Maine: the Portsmouth Naval Shipyard and the Defense Finance and Accounting Service in Limestone, where the commission also agreed to double the number of jobs. Despite these positive outcomes, however, the unjustified closure of Brunswick affirms my opposition to this BRAC list, as well as the underlying fact that this was the wrong time in our Nation's history for this BRAC.

The fundamental purpose of BRAC is to save money. Let's put its “savings” in perspective. The 20-year savings (approximately \$800 million) from the closure of Brunswick Naval Air Station is the equivalent to half a week of operations in Iraq. The entire projected 20-year savings from the BRAC list—\$36 billion—are exhausted by just 6 months in Iraq. The entire savings is also merely half that of the President's proposed tax cuts this year—\$70 billion, and minuscule compared to the \$4 trillion in Federal revenue losses from upper-income tax breaks passed since 2001.

The BRAC process is also a huge unfunded mandate on communities. I commend my congressional colleagues from Maine and New Hampshire, Governors John Baldacci and John Lynch, the employees, unions, management, local government officials, task force members and volunteers for the long hours devoted to defending Maine's defense facilities. While it was a worthy cause, I regret that we were forced to spend so much time on BRAC, rather than on new initiatives to improve our communities. The lost human productivity caused by BRAC, not only for communities but on DOD personnel as well, is something we must calculate if we ever debate a future BRAC round.

Again, I urge passage of H.J. Res. 65 to reject this BRAC list. In a time of uncertainty, we risk losing national assets we can never recover.

Mr. SIMMONS. Mr. Chairman, I stand in opposition today to H.J. Res. 65, a resolution to disapprove the recommendations of the Defense Base Closure and Realignment Commission. I oppose this resolution not because I support this BRAC round and the closure and realignment of these bases, but because the Department of Defense should not be authorized to execute another one anytime soon. A no vote on this resolution will spare the Armed Forces, our defense budget and our base communities the unnecessary stress of another BRAC round if the current recommendations are approved.

I opposed this BRAC round from the start for several reasons.

First and foremost, Mr. Chairman, were—and remain—a nation at war. We have troops abroad fighting in Iraq, Afghanistan and globally as part of a broader war on terrorism. I argued that we need to focus all of our energy on supporting those troops in the field. We should not be distracted with the complicated burden of realigning our whole military base structure.

In October of 2003, I went to Iraq and learned that the troops desperately needed armor on their vehicles. In November of 2003 the Secretary of the Army said that getting armor into the field was a “top priority”. And yet today there are still tens of thousands of vehicles that are still not armored.

Just last week the Armed Services Committee held a hearing on the issue. Chairman Hunter discovered that the Army was sitting on hundreds of armored humvees in Texas and Kuwait. Mr. Speaker, I wonder if Congress would have unearthed this hidden problem earlier had it not been faced with the time-consuming BRAC process.

I opposed BRAC because we need to recapitalize our aging defense platforms and our shrinking fleets. Our Armed Forces have been on a strict diet because of a procurement holiday that has been in effect since the end of the Cold war.

Mr. Chairman, the average age of an Air Force bomber is over 30 years old. The average pilot is younger than his aircraft. Yet there are planned procurement cuts to the F-22 program. We have been living on the Reagan buildup of the 1980s, but those systems are all nearing retirement. What's left from the 80s is old and undependable. This threatens our military readiness and the safety of our service members.

Mr. Chairman, this year the Navy planned on building only four ships—the same as Canada and less than most of our European allies. If we stay on this track, our fleet will shrink from a little under 300 to just 120. China is on no such diet. Its shipbuilding rates are so high that its fleet will overtake ours by about 2015. By that time, China will have twice as many submarines as the U.S.

I also opposed BRAC because our strategic environment remains in flux. The threats from North Korea, China and Iran are rising while we are still engaged in Iraq and Afghanistan. We benefited from neither the Quadrennial Defense Review nor the report of the Overseas Basing Commission because they were not yet delivered. How could we know, what our Nation's future basing requirements will be? We couldn't!

I opposed BRAC because DOD still maintained dozens of bases that were slated for closure that remain open. How could we target another 100 bases when we had a hundred waiting on death row? Closing bases costs billions of dollars in environmental clean up costs. The Department of Defense cannot dispose of this property until it is clean. But the investment of these “clean-up” dollars takes dollars away from our troops in the field during war.

I opposed this BRAC round because we have hundreds of thousands of troops in the Middle East, Europe and Korea that will hopefully return home soon.

Congress authorized the BRAC round anyway. The Department of Defense relatively little time to develop a set of recommendations for the President. Not surprisingly, some mistakes were made. The biggest mistake was the recommendation to close Naval Submarine Base New London, the world's greatest center of excellence for undersea warfare. My good friend, the Ranking Member of the Armed Services Committee, IKE SKELTON, noted that the BRAC round so suffered from secondary agendas designed to achieve policy outcomes under cover of base closure and realignment. I agree with him.

The BRAC Commission had even less time than the Pentagon, but was ultimately able to fix the largest mistakes. Chairman Anthony Principi's commission took New London and other bases off of the list after looking at the big picture. They looked at the overall effects on the Nation and the individual services. They listened to the arguments of outside experts. They considered the advice of key defense industry partners, senior retired officers, Members of Congress, and even a former U.S. president. In the end the BRAC Commission gave the President and Congress a good product given the circumstances.

So, Mr. Chairman, I will vote no on the resolution because the BRAC solution before us is the best of a bad situation. It would have been better never to have attempted this round of base closures. Our military is no better for it, and our Nation is no safer. Nevertheless, a vote for yes is a vote for another, painful and counterproductive BRAC round that will drain resources and time from the critical tasks at hand.

Mr. Chairman, our Nation faces great national security challenges right now. For this reason, I will vote to put BRAC behind us today and for the foreseeable future.

Mrs. CAPPAS. Mr. Chairman, I rise in reluctant support of the resolution to reject the recommendations of the Base Closure and Realignment Commission.

I support the BRAC process and believe that over the years it has led to the orderly reorganization of our Nation's defense infrastructure.

I believe the Pentagon and the BRAC Commission made a good-faith effort to carefully examine every base.

Nonetheless, I continue to believe the Commission made a terribly shortsighted decision when it voted to uphold some of the Pentagon's recommendations for Naval Base Ventura County.

I am particularly disappointed the Commission voted to move some of the RDT&E missions away from the base.

In my view, the Commission ignored a number of important factors.

First, the Commission's vote went against the recommendation of its professional staff.

The staff correctly recognized that Naval Base Ventura County has significant military value, and its missions contribute to the readiness of our war fighter.

Second, relocating the vital functions performed by the personnel at the base will have lasting consequences for our national security.

The activities conducted at this site for the Navy, Air Force, Missile Defense Agency, and others cannot be replicated anywhere else in the Nation.

Moreover, the base's sea range is linked with other inland ranges in California—providing an unmatched capability to the Defense Department.

The realignment will diminish these existing operational capabilities and efficiencies and negatively impact the ability of our fighting men and women to get their jobs done.

The effect of this would be immediately felt in Iraq and Afghanistan.

Finally, realigning the base's missions will waste, not save, taxpayer dollars.

We cannot afford to spend a lot of money to move missions and personnel when there's no long-term savings involved.

Especially now that we're looking at spending more than \$200 billion to help rebuild the



Gulf Coast areas devastated by Hurricanes Katrina and Rita.

Mr. Chairman, the BRAC process must be logical and fair. I do not believe this round of closures met those criteria.

I continue to strongly believe the missions at Naval Base Ventura County are a critical element of our national security system and an important asset to our local community.

I urge my colleagues to join me in supporting the resolution of disapproval.

Mr. ORTIZ. Mr. Chairman, I rise in support of the bill before us to reject the BRAC recommendations; and I thank the gentleman from Illinois for his work on this bill.

While this process has proceeded during a global war, many of us in Congress—including me—have taken issue with the timing. Doing this during a war and before we establish our global military footprint through the Quadrennial Defense Review sends the wrong signal to our allies and to the soldiers and families who may depend on services at the bases we are closing.

I have fought this from the get-go. The BRAC list hit my South Texas district hard with the closure of Naval Station Ingleside in San Patricio County. It was a base into which the taxpayers of Nueces County and the State of Texas plowed \$50 million to assist the Navy in bringing the base there.

The main thing that worries those of us in South Texas—and elsewhere along the Gulf Coast—is that after BRAC the Gulf of Mexico will be a less safe place for all of us. We have been concerned over the past couple of years about the illegal immigrants known as OTMs—other than Mexicans—that are routinely released by law enforcement into the U.S. population. Many law enforcement officers believe we have—or could be—releasing potential terrorists who will do us great harm.

Our nation's refining capability and trading lanes run through the Gulf of Mexico. For these reasons—and many more—we must have a Navy presence in the Gulf. After BRAC, there will not be a single surface Navy base in the entire Gulf. The Gulf holds the nation's bread basket and is the primary provider of petrochemicals and refined products to power the nation's cars, heaters, and other machines we depend upon hourly in our daily lives.

Those are my primary concerns. Now, the other concerns I have deal primarily with how the South Texas community I represent will recover from the economic devastation that is part of a base closure in local communities. As BRAC Chairman Principi said in an early statement, this will be a tsunami in South Texas.

So if the House chooses to support the BRAC list today, we will bear no ill will . . . and we will work very hard to make the transition as painless as possible.

While our community is less concerned about the disposition of the property itself—it should revert to the local port—we believe the local community should not have to pay a \$200 million cost to retain the base. We are increasingly concerned about the enormous task before us in the coming years: how to deal with depressed property values after the base is to close . . . how to retrain the area workforce . . . and how our schools and housing market can recoup the losses we will most certainly feel in the coming years.

That will be the challenge before us in South Texas for probably the coming decade

if the House today fails to adopt my colleague's bill to disapprove the BRAC recommendations.

Mr. FRELINGHUSEN. Mr. Chairman, I rise in strong opposition to House Joint Resolution 65—a resolution disapproving the recommendations of the Base Realignment and Closure Commission as approved by the President of the United States.

In total, the BRAC Commission recommended, and the President endorsed, the closure of 22 major military bases and the realignment of 33 others.

While I am deeply concerned about the recommendation to close the Army's Fort Monmouth, I note with pride the strong vote of confidence in the past, present, and future contributions to our warfighters of Picatinny Arsenal in Morris County, New Jersey.

With the support of the President, the Department of Defense and the BRAC Commission, Picatinny Arsenal will be the 'joint center of excellence' for guns and ammunition and the military's unparalleled leader for producing the latest and most advanced weaponry for our warfighters in Iraq and Afghanistan.

I strongly support this recommendation. It is well-founded on the facts and advances the DoD's "transformation."

Picatinny Arsenal is already home to: the "Single Manager for Conventional Ammunition for DoD"—PEO Ampmo; an armament engineering organization which provides fully integrated life cycle systems engineering for weapons and munitions; and 70 unique mission facilities with 16 state-of-the-art laboratories staffed by an adaptable, highly specialized workforce;

The DoD BRAC analysis found Picatinny to be the "center-of-mass" for DoD's guns and ammunition (research, development and acquisition.) It has a workload in this area more than an order of magnitude greater than any other DoD facility. It has the greatest concentration of military value in guns and ammunition (research, development and acquisition.)

Mr. Chairman, this BRAC Commission recommendation is transformational. It builds on the joint single manager for conventional ammo to create a robust guns and ammunition "joint center." It will provide for greater synergy and more efficient operations, all to benefit the warfighter—the young men and women who are protecting us at home and overseas. .

Mr. Chairman, I ask unanimous consent to enter into the RECORD important correspondence between the Chairman of the Base Realignment and Closure Commission, the Honorable Anthony Principi, and the Honorable Michael W. Wynne, Chairman of the Infrastructure Steering Committee of the U.S. Department of Defense.

I urge defeat of the resolution.

DEFENSE BASE CLOSURE  
AND REALIGNMENT COMMISSION,  
*Arlington, VA, September 8, 2005.*

HON. MICHAEL W. WYNNE,  
*Chairman, Infrastructure Steering Group, Defense Pentagon, Washington, DC.*

DEAR SECRETARY WYNNE: I am sending this letter for clarification of language contained in BRAC amendments 186-4a and 186-4d concerning DoD Tech-19, Create an Integrated Weapons & Armaments Specialty Site for Guns and Ammunition.

The purpose of amendments 186-4a and 186-4d was to leave existing energetics activities in place at Picatinny Arsenal, Naval Surface

Weapons Center Indian Head and Naval Air Weapons Station China Lake. The language included in the Commission's recommendation for Tech-19 does not intend to consolidate these activities in anyone location, nor is it the Commission's intent to create a separate "Center of Excellence" for energetics.

Picatinny Arsenal will become the DoD Gun and Ammunition "Center of Excellence" as described in the Dodd Tech-19 recommendation and as modified by our recommendations.

Sincerely,

ANTHONY J. PRINCIPI,  
*Chairman.*

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in support of H.J. Res. 65, a resolution of disapproval of the 2005 base closure and realignment recommendations.

I am proud that my state delegation—commonly referred to back home as "Team Connecticut"—was successful in saving Sub Base New London from closure. Together our congressional delegation, Governor Rell, members of the New London community and military experts put together an airtight case for the survival of the base. As a result, the commission realized what Connecticut knew all along: That Sub Base New London is not only a critical asset to our State, but a vital part of our current and future national security.

The members of the 2005 BRAC Commission were given an extraordinary responsibility and performed their duties in a thoughtful and responsible manner. However, they were given the job of examining a flawed proposal based more on achieving the bottom line than ensuring the security of our Nation. If passed, H.J. Res. 65 would put an end to the current BRAC process—one that I have long believed to be the wrong process at the wrong time for our Nation.

Since 2002, I have voted in the Armed Services Committee and on the floor to either repeal or delay BRAC 2005 because I have felt all along that the process had serious flaws. With 150,000 of our men and women in uniform serving overseas in the Middle East, continued operations in Iraq and Afghanistan and failures to meet recruiting goals, now is not the time to close or realign major portions of our military infrastructure. We should not be closing and consolidating bases and infrastructure here in the States now, when in another two years we may be bringing a significant amount of troops and equipment back from Europe and other forward deployed locations and we would have to spend more money again to reopen or recreate space for them. We should not be closing or realigning before the completion of the Quadrennial Defense Review (QDR), which projects the threats our nation will face and guides our force structure for the next two decades. The Commission simply and rightly called conducting BRAC before the completion of the QDR "inverse" and "illogical." This is simply the wrong time for BRAC.

The final report before us for consideration includes a wide-ranging realignment of the Air National Guard that was completed without the input or consultation of our State Governors and Adjutants General. Rather than conducting an inclusive process—as in the case of the Army National Guard recommendations—the Pentagon chose to craft their Air Force proposal by shutting out the very people that both the law and common sense dictate need to be included in changes to State Guard units.



As a result the final Air Force recommendations disproportionately impact the Air National Guard, with 37 of the final 42 Air Force recommendations making changes to Air Guard units in States across the Nation. Governors and Adjutants General widely opposed this plan, citing the impact on recruiting and retention of Guard members, lack of consultation, and reduced availability of personnel for vital State emergency response and homeland security functions. Although the Commission ultimately approved a scaled down version of the Pentagon's Air National Guard plan crafted in the final days of their work, the final BRAC report states that the lack of coordination between the Pentagon, Governors and Adjutants General "unnecessarily cost the Commission additional time and resources and damaged the previously exemplary relationship between the Air National Guard and the Air Force."

This misguided recommendation hits home in my district and State, where the 103rd Fighter Wing at Bradley Air National Guard base is slated to lose their A-10 Warthogs—leaving Connecticut as the only State in the Nation without an air national guard flying mission. In presenting our case to the Commission, our message was simple: The Pentagon not only used flawed data that did not take into account many of the unique capabilities of Bradley, but failed to consult our Governor in major changes to our State's militia. While Adjutant General Thaddeus Martin, the staff of the 103rd and the State delegation made a strong case for Bradley, the base was unfortunately included in the final realignment plan. The men and women of the "Flying Yankees," and indeed all the members of the Air National Guard, deserve better than an ad-hoc transformation plan that has the potential to seriously impact the future of these citizen soldiers and their mission.

In late August 2005, I joined Connecticut Governor Rell, Attorney General Blumenthal and Senators DODD and LIEBERMAN in filing suit to prevent the realignment of the Bradley Air National Guard base. We were forced to take this action because the law is simple and clear: the Bradley A-10s cannot be removed without the consent of our Governor. Regardless of the result of today's vote, Connecticut has the law on its side and I am confident that we will secure the future of the "Flying Yankees."

One of our most important duties is to provide for the defense of our Nation. We should not be closing and realigning our bases at a time when our nation is engaged in the Middle East and faces unprecedented threats from abroad. Rejecting BRAC 2005 is simply the right thing to do for our men and women in uniform, the security of our nation, and for the future of our Air National Guard. I urge my colleagues to support H.J. Res. 65.

Mr. SCOTT of Georgia. Mr. Chairman, I appreciate the opportunity to discuss this important legislation as I make a final push to keep Forts Gillem and McPherson open by voting in support of a joint House resolution to reject the president's approval of the 2005 round of base realignments and closures. I cosponsored the measure, H.J. Res. 65, which disapproves the recommendations of the Defense Base Realignment and Closure Commission (BRAC) as submitted by the president to Congress on September 15, 2005. I am disappointed that H.J. Res. 65 failed to pass the House today by a vote of 85-324. Congress

had until October 30, 2005 to pass a joint resolution of disapproval of the list.

Unfortunately, this round of base closings and realignments has failed to accomplish the military goals of shedding excess operations and facilities without seriously weakening our national security and homeland defense. I strongly oppose the president's recommendations to close Ft. Gillem and Fort McPherson, and I have tried to make a strong case in their defense at every opportunity available to me, including directly addressing members of the BRAC Commission and urging President Bush to consider their unmatched military value and unique strategic readiness for homeland defense.

My efforts to remove Forts Gillem and McPherson from the BRAC list of closings proved partly successful since I secured the extension of six Federal functions at an enclave at Ft. Gillem, blocking a complete closing of the military base. These functions include the U.S. Army Criminal Investigation Laboratory, Georgia Army National Guard, 3rd MEDCOM, SE Army Reserve Intelligence Center, FEMA, and Red Cross.

I am very disappointed by the outcome of today's vote and that Ft. Gillem and Ft. McPherson remained on the BRAC list for closure despite the vital role they continue to play in coordinating the deployment of troops abroad and Federal response to national disasters like this year's string of devastating hurricanes. Following today's vote, the Defense Department is now charged with carrying out the recommended closures and realignments. Therefore, I will work with defense officials and the Local Redevelopment Authority during the upcoming transition period for Forts Gillem and McPherson.

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

The Acting CHAIRMAN. All time for debate has expired.

The text of the joint resolution is as follows:

#### H.J. RES. 65

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress disapproves the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President on September 15, 2005.

The Acting CHAIRMAN. Pursuant to section 2908(d) of Public Law 101-510, the Committee rises.

□ 1245

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. BISHOP of Utah, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H.J. Res. 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission, pursuant to section 2908(d) of Public Law 101-510, he reported the joint resolution back to the House.

The SPEAKER pro tempore. Pursuant to section 2908(d) of Public Law 101-510, the question is on the passage of the joint resolution.

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

#### RECORDED VOTE

Mr. LAHOOD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on H.J. Res. 65 will be followed by 5-minute votes on motions to suspend the rules on H.R. 3945 and H. Res 368.

The vote was taken by electronic device, and there were—ayes 85, noes 324, answered "present" 1, not voting 23, as follows:

[Roll No. 548]

#### AYES—85

Abercrombie	Fattah	Mollohan
Akin	Fitzpatrick (PA)	Moore (WI)
Allen	Forbes	Moran (VA)
Andrews	Ford	Murtha
Barrow	Gallegly	Nussle
Brady (PA)	Gerlach	Ortiz
Brown (OH)	Gingrey	Oxley
Brown (SC)	Gordon	Pallone
Brown, Corrine	Green, Al	Pascarell
Capps	Green, Gene	Paul
Cardoza	Hinojosa	Pickering
Carnahan	Hobson	Poe
Clay	Holt	Rothman
Cooper	Hostettler	Rush
Crowley	Hulshof	Schakowsky
Davis (IL)	Jackson (IL)	Schwartz (PA)
Davis, Jo Ann	Jenkins	Scott (GA)
Davis, Tom	Jindal	Scott (VA)
DeGette	Johnson (IL)	Sherman
Delahunt	Johnson, E. B.	Smith (NJ)
DeLauro	LaHood	Stupak
DeLay	Larson (CT)	Taylor (MS)
Dent	Leach	Udall (NM)
Doolittle	Lewis (GA)	Watson
Drake	Lynch	Weller
Edwards	Manzullo	Wicker
Emanuel	McCaul (TX)	Wilson (NM)
Emerson	Menendez	
Evans	Miller (FL)	

#### NOES—324

Ackerman	Capuano	Fossella
Aderholt	Cardin	Fox
Alexander	Carson	Frank (MA)
Baca	Carter	Franks (AZ)
Bachus	Case	Frelinghuysen
Baird	Castle	Garrett (NJ)
Baker	Chabot	Gibbons
Baldwin	Chandler	Gilchrest
Barrett (SC)	Chocola	Gillmor
Bartlett (MD)	Cleaver	Gonzalez
Barton (TX)	Clyburn	Goode
Bass	Coble	Goodlatte
Bean	Cole (OK)	Granger
Beauprez	Conaway	Graves
Becerra	Conyers	Green (WI)
Berkley	Costa	Grijalva
Berman	Costello	Gutierrez
Berry	Cramer	Gutknecht
Biggert	Crenshaw	Harman
Billakis	Cubin	Hart
Bishop (GA)	Culberson	Hastings (WA)
Bishop (NY)	Cummings	Hayes
Bishop (UT)	Davis (AL)	Hayworth
Blackburn	Davis (CA)	Hefley
Blumenauer	Davis (FL)	Hensarling
Blunt	Davis (KY)	Herger
Boehlert	Davis (TN)	Herseth
Boehner	Deal (GA)	Higgins
Bonilla	DeFazio	Hinche
Bonner	Dicks	Hoeftstra
Bono	Dingell	Holden
Boozman	Doggett	Honda
Boren	Doyle	Hooley
Boucher	Dreier	Hoyer
Boustany	Duncan	Hunter
Boyd	Ehlers	Hyde
Bradley (NH)	Engel	Inglis (SC)
Brady (TX)	English (PA)	Inslee
Burgess	Eshoo	Israel
Burton (IN)	Etheridge	Issa
Butterfield	Everett	Istook
Buyer	Farr	Jackson-Lee
Calvert	Feeney	(TX)
Camp	Ferguson	Jefferson
Cannon	Filner	Johnson (CT)
Cantor	Flake	Johnson, Sam
Capito	Fortenberry	Jones (NC)

Jones (OH) Miller (MI) Schiff  
 Kanjorski Miller (NC) Schmidt  
 Kaptur Miller, Gary Schwarz (MI)  
 Keller Miller, George Serrano  
 Kelly Moore (KS) Sessions  
 Kennedy (MN) Moran (KS) Shadegg  
 Kennedy (RI) Murphy Shays  
 Kildee Musgrave Sherwood  
 Kilpatrick (MI) Myrick Shimkus  
 Kind Nadler Shuster  
 King (IA) Napolitano Simpson  
 King (NY) Neal (MA) Skelton  
 Kingston Neugebauer Slaughter  
 Kirk Ney Smith (TX)  
 Kline Northup Smith (WA)  
 Knollenberg Norwood Snyder  
 Kolbe Nunes Sodrel  
 Kucinich Oberstar Solis  
 Kuhl (NY) Olver Souder  
 Langevin Osborne Spratt  
 Lantos Otter Stark  
 Larsen (WA) Owens Stearns  
 Latham Pastor Strickland  
 LaTourette Pearce Sullivan  
 Lee Pelosi Sweeney  
 Levin Pence Tancredo  
 Lewis (CA) Peterson (MN) Tanner  
 Lewis (KY) Peterson (PA) Taylor (NC)  
 Linder Petri Terry  
 Lipinski Pitts Thomas  
 LoBiondo Platts Thompson (MS)  
 Lofgren, Zoe Pombo Thornberry  
 Lowey Pomeroy Tiahrt  
 Lucas Porter Tiberi  
 Lungren, Daniel Price (GA) Tierney  
 E. Price (NC) Towns  
 Maloney Pryce (OH) Turner  
 Marchant Putnam Udall (CO)  
 Markey Radanovich Upton  
 Marshall Rahall Van Hollen  
 Matheson Ramstad Velázquez  
 Matsui Regula Vislosky  
 McCarthy Rehberg Walden (OR)  
 McCollum (MN) Reichert Walsh  
 McCotter Renzi Wamp  
 McCrery Reynolds Wasserman  
 McDermott Rogers (AL) Schultz  
 McGovern Rogers (KY) Waters  
 McHenry Rogers (MI) Watt  
 McHugh Rohrabacher Waxman  
 McIntyre Ross Weiner  
 McKeon Royce Weldon (FL)  
 McKinney Ruppertsberger Weldon (PA)  
 McMorris Ryan (OH) Westmoreland  
 McNulty Ryan (WI) Whitfield  
 Meehan Ryun (KS) Wilson (SC)  
 Meek (FL) Sabo Wolf  
 Meeks (NY) Salazar Woolsey  
 Melancon Sánchez, Linda Wu  
 Mica T. Sanchez, Loretta Wynn  
 Michaud Sanders Young (AK)  
 Millender- Saxton Young (FL)  
 McDonald

The result of the vote was announced as above recorded.  
 Stated against:  
 Mr. THOMPSON of California. Mr. Speaker, on rollcall No. 548, I was off the floor meeting with constituents and unfortunately missed the above listed rollcall vote. Had I been present I would have voted "no."  
 Mr. BROWN of Ohio. Mr. Speaker, during rollcall vote No. 548 on H.R. 65, I mistakenly recorded my vote as "yes" when I should have voted "no."

McGovern Ryan (OH)  
 McHenry Ryan (WI)  
 McHugh Ryun (KS)  
 McIntyre Sabo  
 McKeon Salazar  
 McKinney Sánchez, Linda  
 McMorris T.  
 McNulty Sanchez, Loretta  
 Meehan Sanders  
 Meek (FL) Saxton  
 Meeks (NY) Shays  
 Melancon Schakowsky  
 Menendez Schiff  
 Mica Schmidt  
 Michaud Schwartz (PA)  
 Millender- Schwarz (MI)  
 McDonald Scott (GA)  
 Miller (FL) Scott (VA)  
 Miller (MI) Serrano  
 Miller (NC) Sessions  
 Miller, Gary Shadegg  
 Miller, George Sherman  
 Mollohan Sherwood  
 Moore (KS) Shimkus  
 Moore (WI) Shuster  
 Moran (KS) Simpson  
 Moran (VA) Skelton  
 Murphy Slaughter  
 Murtha Smith (NJ)  
 Musgrave Smith (TX)  
 Myrick Smith (WA)  
 Nadler Snyder  
 Napolitano Sodrel  
 Neal (MA) Solis  
 Neugebauer Souder  
 Ney Spratt  
 Northup Stark  
 Norwood Stearns  
 Nunes Strickland  
 Nussle Stupak  
 Oberstar Sullivan  
 Olver Sweeney  
 Ortiz Tancredo  
 Osborne Tanner  
 Otter Taylor (MS)  
 Owens Taylor (NC)  
 Oxley Terry  
 Pallone Thomas  
 Pascrell Thompson (CA)  
 Pastor Thompson (MS)  
 Paul Thornberry  
 Pearce Tiahrt  
 Pelosi Tiberi  
 Pence Tierney  
 Peterson (MN) Towns  
 Peterson (PA) Turner  
 Petri Udall (CO)  
 Pickering Udall (NM)  
 Pitts Upton  
 Platts Van Hollen  
 Levin Poe Velázquez  
 Lewis (CA) Pombo Vislosky  
 Lewis (GA) Pomeroy Walden (OR)  
 Lewis (KY) Porter  
 Linder Price (GA) Walsh  
 Lipinski Price (NC) Wamp  
 LoBiondo Pryce (OH) Wasserman  
 Lofgren, Zoe Putnam Schultz  
 Lowey Radanovich Waters  
 Lucas Rahall Watson  
 Lungren, Daniel Ramstad Watt  
 E. Rangel Waxman  
 Lynch Regula Weiner  
 Maloney Rehberg Weldon (FL)  
 Manzullo Reichert Weldon (PA)  
 Marchant Renzi Weller  
 Markey Reynolds Westmoreland  
 Marshall Rogers (AL) Wicker  
 Matheson Rogers (KY) Wilson (NM)  
 Matsui Rogers (MI) Wilson (SC)  
 McCarthy Rohrabacher Wolf  
 McCaul (TX) Ross Woolsey  
 McCollum (MN) Rothman Wu  
 McCotter Royce Wynn  
 McCrery Ruppertsberger Young (AK)  
 McDermott Rush Young (FL)

HURRICANE KATRINA FINANCIAL SERVICES RELIEF ACT OF 2005

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3945, as amended.  
 The Clerk read the title of the bill.  
 The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 3945, as amended, on which the yeas and nays are ordered.  
 This will be a 5-minute vote.  
 The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 549]  
 YEAS—411

ANSWERED "PRESENT"—1  
 Cuellar  
 NOT VOTING—23  
 Boswell  
 Brown-Waite, Ginny  
 Cunningham  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Foley  
 Gohmert

Abercrombie Cannon Dreier  
 Ackerman Cantor Duncan  
 Aderholt Capito Edwards  
 Akin Capps Ehlers  
 Alexander Capuano Emanuel  
 Allen Cardin Emerson  
 Andrews Cardoza Engel  
 Baca Carnahan English (PA)  
 Bachus Carson Eshoo  
 Baird Carter Etheridge  
 Baker Case Evans  
 Baldwin Castle Everett  
 Barrett (SC) Chabot Farr  
 Barrow Chandler Fattah  
 Bartlett (MD) Chocola Feeney  
 Barton (TX) Clay Ferguson  
 Bass Cleaver Filner  
 Bean Clyburn Fitzpatrick (PA)  
 Beauprez Coble Flake  
 Becerra Cole (OK) Forbes  
 Berkley Conaway Ford  
 Berman Conyers Fortenberry  
 Berry Cooper Fossella  
 Biggert Costa Foxx  
 Bilirakis Costello Frank (MA)  
 Bishop (GA) Cramer Franks (AZ)  
 Bishop (NY) Crenshaw Frelinghuysen  
 Bishop (UT) Crowley Gallegly  
 Blackburn Cubin Garrett (NJ)  
 Blumenauer Cuellar Gerlach  
 Blunt Culberson Gibbons  
 Boehlert Cummings Gilchrest  
 Boehner Davis (AL) Gillmor  
 Bonilla Davis (CA) Gingrey  
 Bonner Davis (FL) Gonzalez  
 Bono Davis (IL) Goode  
 Boozman Davis (KY) Goodlatte  
 Boren Davis (TN) Gordon  
 Boucher Davis, Jo Ann Granger  
 Boustany Davis, Tom Graves  
 Boyd Deal (GA) Green (WI)  
 Bradley (NH) DeFazio Green, Al  
 Brady (PA) DeGette Green, Gene  
 Brady (TX) Delahunt Grijalva  
 Brown (OH) DeLauro Gutierrez  
 Brown (SC) DeLay Gutknecht  
 Brown, Corrine Dent Harman  
 Burgess Dicks Hart  
 Burton (IN) Dingell Hastings (WA)  
 Butterfield Doggett Hayes  
 Buyer Doollittle Hayworth  
 Calvert Doyle Hefley  
 Camp Drake Hensarling

NOT VOTING—22  
 Boswell  
 Brown-Waite, Ginny  
 Cunningham  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Foley  
 Gohmert  
 Hall  
 Harris  
 Hastings (FL)  
 Mack  
 Obey  
 Payne  
 Reyes  
 Ros-Lehtinen  
 Roybal-Allard  
 Sensenbrenner  
 Shaw  
 Simmons  
 Tauscher  
 Waxler  
 Whitfield

□ 1310  
 Ms. LINDA T. SANCHEZ of California, Mrs. KELLY, Ms. MCKINNEY, Ms. HART, and Messrs. CARTER, BONNER, RADANOVICH, BAIRD, WALSH, LUCAS and SULLIVAN changed their vote from "aye" to "no."  
 Mrs. EMERSON, Ms. EDDIE BER-NICE JOHNSON of Texas, and Messrs. EVANS, FATTAH, DENT, JOHNSON of Illinois, JACKSON of Illinois and CARDOZA changed their vote from "no" to "aye."  
 Mr. CUELLAR changed his vote from "no" to "present."  
 So the joint resolution was not passed.

□ 1319

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A Bill to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes".

A motion to reconsider was laid on the table.

**CONGRATULATING THE STATE OF ISRAEL ON THE ELECTION OF AMBASSADOR DAN GILLERMAN AS VICE-PRESIDENT OF THE 60TH UNITED NATIONS GENERAL ASSEMBLY**

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 368.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, H. Res. 368, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 550]

YEAS—407

Abercrombie	Bradley (NH)	Cuellar
Ackerman	Brady (PA)	Cummings
Aderholt	Brady (TX)	Davis (AL)
Akin	Brown (OH)	Davis (CA)
Alexander	Brown (SC)	Davis (FL)
Allen	Brown, Corrine	Davis (IL)
Andrews	Burgess	Davis (KY)
Baca	Burton (IN)	Davis (TN)
Bachus	Butterfield	Davis, Jo Ann
Baird	Buyer	Davis, Tom
Baker	Calvert	Deal (GA)
Baldwin	Camp	DeFazio
Barrett (SC)	Cannon	DeGette
Barrow	Cantor	Delahunt
Bartlett (MD)	Capito	DeLauro
Barton (TX)	Capps	DeLay
Bass	Capuano	Dent
Bean	Cardin	Dingell
Beauprez	Cardoza	Doggett
Becerra	Carnahan	Doolittle
Berkley	Carson	Doyle
Berman	Carter	Drake
Berry	Case	Dreier
Biggart	Castle	Duncan
Bilirakis	Chabot	Edwards
Bishop (GA)	Chandler	Ehlers
Bishop (NY)	Choccola	Emanuel
Bishop (UT)	Clay	Emerson
Blackburn	Cleaver	Engel
Blumenauer	Clyburn	English (PA)
Blunt	Coble	Eshoo
Boehrlert	Cole (OK)	Etheridge
Boehner	Conaway	Evans
Bonilla	Conyers	Everett
Bonner	Cooper	Farr
Bono	Costa	Fattah
Boozman	Costello	Feeney
Boren	Cramer	Ferguson
Boucher	Crenshaw	Finer
Boustany	Crowley	Fitzpatrick (PA)
Boyd	Cubin	Flake

Forbes	Lewis (KY)	Reichert
Ford	Linder	Renzi
Fortenberry	Lipinski	Reynolds
Fossella	LoBiondo	Rogers (AL)
Fox	Loftgren, Zoe	Rogers (KY)
Frank (MA)	Lowey	Rogers (MI)
Franks (AZ)	Lucas	Rohrabacher
Frelinghuysen	Lucrign, Daniel	Ross
Gallegly	E.	Rothman
Gerlach	Lynch	Royce
Gibbons	Maloney	Ruppersberger
Gilchrist	Manzullo	Rush
Gillmor	Marchant	Schwartz (PA)
Gingrey	Markey	Schwartz (MI)
Gonzalez	Marshall	Scott (GA)
Goode	Matheson	Scott (VA)
Goodlatte	Matsui	Serrano
Gordon	McCarthy	Sessions
Granger	McCaul (TX)	Shadegg
Graves	McCollum (MN)	Shays
Green (WI)	McCotter	Sherman
Green, Al	McCrery	Sherwood
Green, Gene	McDermott	Shimkus
Grijalva	McGovern	Shuster
Gutierrez	McHenry	Simpson
Gutknecht	McHugh	Skelton
Harman	McIntyre	Slaughter
Hart	McKeon	Smith (NJ)
Hastings (WA)	McKinney	Smith (TX)
Hayes	McMorris	Smith (WA)
Hayworth	McNulty	Snyder
Hefley	Meehan	Sodrel
Hensarling	Meek (FL)	Solis
Herger	Meeke (NY)	Souder
Herseth	Melancon	Spratt
Higgins	Menendez	Stark
Hinchee	Mica	Stearns
Hinojosa	Michaud	Strickland
Hobson	Millender-	Stupak
Hoekstra	McDonald	Sullivan
Holden	Miller (FL)	Sweeney
Holt	Miller (MI)	Tancredo
Honda	Miller (NC)	Tanner
Hookey	Miller, Gary	Taylor (MS)
Hostettler	Miller, George	Taylor (NC)
Hoyer	Mollohan	Terry
Hulshof	Moore (KS)	Thomas
Hunter	Moore (WI)	Thompson (CA)
Hyde	Moran (KS)	Thompson (MS)
Inglis (SC)	Moran (VA)	Thornberry
Inslee	Murphy	Tiaht
Israel	Murtha	Tiberi
Issa	Musgrave	Tierney
Istook	Myrick	Towns
Jackson (IL)	Nadler	Turner
Jackson-Lee	Napolitano	Udall (CO)
(TX)	Neugebauer	Udall (NM)
Jefferson	Ney	Upton
Jenkins	Northup	Van Hollen
Jindal	Norwood	Velázquez
Johnson (CT)	Nunes	Visclosky
Johnson (IL)	Nussle	Walden (OR)
Johnson, E. B.	Oberstar	Walsh
Johnson, Sam	Olver	Wamp
Jones (NC)	Ortiz	Waters
Jones (OH)	Osborne	Watson
Kanjorski	Otter	Watt
Kaptur	Owens	Waxman
Keller	Oxley	Weiner
Kelly	Pallone	Weldon (FL)
Kennedy (MN)	Pascrell	Weldon (PA)
Kennedy (RI)	Pastor	Weller
Kildee	Paul	Westmoreland
Kilpatrick (MI)	Pearce	Whitfield
Kind	Pelosi	Wicker
King (IA)	Pence	Wilson (NM)
King (NY)	Peterson (MN)	Wilson (SC)
Kingston	Peterson (PA)	Wolf
Kirk	Petri	Woolsey
Kline	Pickering	Wu
Knollenberg	Pitts	Wynn
Kolbe	Platts	Young (AK)
Kucinich	Poe	Young (FL)
Kuhl (NY)	Pombo	
LaHood	Pomeroy	
Langevin	Porter	
Lantos	Price (GA)	
Larsen (WA)	Price (NC)	
Larson (CT)	Pryce (OH)	
Latham	Putnam	
LaTourette	Radanovich	
Leach	Rahall	
Lee	Ramstad	
Levin	Rangel	
Lewis (CA)	Regula	
Lewis (GA)	Rehberg	

NOT VOTING—26

Boswell	Gohmert	Roybal-Allard
Brown-Waite,	Hall	Sensenbrenner
Ginny	Harris	Shaw
Culberson	Hastings (FL)	Simmons
Cunningham	Mack	Tauscher
Diaz-Balart, L.	Neal (MA)	Wasserman
Diaz-Balart, M.	Obey	Schultz
Dicks	Payne	Wexler
Foley	Reyes	
Garrett (NJ)	Ros-Lehtinen	

□ 1328

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 65.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentleman from Colorado?

There was no objection.

□ 1330

**MOTION TO GO TO CONFERENCE ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006**

Mr. KOLBE. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. REHBERG). The question is on the motion offered by the gentleman from Arizona (Mr. KOLBE).

The motion was agreed to.

**GENERAL LEAVE**

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 3057.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MRS. LOWEY  
Mrs. LOWEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mrs. Lowey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3057, making appropriations for Foreign Operations, Export Financing, and

Related Programs for the fiscal year 2006 be instructed to insist on the provisions of the Senate bill providing a total of \$2,971,000,000 to combat HIV/AIDS, Tuberculosis and Malaria, including a total of \$500,000,000 for a U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Arizona (Mr. KOLBE) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this motion to instruct the conferees on the fiscal year 2006 foreign operations bill will ensure that the House is clearly on record to provide the highest possible funding level for HIV/AIDS, tuberculosis, and malaria in 2006.

The motion I offer today makes a simple point: Although other issues have overtaken the global AIDS pandemic as front-page news, the pandemic is still growing; and we still have a responsibility to face the challenges it presents head-on.

I was very pleased, as always, to work with the gentleman from Arizona (Mr. KOLBE) to provide robust funding to fight the AIDS pandemic, both for the Office of Global AIDS coordinator at the State Department and for the Global Fund to fight AIDS, TB, and malaria. With an allocation that was more than \$2.5 billion below the President's request, we were able to provide full funding, and even a little bit more, for this key priority.

Fortunately, the Senate had even a higher allocation with which to work, and I am pleased that the Senate-passed bill significantly increased funding over the President's request for HIV/AIDS, including \$500 million for the Global Fund, the premier multilateral mechanism for fighting AIDS and other infectious diseases.

As we approach conference on the fiscal year 2006 foreign operations appropriations bill, we must maintain our resolve to fund the fight against the global AIDS pandemic at the highest possible levels.

When the fiscal year 2006 bill finally passes, Congress will have provided more than \$10 billion to fight AIDS since 2003. Our assistance has saved millions of lives, offered hope for a better future to those already infected with HIV, bolstered the institutional capacity of developing countries to deal with serious public health challenges, and offered comfort and safety to children orphaned by AIDS.

We have done so much. Still, the United Nations estimates indicate that \$15 billion will be needed in the upcoming year to fight the pandemic, a need that dwarfs the approximately \$6.1 billion available. While some have benefited from our largess and that of the international community, many millions more are being left behind.

Just yesterday, we saw reports of staggering statistics about the effect of

the AIDS pandemic on children. Only one in 20 of the HIV-infected children worldwide who need life-prolonging drugs gets them. Only one out of 100 gets a cheap antibiotic that can save nearly half of the death rate from secondary infections like diarrhea and malaria. Fewer than one in 10 mothers infected with the HIV virus are given drugs that can stop transmission to their babies. And every minute of every day a child dies of an AIDS-related illness.

The facts speak for themselves. We can and must do better. I urge my colleagues to support this motion to instruct.

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

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

Mr. Speaker, I thank the gentlewoman from New York (Mrs. LOWEY) for her motion. It gives our subcommittee, and it gives me, as chairman of the subcommittee, an opportunity to highlight once again how critical this battle against HIV/AIDS is, and this is something that is critical not only to this Congress but to President Bush and his administration.

Funding from these accounts in this fight against HIV/AIDS and also tuberculosis and malaria, three of the great killers of our time, has increased significantly in the years that I have been chairman of this subcommittee.

In the first year we were appropriating about \$615 million in the international fight. Today, in our bill, the level is \$2.7 billion. That is four times greater in just 4 years of bills for the Foreign Operations Subcommittee.

The Senate level, at nearly \$3 billion, is almost five times greater.

Our bill that we passed in the House would provide \$400 million for the Global Fund. That is twice what the President requested. The Senate bill has another \$100 million and puts that figure at \$500 million. The emergency plan for AIDS relief has revolutionized the fight against HIV/AIDS. We have not turned the corner in this disease. We have certainly not reached the end nor maybe even the beginning of the end; but to paraphrase Winston Churchill, perhaps we are at the end of the beginning. We are clearly making great progress.

According to a number of public health experts, we are finally reaching the point where the focus countries in the President's emergency program, where these resources are not the limiting factor in addressing the spread of this disease, of HIV/AIDS. More than 200,000 people now receive life-sustaining AIDS treatment in Africa, and that is thanks to the generosity and caring of the United States taxpayers. For the first time, there is hope for these people. Training and the infrastructure now has to be the focus of our efforts.

It will take the concerted will of all countries and groups that are involved with this fight to sustain and build on the progress that we have made thus far.

So once again, I want to thank my colleague for her dedication to this very important issue and for her work to help craft a bill that I think is one that we can go into conference feeling very good about and that we can defend with vigor.

So I am pleased to be able to accept the motion to instruct; and I am committed, as the gentlewoman from New York (Mrs. LOWEY) is, to reaching the highest possible level in the conference in the struggle against HIV/AIDS, tuberculosis, and malaria.

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

Mrs. LOWEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud the gentleman from Arizona (Chairman KOLBE) and the ranking member of the subcommittee, the gentlewoman from New York (Mrs. LOWEY), for the bipartisan cooperation and collaboration that has been shown by this motion to instruct and the acceptance of it.

The bad news as it relates to foreign operations that seems to trickle into the American system is that we spend so much money for foreign operations and, therefore, are not addressing the domestic crises that we face. I think this bipartisan effort truly speaks to the fact that what we do and how we reach out in our collaborative work around the world, issues of democracy, issues dealing with tuberculosis, malaria, and HIV/AIDS, issues of constructing and helping in ways of creating a world friendship, is crucial to the domestic tranquility of America.

As I have worked with Ambassador Holbrooke who has cited the vast growing, although we have made strides, devastation of HIV/AIDS, the impact on children, the number of orphans that are facing life alone because of the loss of one or two parents, there is, I think, no level of giving that would be too much to try and face up to this terrible devastation. This accepting of the motion to instruct relates to that.

But I rise today to raise an additional concern, and I know this bill is not addressing it as we speak, but because of the difficulties that we have had with Hurricane Katrina and now Wilma and certainly Rita, and the eyes of Americans focused, if you will, on those tragedies, the eyes of America focused on the tragedies in Iraq and the constant bombing and the loss of 2,000 soldiers, it sometimes steers our attention away from the earthquake in the South Asian region, impacting Afghanistan to some extent, India, and Pakistan.

We know there are 79,000 dead from the earthquake. I would hope we would be able to prepare a supplemental to address those questions. We know there are appropriations for Pakistan and the South Asian region in this particular bill, but not enough due to the

loss of life and the complete elimination of towns and villages.

I have met with many from the Pakistan-American community, doctors who are attempting to be of help, the Indian embassy that is helping as well; but focused resources are going to be crucial.

We know that the world family is looking at the kinds of resources that are needed, but we need the donor community joined with the United States to be part of this very important effort. We know that the United States has given \$50 million. It is not enough. I have asked that we raise this question with the donor community so those dollars can continue to mount.

Here are the reasons why: certainly we know the medical crisis is going to be ongoing. But as I said earlier, major cities have been wiped out. People are living in tents, those who can get tents. There is a lack of food, lack of water, and a lack of how the government will rebuild the infrastructure. We realize it is in the Kashmir area, and that is a very difficult area. It is a difficult area politically and as it relates to the conflict, and so it is imperative that that area be rebuilt quickly and the infrastructure be brought into that area.

I ask my colleagues to support the motion to instruct, as I do. I want to again applaud the ranking member and the chairman of the subcommittee. I look forward to working with both of them on ways we can provide a more expedited and certainly a higher level of assistance; and, of course, I ask for the Secretary of State, Secretary Rice, and the President of the United States to consider requesting more dollars for assistance. I ask my colleagues to support the motion to instruct.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the Democratic motion to support the Senate funding level of \$3 billion for our global AIDS initiatives. The funding level includes \$500 million for the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Appropriations Foreign Operations Subcommittee Ranking Member NITA LOWEY and Chairman JIM KOLBE are to be commended for their leadership in the fight against the global AIDS pandemic. They are a model of bipartisan effectiveness and are leading the way in providing needed funding under tight budget constraints.

In 2003, President Bush and Congress took a bold step in authorizing \$15 billion over five years toward AIDS prevention and treatment. The Senate funding levels in the Foreign Operations and Labor-HHS Appropriations bills would put the U.S. on track to meet this commitment in future years.

At this critical juncture in history, the U.S. has the opportunity and the responsibility to fully fund an ambitious global effort to combat AIDS. The statistics are staggering. Of the 40 million people currently living with HIV, 95 percent live in the developing world. This week, UNICEF released a report showing that 18 million children in Africa could be orphaned by AIDS by the end of 2010.

We know how to treat this devastating disease. Success stories can be found in every

part of the world. In Uganda and Senegal, HIV rates have been brought down through effective prevention campaigns. In the past year alone, an estimated 350,000 African AIDS patients have received access to anti-retroviral drugs that will keep them alive to work and care for their families. Unfortunately, only 500,000 of the 4.7 million people in need of anti-retroviral drugs have them.

If we support what works, we can prevent nearly two-thirds of the 45 million new HIV infections projected by 2020. When we invest more resources, more people have access to life-saving drugs, more people learn how to protect themselves and their partners, more people have access to voluntary testing and counseling, and more pregnant women have services to prevent mother-to-child transmission. The longer we go without fully investing in stopping the AIDS pandemic, the further it will spread worldwide and the more expensive the bottom line will be.

The moral case is reason alone to fully fund our global AIDS initiatives, but it is also in our national security interest. As we have seen in the case of Afghanistan and Sudan, impoverished states can become incubators for terrorism and conflict. We must address the root causes of instability so that the "fury of despair" does not provoke more violence.

It is in this global context that I support the Senate funding levels for global AIDS. Let us all come together today to fully support our commitments to fight the global AIDS pandemic.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from New York (Mrs. LOWEY).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 420.

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

There was no objection.

#### LAWSUIT ABUSE REDUCTION ACT OF 2005

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to House Resolution 508 and rule XVIII, the Chair declares the House in the Committee of

the Whole House on the State of the Union for the consideration of the bill, H.R. 420.

□ 1345

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 consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, with Mr. LATHAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. SMITH) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support H.R. 420, the Lawsuit Abuse Reduction Act of 2005.

Frivolous lawsuits bankrupt individuals, ruin reputations, drive up insurance premiums, increase health care costs, and put a drag on the economy.

Frivolous lawsuits are brought, for example, when there is no evidence that shows negligence on the part of the defendant. These nuisance lawsuits make a mockery of our legal system.

Of course, many Americans have legitimate legal grievances, from someone wrongly disfigured during an operation to a company responsible for contaminating a community's water supply. No one who deserves justice should be denied justice; however, gaming of the system by a few lawyers drives up the cost of doing business and drives down the integrity of the judicial system.

Let me give some examples. The chief executive officer of San Antonio's Methodist Children's Hospital was sued after he stepped into a plaintiff's hospital room and asked how the patient was doing. Of course, a jury cleared him of any wrongdoing.

A Pennsylvania man sued the Frito-Lay Company claiming that Doritos chips were "inherently dangerous" after one stuck in his throat. After 8 years of costly litigation, the Pennsylvania Supreme Court threw out the case, writing that there is "a common-sense notion that it is necessary to properly chew hard foodstuffs prior to swallowing." But, of course, the defendants had to absorb hundreds of thousands of dollars in legal fees.

In a New Jersey Little League game, a player lost sight of a fly ball hit because of the sun. He was injured when the ball struck him in the eye. The coach, who was forced to hire a lawyer after the boy's parents sued, had to settle the case for \$25,000.

Today almost any party can bring any suit in almost any jurisdiction. That is because plaintiffs and their attorneys have nothing to lose. All they

want is for the defendant to settle. This is legalized extortion. It is lawsuit lottery.

Defendants, on the other hand, can unfairly lose their lifetime savings, their careers, their businesses, and their reputations. This is simply not justice.

There is a remedy: the Lawsuit Abuse Reduction Act. It passed the House last year by a margin of almost 60 votes. The bill applies to both plaintiffs who file frivolous lawsuits to extort financial settlements and to defendants who unnecessarily prolong the legal process. If a judge determines that a claim is frivolous, they can order the plaintiff to pay the attorneys' fees of the defendant who was victim of their frivolous claim. This will make a lawyer think twice before filing a frivolous lawsuit.

It is a problem that even the American Trial Lawyers Association has tried to address in its own code of conduct by declaring, "No American Trial Lawyers Association member shall file or maintain a frivolous suit, issue, or position." However, ATLA has not disciplined a single attorney for violation of this code of conduct in the last 2 years.

This legislation also prevents forum shopping. It requires that personal injury claims be filed only where the plaintiff resides, where the injury occurred, or the defendant's principal place of business is located. This provision addresses the growing problem of attorneys who shop around the country for judges who routinely award excessive amounts.

One of the Nation's wealthiest trial lawyers, Dickie Scruggs, has told us exactly how this abuse occurs. Here is what he says about forum shopping:

"What I call the magic jurisdiction . . . is where the judiciary is elected with verdict money. The trial lawyers have established relationships with the judges that are elected; they're State Court judges; they're populists. They've got large populations of voters who are in on the deal. They're getting their piece in many cases. And so it's a political force in their jurisdiction, and it's almost impossible to get a fair trial if you're a defendant in some of these places. The plaintiff lawyer walks in there and writes the number on the blackboard, and the first juror meets the last one coming out the door with that amount of money . . . Any lawyer fresh out of law school can walk in there and win the case, so it doesn't matter what the evidence or law is."

Forum shopping is a part of lawsuit abuse, and we must pass legislation to stop it from occurring. Even several largely recognized Democrats have acknowledged the need to end frivolous lawsuits. For instance, the John Kerry for President campaign endorsed national legislation in which "lawyers who file frivolous cases would face tough mandatory sanctions." And former Vice Presidential candidate Senator Edwards stated, "Lawyers who

bring frivolous cases should face tough, mandatory sanctions."

The Lawsuit Abuse Reduction Act is sensible reform that will help restore confidence to America's justice system.

Mr. Chairman, the following organizations support H.R. 420: American Tort Reform Association, National Association of Home Builders, National Association of Manufacturers, National Restaurant Association, American Insurance Association, and the United States Chamber of Commerce. And this legislation is the top legislative priority of the National Federation of Independent Businesses.

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

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

Mr. Chairman, I oppose this bill because it will not reduce frivolous lawsuits, but will instead increase the cost of litigation at the State and Federal level, set back the fairness of civil rights litigation, and favor foreign corporate defendants at the expense of their domestic competitors. As a result of this misguided legislation, satellite litigation, costs and delays will result, and litigation abuses will not be reduced.

H.R. 420 makes significant changes to Rule 11 sanctions without following the statutory rulemaking process. The Association of Chief Justices of the States and the Federal Judicial Council have both criticized skipping the statutory rulemaking process. This bill would revert Rule 11 back to the 1983 version and unduly affects plaintiffs in civil rights cases. The current Rule 11 was adopted in 1993 specifically to correct abuses by defendants in civil rights cases. By rolling back this rule and requiring a mandatory sanctions system to civil rights cases, H.R. 420 will chill many legitimate and important civil rights actions.

Although the bill states that the proposed Rule 11 changes shall not be construed to "bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law," the language does not clearly and simply exempt civil rights and discrimination cases, as it should. Determining what a new claim or remedy is will be a daunting and complex issue for most courts and clearly does not cover all civil rights cases.

The Honorable Robert Carter, United States District Court Judge for the Southern District of New York, who was one of the pioneers in civil rights legislation and worked on the *Brown v. Board of Education* case, stated, "I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal in *Brown v. Board of Education* would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start." This is a good example of the dreadfully detrimental effect of this rule on civil rights cases.

Furthermore, this bill will operate to benefit foreign corporate defendants at the expense of their domestic counterparts. Section 4, the "forum shopping" provision, would operate to provide a litigation and financial windfall to foreign corporations at the expense of their domestic competitors. This is because instead of permitting claims to be filed wherever a corporation does business or has minimum contacts, as most State long-arm statutes provide, the bill permits the suit to be brought only where the defendant's principal place of business is located. In the case of a foreign corporation, that does not exist in the United States. If a U.S. citizen is harmed by a product manufactured by a foreign competitor, under this bill the injured U.S. citizen would have no recourse against a foreign corporation, whereas he or she would have recourse against the comparable U.S. corporation. This is unfair to both the U.S. citizen with no recourse and to all U.S. companies that must compete against the foreign firm. Consequently American employers and employees would be put at an unfair disadvantage vis-a-vis their foreign counterparts, not exactly what we would want to be doing not only from a standpoint of fairness, but from a standpoint of our economy.

Mr. Chairman, this bill has another deleterious effect. Because it provides for reasonable attorneys' fees in the case of a sanction, because many Rule 11 sanctions are minor, and in any complex case there are almost invariably going to be some, the current law, first of all, permits the judge discretion whether to impose sanctions or not. This makes it mandatory for even the most picayune infractions.

Second of all, the current law says that if it is pointed out to an attorney that he has done something that would fall under Rule 11, he has 21 days to correct it. If he does not correct it, he is subject to sanctions. This would say they have no time to correct it. They get automatic sanctions. That is unfair.

Thirdly, because under those circumstances this bill provides for attorneys' fees, they had better have their head examined if they want to sue a large corporation, because if they are the little guy, and they have one attorney, and he is paid a reasonable fee, and they can afford the litigation, they hope; but if they are suing the big company, and General Motors has 32 attorneys lined up over there, and they are all charging \$800 an hour, then reasonable attorneys' fees are going to be a lot of money, and they have to anticipate, if they file that suit, that because of the mandatory nature of the Rule 11 sanctions that this bill would impose, because of the lack of an ability to correct it, because of the automatic sanctions and mandatory sanctions, they have to assume that they are going to have to pay those sanctions, and they are going to have to pay the mandatory attorneys' fees, so they had better not sue the big boys.



What this bill is really saying is big corporations shall be exempt from lawsuits by people who cannot afford to pay huge attorneys' fees of the big corporations, because we have to assume that will happen, and because this bill leaves no discretion to the judge.

It is no surprise that the United States Judicial Conference, the National Association for the Advancement of Colored People, the Alliance for Justice, Public Citizen, People for the American Way, the American Association of People with Disabilities, the Lawyers Committee for Civil Rights in Law, the American Bar Association, the National Conference of State Legislatures, National Partnership for Women, National Women's Law Center, the Center for Justice and Democracy, Consumers Union, the National Association of Consumer Advocates, and the NAACP Legal Defense Fund all oppose the bill.

In other words, if Members care about civil rights, if they care about the ability of the consumer to have justice with a large corporation, if they care about civil liberties, if they care about people being able to use the Federal or State courts, they must vote against this bill.

I urge my colleagues to vote against this poorly drafted and unfair legislation.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Visitors in the gallery will refrain from showing approval or disapproval of proceedings.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. KELLER), a member of the Judiciary Committee.

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

Mr. Chairman, I rise today as a cosponsor and strong supporter of the Lawsuit Abuse Reduction Act. I am going to tell the Members why I support this legislation and what the key components of this legislation is.

First, why do we need this legislation? We need tough mandatory sanctions to crack down on frivolous lawsuits. We need to care about each other more and sue each other less. We need to get back to the old-fashioned principles of personal responsibility and get away from this new culture where people play the victim and blame others for their problems. Most importantly, we need to protect those small business people who are out there creating 70 percent of all new jobs in America. These small business people work hard and play by the rules, but they cannot afford to defend themselves from meritless litigation.

For example, if they have a suit brought against them, to take it to trial to successfully win the suit, they often have to pay over \$100,000 to a defense attorney. So what do they do? They have to pay about 10 grand to settle the case to get rid of it for strictly

business reasons even though they did nothing wrong.

This bill will help crack down on these frivolous suits by doing three key things. First, it provides tough mandatory sanctions, not discretionary sanctions, if a judge finds that we have a violation of Rule 11, which may include the payment of the other side's attorneys' fees. Second, this bill has teeth in it by having a three-strikes-and-you're-out penalty. Three strikes and you're out means if a judge finds that they have violated Rule 11 bringing a frivolous claim on three separate occasions, they will be suspended from practicing law in that particular Federal court for 1 year and will have to reapply for practice there. That is a tough sanction. I happen to be the author of it. But it is key for Members to know that there is a bipartisan idea, three strikes and you're out.

□ 1400

To my left here, you see a quote from Senator John Edwards, himself a lifelong well-known personal injury lawyer, a former Senator from North Carolina and former Vice Presidential candidate. He said in Newsweek magazine, December 15, 2003, "Frivolous lawsuits waste good people's time and hurt the real victims. Lawyers who bring frivolous cases should face tough mandatory sanctions with a three-strikes penalty."

Senator Edwards is not the only one who holds that view. You will see that Senator Edwards' running mate, Senator JOHN KERRY, told the Associated Press on October 10, 2004, "Lawyers who file frivolous cases would face tough mandatory sanctions, including a three-strikes-and-you're-out provision that forbids lawyers who file frivolous cases from bringing another suit for the next 10 years."

President George W. Bush, back when he was a candidate, February 9, 2000 said, "As President, I will bring common sense to our courts and curb frivolous lawsuits. If a lawyer files three junk lawsuits, he will lose the right to appear in Federal Court for 3 years. Three strikes and you're out."

The Austin American Statesman summarized President Bush's plan as saying, "Bush's plan includes stiffer penalties for lawsuits determined by judges to be frivolous, including a three-strikes-and-you're-out rule for lawyers who repeatedly file such claims."

On the day before we marked up this bill in the Judiciary Committee, May 24, 2005, I visited with President Bush in his personal residence and asked him, Mr. President, do you still stand by this policy that we need three strikes and you're out to crack down on frivolous lawsuits? He said, I absolutely do. That is the policy of the White House.

So we have the Democrat Presidential candidate, Mr. KERRY; the Democrat Vice Presidential candidate, Mr. Edwards; the President of the

United States; and the Judiciary Committee on a voice vote adopted this three-strikes-and-you're-out provision.

The third key element of this Lawsuit Abuse Reduction Act is language to avoid forum shopping. It is the same language that we had in the class action legislation, which was approved on a bipartisan basis by both the House and the Senate and signed into law. Essentially, if there is an accident, the claim will be brought where the accident is or where the plaintiff resides or where the defendant resides.

For example, if you lived in Orlando, Florida, like I do, and you went to your local McDonald's and you slipped on a puddle of water, you could bring your suit in Orlando, where it should be. What you could not do is say, well, I know that Madison County, Illinois is a judicial hellhole, and there are lots of plaintiff-friendly judges, and McDonald's does business up in Madison County, Illinois. We are going to go file our suit there and do a little forum shopping. That is the kind of thing that is not going to be allowed here.

In short, this is a commonsense bill that provides tough mandatory sanctions to crack down on frivolous suits and includes provisions that enjoy bipartisan support. This bill has already passed the House. I urge my colleagues to vote "yes" on this important legislation.

Mr. NADLER. Mr. Chairman, I observe the gentleman tells us that President Bush assures us of the problem of frivolous lawsuits. President Bush assured us there were weapons of mass destruction in Iraq and a lot of other nonsense. So I do not give that too much credence.

Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member, and I thank my good friend and colleague from Texas (Mr. SMITH). There are many opportunities that we have to agree. I believe in his unabiding commitment to the integrity to the judicial system. That is why I rise to quote him when he says that there is a premise that we all deserve justice and that justice, in essence, should not be denied. He agrees with that, and I agree with that. Frankly, however, this legislation is not merely a denial of justice. It is an obliteration, a complete destruction of justice.

It is interesting in the backdrop of the United States promoting democratization in Iraq, challenging Iran, and now with the proceedings against Saddam Hussein and the very basis of our dependence upon a fair and impartial judicial system that will allow lawyers to be able to petition for their client or defend their client, that we would stand here on the floor of the House today and in essence create the lawsuit elimination legislation rather than the suggestion that we are preventing abuse.

Let me tell you what this legislation intends to do. This legislation intends



to ride roughshod over States' rights, forcing State courts to enact burdensome procedures and even stripping their jurisdiction over certain cases. That means that, in essence, it forces State judges within 30 days of a case being filed to conduct an extensive and lengthy pretrial hearing to determine whether Federal Rule 10 must be imposed. We already know that Federal Rule 11 has given the court system an effective tool to ensure, if you will, that if there is frivolous activity in the courthouse, or a lawyer files a frivolous case, that lawyer can be sanctioned.

This now protects foreign corporations at the expense of consumers. Why? Because you may be able to sue in a State court, but the State court may not have jurisdiction over that foreign corporation, leaving the victim of products liability, the victim of a terrible heinous accident left without remedy in a State court.

It makes sanctions mandatory rather than discretionary. It undermines the Federal judiciary system and the court system. It says to our judges that although you have gone to the highest litmus test, confirmation on the Federal bench, elections and bar scrutiny, we are telling you that we are going to pierce your courtroom and we are going to take away the rights of Rule 11 where you have discretion and we are going to simply tell you to throw a lawyer out.

Then for myself as an African American and someone whose very existence is based upon the privileges that Thurgood Marshall had, and many other lawyers, to go into the courthouse, and at that time and era in the early 1940s and 1950s, speak language that could have been considered frivolous, I would suggest that just in a general sense, whether or not this particular legislation speaks particularly to that issue, there are many times in our history where lawyers may be considered frivolous because they are speaking a language that opposes society.

The question of an equal education under *Brown v. Topeka* might have been frivolous. I do not want to have a Federal law that suggests that you cannot go into the courthouse. This bill allows judges to order individuals to reimburse litigation costs, including attorneys' fees, by specifically stating that reasonable attorneys' fees should be taken into account when assessing the amount of the sanction. That means that the poorer client is going to be thrown out.

This is supposed to help small businesses. At the same time, it may be the small business that is a petitioner. They may think their case is legitimate.

For example, what about this lawsuit for one business against another. That is frivolous lawsuits, when you had Enterprise, a very big company, filed a lawsuit against Rent-A-Wreck of America, a tiny rental company, and Hertz

Corporation and threatened to file lawsuits against several other rental car companies that used the phrase, "pick you up," claiming that "We'll pick you up" is Enterprise's slogan. Then there was a whole bunch of other lawsuits around who will pick you up, and who is not picking you up and why you are being picked up.

We could label frivolous lawsuits across the board. It should be left to the judges in Rule 11. This legislation removes the safe harbor provision of the rule which allows an attorney a period of 21 days to withdraw an objectionable pleading. That undermines justice. Maybe the lawyer made a mistake and therefore we do not have that opportunity.

Mr. Chairman, I would simply say this is a bill that has no basis in need, and we should unanimously defeat it.

Mr. Chairman, I rise in opposition to the base bill before the Committee of the Whole H.R. 4571, the Lawsuit Abuse Reduction Act of 2005 and state my support for the substitute offered by the Gentleman from as California, Mr. SCHIFF.

As I mentioned during the Committee on the Judiciary's oversight hearing on this legislation during its iteration in the 108th Congress and reiterated in my statement for the markup, one of the main functions of the Congress before it passes legislation is to analyze potentially negative impact against the benefits that it might have on those affected. The base bill before the House today does not represent the product of careful analysis.

In the case of H.R. 4571, the Lawsuit Abuse Reduction Act, the oversight functions of the Judiciary Committee allowed us to craft a bill that will protect those affected from negative impacts of the shield from liability that it proposes. This legislation required an overhaul in order to make it less of a misnomer—to reduce abuse rather than encourage it.

The goal of the tort reform legislation is to allow businesses to externalize, or shift, some of the cost of the injuries they cause to others. Tort law always assigns liability to the party in the best position to prevent an injury in the most reasonable and fair manner. In looking at the disparate impact that the new tort reform laws will have on ethnic minority groups, it is unconscionable that the burden will be placed on these groups—that are in the worst position to bear the liability costs.

When Congress considers pre-empting State laws, it must strike the appropriate balance between two competing values—local control and national uniformity. Local control is extremely important because we all believe, as did the Founders two centuries ago, that state governments are closer to the people and better able to assess local needs and desires. National uniformity is also an important consideration in federalism—Congress' exclusive jurisdiction over interstate commerce has allowed our economy to grow dramatically over the past 200 years.

This legislation would reverse the changes to Rule 11 of the Federal Rules of Civil Procedure, FRCP, that were made by the Judicial Conference in 1993 such that (1) sanctions against an attorney whose litigation tactics are determined to harass or cause unnecessary delay or cost or who has been determined to have made frivolous legal arguments or un-

warranted factual assertions would become mandatory rather than discretionary to the court, (2) discovery-related activity would be included within the scope of the Rule, and (3) the Rule would be extended to state cases affecting interstate commerce so that if a state judge decides that a case affects interstate commerce, he or she must apply Rule 11 if violations are found.

This legislation strips State and Federal judges of their discretion in the area of applying Rule 11 sanctions. Furthermore, it infringes States' rights by forcing state courts to apply the rule if interstate commerce is affected. Why is the discretion of the judge not sufficient in discerning whether Rule 11 sanctions should be assessed?

If this legislation moves forward in this body, it will be important for us to find out its effect on indigent plaintiffs or those who must hire an attorney strictly on a contingent-fee basis. Because the application of Rule 11 would be mandatory, attorneys will pad their legal fees to account for the additional risk that they will have to incur in filing lawsuits and the fact that they will have no opportunity to withdraw the suit due to a mistake. Overall, this legislation will deter indigent plaintiffs from seeking counsel to file meritorious claims given the extremely high legal fees.

Furthermore, H.R. 4571, as drafted, would allow corporations that perform sham and non-economic transactions in order to enjoy economic benefits in this country. Therefore, I planned to offer an amendment that would preclude these entities from so benefiting.

The text of the amendment defined the term "Benedict Arnold Corporation" and proposed to prevent such companies from benefiting from the legal remedies that H.R. 4571 purports to offer.

The "Benedict Arnold Corporation" refers to a company that, in bad faith, takes advantage loopholes in our tax code to establish bank accounts or to ship jobs abroad for the main purpose of tax avoidance. A tax-exempt group that monitors corporate influence called "Citizen Works" has compiled a list of 25 Fortune 500 Corporations that have the most offshore tax-haven subsidiaries. The percentage of increase in the number of tax havens held by these corporations since between 85.7 percent and 9,650 percent.

This significant increase in the number of corporate tax havens is no coincidence when we look at the benefits that can be fund in doing sham business transactions. Some of these corporations are "Benedict Arnolds" because they have given up their American citizenship; however, they still conduct a substantial amount of their business in the United States and enjoy tax deductions of domestic corporations.

Such an amendment would preclude these corporations from enjoying the benefit of mandatory attorney sanctions for a Rule 11 violation. By forcing these corporate entities to fully litigate matters brought helps to put their true corporate identity into light and discourages them from performing as many domestic transactions that may be actionable for a claimant.

In the context of the Judiciary's consideration of the Terrorist Penalties Enhancement Act, H.R. 2934, my colleagues accepted an amendment that I offered that ensured that corporate felons were included in the list of individuals eligible for prosecution for committing

terrorist offenses. The amendment that I would have offered for this bill has the same intent—to increase corporate accountability and to encourage corporate activity with integrity.

I ask that my colleagues support the Substitute offered by Mr. Schiff and defeat the base bill. We must carefully consider the long-term implications that this bill, as drafted, will have on indigent claimants, the trial attorney community, and facilitation of corporate fraud.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Constitutional Law Subcommittee of the Judiciary Committee.

Mr. CHABOT. Mr. Chairman, I want to first of all commend the gentleman from Texas for his leadership in this area. This is a very important piece of legislation. I think he does us all proud by pushing for this and ultimately, I believe, being successful in its passage.

I am pleased to be a cosponsor of H.R. 420, legislation that will help curtail frivolous lawsuits. It is reassuring to once again see that the Congress is taking measures to help rid our court system of lawsuits that are costly and hurt both consumers and businesses in our country. The legislation is aimed at enforcing the laws that govern attorneys in relation to filing frivolous lawsuits. The actual standard of what constitutes a frivolous lawsuit will not change. But consequences for such actions will.

In 1993, the Civil Rules advisory committee, an unelected body, decided that sanctions against attorneys who file frivolous lawsuits should be optional. Justice David Brewer once wrote: "America is the paradise of lawyers."

In my opinion, this "paradise" has resulted in increased prices for consumer goods and higher insurance premiums and a decrease in domestic manufacturing, which has been one of the things that we have heard more and more discussion about in this country, the loss of manufacturing jobs.

H.R. 420 seeks to rein in lawsuit-happy litigators by restoring mandatory sanctions for filing frivolous lawsuits, a violation of Rule 11 of the Federal Rules of Civil Procedure. This bill also prevents forum shopping by requiring that personal injury cases be brought only where the plaintiff resides, where the plaintiff was allegedly injured, or where the defendant's principal place of business is located.

Finally, the bill would apply a three-strikes-and-you-are-out rule, as we have heard, to attorneys who commit three or more Rule 11 violations in Federal district court. As a member of the House Judiciary Committee, as well as a member of the Small Business Committee, I have heard endless accounts of family-owned small businesses being led to financial ruin by the exorbitant cost of frivolous lawsuits.

According to the NFIB, the National Federation of Independent Businesses, small business owners ranked the cost and availability of liability insurance

as the second most important problem facing small business owners today. Small business owners know that if they are sued, they are likely to have to choose between a long and costly trial or an expensive settlement. Either choice significantly impacts the operations of a business and the livelihood of its employees. This hurts the little guy because of these lawsuits.

Most business decisions today are made with this new reality in mind. This bill will help make American small businesses more competitive by lowering their unnecessary legal expenses, allowing business owners to focus on hiring new employees and expanding available products.

This bill will help make American businesses more competitive. It will allow business owners to focus on hiring new employees, which is really critical in this economy that we are faced with, and expanding the availability of products and services and improving the American economy.

Mr. Chairman, I again want to thank the gentleman from Texas for his leadership in introducing this important piece of legislation. It is time that we put an end to these frivolous lawsuits that are impacting the economy, that are hurting, especially, small businesses and are resulting in the loss of jobs of many, many Americans in this country.

Mr. NADLER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank my good friend from New York for yielding me the time.

Mr. Chairman, I rise in opposition to H.R. 420, legislation that would have a chilling effect on a plaintiff's ability to seek recourse in court. As I have listened to my colleagues on the floor talk about three-strikes-and-you-are-out with regard to a counsel, you would think this was a criminal situation. They took discretion away from judges with mandatory sentencing. They said, Judge, no matter what the facts are of the case, if this is the penalty, then you impose such penalty.

What is very interesting is, even though my colleague cited JOHN KERRY, John Edwards, President Bush, and the Judiciary Committee, not one of them have sat as a judge in a case, making decisions about Rule 11 cases.

□ 1415

I am proud to say that I served as a judge for 10 years in the trial court in the State of Ohio and have had the ability to review complaints, review discovery decisions, review pleadings. And judges should be vested with the same discretion they are vested with in other situations and not be subjected to this Rule 11 sanctions piece that is being proposed by this legislation.

It is unconscionable that the claim that businesses get on with more business or they can hire more employees, to use that to play against the ability of a plaintiff to bring a lawsuit. What

is going to make business do better in the United States of America is this country having a policy that encourages business. What is going to make people work better in the United States of America is having greater opportunity for business, and you cannot blame business not doing well on lawsuits, just as you cannot blame doctors running all over creation because of medical malpractice.

I encourage all of my colleagues to take a close look at what this legislation will do, to take a close look and listen to the arguments that are being made by my colleagues with regard to this legislation, and vote in opposition to H.R. 420.

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

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

I will summarize in a few words what we are really talking about. There are frivolous lawsuits. There are also novel legal claims which some may consider frivolous, but which, in the fullness of time, yield legal progress. The claims against Plessy v. Ferguson were considered frivolous at first, but eventually the courts accepted them, and so with many other arguments.

The courts have Rule 11 sanctions available at their discretion. Any judge who thinks an attorney is being frivolous, is wasting the court's time, is wasting his adversary's time, can impose the sanctions today. The courts have not asked for further power. The courts have certainly not asked us to tie their hands and to mandate that they impose sanctions whenever they are requested and a technicality may have been violated. That is not justice, to enforce technicalities against the discretion of the judge.

The Association of State Chief Justices are not in favor of this. The Judicial Council of the United States is not in favor of this.

To mandate that attorneys be sanctioned on any technicality, to say that an attorney may not correct his own mistake, you must sanction him; to say that three sanctions on three technicalities means he cannot practice anymore is to tell attorneys, do not try novel legal arguments, do not argue new claims. To say that attorneys' fees, reasonable attorneys' fees, will be assessed mandatorily, whatever the judge thinks, whether he thinks or she thinks it is reasonable or not, is to say that you better not sue the big boys, that you better not sue General Motors, and a small business, a supplier cannot sue Wal-Mart lest the attorney violate some technicality and the attorneys' fees of Wal-Mart, with their 45 attorneys sitting there, be assessed against the small supplier.

This is not justice. What this bill is, Mr. Chairman, is another attempt, another in a series of attempts, the class action bills, the various other bills we have had here, to close the courts, to close the courts to anyone who would try to hold giant corporations accountable. That is what this is. This is a bill

that says, do not try to use the courts for civil rights, do not try to use the courts to sue large corporations. We are going to make sure you do not. We are going to punish you if you do, and we are going to make sure you cannot find an attorney who will take the case because they are worried about draconian imposition of draconian attorneys' fees.

So I urge my colleagues to reject this bill. It should be rejected, because the courts ought to be opened to all people who need to use them. Otherwise there is no justice.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was listening to the gentleman framing the question, and the gentleman framed the question I think in the way that we should ask our colleagues for them to give us an answer. I think what the gentleman has suggested in his very detailed and eloquent presentation, there is a judicial system in place that is functioning and functional. We should take the Boy Scouts' oath, make your camp better than you found it. Therefore, if there are issues that we can improve in the judiciary, let us do it.

But I am just looking at some information here that tells me that Federal litigation is, in fact, decreasing. A 2005 report issued by the U.S. Department of Justice says that the U.S. district courts in some areas, of course, fell 79 percent, fell 79 percent, the cases, the tort cases, between 1985 and 2003. According to the Administrative Office of the U.S. Courts, tort actions in the U.S. district courts went down from 29 percent from 2002 to 2003, so it fell 28 percent. In addition, over the last 5 years, Federal civil filings have not only decreased 8 percent, but the prefilings that are personal injury cases has also declined. State litigation is decreasing. The numbers show they are decreasing. Lawsuit filings are decreasing. As I said, tort filings have declined 5 percent since 1993. Contract filings have declined.

I do not particularly consider that a good omen. I would like people to legitimately feel they can go into the courts for their remedies. But the question is, it is not broken, and here we are putting heavier burdens on the court system that literally shuts the door closed to a number of individuals, and I think that is completely unacceptable for the responsibility of this Congress.

Mr. NADLER. Mr. Chairman, reclaiming my time, I thank the gentlewoman.

I think the gentlewoman has established not only that the system is not broken, but that any claim of an avalanche of frivolous litigation is absurd for these kinds of statistics of declining use of the courts, of declining case-loads, of declining filings. Again, the courts have not requested this, they

have not said that there is any problem, there is any problem existing. This is an attempt again to shut the courthouse doors to people who need access to the courts, and on the most fundamental grounds of justice, this bill ought to be soundly rejected.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the scourge of frivolous litigation mars the fabric of our legal system and undermines the vitality of our economy. As President Bush has stated, "We have a responsibility to confront frivolous litigation head on." H.R. 420 would do exactly that.

Frivolous lawsuits have become a form of legalized extortion. Without the serious threat of certain punishment for filing frivolous claims, innocent people and small businesses will continue to confront the stark economic reality that simply paying off frivolous claims through monetary settlements is always cheaper than litigating the case until no fault is found. Frivolous lawsuits subvert the proper role of the tort system and affront fundamental notions of fairness that are central to our system of justice.

The effects of frivolous litigation are both clear and widespread. Churches are discouraging counseling by ministers. Children have learned to threaten teachers with lawsuits. Youth sports are shutting down in the face of lawsuits for injuries and even hurt feelings. Common playground equipment is now an endangered species. The Girl Scouts in the metro Detroit area alone have to sell 36,000 boxes of cookies each year just to pay for their liability insurance. Good Samaritans are discouraged. When one man routinely cleared a trail after snowstorms, the county had to ask him to stop. The supervisor of district operations wrote, "If a person falls, you are more liable than if you had never plowed at all."

Unfortunately, the times we are in allow for a much more litigious environment than common sense would dictate. A Federal lawsuit has even been filed against U.S. weather forecasters after the South Asian tsunami disaster.

Today results of frivolous lawsuits are written on all manner of product warnings that aim to prevent obvious misuse. A warning label on a baby stroller cautions, "Remove child before folding." A five-inch brass fishing lure with three hooks is labeled, "Harmful if swallowed." And household irons warn, "Never iron clothes while they are being worn."

Small businesses and workers suffer the most. The Nation's oldest ladder manufacturer, family-owned John S. Tilley Ladders Company near Albany, New York, recently filed for bankruptcy protection and sold off most of its assets due to litigation costs. Founded in 1855, the Tilley firm could not handle the cost of liability insur-

ance, which had risen from 6 percent of sales a decade ago to 29 percent, while never losing an actual court judgment. The workers of John S. Tilley Ladders never faced a competitor they could not beat in the marketplace, but they were no match for frivolous lawsuits.

When Business Week published an extensive article on what the most effective legal reforms would be, it stated that what is needed are "Penalties That Sting." As Business Week recommends, "Give judges stronger tools to punish renegade lawyers."

Before 1993, it was mandatory for judges to impose sanctions such as public censures, fines, or orders to pay for the other side's legal expenses. Then the Civil Rules Advisory Committee, an obscure branch of the courts, made penalties optional. This needs to be reversed by Congress. Today, H.R. 420 would do exactly that.

Rule 11 of the Federal Rules of Civil Procedure presently does not require sanctions against parties who bring frivolous lawsuits. Without certain punishment for those who bring these suits and the threat of serious monetary penalties to compensate the victims of frivolous lawsuits, there is little incentive for lawsuit victims to spend time and money seeking sanctions for lawsuit abuse. In fact, as currently written, Rule 11 allows lawyers to entirely avoid sanctions for filing frivolous claims by withdrawing them within 3 weeks. Such a rule actually encourages frivolous claims because personal injury attorneys can file harassing pleadings secure in the knowledge that they have nothing to lose. If someone objects, they can always retreat without penalty.

H.R. 420 would restore mandatory sanctions and monetary penalties under Federal Rule 11 for filing frivolous lawsuits and abusing the litigation process. It would also extend these same protections to cover State cases that a State judge determines have interstate implications and close the loopholes of a tort system that often resembles a tort lottery.

The legislation applies to frivolous lawsuits brought by businesses as well as individuals, and it expressly precludes application of the bill to civil rights cases if applying the bill to such cases would bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law. The Class Action Fairness Act, which was recently signed into law after receiving broad support in both Houses, prohibits the unfair practice of forum shopping for favorable courts when the case is styled as a class action. The same policy should apply to individual lawsuits as well.

One of the Nation's wealthiest personal injury attorneys, Richard "Dickie" Scruggs, and I quoted him at length a while ago, but I will quote him a little bit shorter right now, described what he calls "magic jurisdictions" as "What I call the 'magic jurisdictions' is where it is almost impossible to get

a fair trial if you are a defendant. Any lawyer fresh out of law school can walk in there and win the case, so it does not matter what the evidence or the law is.”

America’s system of justice deserves better, much better. H.R. 420 prevents the unfair practice of forum shopping by requiring that personal injury cases be brought only where there is some reasonable connection to the case; namely, where the plaintiff lives or was allegedly injured, where the defendant’s principal place of business is located, or where the defendant resides.

The time for congressional action to close the loopholes that create incentives for frivolous lawsuits is now. Too many jobs have been lost and more will not be created if this legislation is not enacted into law.

I urge my colleagues to return a measure of fairness to America’s legal system by passing the Lawsuit Abuse Reduction Act.

Mr. TERRY. Mr. Chairman, I rise in opposition of H.R. 420, the Lawsuit Abuse Reduction Act of 2005. This legislation runs roughshod over States’ rights, forcing State courts to enact onerous procedures and stripping States’ jurisdiction in certain cases. This bill would also force restrictive venue provisions on all State courts, which essentially tells State courts they do not have jurisdiction over certain claims brought by its own citizens. Let State legislatures and State judiciaries set their own Rules. And, by the way, a frivolous, meritless lawsuit is damaging to the system and the offending parties should be punished.

This bill also protects foreign corporations at the expense of consumers in that it unfairly dictates to States where their citizens can enforce legal right against a corporation based outside of the United States. While H.R. 420 allows a victim to file a claim in a court in his or her home State, because of existing jurisdictional rules that State may be unable to exercise power over the foreign corporation.

For example, a corporation in Mexico sells cribs in the United States and those cribs are shipped to Kansas and sold in Nebraska. The cribs turn out to be defective and one collapses on a baby in Nebraska, killing it. It may be impossible, under this proposed bill, for that Nebraska family to file a lawsuit in Nebraska. The family may have to file the suit in Kansas but would have to take the case to Mexico under H.R. 420. I cannot in good conscience support a bill preventing a family in this situation from filing a lawsuit in its own State.

Mr. STARK. Mr. Chairman, I rise in opposition to the so-called Lawsuit Abuse Reduction Act because it would hurt all Americans by exposing them and their attorneys to motions intended to harass them and slow down the legal process, a tactic often used by wealthy defendants in civil rights trials.

Prior to 1993, defendants in civil rights cases would file a crushing number of motions alleging frivolous actions on the part of the plaintiff in a blatant attempt to delay the case. In 1993, the rules were changed and judges were empowered to determine sanctions for frivolous lawsuits on a case-by-case basis, removing this delay tactic from wealthy defendants. However, since the Republican Party doesn’t think judges have any business decid-

ing how to run their courts, they want to repeal this change and revert back to the days of delayed justice.

This is one of many reasons why the U.S. Judicial Conference, headed by Chief Justice John Roberts, opposes this bill. Further, H.R. 420 is unconstitutional because it forces every State court to implement new court rules and procedures, even though Congress has no jurisdiction over State courts.

Justice delayed is justice denied and I am proud to stand up for our Constitution, judicial system, and all Americans by voting no on this bill. If that makes me a friend of the trial lawyers, then I proudly stand with the brilliant litigators Thurgood Marshall and Abraham Lincoln in opposition to political hacks like Karl Rove and George W. Bush.

Mr. UDALL of Colorado. Mr. Chairman, I am not opposed to changing Federal court rules to try to make it less likely that small business owners or other Americans will be forced to defend themselves against frivolous lawsuits. So, I could support many of the provisions of this bill. However, the bill has such serious flaws that I cannot support it in its current form.

Part of the bill would change Rule 11 of the Federal Rules of Civil Procedure in ways that would basically restore that rule as it was in 1992. As a result, lawyers filing frivolous lawsuits in Federal courts would face mandatory sanctions in the form of payments to those who were victimized by those lawsuits. I think that could be an effective deterrent, and can support it.

I also can support strong provisions to deter—and, if necessary punish—repeated violations of the rules against misuse of the courts through frivolous lawsuits. However, I am not enthusiastic about the idea of Congress’s attempting to micro-manage the State courts or to take over the job of regulating the practice of law in State courts in the way that this bill would do.

And I am definitely opposed to changing the rules in ways that could make it impossible for people with valid claims to receive proper consideration of their cases.

For that reason, I must object to the provisions of the bill which, as the non-partisan Congressional Research Service explains, “would preclude litigation in United States courts that would be authorized under current law. For instance, [under current law] . . . if a corporation has stores, factories, offices, or property anywhere in the United States . . . a Federal suit might be brought against it in one of the judicial districts where . . . [an objectionable] activity occurs or property [is located. But] . . . enactment of H.R. 420 apparently could result in a plaintiffs being left without a judicial forum in the United States for his or her tort claim.”

Leaving some Americans with no recourse to the courts even for valid claims would be bad enough. But I find it even more unacceptable that prime beneficiaries of these provisions could be American companies who have chosen to fly a foreign flag in order to escape paying their Federal taxes.

I voted for the Schiff-Kind amendment because I favor strong measures against frivolous lawsuits but oppose giving those fugitive corporations such an unfair advantage over truly American companies. Unfortunately, however, that amendment was not adopted—and as a result I must vote against this bill as it stands.

Mr. HONDA. Mr. Chairman, I rise in opposition to H.R. 420, a measure that purports to reduce frivolous lawsuits. While no one likes to see unnecessary, merit-less lawsuits clogging our court system, this bill only serves as an unneeded intrusion of Federal authority into State matters.

H.R. 420 substantially changes State court procedure by forcing State judges, within 30 days of a case being filed, to conduct an extensive and lengthy pre-trial hearing to determine whether Federal sanctions must be imposed in a State proceeding. This would require a judge to examine evidence in detail and even to make a pre-trial judgment as to what the outcome of a case might be. These requirements will only serve to add time and expense to the proceedings. Federal judges overwhelmingly agree that the Federal court rules operate more efficiently and fairly when they are discretionary rather than mandatory.

Mr. Chairman, States already have some version of the rule that is exactly or substantially similar to the federally available sanction. State courts should not be forced to spend scarce taxpayer money to conduct an expensive hearing in order to apply a Federal rule that mirrors a mechanism they already have in place.

Mr. MORAN of Virginia. Mr. Chairman, I rise in reluctant opposition to the Lawsuit Abuse Reduction Act. As an advocate for reasoned and balanced reform to our American judicial system, I am afraid that today’s bill overreaches and sets a dangerous precedent for future legislation. H.R. 420 treads unnecessarily on judicial independence and makes litigation overly burdensome for legitimate cases to have their fair day in court.

Primarily, this legislation encroaches on the judicial rulemaking process by changing the Federal Rules of Civil Procedure, over which Congress has no rightful jurisdiction. This rulemaking process is the responsibility of the Judicial Conference and the Supreme Court. Furthermore, the requirement that State courts apply these new Federal rules is an intrusion on State judicial authority.

I strongly believe that the integrity of the judiciary is in question if we impose our own set of rules on this independent body, particularly as Congress continues to limit judicial discretion. This action is wrong, and one of the reasons that judges from across the Nation overwhelmingly oppose this legislation.

Furthermore, I believe this bill inhibits legitimate cases from having their day in court. Plaintiffs that have just cause for action, particularly in cases dealing with civil rights, may reconsider because of the threat of mandated sanctions and the elimination of the 21-day “safe harbor” rule. This chilling effect on meritorious legal claims does not offer honest Americans justice.

I also have concern that this bill will not deter frivolous lawsuits. Despite the anecdotes my colleagues have offered, there is no empirical evidence that Rule 11, which this bill seeks to change, is not working. In fact, recent studies indicate that frivolous litigation is declining.

Mr. Chairman, I will continue to approach tort reform with the objective of ensuring that any legitimate cases have their day in court. I don’t believe the bill before us today meets this standard.

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 420, the Lawsuit Abuse Reduction Act.

The simple fact is, we have too many junk lawsuits being filed. It is imperative we reform our tort system, and it seems to me this legislation is an important step in this direction.

The House has passed several common sense bills that will help make our court system less prone to abuse and more fair for victims, such as medical malpractice reform and class action reform.

Today's legislation would restore mandatory sanctions on lawyers and law firms filing frivolous lawsuits and eliminate the current safe harbor provision that allows lawyers to avoid sanctions by quickly withdrawing meritless claims. The legislation also prevents forum shopping by requiring suits to be filed where a plaintiff resides, where an injury occurred, or where the defendant's principal place of business is located.

Tort reform will make American businesses more competitive and lower costs to consumers while ensuring true victims' rights to sue for damages. Frivolous lawsuits have discouraged product development, stifled innovative research and cost millions in insurance and legal fees—costs that often get passed on to consumers. Making the system less costly will increase job creation, benefiting businesses and consumers alike.

I support this legislation and encourage my colleagues to do so as well.

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

□ 1430

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 420

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

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Lawsuit Abuse Reduction Act of 2005".*

**SEC. 2. ATTORNEY ACCOUNTABILITY.**

Rule 11(c) of the Federal Rules of Civil Procedure is amended—

(1) by amending the first sentence to read as follows: "If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the attorney, law firm, or parties that have violated this subdivision or are responsible for the violation, an appropriate sanction, which may include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper, that is the subject of the violation, including a reasonable attorney's fee.";

(2) in paragraph (1)(A)—

(A) by striking "Rule 5" and all that follows through "corrected." and inserting "Rule 5."; and

(B) by striking "the court may award" and inserting "the court shall award"; and

(3) in paragraph (2), by striking "shall be limited to what is sufficient" and all that follows through the end of the paragraph (including subparagraphs (A) and (B)) and inserting "shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the parties

that were injured by such conduct. The sanction may consist of an order to pay to the party or parties the amount of the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorney's fee."

**SEC. 3. APPLICABILITY OF RULE 11 TO STATE CASES AFFECTING INTERSTATE COMMERCE.**

*In any civil action in State court, the court, upon motion, shall determine within 30 days after the filing of such motion whether the action substantially affects interstate commerce. Such court shall make such determination based on an assessment of the costs to the interstate economy, including the loss of jobs, were the relief requested granted. If the court determines such action substantially affects interstate commerce, the provisions of Rule 11 of the Federal Rules of Civil Procedure shall apply to such action.*

**SEC. 4. PREVENTION OF FORUM-SHOPPING.**

(a) *IN GENERAL.*—Subject to subsection (b), a personal injury claim filed in State or Federal court may be filed only in the State and, within that State, in the county (or Federal district) in which—

(1) *the person bringing the claim, including an estate in the case of a decedent and a parent or guardian in the case of a minor or incompetent—*

(A) *resides at the time of filing; or*

(B) *resided at the time of the alleged injury;*

(2) *the alleged injury or circumstances giving rise to the personal injury claim allegedly occurred;*

(3) *the defendant's principal place of business is located, if the defendant is a corporation; or*

(4) *the defendant resides, if the defendant is an individual.*

(b) *DETERMINATION OF MOST APPROPRIATE FORUM.*—If a person alleges that the injury or circumstances giving rise to the personal injury claim occurred in more than one county (or Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subsection.

(c) *DEFINITIONS.*—In this section:

(1) *The term "personal injury claim"—*

(A) *means a civil action brought under State law by any person to recover for a person's personal injury, illness, disease, death, mental or emotional injury, risk of disease, or other injury, or the costs of medical monitoring or surveillance (to the extent such claims are recognized under State law), including any derivative action brought on behalf of any person on whose injury or risk of injury the action is based by any representative party, including a spouse, parent, child, or other relative of such person, a guardian, or an estate; and*

(B) *does not include a claim brought as a class action.*

(2) *The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, but not any governmental entity.*

(3) *The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and any other territory or possession of the United States.*

(d) *APPLICABILITY.*—This section applies to any personal injury claim filed in Federal or State court on or after the date of the enactment of this Act.

**SEC. 5. RULE OF CONSTRUCTION.**

*Nothing in section 3 or in the amendments made by section 2 shall be construed to bar or*

*impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law.*

**SEC. 6. THREE-STRIKES RULE FOR SUSPENDING ATTORNEYS WHO COMMIT MULTIPLE RULE 11 VIOLATIONS.**

(a) *MANDATORY SUSPENSION.*—Whenever a Federal district court determines that an attorney has violated Rule 11 of the Federal Rules of Civil Procedure, the court shall determine the number of times that the attorney has violated that rule in that Federal district court during that attorney's career. If the court determines that the number is 3 or more, the Federal district court—

(1) *shall suspend that attorney from the practice of law in that Federal district court for 1 year; and*

(2) *may suspend that attorney from the practice of law in that Federal district court for any additional period that the court considers appropriate.*

(b) *APPEAL; STAY.*—An attorney has the right to appeal a suspension under subsection (a). While such an appeal is pending, the suspension shall be stayed.

(c) *REINSTATEMENT.*—To be reinstated to the practice of law in a Federal district court after completion of a suspension under subsection (a), the attorney must first petition the court for reinstatement under such procedures and conditions as the court may prescribe.

**SEC. 7. PREVENTION OF REPEATEDLY RELITIGATING SAME ISSUE.**

*Whenever a party attempts to litigate, in any forum, an issue that the party has already litigated and lost on the merits on 3 consecutive prior occasions, there shall be a rebuttable presumption that the attempt is in violation of Rule 11 of the Federal Rules of Civil Procedure.*

**SEC. 8. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION.**

(a) *IN GENERAL.*—Whoever influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, a pending court proceeding through the intentional destruction of documents sought in, and highly relevant to, that proceeding—

(1) *shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and*

(2) *shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.*

(b) *APPLICABILITY.*—This section applies to any court proceeding in any Federal or State court that substantially affects interstate commerce.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-253. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109-253 offered by Mr. SMITH of Texas:

Page 4, strike lines 8 through 11 and insert the following:

(a) IN GENERAL.—Subject to subsection (b), a personal injury claim filed in State or Federal court may be filed only in the State and, within that State, in the county (or if there is no State court in the county, the nearest county where a court of general jurisdiction is located) or Federal district in which—

Page 5, line 23, strike “and”.

Page 5, line 25, strike the period at the end and insert “; and”.

Page 5, after line 25, insert the following:

(C) does not include a claim against a debtor in a case pending under title 11 of the United States Code that is a personal injury tort or wrongful death claim within the meaning of section 157(b)(5) of title 28, United States Code.

Page, 7, strike line 16 and all that follows through the end of the bill and insert the following new sections:

**SEC. 7. PRESUMPTION OF RULE 11 VIOLATION FOR REPEATEDLY RELITIGATING SAME ISSUE.**

Whenever a party presents to a Federal court a pleading, written motion, or other paper, that includes a claim or defense that the party has already litigated and lost on the merits in any forum in final decisions not subject to appeal on 3 consecutive occasions, and the claim or defense involves the same plaintiff and the same defendant, there shall be a rebuttable presumption that the presentation of such paper is in violation of Rule 11 of the Federal Rules of Civil Procedure.

**SEC. 8. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION IN PENDING FEDERAL COURT PROCEEDINGS.**

Whoever willfully and intentionally influences, obstructs, or impedes, or attempts to influence, or obstruct, or impede, a pending Federal court proceeding through the willful and intentional destruction of documents sought pursuant to the rules of such Federal court proceeding and highly relevant to that proceeding—

(1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and

(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

**SEC. 9. BAN ON CONCEALMENT OF UNLAWFUL CONDUCT.**

(a) IN GENERAL.—In any Rule 11 of the Federal Rules of Civil Procedure proceeding, a court may not order that a court record not be disclosed unless the court makes a finding of fact that identifies the interest that justifies the order and determines that that interest outweighs any interest in the public health and safety that the court determines would be served by disclosing the court record.

(b) APPLICABILITY.—This section applies to any record formally filed with the court, but shall not include any records subject to—

(1) the attorney-client privilege or any other privilege recognized under Federal or State law that grants the right to prevent disclosure of certain information unless the privilege has been waived; or

(2) applicable State or Federal laws that protect the confidentiality of crime victims, including victims of sexual abuse.

The CHAIRMAN. Pursuant to House Resolution 508, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bipartisan manager's amendment I am offering today reflects the important contributions of the gentleman from New York (Mr. NADLER) and the gentleman from Virginia (Mr. SCOTT). It incorporates into the base bill provisions imposing sanctions for the destruction of relevant documents in a pending Federal court proceeding, an amendment setting standards for a court's determination that certain court records should be sealed, and an amendment providing for a presumption on a Rule 11 violation when the same issue is repeatedly relitigated.

This manager's amendment also makes clear that in the antiforum-shopping provisions, if there is no State court in the county in which the injury occurred, the case can be brought in the nearest adjacent county where a court of general jurisdiction is located.

Finally, the manager's amendment makes clear that the legislation does not affect personal injury claims that Federal bankruptcy law requires to be heard in a Federal bankruptcy court. This reasonable request was made by the National Bankruptcy Conference Committee on Legislation.

I urge my colleagues to join me in supporting this bipartisan manager's amendment.

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

The CHAIRMAN. Does any Member seek recognition in opposition?

Mr. NADLER. Mr. Chairman, I do not seek recognition in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. NADLER. Mr. Chairman, I am pleased that Chairman SENSENBRENNER has included in the manager's amendment two provisions that I offered in the Judiciary Committee markup of the bill, and I thank the chairman for his support.

The first amendment included in the manager's amendment provides for mandatory sanctions for destroying documents relating to a court proceeding. Delays during litigation provide ample opportunities for wrongdoers to destroy incriminating documents. Because this can result in the complete inability to hold these defendants accountable for their wrongful acts, parties who knowingly destroy relevant and incriminating documents should be severely sanctioned.

Secondly, the second amendment bans the concealment of unlawful conduct when the interests of public health and safety outweigh the interest of litigating parties in concealment. Very often in civil litigation, a company producing an unsafe product or an unsafe procedure will settle with the plaintiff.

The settlement will include a payment of a sum to the defendant, but will also often include an agreement that the records will be sealed and no one will ever talk about it. That is the condition that the defendant company puts on it.

So the defendant pays the money, the plaintiff gets the settlement, everybody keeps quiet. But meanwhile, hundreds of thousands of people may continue to be injured by that product in the future.

The defendant company forces the plaintiffs never to discuss the problems with anyone else, no one knows about it, and more people keep getting hurt because the product remains on the market.

When it comes to public health and safety, people must have access to information about an unsafe product, not only to protect themselves but also to serve as a deterrent against companies that may continue to place the public in harm's way.

Secrecy agreements should not be enforced unless they meet stringent standards to protect the public interest and the public health. This amendment prevents this harmful practice. The amendment says that an agreement to keep a settlement secret, the terms and conditions of settlement secret, cannot be approved by the court unless the court determines that the interests of the parties in secrecy, perhaps legitimate interests outweigh the interests of the public in knowledge of whatever it is.

If the court so determines, the court can order the secrecy upheld. But if the court determines that the interest and the public knowledge outweigh the secrecy, then the court must say that and disapprove the concealment agreement.

I support the manager's amendment because it includes these two amendments and other good ideas. But these changes are not enough for me to support final passage of what is still an egregious bill.

Again, I would like to thank Chairman SENSENBRENNER for working together in addressing these issues. I believe the manager's amendment provides some positive changes in what is otherwise an egregious bill.

I urge my colleagues to vote for the manager's amendment, but against the final bill.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
NO. 2 OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:



Amendment in the nature of a substitute No. 2 printed in House Report 109-253 offered by Mr. SCHIFF:

Strike all after the enacting clause and insert the following:

**SECTION 1. "THREE STRIKES AND YOU'RE OUT" FOR ATTORNEYS WHO FILE FRIVOLOUS LAWSUITS.**

(a) **SIGNATURE REQUIRED.**—Every pleading, written motion, and other paper in any action shall be signed by at least 1 attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) **CERTIFICATE OF MERIT.**—By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances—

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a non frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are reasonable based on a lack of information or belief.

(c) **MANDATORY SANCTIONS.**—

(1) **FIRST VIOLATION.**—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated, the court shall find each attorney or party in violation in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon the person in violation, or upon both such person and such person's attorney or client (as the case may be).

(2) **SECOND VIOLATION.**—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) **THIRD AND SUBSEQUENT VIOLATIONS.**—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed more than one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court, refer each such attorney to one or more appropriate State bar asso-

ciations for disciplinary proceedings (including suspension of that attorney from the practice of law for one year or disbarment), require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney, or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(4) **APPEAL; STAY.**—An attorney has the right to appeal a sanction under this subsection. While such an appeal is pending, the sanction shall be stayed.

(5) **NOT APPLICABLE TO CIVIL RIGHTS CLAIMS.**—Notwithstanding subsection (d), this subsection does not apply to an action or claim arising out of Federal, State, or local civil rights law or any other Federal, State, or local law providing protection from discrimination.

(d) **APPLICABILITY.**—Except as provided in subsection (c)(5), this section applies to any paper filed on or after the date of the enactment of this Act in—

(1) any action in Federal court; and

(2) any action in State court, if the court, upon motion or upon its own initiative, determines that the action affects interstate commerce.

**SEC. 2. "THREE STRIKES AND YOU'RE OUT" FOR ATTORNEYS WHO ENGAGE IN FRIVOLOUS CONDUCT DURING DISCOVERY.**

(a) **SIGNATURES REQUIRED ON DISCLOSURES.**—Every disclosure made pursuant to subdivision (a)(1) or subdivision (a)(3) of Rule 26 of the Federal Rules of Civil Procedure or any comparable State rule shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the disclosure and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made.

(b) **SIGNATURES REQUIRED ON DISCOVERY.**—

(1) **IN GENERAL.**—Every discovery request, response, or objection made by a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the request, response, or objection and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the request, response, or objection is:

(A) consistent with the applicable rules of civil procedure and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;

(B) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and

(C) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

(2) **STRICKEN.**—If a request, response, or objection is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party making the request, response, or objection, and a party shall not be obligated to take any action with respect to it until it is signed.

(c) **MANDATORY SANCTIONS.**—

(1) **FIRST VIOLATION.**—If without substantial justification a certification is made in violation of this section, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional sanctions, such as imposing sanctions plus interest or imposing a fine upon the person in violation, or upon such person and such person's attorney or client (as the case may be).

(2) **SECOND VIOLATION.**—If without substantial justification a certification is made in violation of this section and that the attorney or party with respect to which the determination is made has committed one previous violation of this section before this or any other court, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional sanctions upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) **THIRD AND SUBSEQUENT VIOLATIONS.**—If without substantial justification a certification is made in violation of this section and that the attorney or party with respect to which the determination is made has committed more than one previous violation of this section before this or any other court, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court, shall require the payment of costs and attorneys fees, require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine, and refer such attorney to one or more appropriate State bar associations for disciplinary proceedings (including the suspension of that attorney from the practice of law for one year or disbarment). The court may also impose additional sanctions upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(4) **APPEAL; STAY.**—An attorney has the right to appeal a sanction under this subsection. While such an appeal is pending, the sanction shall be stayed.

(d) **APPLICABILITY.**—This section applies to any paper filed on or after the date of the enactment of this Act in—

(1) any action in Federal court; and

(2) any action in State court, if the court, upon motion or upon its own initiative, determines that the action affects interstate commerce.

**SEC. 3. BAN ON CONCEALMENT OF UNLAWFUL CONDUCT.**

(a) **IN GENERAL.**—In any Rule 11 of the Federal Rules of Civil Procedure proceeding, a court may not order that a court record not be disclosed unless the court makes a finding of fact that identifies the interest that justifies the order and determines that the interest outweighs any interest in the public health and safety that the court determines would be served by disclosing the court record.

(b) **APPLICABILITY.**—This section applies to any record formally filed with the court, but shall not include any records subject to—

(1) the attorney-client privilege or any other privilege recognized under Federal or State law that grants the right to prevent disclosure of certain information unless the privilege has been waived; or

(2) applicable State or Federal laws that protect the confidentiality of crime victims, including victims of sexual abuse.

**SEC. 4. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION.**

Whoever willfully and intentionally influences, obstructs, or impedes, or attempts to influence, or obstruct, or impede, a pending Federal court proceeding through the willful and intentional destruction of documents sought pursuant to the rules of such Federal court proceeding and highly relevant to that proceeding—

(1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and

(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

**SEC. 5. ABILITY TO SUE CORPORATE FINANCIAL TRAITORS AND FOREIGN CORPORATIONS.**

(a) **GENERAL RULE.**—In any civil action for injury that was sustained in the United States and that relates to the acts of a foreign business, the Federal court or State court in which such action is brought shall have jurisdiction over the foreign business if—

(1) the business purposefully availed itself of the privilege of doing business in the United States or that State;

(2) the cause of action arises from the business's activities in the United States or that State; and

(3) the exercise of jurisdiction would be fair and reasonable.

(b) **ADMISSION.**—If in any civil action a foreign business involved in such action fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in such action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates.

(c) **PROCESS.**—Process in an action described in subsection (a) may be served wherever the foreign business is located, has an agent, or transacts business.

(d) **DEFINITION.**—In this section, the term "foreign business" means a business that has its principal place of business, and substantial business operations, outside the United States and its Territories.

**SEC. 6. PRESUMPTION OF RULE 11 VIOLATION FOR REPEATEDLY RELITIGATING SAME ISSUE.**

(a) **IN GENERAL.**—Whenever a party presents to a Federal court a pleading, written motion, or other paper, that includes a claim or defense that the party has already litigated and lost on the merits in any forum in final decisions not subject to appeal on 3 consecutive occasions, and the claim or defense involves the same plaintiff and the same defendant, there shall be a rebuttable presumption that the presentation of such paper is in violation of Rule 11 of the Federal Rules of Civil Procedure.

(b) **EXCEPTION.**—Subsection (a) does not apply to a claim arising under the Constitution of the United States.

The **CHAIRMAN.** Pursuant to House Resolution 508, the gentleman from California (Mr. SCHIFF) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. SCHIFF).

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

I rise today to offer an amendment in the nature of a substitute to H.R. 420, the Lawsuit Abuse Reduction Act of 2005, with the gentleman from Wisconsin (Mr. KIND).

I thank the Rules Committee for affording us this opportunity to offer and debate our substitute amendment on the floor today.

Mr. Chairman, the base bill certainly has an important and worthy stated goal of cracking down on the filing of frivolous lawsuits. As a former Federal prosecutor and a member of the bar, I strongly support this meritorious goal, as any responsible attorney should.

However, I am forced to oppose the legislation in its current form as it contains a number of serious deficiencies which I believe the substitute amendment will remedy. First, the legislation would revert to a failed regime that has been soundly criticized by those best equipped to comment on the proposed changes, the Federal judiciary.

Second, the legislation would inappropriately involve the States in the application of the Federal Rules of Civil Procedure. And, third, the legislation's forum-shopping provisions drastically change State venue laws to benefit foreign corporations over domestic corporations and victims, to say nothing of doing a great deal to damage States' rights.

Finally, the legislation would harm those seeking relief from civil rights violations. Instead, I ask my colleagues to support the Schiff-Kind substitute amendment, a proposal that would crack down vigorously on frivolous lawsuits. Members on both sides of the aisle agree that our laws and rules of procedure must prohibit frivolous litigation.

Our substitute amendment has a strong three-strikes-and-you-are-out provision for attorneys who file frivolous lawsuits. Unlike the base bill, these frivolous proceedings and pleadings could have been filed in any court. The mandatory sanctions begin after the very first violation; but after the third, the attorney shall be found in contempt of court and referred to the appropriate State bar associations for disciplinary proceedings, including suspension.

Unlike the base bill, the third sanction can also include disbarment.

Our substitute amendment also has strong three-strikes-and-you-are-out provisions for attorneys who engage in frivolous conduct during discovery, including causing unnecessary delay or needless increases in the costs of litigation. Again, mandatory sanctions begin after the first violation, and a third violation in any Federal court can include suspension and even disbarment.

Our substitute also limits the ability of wrongdoers to conceal any conduct harmful to the public welfare by requiring that such court records not be sealed unless the court finds that a sealing is justified. This important provision will help ensure that information on dangerous products and actions is made available to the public.

The Schiff-Kind substitute also includes tough enhanced sanctions for

document destruction by parties punishable by mandatory sanctions under Rule 11 and referral to the appropriate State bars for disciplinary proceedings, including disbarment. We also include strong language to provide a presumption of a Rule 11 violation for repeatedly relitigating the same issue.

I am pleased that some of these important provisions have recently been added to the base bill. The venue provisions, however, in section 4 of the base bill would recast State and Federal court jurisdiction and venue in personal injury cases.

This section would actually operate to provide a litigation and financial windfall to foreign corporations at the expense of their domestic competitors. Instead of permitting claims to be filed wherever a corporation does business or has minimum contacts, as most State long-arm jurisdiction statutes provide, section 4 only permits the suit to be brought where the defendant's principal place of business is located.

This means that it would be far more difficult to pursue a personal injury or product liability action against a foreign corporation in the United States. In fact, this section could operate to make it impossible to sue a foreign corporation in this country, only further promoting the disturbing process of corporations in our country relocating their headquarters overseas to avoid U.S. taxes.

This is bad policy. And our substitute amendment includes language to ensure that jurisdiction for such legal actions is not limited in this manner.

Finally, by requiring a mandatory sanctions regime that would apply to civil rights cases, the base bill will chill many legitimate and important civil rights actions. This is due to the fact that much, if not most, of the impetus for the 1993 changes stemmed from abuses by defendants in civil rights cases, namely, the civil rights defendants were choosing to harass civil rights plaintiffs by filing a series of Rule 11 motions intended to slow down and impede meritorious civil rights cases.

A 1991 Federal judicial study found that the incidence of Rule 11 sanctions or sua sponte orders is higher in civil rights cases than in some other types of cases. Another study found that there is ample evidence to suggest that plaintiffs in civil rights cases, plaintiffs in particular, were far more likely than defendants to be the target of Rule 11 motions and the recipient of sanctions.

While the base bill purports to encourage that the provisions not be applied to civil rights cases, the fact of the matter is it does not explicitly exempt civil rights cases as our substitute does.

Mr. Chairman, this is a commonsense substitute. It cracks down on frivolous lawsuits in a tough fashion, but without jeopardizing civil rights claims or providing unnecessary shields to foreign corporations. It is a better bill,

and I urge the House to adopt the substitute rather than the base proposal.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this substitute amendment. And I have to point out that this same substitute amendment was defeated in the last Congress. Mr. Chairman, where to begin. I will begin with the title of the first section of the substitute. It is entitled, "Three Strikes and You're Out." But the title of section 1 does not reflect the text it contains.

In fact, the substitute provides that following three violations of its provisions: "The court shall refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings."

The substitute does not say the attorney shall be suspended from the practice of law. However, the base bill explicitly provides for such a sanction. Specifically, the base bill states that after three strikes: "The Federal district court shall suspend that attorney from the practice of law in that Federal district court."

The base bill contains a substantive three-strikes-and-you-are-out provision that will prevent attorneys who file frivolous lawsuits from getting into the courtroom. The substitute merely requires that repeat offenders be reported to State bar associations.

But it gets worse. Not only are filers of frivolous lawsuits not out after three strikes under the substitute, but the substitute even changes what constitutes a strike under existing law. Currently, Rule 11 contains four criteria that can lead to a Rule 11 violation.

The substitute references only three. Currently, Rule 11 allows sanctions against frivolous filers whose denials of factual contentions are not warranted on the evidence or are not reasonably based on a lack of information or belief.

The substitute removes this protection for victims of frivolous pleadings under existing law. In addition, the substitute for the first time without penalty allows defendants to file papers with the court that include factual denials of the allegations against them that are not warranted by the evidence and not reasonably based.

Instead, the substitute provides additional protection for defendants filing frivolous defenses that are not warranted by the evidence and not reasonably based.

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This is a step backward for victims of frivolous lawsuits under both State and Federal law. So the substitute not only undermines the clarity of the three strikes and you're out rule, it purports to establish, it dramatically expands the potential for even more frivolous lawsuits.

Furthermore, the base bill provides that those who file frivolous lawsuits can be made to pay all costs and attorneys' fees that are "incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation." The substitute does not include that critical language which is necessary to make clear that those filing frivolous lawsuits must be made to pay the full costs imposed on their victim by the frivolous lawsuit.

The proponent of this amendment claims that the anti-forum shopping standards in H.R. 420 regarding where a personal injury lawsuit can be brought are somehow unfair, even though they are the very same standards contained in the vast majority of State venue laws. In fact, the gentleman from California's own State venue law provides as follows: "If the action is for injury to person or personal property or for death from wrongful act or negligence, the superior court in either the county where the injury occurs or the injury causing death occurs or the county where the defendants, or some of them reside at the commencement of the action, is the proper court for the trial of the action."

Insofar as foreign corporations cannot be sued in some limited circumstances in this country, that is not the fault of H.R. 420, nor is it the fault of California's venue law. It is a result of the Supreme Court's interpretation of the Due Process Clause.

Mr. Chairman, the substitute does not provide for three strikes and you're out. It provides for three strikes and you get referred to a State bar association that can continue to let the offending attorney practice law.

The Democratic substitute weakens existing law that protects plaintiffs from defendants that file frivolous denials that are not warranted by the evidence and not reasonably based. This substitute amendment includes provisions that are unconstitutional and penalizes those who would challenge those unconstitutional rules. That is more than three strikes against the substitute, Mr. Chairman, and I urge my colleagues to return it to the bench and vote yes for the job-protecting and job-creating Lawsuit Abuse Reduction Act when it gets to final passage.

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

Mr. SCHIFF. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from California for yielding me this time and for the leadership that he has shown on the issue. I also commend the gentleman from New York (Mr. NADLER) for the important issues that he has raised in regards to this important legislation.

Mr. Chairman, I think we can all concede or stipulate that no one is in favor of frivolous lawsuits in this country. As a former special prosecutor, State prosecutor in Wisconsin, and as a

young lawyer who used to handle corporate litigation in a large law firm, I saw firsthand some of the abuses that take place in the judicial process. But I believe that there is a right and a wrong way of moving forward in dealing with the frivolous lawsuit situation in the country.

Unfortunately, the majority base bill today, I think, is the wrong approach, whereas the substitute that we are offering here cures a lot of defects that the majority is offering and would put some substance behind cracking down on the filing of frivolous lawsuits. But first let us correct some of the facts.

There has been a lot of rhetoric from some of our colleagues here claiming that the real bane of the judicial system today are a bunch of trial attorneys running around chasing ambulances, filing needless personal injury cases, clogging the court system, driving up litigation costs, increasing the expenses of corporations, and that is what is to be blamed in regards to dealing with frivolous lawsuits, when, in fact, the facts indicate just the opposite.

A recent comprehensive study by Public Citizen has shown that the explosion in the filing of lawsuits has really rested with the corporations of this country, who have been filing four to five times more claims and lawsuits than individual plaintiffs in this country. Furthermore, when Rule 11 sanctions have been applied, they have been applied in 69 percent of the cases against corporations that are abusing the discovery process or filing needless lawsuits. So it is not these money-grubbing trial attorneys that so many want to believe that exist out there that are causing a lot of the problem in the judicial system; it is rather corporations that are increasing it. It is those who are most eager to support the majority base bill who are most likely to take advantages of the opportunities of filing lawsuits in our country. I find that a bit ironic.

But we are also today, and both of us, the majority and the substitute, is really usurping the Rules Enabling Act. When Congress passed that, it was a recognition that we here really do not have a lot of good expertise, and we are not in the trenches dealing with these rules every day. That is why the Judicial Conference looks at rules changes. They submit it to the Supreme Court for approval, who then finally submits it to Congress for our consideration to adopt or to revise at the end of the day. That whole process is being usurped.

Finally, and as the gentleman from California indicated, we have a short-term memory problem in this Congress. This has been tried between 1983 and 1993, and the rules were changed because it was not working, because we were taking away too much discretion from the judges in the application of Rule 11. It had a disproportionate impact on the filing of civil rights actions in this country. Our substitute bill

cures that by exempting the filing of civil rights under this legislation.

This is significant, because as the gentleman from California pointed out that when there were attempts to stifle meritorious claims from going forward or increasing the litigation costs in lawsuits, it was usually in the civil rights actions that were taken during this period which led to the change and the reform of mandatory sanctions back to a discretionary system, allowing the judges to decide the application of the appropriate penalties based on the facts and circumstances of the case.

What is this debate about today? I would commend a recently released movie called "North Country" to all of my colleagues before they consider the final passage of this legislation. It is about a young mother of two who took a job in the Taconite Mining Company in northern Minnesota and entered an atmosphere and environment of pervasive sexual harassment that not only applied to her, but all the women that were working in that company. She was the first to file a class action suit on behalf of herself and the other women in the country and the Nation. Because she was meritorious, she prevailed in that lawsuit that led to incredible changes in regards to the treatment of women in the modern workplace.

That is what is at stake in allowing the civil rights actions to at least go through. We allow that in the substitute, and I ask adoption of the substitute.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to point out to the gentleman from Wisconsin who just spoke that I could have saved him a lot of time. And I would like to remind him that he might want to take a look at the language of H.R. 420, that it applies just as much to businesses as it does individuals, despite statements to the contrary.

Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON), the chairman of the Administrative Law Subcommittee of the Judiciary Committee.

Mr. CANNON. Mr. Chairman, I rise in support of H.R. 420, the Lawsuit Abuse and Reduction Act, LARA, and I oppose the substitute amendment.

This bill, the underlying bill, continues the commitment of the House Republicans to grow our economy, help small businesses, and put a stop to abusive lawsuits. This bill does that and will help millions of small businesses combat some of the worst abuses by frivolous lawsuits.

In particular, LARA would make mandatory the sanctions and monetary penalties under Federal Rule 11 of the Federal Rules of Civil Procedure for filing frivolous lawsuits and abusing the litigation process. Or it would also abolish the free pass provisions that allow parties and their attorneys to avoid sanctions by withdrawing a suit

within 21 days after a motion for sanctions has been filed.

It would also permit monetary sanctions including reimbursement of reasonable attorneys' fees and litigation costs in connection with frivolous lawsuits.

It would extend Rule 11's provisions to include State cases in which the State judge finds the case substantially affects interstate commerce.

Frivolous lawsuits have discouraged and stifled American businesses long enough. The more we control lawsuit abuse, the stronger our businesses will be, and the more jobs will be created.

This legislation protects the integrity of the judicial system by penalizing the bad actors in litigation, both plaintiffs and defendants, I might say.

Civil litigation was once a last-resort remedy to settle limited disputes and quarrels, but recent years have brought a litigation explosion. The number of civil lawsuits has tripled since the 1960s and has gripped the American citizens and small businesses with a fear of costly and unwarranted lawsuits.

The threat of abusive litigation forces businesses to settle frivolous claims, rather than to go through the expensive and time-consuming process of defending lawsuits from the discovery process all the way to trial. This is, in essence, legal blackmail and needs to be ended.

While it costs the plaintiff only a little more than a small filing fee to begin a lawsuit, it costs much more for a small business to defend against it, jeopardizing its ability to survive. LARA tells those attorneys who are intent on filing a lawsuit to take the responsibility to review the case and make sure it is legitimate before filing, or be ready for sanctions.

I would like to thank the gentleman from Texas, the chairman of the Subcommittee on Courts, the Internet, and Intellectual Property, for having prepared this legislation and moved it forward as he has. I urge my colleagues to support this legislation and oppose the substitute amendment.

Mr. SCHIFF. Mr. Chairman, before I recognize my colleague from Texas, I want to respond to a couple of points made by my other colleague from Texas; that is, comparing the strength of the three strikes and you're out provisions in the substitute and base bill. The three strikes language in the Democratic substitute would apply to frivolous proceedings that are filed in any court. The base bill, on the other hand, would apply the three strikes provision only to the specific court in which the violation occurred. That is a narrower provision of the base bill.

Similarly, my substitute provides for the referral to the appropriate State bars for disciplinary proceedings, including disbarment after the third strike. With the first violation there is the required payment of costs and attorneys' fees. With the second, the attorney is held in contempt with a mon-

etary fine. And then the third provision of referral to the State bar for possible disbarment, compared to the base bill which calls for a 1-year suspension only in the specific court where the three violations occurred. The violations have to occur in the same court. If you move from one court where you are sanctioned to another to another, the base bill seems to have far less strength and applicability than the substitute.

Second, I wanted to rebut the claim that the substitute will somehow promote litigation more than the base bill. In fact, when you ask the judges who have operated under both systems, the one that is proposed by the base bill and the one that is proposed by the substitute, the courts were quite clear that the earlier form of Rule 11, which we would go back to in the base bill, spawned a cottage industry where someone would file a Rule 11 motion, the opposing counsel would file a Rule 11 motion on the Rule 11 motion, and then you would have litigation over whose Rule 11 motion should succeed.

In fact, in 1993, the Judicial Conference remarked that the experience with the amended rule since 1993, since we got away from what the base bill would take us back to, has demonstrated a marked decline to Rule 11 satellite litigation without any noticeable increase in the number of frivolous filings.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague from California for yielding me time.

I rise in opposition of H.R. 420 and in support of the substitute.

This bill would not do anything to reduce frivolous lawsuits. In fact, my concern about it is it is unnecessary, and it will infringe on States being able to manage their own court systems.

Rule 11 of the Federal Rules of Civil Procedure was amended in 1993 to its current state because it was being abused by defendants in civil rights cases who filed a series of Rule 11 motions to harass the men and women who challenged discrimination.

Until now there has been no demonstrated problems with the current version of the rule. Usually this type of change in civil procedure goes through a process of the Rules Enabling Act. But in this instance we have decided to circumvent the United States Judicial Conference and the United States Supreme Court. We have taken it upon ourselves to decide what is best for the judicial system.

The Lawsuit Reduction Act would amend Rule 11 of the Federal Rules of Civil Procedure and revert back to that pre-1993 status. By doing this, again, we take away States' discretion to impose sanctions on improper and frivolous pleadings.

This would eliminate the current safe harbor provision, permitting the attorneys to withdraw improper frivolous

motions within 21 days after they have been challenged by an opposing counsel. Additionally, this bill dictates where plaintiffs can file a personal injury lawsuit against a corporation in a State court. Do we really want to get into the jurisdictional battles in our States?

Reverting back to the previous Rule 11 would make people less likely to challenge unjust laws because they are putting themselves at risk for being harassed. At the time some people thought *Brown v. Board of Education* was a frivolous lawsuit, but it did not look like it had a chance until the Supreme Court recognized that separate was not equal.

□ 1500

If we had this strict version of Rule 11 back then, maybe *Brown v. Board of Education* would have never made it to the Supreme Court.

This bill is another example of Congress intruding on States' rights. Our system of government is designed to keep our judicial system separate, particularly our State judicial system.

We simply do not have the right to tell State and county courthouses across the Nation how to enforce sanctions in their courtrooms or where the plaintiff may file a lawsuit in the State courts.

Mr. SCHIFF. Mr. Chairman, it gives me great pleasure to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me time, and I congratulate him and the gentleman from Wisconsin (Mr. KIND) for their leadership in proposing this good Democratic substitute.

Mr. Chairman, here we go again. The madness continues. Once again, the Republicans must prove that they are the handmaidens of the special interests by putting this bill on the floor today. Just when we should be talking about creating good jobs for the American people, expanding access to quality health care, broadening opportunity in education, having a strong national defense and doing it all in a fiscally sound way, the Republicans are wasting the time of this Congress and testing the patience of the American people with legislation that is frivolous. It is something that is, again, another reflection of the culture of cronyism that exists under the Republican leadership in Washington, DC.

This legislation before us again seeks to protect their friends. The outrageous venue provisions in the Republican bill give defendant corporations special advantages by overriding State minimum-contact provisions and limiting the locations in which a suit can be brought and could render foreign corporations out of reach of the American justice system.

Today, we will take the opportunity to address the Republican culture of cronyism. The gentleman from Georgia

(Mr. BARROW) will be offering a motion to recommit to make sure that politically connected cronies and no-bid contractors that defraud and cheat the government in providing goods and service after a natural disaster will never again be able to use these special bids. They should never be used by government contractors that specifically intend to profit excessively from the disaster.

Mr. Chairman, I really want to congratulate the gentleman from Wisconsin (Mr. KIND) and the gentleman from California (Mr. SCHIFF) for putting together a really excellent substitute to get rid of loopholes in the Republican bill that favors big corporate interests and foreign corporations and to protect civil rights claims.

We all agree that if there are frivolous lawsuits, those who bring them should pay a price. That we will have three-strikes-you-are-out for doing that is a very important provision in the substitute. The substitute seeks to stop the madness that exists on the floor of this House when it is used as a venue to promote the special interests in our country.

We must stand up for the American people, not for the politically connected cronies who are getting a no-bid contract. Let us take a stand to end this culture of cronyism and corruption. Let us get back to the real issues that are affecting the American people.

We must vote for this substitute and send this bill back to ensure that no one who defrauds the American people during natural disasters is ever permitted to take undue advantage of our legal system.

We must, again, stop the madness by voting for the substitute that the gentleman from Wisconsin (Mr. KIND) and the gentleman from California (Mr. SCHIFF) have proposed. It has very excellent provisions and is worthy of the support of our colleagues.

Mr. SCHIFF. Mr. Chairman, I have no further speakers, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I believe I have the right to close, and I am the remaining speaker on this side, so I will reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I just have a parliamentary inquiry. Does my colleague have the opportunity to close or does the offerer of the amendment?

The CHAIRMAN. The gentleman from Texas (Mr. SMITH) has the right to close the debate.

Mr. SCHIFF. Mr. Chairman, I know my colleague will close very well. How much time do I have remaining?

The CHAIRMAN. The gentleman from California (Mr. SCHIFF) has 3 minutes remaining, and the gentleman from Texas (Mr. SMITH) has 12 minutes remaining.

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

In my concluding comments I want to reiterate some of the points that have been made with respect to the

civil rights provisions and quote from the testimony of Professor Theodore Eisenberg, who testified before the House Committee on the Judiciary in the 108th Congress and said: "A Congress considering reinstating the fee-shifting aspect of Rule 11 in the name of tort reform should understand what it will be doing. It will be discouraging the civil rights cases disproportionately affected by the old Rule 11 in the name of addressing purported abuse in an area of law, personal injury tort, found to have less abuse than other areas."

I would also like to cite the testimony of the Honorable Robert L. Carter, U.S. District Judge for the Southern District of New York when he stated: "I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal in *Brown v. Board of Education* would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start."

We do not want to put off a *Brown v. Board of Education* civil rights case like that for a decade because of a Rule 11 that has been rejected by the Federal courts already.

The language in the substitute makes it clear that neither the sanctions approach we have taken in the substitute nor the sanctions approach taken in the base bill would apply in civil rights cases; and while there is some language of suggestion in the base bill, it is not definitive.

In fact, the NAACP wrote in respect to the language in the base bill: "While language nominally intended to mitigate the damage that this bill will cause to civil rights cases has been added, it is vague and simply insufficient in addressing our concerns."

So on the basis of a need not to chill civil rights legislation, which I think we have only seen the greater importance with, as Katrina ripped off the veneer of poverty and inequality in the country once again for all to see, as we consider that the base bill would implement a change that the courts themselves have rejected and found spawned a cottage industry in meritless Rule 11 litigation, and as the base bill has a stronger and I think more sensible three-strikes-and-you-are-out provision, I would urge my colleagues to support the Democratic substitute in preference to the flawed base bill.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlewoman from California who spoke previously to the gentleman from California who just finished used a couple of words that I would like to return to and clarify. She used the word "madness," but anyone listening to this debate or anyone having a firsthand knowledge of frivolous

lawsuits knows that the real madness is the filing of thousands of frivolous lawsuits across this country that unfairly tarnish the reputations of innocent citizens, that unfairly destroy the businesses of small business owners across the country. That is the type of madness that this bill addresses.

She also used the phrase "special interests," but again, I think anyone listening to this debate today and anyone knowing firsthand the agony and the losses and the destruction caused by frivolous lawsuits realizes that the special interests that this bill hopes to protect are really the special interests of the American people who have stuttered and staggered and been burdened by frivolous lawsuits too many times and much too often in our history.

The special interests, if there are any, involved in this legislation again are obvious to those who listened to the debate, the trial lawyers of America; and, Mr. Chairman, let me take a minute here just to dwell on that subject because I happen to believe the vast majority of trial lawyers or personal injury lawyers are honorable people and they are members of an honorable profession.

I think one of the aspects of the debate that most troubles me is, in fact, the lack of sanctioning lawyers who engage in frivolous lawsuits by the Trial Lawyers of America. Their own code of conduct reads as follows: "No ATLA member shall file or maintain a frivolous suit, issue or position." We checked and not a single member of the Trial Lawyers Association, not a single lawyer, had been sanctioned in the last 2 years; and, in fact, no one can even tell us when the last time any attorney was sanctioned for filing a frivolous lawsuit.

I think the trial lawyers would have a lot more credibility on this subject if, in fact, they had monitored their own ranks and, in fact, had sanctioned just a single trial lawyer for filing one of those tens of thousands of frivolous lawsuits that have been filed.

That, as I say, is discouraging; and I hope the Trial Lawyers of America will see fit in the future to sanction some attorney somewhere, somehow who has filed a frivolous lawsuit.

Mr. Chairman, anyone who is worried about what frivolous lawsuits will do to them, their family, their friends or their businesses ought to oppose this substitute amendment. It is an amendment that would do very little to prevent frivolous lawsuits. The underlying bill, however, will deter lawyers from filing those frivolous lawsuits.

Let me give some examples of actual suits that are frivolous, but that would be allowed under the Democratic substitute amendment.

A New Jersey man filed suit against Galloway Township School District claiming that assigned seating in a school lunchroom violated his 12-year-old daughter's right to free speech.

A Florida high school senior filed suit after her picture was left out of the school's yearbook.

An Arizona man filed suit against his hometown after he broke his leg sliding into third base during a softball tournament.

An Alabama person sued the school district after his daughter did not make the cheerleading squad, claiming that the rejection caused her humiliation and mental anguish.

The families of two North Haven, Connecticut, sophomores filed suit because of the school's decision to drop the students from the drum majorette squad.

A Pennsylvania teenager sued her former softball coach, claiming that the coach's incorrect teaching style ruined her chances for an athletic scholarship.

After a wreck in which an Indiana man collided with a woman who was talking on her cell phone, the man sued the cell phone manufacturer.

A Knoxville, Tennessee, woman sued McDonald's, alleging that a hot pickle dropped from a hamburger burned her chin and caused her mental injury.

A Michigan man filed suit claiming that television ads that showed Bud Light as the source of fantasies involving tropical settings and beautiful women misled him and caused him physical and mental injury, emotional distress, and financial loss.

A woman sued Universal Studios trying to get damages because the theme park's haunted house was too scary.

In every one of these instances and in thousands of others, the individuals sued were forced to spend considerable amounts of money, time and effort to defend themselves. This is a travesty of justice, and it is simply wrong.

H.R. 420 will end the filing of frivolous lawsuits. Unfortunately, the substitute amendment will still allow small businesses, churches, schools, hospitals, sports leagues, cities and others to be burdened with these meritless and frivolous claims.

This substitute amendment provides no disincentive to file a frivolous lawsuit. It would still subject small business owners to the cost of frivolous lawsuits and subject individuals to the cost of rising insurance premiums and health care costs that result from frivolous lawsuits.

In other words, Mr. Chairman, this substitute amendment does not provide any relief to those who would be unfairly targeted by frivolous lawsuits. The underlying bill would.

The substitute includes no real consequences for the attorney who repeatedly files frivolous lawsuits. The underlying bill does.

The substitute includes nothing to address the problem of forum shopping which is also a large part of the problem. The underlying bill does.

Mr. Chairman, I urge my colleagues to oppose the substitute amendment and vote "yes" on the underlying bill, which, in fact, would deter lawsuit abuse.

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

The CHAIRMAN. The question is on the amendment in the nature of substitute offered by the gentleman from California (Mr. SCHIFF).

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

## RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 226, not voting 23, as follows:

[Roll No. 551]

## AYES—184

Abercrombie	Green, Gene	Napolitano
Ackerman	Grijalva	Neal (MA)
Baca	Gutierrez	Oberstar
Baird	Harman	Olver
Baldwin	Herseth	Ortiz
Barrow	Higgins	Owens
Bean	Hinchev	Pallone
Becerra	Hinojosa	Pascarell
Berkley	Holden	Pastor
Berman	Holt	Payne
Berry	Honda	Pelosi
Bishop (GA)	Hoolley	Pomeroy
Bishop (NY)	Hoyer	Price (NC)
Blumenauer	Inslee	Rahall
Boren	Israel	Rangel
Boucher	Jackson (IL)	Ross
Boyd	Jackson-Lee	Rothman
Brady (PA)	(TX)	Ruppersberger
Brown (OH)	Jefferson	Rush
Brown, Corrine	Johnson (IL)	Ryan (OH)
Butterfield	Johnson, E. B.	Sabo
Capps	Kanjorski	Salazar
Capuano	Kaptur	Sánchez, Linda
Cardin	Kennedy (RI)	T.
Cardoza	Kildee	Sanchez, Loretta
Carnahan	Kilpatrick (MI)	Sanders
Carson	Kind	Schakowsky
Case	Langevin	Schiff
Chandler	Lantos	Schwartz (PA)
Clay	Larsen (WA)	Scott (GA)
Cleaver	Larson (CT)	Scott (VA)
Conyers	Lee	Serrano
Cooper	Levin	Sherman
Costa	Lewis (GA)	Skelton
Cramer	Lipinski	Slaughter
Crowley	Lowey	Smith (WA)
Cuellar	Lynch	Solis
Cummings	Maloney	Spratt
Davis (AL)	Markey	Stark
Davis (CA)	Marshall	Strickland
Davis (FL)	Matheson	Stupak
Davis (IL)	Matsui	Tanner
Davis (TN)	McCarthy	Taylor (MS)
DeFazio	McCollum (MN)	Thompson (CA)
Delahunt	McDermott	Thompson (MS)
DeLauro	McGovern	Tierney
Dicks	McIntyre	Towns
Dingell	McKinney	Udall (CO)
Doyle	McNulty	Udall (NM)
Edwards	Meehan	Van Hollen
Emanuel	Meek (FL)	Velázquez
Engel	Melancon	Vislosky
Eshoo	Menendez	Wasserman
Etheridge	Michaud	Schultz
Evans	Millender-	Waters
Farr	McDonald	Watson
Fattah	Miller (NC)	Watt
Filner	Miller, George	Waxman
Ford	Mollohan	Weiner
Frank (MA)	Moore (KS)	Woolsey
Gonzalez	Moore (WI)	Wu
Gordon	Moran (VA)	Wynn
Green, Al	Murtha	

## NOES—226

Aderholt	Bilirakis	Burgess
Akin	Bishop (UT)	Burton (IN)
Alexander	Blackburn	Buyer
Allen	Boehert	Calvert
Andrews	Boehner	Camp
Bachus	Bonilla	Cannon
Baker	Bonner	Cantor
Barrett (SC)	Bono	Capito
Bartlett (MD)	Boozman	Carter
Barton (TX)	Boustany	Castle
Bass	Bradley (NH)	Chabot
Beauprez	Brady (TX)	Chocola
Biggert	Brown (SC)	Coble



Cole (OK)	Jindal	Platts
Conaway	Johnson (CT)	Poe
Costello	Johnson, Sam	Pombo
Crenshaw	Jones (NC)	Porter
Cubin	Jones (OH)	Price (GA)
Culberson	Keller	Pryce (OH)
Cunningham	Kelly	Putnam
Davis (KY)	Kennedy (MN)	Radanovich
Davis, Jo Ann	King (IA)	Ramstad
Davis, Tom	King (NY)	Regula
Deal (GA)	Kingston	Rehberg
DeGette	Kirk	Reichert
DeLay	Kline	Renzi
Dent	Knollenberg	Reynolds
Doggett	Kolbe	Rogers (AL)
Doolittle	Kucinich	Rogers (KY)
Drake	Kuhl (NY)	Rogers (MI)
Dreier	LaHood	Rohrabacher
Duncan	Latham	Royce
Ehlers	LaTourette	Ryan (WI)
Emerson	Leach	Ryan (KS)
English (PA)	Lewis (CA)	Saxton
Everett	Lewis (KY)	Schmidt
Feeney	Linder	Schwarz (MI)
Ferguson	LoBiondo	Sessions
Fitzpatrick (PA)	Lofgren, Zoe	Shadegg
Flake	Lucas	Shays
Forbes	Lungren, Daniel	Sherwood
Fortenberry	E.	Shimkus
Fossella	Manzullo	Shuster
Fox	McCaul (TX)	Simpson
Franks (AZ)	McCotter	Smith (NJ)
Frelinghuysen	McCrery	Smith (TX)
Galleghy	McHenry	Snyder
Garrett (NJ)	McHugh	Sodrel
Gerlach	McKeon	Souder
Gibbons	McMorris	Stearns
Gilchrest	Mica	Sullivan
Gillmor	Miller (FL)	Sweeney
Gohmert	Miller (MI)	Tancred
Goode	Miller, Gary	Taylor (NC)
Goodlatte	Moran (KS)	Terry
Granger	Murphy	Thomas
Graves	Musgrave	Thornberry
Green (WI)	Myrick	Tiahrt
Gutknecht	Nadler	Tiberi
Hart	Neugebauer	Turner
Hastings (WA)	Ney	Upton
Hayes	Northup	Walden (OR)
Hayworth	Norwood	Walsh
Hefley	Nunes	Wamp
Hensarling	Nussle	Weldon (FL)
Herger	Osborne	Weldon (PA)
Hobson	Otter	Weller
Hoekstra	Oxley	Westmoreland
Hostettler	Paul	Whitfield
Hulshof	Pearce	Wicker
Hunter	Pence	Wilson (NM)
Hyde	Peterson (MN)	Wilson (SC)
Inglis (SC)	Peterson (PA)	Wolf
Issa	Petri	Young (AK)
Istook	Pickering	Young (FL)
Jenkins	Pitts	

NOT VOTING—23

Blunt	Gingrey	Reyes
Boswell	Hall	Ros-Lehtinen
Brown-Waite,	Harris	Roybal-Allard
Ginny	Hastings (FL)	Sensenbrenner
Clyburn	Mack	Shaw
Diaz-Balart, L.	Marchant	Simmons
Diaz-Balart, M.	Meeks (NY)	Tauscher
Foley	Obey	Waxler

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1536

Mr. SOUDER, Ms. ZOE LOFGREN of California, Ms. DEGETTE, and Mr. NUSSLE changed their vote from "aye" to "no."

Mr. MURTHA changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. LATHAM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, pursuant to House Resolution 508, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BARROW

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

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

Mr. BARROW. Yes, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mr. BARROW moves to recommit the bill H.R. 420 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

**SEC. \_\_\_\_ NOT APPLICABLE TO CLAIMS AGAINST DISASTER PROFITEERING BUSINESSES.**

(a) IN GENERAL.—A claim against a disaster profiteering business may be filed in any court that has jurisdiction over the corporation, notwithstanding section 4.

(b) DEFINITIONS.—In this section—

(1) the term "business" includes a corporation, company, association, firm, partnership, society, and joint stock company, as well as an individual; and

(2) the term "disaster profiteering business" means any business engaged in a contract with the Federal Government for the provision of goods or services, directly or indirectly, in connection with relief or reconstruction efforts provided in response to a presidentially declared major disaster or emergency that, knowingly and willfully—

(A) executes or attempts to execute a scheme or artifice to defraud the United States;

(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(C) makes any materially false, fictitious, or fraudulent statements or representations,

or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

(D) materially overvalues any good or service with the specific intent to excessively profit from the disaster or emergency.

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. BARROW) is recognized for 5 minutes on his motion.

Mr. BARROW. Mr. Speaker, if bills in this Chamber required names that accurately describe their consequences, this bill would best be called the Frivolous Litigation Proliferation Act and not the Lawsuit Abuse Reduction Act.

Many of us who oppose the underlying bill do so because it will actually increase the volume of frivolous litigation. For example, some sort of Rule 11 procedure exists in virtually every State in the country. To impose a new Federal law in every State court action will make State courts conduct a minilawsuit on Federal validity before conducting a minilawsuit on State law validity, before they ever get to the merits of the case. A lawsuit within a lawsuit within a lawsuit. Mr. Speaker, that is as absurd as it sounds.

If Members think that there are too many frivolous lawsuits against good, honest corporations, and the only way to fix this is to make it harder for everyone to sue anyone, and that this bill is the only way to do it, then vote for the bill.

But if there is one area where we do not have a problem with too many frivolous lawsuits, it is with lawsuits against price gougers. And if there is any area where we want to make it easier to get to the merits of the underlying claim, not harder, it is an area of lawsuits against Federal contractors who are engaged in defrauding the public.

Right now the government is awash in government contracts awarded on a no-bid basis. Whether it is disaster relief or the war on terror, we have never done so much of the public's business on a no-bid basis. There has never been more opportunity for waste, fraud, and abuse in the conduct of the public's business than right now.

This motion to recommit gives us one opportunity to protect our constituents from price gougers. The motion to recommit is simple. It says that Federal contractors, engaged in price gouging in disaster relief work can still be sued anyplace where they can be sued now, in any State where both the laws of the State and the U.S. Constitution says it is okay to sue them.

The underlying bill gives price gougers extra protections, the same benefits that we are extending to honest corporations. One such protection, the only one addressed by this motion to

recommit, is the right to avoid lawsuits in States where the Constitution says it is okay to seek justice. Since price gougers do not deserve this protection, and since they do not need this protection, they should not get this protection.

This House has voted time and again to protect companies that are gouging consumers in the wake of natural disasters and national tragedies. If Members vote against this motion to recommit, they are voting to give the same special protections that we give to honest corporations to Federal contractors who are engaged in price gouging in public relief work.

Mr. Speaker, the folks I represent back home in Georgia want relief from price gougers, not relief for price gougers. For that reason I urge my colleagues to support this commonsense and limited motion to recommit.

Mr. SMITH of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, I oppose this completely irrelevant motion to recommit. First, nothing in H.R. 420, the Lawsuit Abuse Reduction Act, prohibits anyone from being sued for fraud to the full extent of Federal law. Second, the motion to recommit relates to contract claims when the section of the bill that it modifies relates only to personal injury claims.

There is no flaw in the bill that needs to be corrected, but even if there were, the motion to recommit fails to correct it because it relates to contract claims rather than personal injury claims.

□ 1545

Mr. Speaker, I just received a statement of administration policy from the executive office of the President which I would like to read, because it provides a good summary of H.R. 420, the Lawsuit Abuse Reduction Act of 2005. This statement reads as follows:

“The administration supports House passage of H.R. 420 in order to address the growing problem of frivolous litigation. H.R. 420 would rein in the negative impact of frivolous lawsuits on the Nation’s economy by establishing a strong disincentive to file such suits in Federal and State courts. Junk lawsuits are expensive to fight and often force innocent small businesses to pay exorbitant costs to make these claims go away. These costs hurt the economy, clog our courts, and are burdening the American businesses of America. The administration believes the bill is a step in the right direction toward the goal of ending lawsuit abuse.”

Mr. Speaker, I urge my colleagues to oppose this absolutely irrelevant motion to recommit and support the underlying bill.

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

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

There was no objection.

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

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

#### RECORDED VOTE

Mr. BARROW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 420, if ordered, and the motion to instruct on H.R. 3057.

The vote was taken by electronic device, and there were—ayes 196, noes 217, not voting 20, as follows:

[Roll No. 552]

AYES—196

Abercrombie	Gonzalez	Mollohan
Ackerman	Gordon	Moore (KS)
Allen	Green, Al	Moore (WI)
Andrews	Green, Gene	Moran (VA)
Baca	Grijalva	Murtha
Baird	Gutierrez	Nadler
Baldwin	Harman	Napolitano
Barrow	Herseth	Neal (MA)
Bean	Higgins	Oberstar
Becerra	Hinchev	Oliver
Berkley	Hinojosa	Ortiz
Berman	Holden	Owens
Berry	Holt	Pallone
Bishop (GA)	Honda	Pascarell
Bishop (NY)	Hooley	Pastor
Blumenauer	Hoyer	Payne
Boren	Insee	Pelosi
Boucher	Israel	Peterson (MN)
Boyd	Jackson (IL)	Pomeroy
Brady (PA)	Jackson-Lee	Price (NC)
Brown (OH)	(TX)	Rahall
Brown, Corrine	Jefferson	Rangel
Butterfield	Johnson (IL)	Ross
Capps	Johnson, E. B.	Rothman
Capuano	Jones (OH)	Ruppersberger
Cardin	Kanjorski	Rush
Cardoza	Kaptur	Ryan (OH)
Carnahan	Kennedy (RI)	Sabo
Carson	Kildee	Salazar
Case	Kilpatrick (MI)	Sanchez, Linda
Chandler	Kind	T.
Clay	Kucinich	Sanchez, Loretta
Cleaver	Langevin	Sanders
Conyers	Lantos	Schakowsky
Cooper	Larsen (WA)	Schiff
Costa	Larson (CT)	Schwartz (PA)
Costello	Lee	Scott (GA)
Cramer	Levin	Scott (VA)
Crowley	Lewis (GA)	Serrano
Cuellar	Lipinski	Sherman
Cummings	Lofgren, Zoe	Skelton
Davis (AL)	Lowey	Slaughter
Davis (CA)	Lynch	Smith (WA)
Davis (FL)	Maloney	Snyder
Davis (IL)	Markey	Solis
Davis (TN)	Marshall	Spratt
DeFazio	Matheson	Stark
DeGette	Matsui	Strickland
DeLahunt	McCarthy	Stupak
DeLauro	McCollum (MN)	Tanner
Dicks	McDermott	Taylor (MS)
Dingell	McGovern	Thompson (CA)
Doggett	McIntyre	Thompson (MS)
Doyle	McKinney	Tierney
Edwards	McNulty	Towns
Emanuel	Meehan	Udall (CO)
Engel	Meeke (FL)	Udall (NM)
Eshoo	Meeks (NY)	Van Hollen
Etheridge	Melancon	Velázquez
Evans	Menendez	Visclosky
Farr	Michaud	Wasserman
Fattah	Millender-	Schultz
Filner	McDonald	Waters
Ford	Miller (NC)	Watson
Frank (MA)	Miller, George	

Watt	Weiner	Wu
Waxman	Woolsey	Wynn

NOES—217

Aderholt	Gingrey	Nussle
Akin	Gohmert	Osborne
Alexander	Goode	Otter
Bachus	Goodlatte	Oxley
Baker	Granger	Paul
Barrett (SC)	Graves	Pearce
Bartlett (MD)	Green (WI)	Pence
Barton (TX)	Gutknecht	Peterson (PA)
Bass	Hart	Petri
Beauprez	Hastings (WA)	Pickering
Biggart	Hayes	Pitts
Bilirakis	Hayworth	Platts
Bishop (UT)	Hefley	Poe
Blackburn	Hensarling	Pombo
Boehler	Herger	Porter
Boehner	Hobson	Price (GA)
Bonilla	Hoekstra	Pryce (OH)
Bonner	Hostettler	Putnam
Bono	Hulshof	Radanovich
Boozman	Hunter	Ramstad
Boustany	Hyde	Regula
Bradley (NH)	Inglis (SC)	Rehberg
Brady (TX)	Issa	Reichert
Brown (SC)	Istook	Renzi
Burgess	Jenkins	Reynolds
Burton (IN)	Jindal	Rogers (AL)
Buyer	Johnson (CT)	Rogers (KY)
Calvert	Johnson, Sam	Rogers (MI)
Camp	Jones (NC)	Rohrabacher
Cannon	Keller	Royce
Cantor	Kelly	Ryan (WI)
Capito	Kennedy (MN)	Ryan (KS)
Carter	King (IA)	Saxton
Castle	King (NY)	Schmidt
Chabot	Kingston	Schwarz (MI)
Chocola	Kirk	Sessions
Coble	Kline	Shadegg
Cole (OK)	Knollenberg	Shays
Conaway	Kolbe	Sherwood
Crenshaw	Kuhl (NY)	Shimkus
Cubin	LaHood	Shuster
Culberson	Latham	Simpson
Cunningham	LaTourette	Smith (NJ)
Davis (KY)	Leach	Smith (TX)
Davis, Jo Ann	Lewis (CA)	Sodrel
Davis, Tom	Lewis (KY)	Souder
Deal (GA)	Linder	Stearns
DeLay	LoBiondo	Sullivan
Dent	Lucas	Sweeney
Doolittle	Lungren, Daniel	Tancredo
Drake	E.	Taylor (NC)
Dreier	Manzullo	Terry
Duncan	Marchant	Thomas
Ehlers	McCaul (TX)	Thornberry
Emerson	McCotter	Tiahrt
English (PA)	McCreery	Tiberi
Everett	McHenry	Turner
Feeney	McHugh	Upton
Ferguson	McKeon	Walden (OR)
Fitzpatrick (PA)	McMorris	Walsh
Flake	Mica	Wamp
Forbes	Miller (FL)	Weldon (FL)
Fortenberry	Miller (MI)	Weldon (PA)
Fossella	Miller, Gary G.	Weller
Fox	Moran (KS)	Westmoreland
Franks (AZ)	Murphy	Whitfield
Frelinghuysen	Musgrave	Wicker
Gallely	Myrick	Wilson (NM)
Garrett (NJ)	Neugebauer	Wilson (SC)
Gerlach	Ney	Wolf
Gibbons	Northup	Young (AK)
Gilchrest	Norwood	Young (FL)
Gillmor	Nunes	

NOT VOTING—20

Blunt	Foley	Ros-Lehtinen
Boswell	Hall	Roybal-Allard
Brown-Waite,	Harris	Sensenbrenner
Ginny	Hastings (FL)	Shaw
Clyburn	Mack	Simmons
Diaz-Balart, L.	Obey	Tauscher
Diaz-Balart, M.	Reyes	Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1605

Mr. LINDER changed his vote from “yea” to “nay.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 184, not voting 21, as follows:

[Roll No. 553]

AYES—228

Aderholt	Gerlach	Ney
Akin	Gibbons	Northup
Alexander	Gilchrest	Norwood
Bachus	Gillmor	Nunes
Baker	Gingrey	Nussle
Barrett (SC)	Gohmert	Osborne
Bartlett (MD)	Goode	Otter
Barton (TX)	Goodlatte	Oxley
Bass	Gordon	Paul
Beauprez	Granger	Pearce
Biggert	Green (WI)	Pence
Bilirakis	Gutknecht	Peterson (MN)
Bishop (UT)	Hart	Peterson (PA)
Blackburn	Hastings (WA)	Petri
Boehlert	Hayes	Pickering
Boehner	Hayworth	Pitts
Bonilla	Hefley	Platts
Bonner	Hensarling	Poe
Bono	Herger	Pombo
Boozman	Hobson	Porter
Boren	Hoekstra	Price (GA)
Boustany	Holden	Pryce (OH)
Boyd	Hostettler	Putnam
Bradley (NH)	Hulshof	Radanovich
Brady (TX)	Hunter	Ramstad
Brown (SC)	Hyde	Regula
Burgess	Inglis (SC)	Rehberg
Burton (IN)	Issa	Reichert
Buyer	Istook	Renzi
Calvert	Jenkins	Reynolds
Camp	Jindal	Rogers (AL)
Cannon	Johnson (CT)	Rogers (KY)
Cantor	Johnson (IL)	Rogers (MI)
Capito	Johnson, Sam	Rohrabacher
Cardoza	Jones (NC)	Royce
Carter	Keller	Ryan (WI)
Case	Kelly	Ryun (KS)
Castle	Kennedy (MN)	Saxton
Chabot	King (IA)	Schmidt
Chocola	Kingston	Schwarz (MI)
Coble	Kirk	Scott (GA)
Cole (OK)	Kline	Sessions
Conaway	Knollenberg	Shadegg
Cramer	Kolbe	Shays
Crenshaw	Kuhl (NY)	Sherwood
Cubin	LaHood	Shimkus
Cuellar	Latham	Shuster
Culberson	LaTourette	Shuster
Cunningham	Leach	Simpson
Davis (KY)	Lewis (CA)	Smith (NJ)
Davis (TN)	Lewis (KY)	Smith (TX)
Davis, Jo Ann	Linder	Sodrel
Davis, Tom	LoBiondo	Souder
Deal (GA)	Lucas	Stearns
DeLay	Lungren, Daniel	Sullivan
Dent	E.	Sweeney
Drake	Marchant	Tancredo
Dreier	Marshall	Tanner
Duncan	Matheson	Taylor (MS)
Edwards	McCaul (TX)	Taylor (NC)
Ehlers	McCotter	Thomas
Emerson	McCrery	Thornberry
English (PA)	McHenry	Tiahrt
Everett	McHugh	Tiberi
Feeney	McKeon	Turner
Ferguson	McMorris	Upton
Flake	Mica	Walden (OR)
Forbes	Miller (FL)	Walsh
Fortenberry	Miller (MI)	Wamp
Fossella	Miller, Gary	Weldon (FL)
Fox	Moran (KS)	Weldon (PA)
Franks (AZ)	Murphy	Weller
Frelinghuysen	Musgrave	Westmoreland
Gallely	Myrick	Whitfield
Garrett (NJ)	Neugebauer	

Wicker  
Wilson (NM)

Wilson (SC)  
Wolf

Young (AK)  
Young (FL)

NOES—184

Abercrombie	Gutierrez	Nadler
Ackerman	Harman	Napolitano
Allen	Herseth	Neal (MA)
Andrews	Higgins	Oberstar
Baca	Hinche	Olver
Baird	Hinojosa	Ortiz
Baldwin	Holt	Owens
Barrow	Honda	Pallone
Bean	Hooley	Pascarell
Becerra	Hoyer	Pastor
Berkley	Insee	Payne
Berman	Israel	Pelosi
Berry	Jackson (IL)	Pomeroy
Bishop (GA)	Jackson-Lee	Price (NC)
Bishop (NY)	(TX)	Rahall
Blumenauer	Jefferson	Rangel
Boucher	Johnson, E. B.	Ross
Brady (PA)	Jones (OH)	Rothman
Brown (OH)	Kanjorski	Ruppersberger
Brown, Corrine	Kaptur	Rush
Butterfield	Kennedy (RI)	Ryan (OH)
Capps	Kildee	Sabo
Capuano	Kilpatrick (MI)	Salazar
Cardin	Kind	Sánchez, Linda
Carnahan	King (NY)	T.
Carson	Kucinich	Sanchez, Loretta
Chandler	Langevin	Sanders
Clay	Lantos	Schakowsky
Cleaver	Larsen (WA)	Schiff
Conyers	Larson (CT)	Schwartz (PA)
Cooper	Lee	Scott (VA)
Costa	Levin	Serrano
Costello	Lewis (GA)	Sherman
Crowley	Lipinski	Skelton
Cummings	Lofgren, Zoe	Slaughter
Davis (AL)	Lowey	Smith (WA)
Davis (CA)	Lynch	Snyder
Davis (FL)	Maloney	Solis
Davis (IL)	Manzullo	Spratt
DeFazio	Markey	Stark
DeGette	Matsui	Strickland
Delahunt	McCarthy	Stupak
DeLauro	McCollum (MN)	Terry
Dicks	McDermott	Thompson (CA)
Dingell	McGovern	Thompson (MS)
Doggett	McIntyre	Tierney
Doolittle	McKinney	Towns
Doyle	McNulty	Udall (CO)
Emanuel	Meehan	Udall (NM)
Engel	Meek (FL)	Van Hollen
Eshoo	Meeke (NY)	Velázquez
Etheridge	Melancon	Visclosky
Evans	Menendez	Wasserman
Farr	Michaud	Schultz
Fattah	Millender-	Waters
Filner	McDonald	Watson
Fitzpatrick (PA)	Miller (NC)	Watt
Ford	Miller, George	Waxman
Frank (MA)	Mollohan	Weiner
Gonzalez	Moore (KS)	Woolsey
Green, Al	Moore (WI)	Wu
Green, Gene	Moran (VA)	Wynn
Grijalva	Murtha	

NOT VOTING—21

Blunt	Graves	Roybal-Allard
Boswell	Hall	Sensenbrenner
Brown-Waite,	Harris	Shaw
Ginny	Hastings (FL)	Simmons
Clyburn	Mack	Tauscher
Diaz-Balart, L.	Obey	Wexler
Diaz-Balart, M.	Reyes	
Foley	Ros-Lehtinen	

□ 1615

Mrs. LOWEY and Mr. DAVIS of Illinois changed their vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRAVES. Mr. Speaker, on rollcall No. 553 I was unavoidably detained. Had I been present, I would have voted “aye.”

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H. Con. Res. 276. Concurrent Resolution requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 939. An act to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.

MOTION TO GO TO CONFERENCE ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

MOTION TO INSTRUCT OFFERED BY MRS. LOWEY

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The pending business is the vote on the motion to instruct on H.R. 3057 offered by the gentlewoman from New York (Mrs. LOWEY) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion. The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 259, nays 147, not voting 27, as follows:

[Roll No. 554]

YEAS—259

Abercrombie	Chocola	Evans
Ackerman	Clay	Farr
Aderholt	Cleaver	Fattah
Allen	Conaway	Ferguson
Andrews	Conyers	Filner
Baca	Cooper	Fitzpatrick (PA)
Bachus	Costa	Fossella
Baird	Costello	Frank (MA)
Baldwin	Cramer	Gerlach
Barrow	Crowley	Gilchrest
Bean	Cuellar	Gillmor
Beauprez	Cummings	Gonzalez
Becerra	Cunningham	Gordon
Berkley	Davis (AL)	Green, Al
Berman	Davis (CA)	Green, Gene
Biggert	Davis (FL)	Grijalva
Bishop (GA)	Davis (IL)	Gutierrez
Bishop (NY)	Davis (TN)	Harman
Blumenauer	Davis, Tom	Herger
Boehlert	DeFazio	Herseth
Boren	DeGette	Higgins
Boucher	Delahunt	Hinche
Boyd	DeLauro	Hinojosa
Brady (PA)	Dent	Hobson
Brown (OH)	Dicks	Holden
Brown, Corrine	Dingell	Holt
Butterfield	Doggett	Honda
Capito	Doyle	Hooley
Capps	Edwards	Hoyer
Capuano	Ehlers	Hulshof
Cardin	Emanuel	Hyde
Cardoza	Emerson	Inslee
Carnahan	Engel	Israel
Carson	English (PA)	Jackson (IL)
Case	Eshoo	Jackson-Lee
Chandler	Etheridge	(TX)

Jefferson	Melancon	Sanchez, Loretta
Johnson (CT)	Menendez	Sanders
Johnson (IL)	Michaud	Saxton
Johnson, E. B.	Millender-	Schakowsky
Jones (OH)	McDonald	Schiff
Kanjorski	Miller (NC)	Schwartz (PA)
Kaptur	Miller, George	Schwarz (MI)
Kennedy (RI)	Mollohan	Scott (GA)
Kildee	Moore (KS)	Scott (VA)
Kilpatrick (MI)	Moore (WI)	Serrano
Kind	Moran (VA)	Shays
King (NY)	Murtha	Sherman
Kirk	Nadler	Sherwood
Knollenberg	Napolitano	Shimkus
Kolbe	Neal (MA)	Skelton
Kucinich	Ney	Slaughter
Kuhl (NY)	Northup	Smith (WA)
LaHood	Nussle	Snyder
Langevin	Oberstar	Solis
Lantos	Oliver	Spratt
Larsen (WA)	Ortiz	Stark
Larson (CT)	Osborne	Strickland
Latham	Owens	Stupak
LaTourette	Pallone	Sweeney
Leach	Pascrell	Tanner
Lee	Pastor	Thompson (CA)
Levin	Payne	Thompson (MS)
Lewis (CA)	Pelosi	Tierney
Lewis (GA)	Peterson (MN)	Towns
Lipinski	Platts	Turner
LoBiondo	Pombo	Udall (CO)
Lofgren, Zoe	Pomeroy	Udall (NM)
Lowey	Price (NC)	Upton
Maloney	Pryce (OH)	Van Hollen
Manzullo	Radanovich	Viscosky
Markey	Rahall	Wasserman
Marshall	Ramstad	Schultz
Matheson	Rangel	Waters
Matsui	Regula	Watson
McCarthy	Reichert	Watt
McCollum (MN)	Reynolds	Waxman
McCotter	Rogers (AL)	Weiner
McDermott	Ross	Weldon (PA)
McGovern	Rothman	Weller
McHugh	Ruppersberger	Whitfield
McIntyre	Rush	Wicker
McKeon	Ryan (OH)	Wilson (NM)
McKinney	Ryan (WI)	Wolf
McNulty	Sabo	Woolsey
Meehan	Salazar	Wu
Meek (FL)	Sánchez, Linda	Wynn
Meeks (NY)	T.	

## NAYS—147

Akin	Forbes	McMorris
Alexander	Fortenberry	Mica
Baker	Fox	Miller (FL)
Barrett (SC)	Franks (AZ)	Miller (MI)
Bartlett (MD)	Frelinghuysen	Miller, Gary
Barton (TX)	Garrett (NJ)	Moran (KS)
Bass	Gibbons	Murphy
Berry	Gingrey	Musgrave
Bilirakis	Gohmert	Myrick
Bishop (UT)	Goode	Neugebauer
Blackburn	Goodlatte	Norwood
Boehner	Graves	Nunes
Bonilla	Green (WI)	Otter
Bonner	Gutknecht	Oxley
Bono	Hart	Paul
Boozman	Hastings (WA)	Pearce
Boustany	Hayes	Pence
Bradley (NH)	Hayworth	Peterson (PA)
Brady (TX)	Hefley	Petri
Brown (SC)	Hensarling	Pickering
Burgess	Hoekstra	Pitts
Burton (IN)	Hostettler	Poe
Buyer	Hunter	Porter
Calvert	Inglis (SC)	Price (GA)
Camp	Issa	Putnam
Cannon	Istook	Rehberg
Cantor	Jenkins	Renzi
Carter	Jindal	Rogers (KY)
Chabot	Johnson, Sam	Rogers (MI)
Coble	Jones (NC)	Rohrabacher
Cole (OK)	Keller	Royce
Crenshaw	Kelly	Ryun (KS)
Cubin	Kennedy (MN)	Schmidt
Culberson	King (IA)	Sessions
Davis (KY)	Kingston	Shadegg
Davis, Jo Ann	Kline	Shuster
Deal (GA)	Lewis (KY)	Simpson
DeLay	Linder	Smith (TX)
Doolittle	Lucas	Sodrel
Drake	Lungren, Daniel	Souder
Dreier	E.	Stearns
Duncan	Marchant	Sullivan
Everett	McCaul (TX)	Tancredo
Feeney	McCrery	Taylor (MS)
Flake	McHenry	Taylor (NC)

Terry	Walden (OR)	Wilson (SC)
Thomas	Walsh	Young (AK)
Thornberry	Wamp	Young (FL)
Tiahrt	Weldon (FL)	
Tiberti	Westmoreland	

## NOT VOTING—27

Blunt	Gallegly	Roybal-Allard
Boswell	Granger	Sensenbrenner
Brown-Waite,	Hall	Shaw
Ginny	Harris	Simmons
Castle	Hastings (FL)	Smith (NJ)
Clyburn	Lynch	Tauscher
Diaz-Balart, L.	Mack	Velázquez
Diaz-Balart, M.	Obey	Wexler
Foley	Reyes	
Ford	Ros-Lehtinen	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1625

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. KOLBE, KNOLLENBERG, KIRK, CRENSHAW, SHERWOOD, SWEENEY, REHBERG, CARTER, LEWIS of California, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK of Michigan, Messrs. ROTHMAN, FATTAH, and OBEY.

There was no objection.

## EXTENDING SPECIAL POSTAGE STAMP FOR BREAST CANCER RESEARCH

Ms. FOX. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform, the Committee on Energy and Commerce, and the Committee on Armed Services be discharged from further consideration of the Senate bill (S. 37) to extend the special postage stamp for breast cancer research for 2 years, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 37

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

## SECTION 1. 2-YEAR EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking "2005" and inserting "2007".

Mr. TOM DAVIS of Virginia. Mr. Speaker, S. 37, authored by Senator FEINSTEIN of California, extends the special postage stamp for breast cancer research for 2 years.

Eight years ago, the Stamp Out Breast Cancer Act established the Breast Cancer Research Stamp Program and directed the U.S. Postal Service to issue a new breast cancer

stamp with proceeds benefiting breast cancer research at the National Institutes of Health and the Department of Defense Breast Cancer Research Programs. The first semi postal stamp in U.S. history, it has raised nearly 44 million dollars for biomedical breast cancer research.

The legislation we are considering today reauthorizes the breast cancer research stamp program through the year 2007. The stamp marks the first time that a portion of the proceeds of stamp sales have gone to fund research. Funding is directed to prevention, detection, diagnosis and treatment research projects.

A National Cancer Institute report estimates that about one in eight women in the United States will develop breast cancer during her lifetime. It is the most commonly diagnosed cancer in women, accounting for 30 percent of all cancers in women. When people choose to purchase the Breast Cancer Stamp, they turn that simple little act into a meaningful and effective way to participate in the fight against breast cancer.

Finally Mr. Speaker, on behalf of the Committee on Government Reform, I would like to thank Chairman JOE BARTON of the Commerce Committee and Chairman DUNCAN HUNTER of the Armed Services Committee, whose committees' share jurisdiction with the Government Reform Committee over this program for their support and for agreeing to expedite the consideration of this bill.

Mr. DAVIS of Illinois. Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of S. 37, legislation extending the special postage stamp for breast cancer research for 2 years. This measure, which was sponsored by Senator DIANNE FEINSTEIN, was introduced on January 24, 2005, and unanimously passed by the Senate on September 27, 2005. On October 20, 2005, the Government Reform Committee unanimously reported S. 37.

The Stamp Out Breast Cancer Act, (Public Law 105-41) authorized a special Semi-postal stamp for first-class mail. The price of this class stamp is 45 cents, 8 cents above the regular rate of 37 cents. The authority to issue this stamp expires on December 31, 2005. S. 37, which was cosponsored by 69 members of the U.S. Senate would extend the program until December 31, 2007.

Sale of the Breast Cancer Semi-Postal stamp, first issued in 1998, has raised more than \$44 million for breast cancer research from more than 650.5 million stamps. By law, 70 percent of the net amount raised is given to the National Institutes of Health, and 30 percent to the Medical Research Program at the Department of Defense.

We owe our interest in semipostal stamps to Dr. Ernie Bodhai, chief of surgery at the Kaiser Permanente Medical Center in Sacramento, California, and former Representative Vic Fazio. Dr. Bodhai took his idea for a special breast cancer research fundraising stamp to Rep. Fazio, and in 1996, Rep. Fazio introduced the first semipostal bill, H.R. 3401, the Breast Cancer Research Stamp Act. He was subsequently joined in this effort by Senator FEINSTEIN when she introduced identical legislation in the Senate the same year.

The following year, Representative Fazio and former Representative Susan Molinari sponsored H.R. 1585, Stamp Out Breast Cancer. This

bill, which was subsequently enacted into law, authorized a breast cancer research stamp for two years and required the General Accountability Office (GAO) to evaluate the effectiveness and appropriateness of this method of raising funds. In 2000, GAO determined that the semipostal stamp was indeed successful and an effective and appropriate way to fundraise. The GAO also determined that the Postal Service do more to recover its costs associated with the breast cancer research stamp program.

To address health issues raised by semipostal legislation pending in Congress, Representatives JOHN MCHUGH and CHAKA FATTAH, introduced H.R. 4437, the Semipostal Authorization Act. This act, which became law (PL 106–253) provided the Postal Service with discretionary authority to issue semipostal stamps, provided the revenue raised goes to federal agencies and is for medical research. This authority is similar to the discretion the Postal Service currently has in determining which commemorative stamps to approve and issue.

Mr. Speaker, every two minutes, a woman in the U.S. is diagnosed with breast cancer. And, excluding cancers of the skin, breast cancer is the most common cancer among women. This year, it is estimated that about 212,000 new cases of invasive breast cancer will be diagnosed, along with 58,000 new cases of non-invasive breast cancer. And, 40,000 women are expected to die from this disease.

It must be noted, that men get breast cancer too. According to the American Cancer Society, about 1200 new cases of breast cancer are diagnosed in American men each year.

Breast cancer is the leading cancer among white and African-American women. However, African-American women are more likely to die from this disease. And the incidence of breast cancer in women has increased from 1 in 20 in 1960 to 1 in 7 today.

Annually, nearly \$7 billion is spent on the treatment of breast cancer. All the more reason to support the Breast Cancer Semipostal Stamp. Through the sale of this stamp, we are able to raise awareness of this disease and participate directly in raising money for needed research.

Mr. Speaker, I would like to thank Chairman TOM DAVIS and Ranking Member HENRY WAXMAN, as well as the chairmen and ranking members of the House Energy and Commerce and Armed Services Committees for moving quickly to get S. 37 to the House floor. It is wonderful to be able to approve this bill now, given that October is designated as "Breast Cancer Awareness Month."

I urge the swift passage of this bill.

Mr. BACA. Mr. Speaker, I rise in support of S. 37, Senator FEINSTEIN's companion bill to my H.R. 312. This bill authorizes the Breast Cancer Research Stamp through 2007. Without this legislation, this successful program would end this year.

October is Breast Cancer Awareness Month. As it comes to a close it is important to reflect on what is being done in the way of prevention and treatment of breast cancer.

Senator FEINSTEIN and I have proposed to extend the deadline of the Breast Cancer Research Stamp, so that it will be available for purchase for two more years.

Senator FEINSTEIN and I have been collaborating to bring awareness to this ever-present

disease and to help doctors and scientists fighting against it. I want to thank her for her unwavering dedication.

I also want to thank Dr. Ernie Bodhai, who developed the idea of the Breast Cancer Research Stamp and who has brought national awareness to the measure.

Dr. Bodhai inspired me to help support the Breast Cancer Research Stamp back when I served in the California State Assembly.

Senator FEINSTEIN and I introduced this bill for one reason: to save lives.

We have worked together to pass this important bill so researchers can gain more insight on the disease and in turn, prevent tragedies.

This year more than 200,000 women and men will be diagnosed with breast cancer. More than 40,000 Americans will die from the disease this year.

Breast cancer is the most commonly diagnosed cancer among women in every major ethnic group in the United States.

It does not discriminate. Whether you are white, black, Hispanic or whatever your race or ethnicity. Everyone is at risk.

More than two million women are living with breast cancer in America today, yet one million of them have not been diagnosed.

Breast cancer is a leading killer of American women. The disease claims another woman's life every 13 minutes in the United States.

That is why it is so important to increase funding for breast cancer research—and why we must continue sales of the stamp.

The Breast Cancer Research Stamp is among the most successful commemorative stamps of all time with 637 million stamps sold.

The stamp program has generated over 47 million dollars for breast cancer research. It has been a critical ally in generating the resources necessary to wage war on this terrible disease.

The stamp is a "semi-postal" stamp that can be voluntarily purchased by the public for 45 cents.

For each stamp sold, 8 cents goes to the National Institutes of Health and the Department of Defense Breast Cancer Research Program.

Working with Dr. Bodhai, Senator FEINSTEIN introduced the Breast Cancer Research Stamp bill in 1998 to help support the fight against breast cancer.

I am proud that Californians continue to lead the way in stamp purchases, providing roughly 21 percent of the money raised nationwide.

I ask my colleagues to support the Breast Cancer Research Stamp and all the women and men who will benefit from the money the stamp raises.

Senator FEINSTEIN and I have the support of 153 Members of Congress and 69 Senators who cosponsored the bills and of countless organizations like the American Cancer Society, the American Medical Association, the Breast Cancer Fund, WIN Against Breast Cancer, and the Susan G. Komen Breast Cancer Foundation.

By supporting reauthorization of this stamp, you are not only helping research but you are also helping to raise awareness.

Think about it! A customer purchases the stamp, a carrier delivers it, and a person receives it. That is three people who have seen the message saying: "breast cancer needs to be stamped out!"

Each time we use the stamp we raise additional funds for research and we send a message of hope that we will find a cure.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 37.

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

There was no objection.

#### PRaising THE HOUSE LEADERSHIP

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

Mrs. BLACKBURN. Mr. Speaker, I rise tonight to say thank you to our leadership, to Speaker HASTERT, to Mr. BLUNT, to Ms. PRYCE, to commend them for working through fiscal responsibility, budget control, for making it a priority and for standing firm as we move forward to reconciliation on the budget for this next fiscal year.

I also want to commend our committee chairmen who are working hard to find the savings that are necessary to reduce what the Federal Government spends. They are holding mark-ups, hearings, working through this process; and they are focused. Our membership is focused.

The committee chairmen are to be commended for that work, and through this process the winners are going to be the American people. We are doing what they want, reining in government spending, being better stewards of their tax dollars. We have got a long way to go in the process. They are the winners. We are cutting back and terminating over 98 programs. These are first steps to economic stability and fiscal responsibility.

□ 1630

#### NATIONAL LEAGUE CHAMPION HOUSTON ASTROS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the Houston Astros gave the State of Texas and the city of Houston one heck of a good ride. I just want to hold a little red card in my hand for lack of anything red this afternoon to be able to thank the Astros family, Drayton McLane, all of the players, the management, all the staff at Minute Maid Park, to be able to say a big thank you for a long, tedious season, but a hard-fought season. My hat is off.

Congratulations to the Chicago White Sox. But our little team of 42 years for the first time in the history of the State of Texas took Texas to the World Series. Not only did we take Texas to the World Series, but being in my congressional district, the Minute Maid Park, the Astros are my constituents, among many others. We gave our community just a heck of a lot of joy, as you heard the buzz going around the children, the young people, the elderly, season ticket holders and others. I cannot thank the Astros enough.

We still believe. We may not have made it this time around, but we still believe in the Houston Astros.

#### UNIFORM BUILDING CODES

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

Mrs. SCHMIDT. Mr. Speaker, I rise today to address an issue that is of great concern to me, the prudent spending of our precious Federal tax dollars. In an ever-difficult budget environment, we need to be more vigilant in determining how these funds are spent.

So far Congress has provided \$61 billion in Federal funds for the recovery of the gulf coast. As we turn our attention to helping rebuild this area, any Federal funds for rebuilding should be spent according to a modern, uniform statewide building code. Did you know that Louisiana, Mississippi and Alabama do not have statewide building codes?

Today I will introduce a sense of Congress resolution that Louisiana, Mississippi, and Alabama should adopt modern, uniform statewide building codes so that their rebuilding is, quite frankly, up to code. Every other State on the eastern seaboard already has similar codes. The Gulf Coast States should, too.

I urge my colleagues to support this resolution. Quite frankly, it is a must.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### PROTECT THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I have taken the floor previously to talk about the shortcomings of the administration's efforts in the area of homeland security.

As an expert in aviation security, I have criticized the fact that the Republican majority and the White House have seen fit to arbitrarily cut the number of screeners, which not only causes obvious inconvenience for passengers, but it creates the potential for security threats as the smaller number of screeners are under tremendous pressure to process a large number of people in a short period of time. And they are being asked to do it with 1980s equipment.

Now, you can do it one of two ways. You can have a lot of people with crummy equipment or a few people with state-of-the-art equipment. This administration is trying to do it on the cheap without enough people and with obsolete equipment that cannot detect plastic explosives at passenger checkpoints and often in carry-on bags or checked baggage or cargo.

Our ports, I have talked about that, a tremendous vulnerability, not doing radiological detection. Nobody is going to shoot a missile at us, the failed Stars Wars system notwithstanding, but they may well try and smuggle in a nuclear device in a container. Our ports and our borders are wide open to such smuggling with just a very few deployed radiological devices.

But Katrina brought home another lesson, which is we need to be ready both for unnatural disasters, terrorist attacks and natural disasters. And there is a looming natural disaster that this administration has ignored, and that is the potential of H5N1 flu, the bird flu, so-called, should it become easily transmissible between bird species and humans, and then human-to-human contact could perhaps spread the disease widely.

The numbers are absolutely shocking regarding the potential for loss of life because of this. The administration, the President apparently read a book, that is great, and the book was about the great pandemic, and suddenly he got excited about it. Except experts in his administration and worldwide have known since before he became President that there was a potential for species crossover with this flu, and a tremendous loss of life is potential from this.

This administration last year in preparation for this looming disaster, and it already infected and killed a number of humans at a rate of better than 50 percent in Asia last year, so last year in preparation for this they took some steps. They put more money in the budget for vaccines, antiviral drugs and basic research. Woo, yea for them.

But guess what? The total spending was \$110 million, approximately half of what they spent on chastity education in America. That is how high this ideological administration put on the idea

of protecting America against an influenza outbreak. They could spend almost as much money as they put together for abstinence-only education.

Now, that seems to be kind of a misplaced priority. Belatedly now they are talking about billions and accelerated research and stockpiling antiviral drugs. I gave a floor speech last summer calling upon the administration to begin to stockpile the drugs. Unfortunately, virtually every other country in the world is in line ahead of the United States of America, and the drugs are not manufactured here to buy those drugs, because those other countries have chosen to stockpile them to protect their people. Even though they do not work very well, they are the only thing we have now.

Now the administration is talking belatedly about a crash program to try to develop vaccines 2 or 3 or 4 years down the road in the hope that this crossover will not take place before then. This is yet another example of poor planning by this administration; the fact that they created this huge new bureaucracy, the Department of Homeland Security, that failed so miserably when Katrina occurred.

And, oh, by the way, Brownie, you did a heck of a job. That hack who failed so miserably is still on the Federal payroll. Can you believe that? The guy is pulling down over \$100,000 a year sitting over there having failed so miserably. The President cannot even get rid of him, let alone other political cronies in this administration.

And they are failing us in other areas of security that I referenced earlier, and they are failing the American people in this critical health care component.

Much more robust steps must be taken quickly. The clock is ticking. It is already perhaps very, very late. We can only hope that this virus does not evolve too quickly through nature, and I know this administration does not believe in evolution, but that is how viruses happen. They do evolve. All it needs is a couple of small changes, and it will be transmissible. It will be a pandemic. We need to do more to protect the American people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

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



There was no objection.

#### EMINENT DOMAIN DISASTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, you can never satisfy government's appetite for land or money. They always want more.

Today the Federal Government has taken and controls over 30 percent of the land in this Nation. States and local governments and quasi-governmental units have taken and control another 20 percent. Tremendous amounts of land in my home area of east Tennessee have been taken by numerous Federal agencies and departments. Not all of this is bad, but people in government have never been sensitive enough about taking other people's property. They just do not seem to realize how much this can hurt a person or a family. In fact, very few people get concerned about this until it is their land or their home that is being taken.

Fortunately, this has not happened to me or my family, and I am not on some personal vendetta, but many people in east Tennessee have had this heartbreaking experience happen to them. These people were for the most part people like many of my ancestors, good, intelligent, hard-working people, often poor, often with not a lot of education, but people with common sense, and often smarter in reality than the elitist do-gooders who came in and used the power of the Federal Government to take their homes.

To show how much this can hurt, I would like to read a letter that was published in the Knoxville News this past Sunday from a man who no longer lives in my district, but whose family home was in my district. This is the letter from John Webb of Gainesville, Georgia, a man whom I have never met.

He wrote, "In the spring of 1964, there was a storm that hit Marion County, Tennessee, that resembled the recent storms of Katrina. It left behind people who were devastated and lives that were changed forever." He says, "I was only 12 years old at the time and was on a camping trip with the Boy Scouts when I was told that I had to go to the hospital to see my father. There was a good possibility that he would not live through the night.

"The name of the storm was the Tennessee Valley Authority; my father had a stroke during a battle with the government agency which had condemned his farm of 110 acres on the Tennessee River.

"A panel of judges decided during the next 12 months of deliberation that the offer made by TVA to purchase my father's farm for \$240 per acre was indeed too low and that it should pay the outrageous sum of \$400 per acre.

"Court records show that the TVA experts stated under oath that this

property had no present or future value as anything but farmland."

Mr. Webb continues, "Even as my father lay in bed completely paralyzed on his left side from the stroke, unable to be present at proceedings, the court system granted TVA its wish, using the power of eminent domain.

"With the simple stroke of a pen, my father's farm was gone, completely against his will.

"Left behind was a woman with two teenagers to raise, a husband who required 24-hour medical care at home, and a future that looked as bleak as those victims of the hurricanes."

"For the next 3 years," Mr. Webb writes, "we learned a lot about bed sores, bed pans, and what it was like for a once proud man to lose his health and his humility.

"My father finally succumbed to pneumonia, and my mother lived for another 20 years with the aid of family, friends and Social Security.

"I still wonder about how all of our lives would have been different if it had not been for the power of politics and money. John E. Webb of Gainesville, Georgia."

Mr. Speaker, if we do not wake up and realize how important private property is both to our freedom and our prosperity, we are going to destroy our Nation. Politicians love to create parks, and this sounds so good, but when we continue to take more and more private property, we have to continually raise taxes on the property that remains in private hands, and we drive up prices on that remaining land. More and more young people cannot then afford homes, or they have to be jammed together in high-rises, condos or homes on postage-stamp-sized lots. In addition, the government cannot and does not take as good of care of land as private owners do.

We need to put more people in office who understand how hurtful it is when government takes property and takes people's homes and farms, and we need to put more people in office who will pledge to take better care of the land government already has and stop government land grants and give poor and lower-income people a chance to own property and appreciate this very important part of the American dream.

□ 1645

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109-257) on the resolution (H. Res. 520) waiving points of order against the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural

Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes at this time.

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

There was no objection.

#### URGING CONGRESS TO MAKE WISE BUDGET CHOICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, since 2000 this Congress has racked up more than \$3 trillion in additional new debt, and by the year 2008, we will cross the \$4 trillion mark. Why? It is trying to do something that no other Congress and no other President has ever tried in American history. It is trying to fight two wars with four tax cuts. This Congress has served as an ATM machine to the special interests, showing them with billions of tax breaks and tax shelters and handouts of the hard-working tax dollars of the American people.

Yet suddenly our Republican friends are finding themselves as fiscal hawks. In fact, right now the House is working to slash more than \$50 billion from education, health care, environmental programs, all that are important investments for the American people. Why? So they can do another \$70 billion in tax cuts for the wealthiest 1 percent in America.

At the same time that these so-called fiscal conservatives are complaining about the deficit, they are trying to add a total of another \$100 billion in tax cuts to the special interests.

I ask my colleagues, are these the right choices for the American people? We are now paying \$445 billion to date for the war in Iraq, \$20 billion to rebuild Iraq. We just have a spanking new dam in Mosul, Iraq, with all of the levees, yet we cut the Corps of Engineers here in the United States, which affected the levee in New Orleans.

In fact, we built 110 primary health care centers in Iraq, vaccinated 3.2 million children in Iraq. This Congress cut \$10 billion from Medicaid, cutting Medicare programs, cutting back community health care clinics in the United States and training of doctors.

In Iraq, we have rehabilitated 2,700 schools, trained 36,000 secondary teachers. What do they do in America? They cut \$806 million from our schools and education programs, \$6 billion from our Pell grants and other higher education programs.

We funded 3,100 community development projects in Iraq; yet the community development project investment fund here in the United States, cut by \$250 million.

We are investing in Iraq and trying to provide Iraq a future that we are denying the American people. I have no problem. We made a decision on Iraq. We have an obligation, but we do not have an obligation to cut back on America's future. There is no choice in the sense of American children and their future playing second fiddle to those who are in Iraq.

If you go through American history, every President in the middle of a war has thought about how do I make sure America is stronger when we come back from that war and it ends? Abraham Lincoln, in the middle of the Civil War, thought of the land grant college systems. President Roosevelt during the middle of World War II thought of the GI bill and passed it 11 months before the war came to an end. President Eisenhower, on the heels of Korea, funded the Interstate Highway System that built America and made it what it is today. President Kennedy, during the struggles of the Cold War and Vietnam, envisioned a man on the moon.

What does this President and what does this Congress offer America during the middle of the war on terrorism? Cuts in education, cuts in health care, cuts in our Corps of Engineers, cuts in our development and investments here in America.

Every President, every Congress thought about America after the war, thought about how we built a brighter future. They thought about not only what we did overseas, but how we were going to do it here at home and make sure that every American had a brighter future. Only this President and this Congress, because of their careless and reckless policy of trying to fight two wars and fund it with two cuts that has added \$4 trillion to the Nation's budget.

Today we are thinking about cutting \$806 million from our education investments, cutting \$6 billion from our investments in higher education, eliminating investments in America's Amtrak system, cutting back our investments in the Corps of Engineers' program which invests in all of our infrastructure projects like what happened in New Orleans. No other President and no other Congress has thought of a future in which America is less after the war than it was before the war.

What is going on now? Families are facing an energy crisis where energy is now running about \$3 a gallon. Home heating costs are going to go up 50 percent this winter. Inflation has increased at its fastest rate in 15 years.

Hundreds of thousands of fellow citizens have lost everything in the gulf coast. Health care costs are running up at close to 15 percent, nearly four times inflation. Educational costs and higher educational costs are running at about a 10 percent annualized increase over inflation.

These are difficult times, and these times are when people look to their fellow citizens and their community and their government. What is this Congress doing? Rather than building up America, this Congress is cutting back on the investments we need to make America a stronger place tomorrow.

We can do better than we are doing today. We can make a change in the right choices for America. We should find ways to balance the budget without doing it on the backs of our children.

Mr. Speaker, it is time for Congress to change its tune. It is time for Congress to begin to represent the people's interests and the people's House rather than the special interests.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ORDER OF BUSINESS

Mrs. SCHMIDT. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

#### HONORING THE MEMORY OF CINCINNATI, OHIO, NATIVE MARINE CAPTAIN TYLER SWISHER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor the memory of a brave soldier who died in Iraq nobly defending our freedom and in the service of our country. Marine Captain Tyler Swisher was killed in a roadside bomb attack near Al Amariyah in Iraq on Friday, October 21, 2005.

Tyler is remembered as someone who overcame so many obstacles in his life. He was a small child, and as a child he struggled with a learning disability, but he would take on his school work with a gritty style of persistence, and he succeeded. He devoted himself to his work. Tyler's tough and determined style was something that he exhibited throughout his life.

In high school his small frame just hovering over 100 pounds did not keep him from doing what he loved, playing football, and while he spent much of his time at Mariemont High School on the sideline, he was still in the game.

He joined the Marines because he loved his country. He soon loved the Marines and chose to make it his career. He loved his country so much, he chose to serve not one, but three tours of duty in Iraq, just as in his youth he would not quit. He was so proud to be a Marine, but more proud to be an American. He really loved his country.

My community continues to be blessed with people like Tyler who unselfishly give their time and, in some cases, their life so that we may continue to enjoy the freedoms we hold so dear.

He loved his family. Tyler is survived by his wife Stephanie; his daughters Ashleigh and Madison; and a son Jacob; and his parents, who live in Pierce Township. All of us mourn Tyler's loss, and we are grateful, eternally grateful, for his braveness and his valor and his valiant service to our country.

I ask my colleagues to join me tonight and each and every night to pray for his family in their time of need. May Tyler rest in peace.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to claim my time out of order.

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

There was no objection.

#### IRAQ AND THE REPUBLICAN DISSENTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this morning we learned that Harriet Miers has withdrawn her nomination to the United States Supreme Court. The stated reason had to do with executive privilege for legal advice she had given to the President that she did not want to reveal, but I do not think you need to be an expert tea leaf reader to see that public support for Ms. Miers' appointment, particularly among conservatives, was scarce, actually absent. As a result, Ms. Miers decided to step aside.

Perhaps there is a lesson here that we can apply to another initiative, an initiative of the White House that is rapidly losing public confidence. Two-and-a-half years into the Iraq War, it could not be clearer that the President's policy is one with tragic consequences. It is time for the President to admit his mistake and change his course. Over 2,000 of our brave soldiers are dead. That is 2,000 too many.

The threat of terrorism has not diminished at all. We have lost respect and credibility with allies around the world. The insurgency remains as strong as ever and is further animated with every day that the American occupation continues.

We are pouring about \$1 billion a week into this fiasco, and, by the way, the original rationale for fighting this war, weapons of mass destruction, turns out to be based on fabrications and deceptions.

What is the President waiting for? How much worse does it need to get? How many more casualties must we endure?

Look, you do not have to take my word for it. The White House would like you to believe that opposition to the war exists on the fringes only, but the fact is that 66 percent of our people, two out of every three Americans, has a negative opinion of the way the President has handled Iraq. Apparently included in that two out of every three are former members of the administration and Bush family loyalists.

Colonel Lawrence Wilkerson, who served as Colin Powell's Chief of Staff at the State Department, recently went public with his misgivings. He talks about a dysfunctional national security policymaking process, with decisions made secretly by a Cheney-Rumsfeld cabal that was given free rein by a President who, as Wilkerson put it, "is not versed in international relations and not too much interested in them either."

The latest issue of *The New Yorker* magazine features a profile of Brent Scowcroft, a close friend and adviser to the President's father and mentor to Condoleezza Rice. Scowcroft was considered the hawk of the first President Bush's national security team, but in this article he is frank about his disillusionment with the current Iraq policy. He notes that you cannot impose democracy by force, that the Iraq War is breeding terrorism, and that Saddam did not represent a threat to the United States of America.

Mr. Speaker, it is time to bring the troops home, and I feel even more strongly on this point after traveling to Iraq a few weeks ago.

There is no shortage of ideas for possible exit strategies. For example, there are at least four good proposals right here on the floor of the House of Representatives, and on the other side of the Capitol, Senator KERRY and Senator FEINGOLD have offered specific plans.

I held a hearing just last month where a broad range of experts discussed ways we could end the occupation while keeping Iraq secure and helping its people rebuild their country.

There is an important conversation going on about these issues. It would be nice if the President joined in, but to immediately insist that we stay the course is at this point irresponsible, insulting and demeaning to the American people.

I know this President does not like to admit his mistakes, but maybe it is time to eat a little crow. I think a little bruised pride is a small price to pay if it means more Americans will not have to die.

Mr. Speaker, let us return Iraq to the Iraqi people and our soldiers home to their families.

#### LIMITING THE GULF REGION REDEVELOPMENT TAX BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, every American was touched by stories of the people of the gulf region who lost so much as a result of the recent hurricanes. The American people have responded with overwhelming compassion with record donations of cash, food and clothing, and Congress, too, has a role in helping the people and the region to rebuild.

However, as Congress begins its work on the hurricane tax incentive package to help the gulf region rebuild, it needs to recall its long history of limiting the benefits of redevelopment tax breaks to certain businesses.

Regardless what section of the Tax Code is used to spur reinvestment and revitalization in the gulf region, Congress has limited the businesses that receive certain tax benefits. The history of targeting Federal tax breaks to certain businesses ought to continue.

□ 1700

This limitation makes sense, particularly in light of the tight budgets facing our Nation today. Congress's history of limiting Federal redevelopment tax benefits goes back more than 20 years.

Federal law pertaining to tax exempt benefits of small bonds prohibits tax benefits from being extended to "any private or commercial golf course, country club, massage parlor, tennis club, skating facility, including roller skating, skateboard, and ice skating, racquet sports facility, including any handball or racquetball court, hot tub facility, suntan facility or racetrack." Congress does not want to give money to the gambling industry to rebuild when we should be doing it to help the poor and the needy.

In the accompanying Senate committee report, the committee expressed concern with "the use of small issue industrial development bonds, IDBs, to finance a variety of types of facilities, from private recreational facilities to fast food restaurants, that generally may be less deserving of a Federal credit subsidy than other types of facilities."

A few years later, in Public Law 99-514, Congress qualified redevelopment bonds and expanded the list of businesses that would be prohibited from receiving tax benefits to include any private or commercial golf course,

country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises.

When the Enterprise Zone tax structure was enacted, Congress once again prohibited the benefits from being extended to certain businesses following the limits laid out in 26 U.S.C. Sec. 144, which I will include for the RECORD.

Just as Congress expressed concern about allowing Federal tax benefits to flow to less deserving businesses more than 20 years ago, Congress today should again be concerned about the same issue as it works to assemble the Gulf Opportunity Zone tax package.

As Congress considers cuts to Medicaid, food stamps, the student loan program, foster care, child support, and other programs to offset the cost of hurricane recovery, we must be sure that tax incentives only go to worthy businesses. Federal tax dollars need to be focused on those who truly need the government's help like the poor, vulnerable, and elderly.

I believe fair-minded Americans would support tax incentives to spur business reinvestment along the hurricane-ravaged gulf coast to help victims there rebuild their lives; but I also believe the American people would draw the line, as Congress has historically done, in using taxpayer dollars to assist businesses such as massage parlors, casinos, golf courses, and liquor stores.

Allowing gambling conglomerates, for example, which are reporting billion-dollar record profits to take advantage of tax breaks does not make sense. Gambling operators do not need any incentive to rebuild and according to press reports, have already vowed to come back "bigger and better" than before the hurricane.

Particularly when faced with tough budget choices, Congress ought not abandon its history of limiting tax benefits to more deserving businesses. Regardless of what section of the Tax Code is used to spur business investment in the region, bonds, Enterprise Zone tax credit zone, expensing and depreciation or any other tax incentive, Congress should target the limited Federal resources available to more deserving businesses.

Mr. Speaker, giving tax breaks to massage parlors, casinos, liquor stores and golf courses while we cut Federal programs for the less fortunate cannot be explained to the American people. Congress must be sure these tax benefits of the gulf rebuilding package do not go to massage parlors, casinos, liquor stores, and golf courses.

Every American was touched by stories of the people of the Gulf region who lost so much as a result of the recent hurricanes. The American people have responded with overwhelming compassion with record donations of cash, food and clothing. Congress, too, has a role in helping the people and region rebuild.

However, as Congress begins its work on the hurricane tax incentive package to help

the Gulf region rebuild, it needs to recall its long history of limiting the benefits of redevelopment tax breaks to certain businesses. Regardless what section of the tax code is used to spur reinvestment and revitalization in the Gulf region, Congress has limited the businesses that receive certain tax benefits. This history of targeting federal tax breaks to certain businesses ought to continue. This limitation makes sense, particularly in light of the tight budgets facing our nation today.

Congress's history of limiting federal redevelopment tax benefits goes back more than 20 years. Federal law pertaining to tax exempt benefits of small bonds prohibits tax benefits from being extended to any private or commercial golf course, country club, massage parlor, tennis club, skating facility (including roller skating, skateboard, and ice skating), racquet sports facility (including any handball or racquetball court), hot tub facility, suntan facility, or racetrack. (26 USC Sec. 144(a)(8)(B))

In the accompanying Senate committee report, the committee expressed concern with "the use of small issue industrial development bonds (IDBs) to finance a variety of types of facilities, from private recreational facilities to fast food restaurants, that generally may be less deserving of a federal credit subsidy than other types of facilities." (Page 169 of Senate Report No. 97-494 for P.L. 97-248)

A few years later, in P.L. 99-514 Congress created qualified redevelopment bonds and expanded the list of businesses that would be prohibited from receiving tax benefits to include any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises. (26 USC Sec. 144(c)(6)(B)) When the Enterprise Zone tax structure was enacted, Congress once again prohibited the benefits from being extended to certain businesses following the limits laid out in 26 USC Sec. 144(c)(6)(B). (26 USC Sec. 1397C)

Just as Congress expressed concern about allowing federal tax benefits to flow to less deserving businesses more than 20 years ago, Congress today should again be concerned about the same issue as it works to assemble the Gulf Opportunity Zone tax package. As Congress considers cuts to Medicaid, food stamps, the student loan program, foster care, child support, and other social programs to offset the costs of hurricane recovery, we must be sure that tax incentives only go to worthy businesses. Federal tax dollars need to be focused on those who truly need the government's help, like the poor, vulnerable and elderly.

I believe fair-minded Americans would support tax incentives to spur business reinvestment along the hurricane-ravaged Gulf coast to help victims there rebuild their lives. But I also believe they would draw the line—as Congress has historically done—in using taxpayer dollars to assist businesses such as massage parlors, casinos, golf courses and liquor stores. Allowing gambling conglomerates, for example,—which are reporting billion dollar profits—to take advantage of tax breaks doesn't make sense. Gambling operators don't need any incentive to rebuild and, according to press reports, have already vowed to come back "bigger and better" than before the hurricanes struck.

Particularly while faced with tough budget choices, Congress ought not abandon its history of limiting tax benefits to more deserving businesses. Regardless of what section of the tax code is used to spur business investment in the region—bonds, enterprise zone tax credits, expensing and depreciation or any other tax incentive—Congress should target the limited federal resources available to more deserving businesses. Giving tax breaks to massage parlors, casinos, liquor stores and golf courses while we cut federal programs for the less fortunate cannot be explained to the American people.

Congress must be sure these tax benefits of the Gulf rebuilding package do not go to the massage parlors, casinos, liquor stores and golf courses.

The SPEAKER pro tempore (Mr. DUNCAN). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. GEORGE MILLER).

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

There was no objection.

#### OVER 2,000 FALLEN HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, it has been a long, long, long slog, whether measured in lives or limbs lost.

So many days with no real plan for peace, no real plan for security for our families, so many tears shed by too many families. Too little armor and too little equipment for those who were too quickly placed in harm's way.

Over 2,000 fallen American heroes. Over 15,000 wounded Americans, and tens of thousands of Iraqi civilians who have died in this conflict. The administration is attempting to relieve itself from the duty to offer any strategy at all, even as it constantly recasts the purpose of its tragic go-it-alone invasion.

Like the President's wishful, staged declaration of "Mission Accomplished" on that aircraft carrier 2½ years ago, the Vice President blithely states that the insurgency is in its "final throes." Well, each day's news shows how out of touch he continues to be.

But for this administration, any sense of genuine accountability is certainly in its final throes. Its credibility is certainly in its final throes, and the patience of the American people with

an administration that lacks any plans for success in Iraq is in its final throes.

And with each wasted week, other families with a son or daughter, with a husband or a wife in Iraq, who are seeing their first or second or maybe even their third tour of duty, they wait, they hope, they pray, and some toss and turn in the middle of the night fearing that knock on the door will ultimately come.

All who have fallen are heroes, and all who have lost their limbs, their lives, their sight, or their way of life because of this very unnecessary conflict are heroes to whom our Nation owes an enormous debt.

But we do not honor the memory of these fallen by building permanent bases in Iraq, by licensing the CIA or others to torture in the name of the United States, or by calling on the same military families to again and again send their loved ones into danger, even while the richest corporations and the wealthiest Americans are not asked to sacrifice a dime, but are rewarded with tax breaks and no-bid contracts and crony appointments in this administration.

More than any grim statistics can reveal, each of these unique losses is measured by the milestones of life missed by loved ones: births and baptisms, ball games and holidays, graduations, weddings, grandchildren, the natural journey of life, cut short or completely sacrificed in this administration's war of choice.

And even as this morass in Iraq worsens, more than 90 percent of the American deaths have come about since President Bush declared an end to major combat operations. The administration's plan, if it ever even had one, has simply failed to evolve. So the budget deficit soars, gas prices rocket, billions upon billions of taxpayer dollars that are needed here are sent there, and the numbing count of dead and wounded continues to soar.

Beyond the power of any prosecutor, it is history that will indict this administration.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

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

There was no objection.

EXXON'S EXTRAORDINARY PROFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I would like to place on the RECORD the extraordinary profits of one corporation registered with the New York Stock Exchange by the name of Exxon. Today, news reports indicate that Exxon, the world's largest publicly traded company, has posted the largest U.S. corporate profit in world history: nearly \$10 billion. That is \$10 billion in just 3 months.

We know where that money came from. It came from all of us. It came from the American people. Quarterly profits for Exxon are up 75 percent since last year. The revenue of this company alone will ring in at over \$100 billion this year.

Now how big is \$100 billion? Well, \$100 billion is about one-quarter of what the U.S. Department of Defense spends in 1 year. But \$100 billion is more than all of the following U.S. Departments spend in a year combined. The whole U.S. Department of Education, all of the student loans, all of the help for our school children around the country, it is a drop in the bucket compared to the profits of Exxon.

The U.S. Environmental Protection Agency, that is small potatoes compared to what Exxon earns.

The Department of Transportation, with all of those bridges across the United States that have to be fixed, some in rural areas, certainly in the big cities, crumbling infrastructure, well, Exxon's profits are a lot larger than the Department of Transportation spends in a year.

NASA, poor NASA, they only have about \$16 billion a year to explore outerspace and the heavens beyond us.

If you add them all up: Department of Education, Environmental Protection Agency, Department of Transportation, and NASA, they do not equal the revenues of Exxon.

Now the interesting thing about Exxon, it is the world's largest publicly traded company, but it has a special deal. Guess where most of its oil comes from? Saudi Arabia. Have no doubt, with the special licensing agreement signed with that company, a lot of that money drawn off of this marketplace will not go to education of our children, it will not go to fix up our roads, it is not going to help clean up our environment, and it certainly will not take us as far as Saturn.

No, a lot of those dollars will be used to hire mercenaries to protect the Saudi oil interests, which is one of the major places this country imports petroleum from because we cannot figure out how to get it right here at home.

Mr. Speaker, \$9.9 billion in one quarter. Think of what those funds could do if you did not put them in Exxon's pockets. Think what they could do in your community. Take a program, a

teeny program like the Senior Farmers' Market Nutrition Program, which spends not \$9.9 billion, but \$15 million a year. That is pocket change to Exxon. It gives little coupons to senior citizens across our country who cannot afford to pay these rising gas prices and cannot afford to pay for their heating bills this winter. It gives them \$20 a month in the summer to go to farmers' markets in their communities to purchase fresh fruits and vegetables. We cannot put it in all of the States. Only 28 States even have this program, and not in every county.

But if you ever watch one of these senior citizens take one of those farmers' market coupons and stand in front of fresh fruits and vegetables and struggle with the decision of whether they are going to buy raspberries for the first time in 25 years, what is more important, Mr. Speaker, more profits for Exxon or a little bit to help the senior citizens of America who want to buy fresh fruits and vegetables?

Seniors need that food so much that they literally buy it at the end of the day when the farmers reduce their price, and they turn it into soups and stews and put it in their freezers or their friends' freezers so they can have soups during the winter time made out of fresh vegetables that have been frozen.

Mr. Speaker, \$9.9 billion. I am going to write a letter to the president of Exxon. I do not even know who the person is. I am going to ask if they would take \$15 million out of the \$9.9 billion in profits they just made to double the senior farmers' market nutrition program in our country. Would they even really miss it? How does Saudi Arabia use all of that money? And why do they need all of those mercenaries to protect their oil wells? Why is that country so unstable? Why do they have to take money out of our pockets through Exxon every single day?

It is really unbelievable that one corporation could make that much money off this marketplace in one quarter and this Congress does nothing.

□ 1715

30-SOMETHING WORKING GROUP:  
CALLING FOR AN INDEPENDENT  
KATRINA COMMISSION

The SPEAKER pro tempore (Mr. DUNCAN). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come before the House. As the Members know, the 30-Something Working Group, we come to the floor to bring about not only good change for the Congress, but also for the country. And we try to promote legislation that the Democratic side is offering towards some of the issues that are facing the country, but at the same time talk about the re-

sponsibilities of the majority that are unmet.

Mr. Speaker, as the Members know, Hurricane Wilma hit not only my district, but many of the Florida delegation in southeast and southwest Florida, and we are constantly struggling with trying to make sure that we can provide for our constituents. And we come to the floor week after week, especially the 30-Something Working Group, talking about what happened in Hurricane Katrina, the lack of response in Hurricane Katrina and Rita by the Federal Emergency Management Agency, and also calling up House Resolution 3764, which has over 190 Democratic cosponsors. Unfortunately, last I checked, there are not any Republicans who have signed on to it, and that is very unfortunate because it is an identical commission to the 9/11 Commission that brought about great recommendations, some that have been met, others that we still have to make sure that we implement to secure our country. It was about not making the same mistake again, again, and again. And that is the reason why we are calling for an independent Katrina Commission.

And that is a piece of legislation that is not a Democratic plan, but it is an American plan. Eighty-one percent of Americans support it, and I think it is very important that we do not allow partisan committees that have been established here in the House to dictate the response to natural disasters and a possible terrorist attack.

We have to make things better to protect Americans. It is almost like I feel like an insurance salesman saying that we have to have insurance not after the fact, but before the fact. And if we know we have shortcomings, then we need to deal with that in a very effective way.

Being an "evacuee" of Hurricane Wilma due to the fact that there is very little power in south Florida, there are gas lines, Mr. Speaker, I hold up here the front page of the Washington Post that has many people here in south Florida, as a matter of fact in West Palm Beach, standing for hours for gas because we could not get the generators running at Port Everglades to be able to pump the gas to allow many of the stations to have gas and power. These are things that we need to work on.

Governor Bush jumped in front of the train because folks were getting upset with the Federal response once again as it relates to getting the simple things like ice, water, and food down to the affected area. There was a lot of chest-beating prior to the storm, saying, we have 2,000 FEMA personnel in place; we have a set number of trucks that are lined up in Florida, pre-positioned, to go in and provide ice water and food. And in many cases the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) showed that either there were very few, trucks were extremely late like 8, 7 hours. People

there just went through a major hurricane waiting 8, 7 hours just for 1 bag of ice and 3 jugs of water, and in some cases nothing showed up, and folks had to go back home.

That is why we need an independent commission. We do not need officials that have relationships with the President to say, blame me, I am the State of Florida, blame me for the shortcomings of the response. We know in hurricanes, natural disasters, that there are going to be shortcomings. But as it relates to the very simple things that have to be provided, they must be provided. And the reason why they were not provided is that the supplies were not there, period, dot.

FEMA was in charge of making sure that those supplies made it to said location. The truck drivers were not hired by the State of Florida, but were hired by FEMA. And I think it is important that we look at it for what it is.

We do not have to have a commission for every natural disaster or event that takes place here in the United States, but we have a House resolution that, Mr. Speaker, will be part of a discharge petition here in the House, and I want to break that down so that everyone understands what a discharge petition is.

Basically, we are using the rules of the House to call this resolution up to the floor to discharge it, and we need a said number of signatures to be able to pull it up on the floor so that the House can take a vote. And if we do not have some Members of the majority side to see fit to have an independent Katrina Commission that 81 percent of Americans are in approval of, then we are failing to meet our obligations.

We know that we have problems. The Department of Homeland Security telling people in my district to be patient 72 hours after the storm, saying, we will get it right. Well, that is the reason why we have it. We are supposed to be prepared for these events, but we are not, and we are not even willing to correct ourselves. So that is in place as it relates to the Democratic response.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate his yielding to me. Just so that we can go back, and, obviously, he has outlined why we have a need for this independent commission. I think it is important that we go back and we explain what is actually happening here right now. We have been asking for this thing for how long now, months? Almost 2 months we have been asking for an independent commission. We want to go back, Democrats and Republicans, and look at what happened with Katrina so that we can stop and prevent these things from happening.

We are not doing a good job in this country of administering emergency services. And we have the Republicans

in charge of the House and in charge of the Senate, in charge of the White House, in charge of FEMA, in charge of the whole executive branch, and we keep having these missteps and these failures, and no one is figuring out what in the heck we are doing wrong because the committee down here that the Republicans have appointed only gives subpoena power to the Republicans. So we have the Republicans overseeing the Republicans. And I think we might as well put Ed Gillespie in charge of the committee down here to oversee what is happening, the head of the RNC, because this has become political.

And what we want to say to the American people, Mr. Speaker, is that Democrats want an opportunity to govern this place because our friends on the other side do not know how to govern. They have been in charge now in the House since 1994. They have control of the Senate, they have control of the White House, and they do not know how to govern. And we need to be prepared for not only natural disasters, but potential terrorist attacks to the United States of America.

And we need to do what we did with the 9/11 Commission, an independent commission, independent of all of the nonsense that happens in this body that has gotten us to a point where the Republican majority does not know how to govern. Get an independent commission with an outside Democrat and an outside Republican, bipartisan, where they can subpoena people, oversee what happened for Katrina, oversee Wilma, oversee Rita, and figure out what we need to do, because at some point, at some point, something is going to be more tragic than these natural disasters, and we are not going to know how to respond. And our kids and our grandkids are going to look back and the American people are going to look to this body and say, What have you done to prevent this? What have you done to improve the emergency management execution in the United States of America? And we are saying on record here five times a week sometimes with the 30-something Group we want an independent commission. We do not want politics involved. Do the right thing.

And we are asking people at home to contact us, [housedemocrats.gov/katrina](http://housedemocrats.gov/katrina), and become a citizen cosponsor of H.R. 3764, become a citizen cosponsor, and I think we have over 40,000 citizen cosponsors for this. Get on this Website, [housedemocrats.gov/katrina](http://housedemocrats.gov/katrina), become a citizen cosponsor so that we can become prepared for a possible terrorist attack that may happen in the United States, another natural disaster that may happen in the United States. We will be ready, and then down the line we will be able to look back, and there is always room for improvement. We watch the game film the next day, and we see what we did right and what we did wrong, but at the end of the day,

we can say we have done our job. We have put the microscope up to the problem. We have looked at it, put the sunshine on it, and figured out what we did wrong.

And it takes courage. I mean, it is not easy to be self-reflective. It is not easy to critique oneself. And that is what we are asking this Congress to do, have the courage to do the right thing: Get an independent commission here.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, it is not like we are by ourselves as it relates to calling for this independent commission. And the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I were talking about an independent commission, and we have been going week after week here on this floor saying it is the responsible thing to do not only in natural disasters, but also in the aftermath of a terrorist attack. An independent commission will be able to look at the Federal response, the State response, and the local response and learn from either what was good or bad that took place in those events.

If we are not going to have an independent review of our capabilities, then something is wrong. If we are not going to have that, that means that without having it, people will lose their lives possibly because of the lack of response, because they definitely did in Katrina. We had people that were running out of medical supplies. We had people that needed insulin, could not get it because they were stranded and that we were not able to reach them. So I think that is very important.

There are a number of papers that have come out for an independent commission on Katrina: The USA Today; the Tennessean from Nashville, Tennessee; the News & Observer from Raleigh, North Carolina; also Capital Times, Madison, Wisconsin; the Atlanta Journal-Constitution in Georgia; the Courier-Journal in Louisville, Kentucky; the St. Petersburg Times in Florida; the Salt Lake Tribune in Utah; also the Denver Post in Colorado; and the San Antonio Express, obviously in Texas; and the Houston Chronicle of Texas.

There are a number of papers, and those are just the major ones, that have come out for an independent Katrina Commission.

We have talked about House Resolution 3764, but also as it relates to contracting fraud that may very well happen in Wilma because of a lack of oversight. We have called for House bill H.R. 3838, a bill to create an antifraud commission to prevent waste and fraud and abuse of Federal contractors as it relates to these emergency declarations or what have you. This is about saving money and making sure that we do not make the victims of a natural disaster or a potential terrorist attack victims all over again because we failed to have the proper oversight.

Mr. Speaker, I also want to add the fact that we have to continue to push. Once again I give the report. Every day



I go on the White House Website. I have the Website page here. No mention of an independent or any evaluation of what the failures were during Hurricane Katrina, and we also have the Website that has not changed on the partisan committee that is here in the House. And I think it is important for us to identify that so that we do not have to continue to have Ground Hog Day all over again.

One last point, Mr. Speaker, while we are on this issue here. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I talked last night about the fact that we were here pushing for this commission week after week. I mentioned that. And we shared with not only the Members, but also Americans, Mr. Speaker, the fact that it could be them next, victims of a poor, short response or an inadequate response.

□ 1730

Little did we know at that time that we would be victims of the shortcomings of the fact that we say we are ready, but we are not really ready or really prepared; and in some cases some people question are we saying we have trucks in certain locations and they are not there, do we need to get prima facie proof that they were there? These are the questions that my constituents are asking.

So I want to share with Members that this independent commission is very important, to make sure that one day it may be you and your constituents going through this and you are going to say, Gee, you know, it is amazing that we cannot even get a truck to come in here with water.

We talked about last night the fact that the terrorists are not going to call up and say, Hey, I want you guys to get prepared. I am going to carry out an attack in another month or so, so you need to get together and pre-position.

That is the reason why the 9/11 recommendations need to be fully implemented. That is the reason why we need a Katrina Commission to look at the lack of response we had on the biggest natural disaster that took place on U.S. soil and the Federal, State and local response to that. That is very, very important. It is not an indictment document; it is a document to make sure that we prevent loss of life in the future.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, he is absolutely right. I think the gentleman makes a great point. This is important. This goes beyond Katrina. The independent commission that we want goes beyond Katrina.

We had a situation in Ohio a year or so ago where a potential terrorist was planning an attack in Columbus. You are in the middle of Ohio, it was something about a shopping mall. The gentleman was stopped and held, and I do not even know what the status is right now. But this was in Ohio. It is not just the gulf States or Florida.

Katrina and the independent commission, these are all the editorials that have been written in support all over the country. I think a lot of the editorial boards understand what we are trying to say here, and they are being very supportive.

We talk about an independent commission. I want to read a little bit from the Houston Chronicle in Texas, a little bit of what they say about trying to fix the problem: "The most promising option is an independent commission along the lines of the September 11 problem. This is great, because this puts a little meat on the bone. It should be headed by national figures of unassailable independence and credibility such as former President Jimmy Carter, former Secretary of State Colin Powell and retiring Supreme Court Justice Sandra Day O'Connor."

We are talking about Republicans, but just to be independent of the day-to-day politics that go on in this Chamber. This is not something that needs to be compromised. This is an issue that has long-term ramifications, and we have an obligation.

We come here early in January every other year and we put our hand on the Bible and one up in the air. We have an obligation to make this government run effectively and efficiently. A lot of hard-working people pay a lot of tax dollars that come to us, and then we invest it to improve the quality of their lives.

Part of that is to make sure they are safe. So when we had all these problems with body armor, where their kids, their sons and daughters were going over, we wanted to make sure they have the proper body armor and the up-armored Humvees; and we fought through the 30-something Group and the Democrats and put enough pressure on where we finally got that problem fixed. It is a whole other issue why we went to war without the proper equipment.

But we have a responsibility here to make sure that this government runs efficiently. A component of that is emergency management services, which, as we found, became very apparent in the past few months. So we have this obligation; and we are trying, the 30-something Group, the Democratic Party, the gentlewoman from California (Ms. PELOSI), we are trying to move this committee out of politics into an independent commission, get Sandra Day O'Connor, get Colin Powell, get some good, solid Republicans who are going to be independent and do what is best for the country, because time and time again, unfortunately, my friend, the Republicans continue to prove their ineptness, their inability to govern; and we have a responsibility as the minority party, as the opposition party, to provide alternative views, and we want an opportunity to run the government.

We proved in 1993 with not one Republican vote that we could balance the budget and handle those difficult

decisions, and that vote in particular led to the greatest economic expansion in the history of the United States of America.

Our friends on the other side are not only inept in trying to administer emergency services, because they appoint all their cronies to the top positions in FEMA, all friends of friends of a college roommate who gives a lot to the Republican Party, which led to poor execution of emergency services. Their party, the Republican Party, takes higher precedence for the people who govern this Chamber than the country, and they have proved that time and time again. Party over country. What the Democrats are trying to say is pick the country over the party.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the gentleman is 110 percent right. I think every day Republicans want to see, and Democrats and Independents and even folks that are not voting in America, they want to see leadership. They want to see leadership on behalf of the country. Veterans want to see the flag that they fought for and that some of their friends and comrades died for, that it is not caught up in what we call this culture of corruption and cronyism.

We want to talk about cronyism for a minute, Mr. Michael "Brownie," I am not one to say it is his fault as it relates to staying on with FEMA for 60 days, and then the Secretary of Homeland Security extends his contract at the salary he was making as director of FEMA for another 30 days.

The reason given for doing that is that we need to learn from Director Brown, or Brownie, the President calls him Brownie, we need to learn from him so that we can know more about what happened in Katrina. Now, if you could not get it in the first 60 days, he was only in charge for about maybe 5 or 7 days, thanks to the fact that we were raising the question. The Democratic Leader first called for his resignation because we saw that we had someone that did not have the experience.

The fact he is on for 60 days, the Secretary of the Department of Homeland Security, I am waiting to have a conversation with him on why he would extend it for 30 more days at taxpayers' expense.

Now, folks went into their pockets and said, Well, we are going to help you out for another whole month. That is on them. I do not have a problem with that. I do have a problem with the fact that we are rewarding him in confidence and cronyism with the taxpayer dollar.

Mr. RYAN of Ohio. If the gentleman will yield further, Mr. Speaker, Brownie is still on the payroll, \$100,000.

Mr. MEEK of Florida. \$148,000.

Mr. RYAN of Ohio. \$148,000. Talk about rewarding negative behavior. Do you do that with your kids? Your kids come home, they took a spelling test, got a D, do you throw them \$20? Good job, Kendrick. Go out and get another

one. That is what we are doing. We are reinforcing bad behavior.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time once again, well, I can tell you, the part that I am more concerned about is the fact that this is a high-profile individual within FEMA. What is happening on an everyday basis with someone that really is not competent in Federal Government and is known to the managers? I guess it is okay, because when you think about the culture of corruption and cronyism, if it comes from the top, then it must be okay. If it is all right with the Vice President, then it is okay. That means it is okay with the Department Secretaries and Under Secretaries and the regional directors. So that is the reason why we have to cut it off.

Mr. Speaker, do you know something? Not a mumbling word from the majority on this. Not a mumbling word. Better yet, we have folks coming to the floor, and we started talking about responding to the needs of Americans saying we have to have offsets in Medicaid, we have got to have offsets in possible Medicare, that is not off the table.

What I mean by "offsets" is the fact we have to take money from those programs to respond to the Katrina-Rita issue. We have to do that. But, better yet, we have an example of an individual that I think pretty much all Americans, and I am pretty sure that almost close to every Member of the House, agree with the fact that he did not know exactly what he was doing.

I do not blame Mr. Brown. I do not blame him. I blame the individuals that placed him in that position. I blame the managers that saw that he was not up to par and endorsed lackluster, leave-alone performance, lack of competence in doing that particular job. He is probably good somewhere else.

Mr. RYAN of Ohio. "You are doing a good job, Brownie."

Mr. MEEK of Florida. Yes, "You are doing a good job, Brownie," on national television, broad daylight. The world is watching.

Mr. RYAN of Ohio. The world is watching. You are not doing a good job. You are doing a bad job. In fact, you are fired. Get out. What do you mean, you are doing a good job.

Mr. MEEK of Florida. And we are going to give you a 60-day extension and have you on as a consultant, have you on so we can learn from your bad job. Maybe we can learn more. No, as a fat matter of fact, hey, you know, 60 days is not enough. Let us extend it 30 more days.

Mr. RYAN of Ohio. Maybe their plan was this: they said we will keep Brownie on, pay him \$148,000, and when there is a situation, we will go to Brownie and ask, what do you think we should do? He will tell you. Then they do the complete opposite. Maybe that you is how they are using him, do you think?

Mr. MEEK of Florida. There are too many people around here paying taxes,

folks running around here trying to put fiscal responsibility in the back-drop, saying we are conservatives. Meanwhile, the Secretary of the Department of Homeland Security is defending and extending contracts of a person that the front-page national publications say is incompetent and not in any way knowing what to do in a natural disaster. So this is beyond comprehension. And not a mumbling word.

I would say this: I do not blame him. I am not running around here saying I am disappointed in Michael Brown for accepting a 30-day extension on a \$140,000 salary. I am not blaming him. He could not do that on his own.

No one from the White House called and said, You know something? Over at the Department of Homeland Security, I think you all are probably not playing with a full deck if you think it is okay to do this. Not a mumbling word. So I am concerned, leave alone as a Congressman, as a taxpayer, that this is okay.

Now, this is just a high-profile case. We talk about corruption and cronyism, a culture. People think, well, wow, they are just saying that because they can say it. No, this is a shining example, and we have been talking about this, and it has been in all of these publications, and they are still doing it, like it is okay.

The only people that can put this administration and set us on a new course and put this majority in check are the American people. But, unfortunately, they will not have an opportunity until late 2006, and on behalf of the country we cannot continue to sit idly by and watch this kind of activity take place.

I would feel a little uncomfortable saying that my colleagues on the majority side are not standing up to their responsibilities in oversight. The Secretary, as soon as he leaves from down in south Florida from Wilma, should be called on the carpet in some committee room saying please let us know what we can learn from Mr. Brown. Please let us know what we can learn from the Director of FEMA. Why do we have to continue to pay him and use the taxpayers' dollars? Someone needs to ask that question. It should be not only the Committee on Homeland Security; it should be congressional leaders calling and saying you need to reverse that.

So I do not even feel half uncomfortable about me being upset about this thing, because I can tell you right now, there are a number of people out there that are very upset; and it is time, it is time, that we cut out this culture of corruption and cronyism, because it is weakening this country. I am going to tell you that right now.

Folks might see little events, but I can tell you right now, I am concerned about clandestine operations that we have going on, especially in this culture of corruption and cronyism. I am concerned about taking people for face value when they say, well, this is what

we have in place, and we find out later that it is really not.

I am concerned when we come to this floor and the clock opens up for 15-minute votes, and because the majority side is not prevailing or winning, they decide to hold the vote clock open for 90 minutes. I am concerned about these events taking place under lights, cameras, and action.

□ 1745

I am concerned about those events that are taking place in the back halls of Congress, in the White House, and in other Federal agencies that are not under lights and camera.

So this is the kind of boldness, cronyism, boldness and possible corruption in many places that takes place. And do not take it from me, just pick up your local paper or turn on the news. It is full of it. So if we do not hold ourselves in check, and if the majority is not willing to rise up and police this corruption and cronyism; because, Mr. Speaker, I used to be a State trooper, and we had what they call a game warden, and I always used to say, the game warden cannot be the lead poacher. You cannot be leading off the poacher saying that I am in charge of policing the poachers. So I think it is important that we have folks that will leader up and say, you know something, I know I have been told to be quiet on this, but I have a constitutional responsibility to make sure that we have oversight.

These are not personal decisions, Mr. RYAN; these are decisions that are affecting the governance of this country. So when we allow this kind of stuff to go on, it is making the country weaker versus stronger, because the Federal tax dollars are being spent in ways that they should not be spent, and we are not saving any money by allowing this kind of culture to continue.

Mr. RYAN of Ohio. Mr. Speaker, I think it really comes down to the fact that every decision that is made by this Congress, by the Republican-controlled Congress, by the Republican-controlled Senate, and by our Republican President is based on supporting and lifting up the Republican Party. I hate to break it to them, but this is not about the Republican Party; this is about America. This is about what is best for America.

You talk about violating basic House rules, and every time they have done that, every time they have kept the roll call open at 2:00 or 3:00 or 4:00 in the morning; I mean, last year, I cannot remember what vote it was, but we were here until 4:00 or 5:00 in the morning. It was on the prescription drug bill, because we had to kick over \$700 billion to the pharmaceutical industry, one of the most profitable industries in the whole entire world, them and oil, and the reason is they put the Republican Party before the country.

Mr. MEEK of Florida. Mr. RYAN, I am sorry to cut in, sir, but I am going to tell you this: I know a lot of Republicans. A lot of Republicans are supporters of me. They vote for me, and

some of them say, great job. I have some great friends on the other side of the aisle, I mean great friends. We do a lot together. We talk about things that are common interests. We are friends. My mother was here before me, and some of them are great friends of my mother, and, because of that relationship, we have a great bond.

But I can tell you this: I think this goes far beyond building up or doing something on behalf of the Republican Party, because some of these decisions that are made, it will turn the stomach of Republicans that I know. It would turn their stomachs. I know on the majority side, I know that there are some Republicans that go home, and they are sick. They are sick of what is going on here in this House. But you know something? If they were to stand up, unfortunately they would be knocked down politically. They will find themselves fighting the whole reason why we are here on this floor, fighting against them doing their jobs.

So I kind of feel that there is a purpose for what we are doing here, because as far as I am concerned, we could sit back and just say, well, let them do it, or let them look the other way, because the American people are going to see that they are not governing. But you know something? We are Americans, and we have an obligation to not only our constituents. When our constituents voted for us, they federalized us. So that means that we have to care about the entire country and what happens to the Federal dollar, which is the taxpayers' dollar. It is very unfortunate.

So, Mr. RYAN, I know that it is an influence of the special interests. Their pockets are full because of the relationships here on Capitol Hill that they have and in the White House. Guess what? The average Republican is paying more at the pump, the average Republican does not have health care; just like many of our constituents, there is no health care plan. The average Republican is going to have to bear the brunt, Mr. RYAN, and I am sorry for taking a little of your time here, but bear the brunt of taking away from Medicare, Medicaid, free and reduced lunches for poor people; taking away from projects that would go to local government to build communities; and all of these faith-based groups that are out there trying to bring about some change, it is going to take away from them.

But, meanwhile, when it comes down to saying to a billionaire that we probably cannot give you hundreds of thousands in tax cuts that we have given you over the last number of years, and I am going to reference a report here, a third-party validator, a little later on, to say that it is not working, they say, no, no, no, do not worry about it, do not say anything, millionaire. We have you. We have your back. We are going to protect you, but we are going to make sure that the average Republican, the average Democrat, the aver-

age Independent, that they bear the burden, that they send their children into conflict and war, that they pay higher gas prices; not you, special interest. No, no, we are here for you.

But see, the problem here, and we talked about it last night, Mr. RYAN, about the fact that this is the only legislative body on the other side of the aisle in the Senate, where you can be appointed by a Governor to the Senate if someone leaves office. But when someone leaves office here in the middle of a term, you have to be elected. You cannot be appointed to the House of Representatives. So that means that we are representatives of the people, not representatives of the special interests, not representatives of the billionaires of the world; we are representatives of everyday folk.

So I think this is important, because Democrats, we have budget alternatives like pay-as-you-go, saying that if you are going to do it, you are going to show how you are going to pay for it, okay? We have alternatives as it relates to dealing with Hurricane Katrina so that we do not continue to waste the taxpayers' dollars and also make the victims of the event victims all over again. So, Mr. RYAN, we have the alternatives.

I believe that this goes higher than the party. I believe that it goes right to this culture of corruption and cronyism, and I will tell you one thing: The American people will see us bring about great change if just one of the Chambers of the legislative body was to turn Democrat, because what you see right now, based on law enforcement agencies saying, listen, we need to have some level of oversight, this country is going down the drain, because they are dragging it down the drain, and we have to do this. Imagine if we had an oversight committee that would call some of these things into question before they get to the level to where they are now, Mr. RYAN.

Mr. RYAN of Ohio. Yes, no doubt about it. We maybe could have prevented, if we had been really on the stick and really open, we maybe could have prevented some of the things that are happening.

I think this really goes to the fact that the Republican majority believe that the government and the taxpayer dollars that we have here are just for them. It is for them to build their party up. It is for them to use it to build up the Republican Party.

I am sorry, but my citizens in my district do not pay taxes so that the leaders of the House, the Republican leaders of the House, can go out to Shake Down Street out there on K Street, just a cab ride away where all the lobbyists are, and go and shake down the lobbyists. I mean, when a Democrat applies for a job, and the leaders on the Republican majority say to the lobbyists, you cannot give that job to a Democrat because we will not do business with you then.

And when you come to the American people and you try to say with a

straight face about fiscal discipline, but when we are here at 3:00 in the morning, and arms are getting twisted to pass a Medicare prescription drug bill, and the Republican majority does not have the courage to go to the pharmaceutical industry and say, listen, we want to pass a Medicare prescription drug bill, but we want to give the Secretary of Health and Human Services the opportunity, the power to negotiate on behalf of the Medicare recipients to get the costs under control. The Republicans put a provision in the Medicare bill that explicitly said the Secretary of Health and Human Services is not allowed to negotiate down the drug prices. Can you imagine that? Can you believe that? And then only 25 Republican Members voted against it.

Then you come to the energy bill, and with the energy bill, you have billions of dollars in there to subsidize the oil companies, and a major oil company comes out today and talks about 89 percent profits in the last quarter, \$10 billion, and you are getting public tax dollars from middle-class Americans who live in Youngstown, Ohio, one of the poorest areas in the country, you are taking their tax dollars and you are giving it to the oil companies.

Now, a third-party validator, right here, Cal Thomas, one of the most conservative Republican columnists in the country right now, suggests to our friends on the other side, to the Republican majority, he is commenting on the offsets to pay for Katrina, and the Republican majority is taking the money from Medicaid, free and reduced lunch, and college students. Cal Thomas says, here is a suggestion: Do not start with the poor, start with the rich. That is Cal Thomas. That is not KENDRICK MEEK, that is not TIM RYAN, that is not DEBBIE WASSERMAN SCHULTZ, that is one of the most conservative Republican columnists in the country.

He also goes on to say, talking about using government as their own little sandbox that they can play in and as a welfare state for corporations, because this is corporate welfare. Cal Thomas, conservative Republican. Did I mention he is a conservative Republican?

Mr. MEEK of Florida. You mentioned it.

Mr. RYAN of Ohio. I appreciate that.

Quote: Seventy-two percent of farm subsidy money goes to 10 percent of recipients, the richest farmers, partnerships, corporations, estates, and other entities. Corporate welfare, my friend, to the oil companies, to the pharmaceutical companies, and to the big agribusinesses, and the Republican leadership in this Chamber goes out to Shake Down Street and tells all the lobbyists on K Street that they have to hire Republicans or they are not going to do business with the Republican majority.

Mr. MEEK of Florida. Mr. Speaker, let us just make sure that we are crystal clear so that everyone understands. Not just saying, well, let me check, let

us see. Let us look at the people that apply for the job. Oh, there is a Republican. No. I want you to hire my right-hand staffer. I want you to hire him or her, put them in the position, okay, and so I can deal directly with them so that we can have a line of communications and we are not confused, because this person has my cell number, okay, and I want to make sure that that happens.

Now, we are not talking about something that the House Ethics Committee has not already dealt with, because of the fact that this issue was brought up and it was very public. It was not any kind of clandestine operation that was going on. You just pick up the paper. Yes, that is what we are doing. What is the problem? If they are going to do business up here, they are going to hire the people that they want hired, period, dot, with a straight face, under the lights with the cameras on and the press running.

That is a problem, Mr. RYAN, and I believe that when you start looking at the whole culture of corruption and cronyism, you have to look at these activities that are taking place under lights, camera, and on the front pages of newspapers. And you know something? The American people, Mr. Speaker, may feel, well, it is okay, because Congress is not calling any of these people in. Once again, you cannot be the game warden and the lead poacher at the same time. You just cannot do it. It is not physically possible. You cannot have a problem and be over the very thing that is the problem.

Once again, I said it last night, I will say it again. These are not personal decisions, Mr. RYAN. These are decisions that are affecting the policy of the country and the Treasury of the country. This is not someone that went off and made an individual bad decision and said, you know, I made a bad decision, it only really affected me, okay, and I am sorry. It will not happen again. No, it is not that; it is a whole Medicare program. It is an entire industry: Energy, we are going to give you what you want.

□ 1800

That is what is going on, and it is affecting the U.S. taxpayers.

Mr. RYAN of Ohio. We are going to give you public tax dollars for the energy companies, public, through subsidies, billions of dollars in the energy bill. You are going to raise money for Republican candidates. It is that simple. Go out and shake down K Street. That should be called not Operation K Street; it should be Operation Shake-down.

So the American people should be outraged at this, corporate welfare to the most profitable industries in the country with your tax dollars, and the Republican majority uses it to raise money for the Republican Party. They are putting their party, the Republican Party, before the country.

And that is when it has got to stop. You did not come to Congress to rubber-stamp this stuff. The people in my district did not send me here to rubber-stamp this stuff. They sent us here to end it, because the average worker, the average small business person in every single instance, health care, energy, gas prices, natural gas, pharmaceuticals, wages, on every single count they are forgotten.

They are forgotten because we spent so much, the Republicans spent so much time giving out public tax dollars, corporate welfare so that they can increase their campaign coffers and run 30-second ads. And they go out and shake down K Street. It is ridiculous.

Mr. MEEK of Florida. If you want to call it an energy bill, I will not, because it did nothing about true conservation. It did nothing about true price gouging. I mean, there was some language in there; but it was not there. We had, on this side of the aisle, a Democratic alternative that stopped price gouging, that put us on a track of alternative fuel and also protected the environment at the same time. We offered that.

That is the reason why the board, the voting board was open for 90 minutes, because it did something. Now, it did not do what the special interests wanted us to do. And you know many of them, I see them. It is not personal; it is just business. I see them. Hey, how are you doing? I am fine. Are you okay? I am doing just fine. Nice day out today. Okay.

But the bottom line is when it comes down to my constituents and it comes down to Exxon-Mobil coming out today saying, hey, guess what, wow, 75 percent up in profits, give me a high-five. What is unfortunate, I think some of the folks in this Congress are actually giving these special interest groups a high-five, and it is unfortunate because it is on the backs of Americans.

We are running around here paying more for gas than we have ever paid before, and there are record profits for the industry. I think there is something wrong there, and I think it is something that is clear as day. And guess what? It is happening under the lights. It is happening in front of the cameras. It is on the front page of the paper in print for historical preservation to the next election.

And what is unfortunate is that we could stand by and allow this to happen and say nothing and say, you know, the American people will respond in an appropriate way of making sure that we have the kind of leadership that is willing to lead. We are trying to lead. Guess what? We cannot prevail, because they are in the majority, and they have the majority of the Members in this House.

If given the opportunity, Americans will see a different kind of policy that is for the people and not for the special interests, not only in that case. You go back to no longer making mistakes in the Federal and State and local re-

sponse after natural disaster/terrorist attacks.

Not only that, looking at House Resolution 3838, dealing with the issue on contractor fraud, why do we have to read it in the paper? Why do we have to watch television to see that we have not provided the kind of oversight so that contractors do not have cost overruns up to millions of dollars, in some cases billions?

Then we turn around, you want to talk about rewarding a culture of corruption and cronyism? Over in Iraq we have contractors that are under investigation by our government, and the very same Departments of Defense and Homeland Security investigating them, Katrina goes down, hey, guess what? Come on over here. We have a multimillion-dollar no-bid contract for you. Sign right here. We ask no questions. There is no ceiling. There is very little oversight. And we will get around to that thing of oversight. But we are in an emergency so we know that you messed up before.

It is almost like someone going in a convenience store, taking out a gun, taking a couple of hundred dollars out of the cash register, unfortunately it is in the millions as it relates to the Federal taxpayer dollar, they run out of the store, the police catch them, they say, well, you know, not only do you not have to give me the money, but you do not even have to turn over your gun. Go back out there and rob another store. That is what is happening right now.

Mr. RYAN of Ohio. Well, let us look. My friend brings up Iraq, which is a perfect example. We just talked about corporate welfare to the oil companies; corporate welfare to pharmaceutical companies; tax cuts that go primarily to those people who make over a million dollars a year. And this President does not have the guts, and the Republican Congress, they do not have the guts to ask the wealthiest people in the country to contribute. Two wars and major natural disasters, poverty is increasing, the tuition cost has doubled over the last 4 or 5 years, and this Republican Congress, they do not have the guts to go ask the billionaires in the country to contribute.

But we are going to give them public tax dollars to support their corporations. But there is more welfare going on. Iraq has become a United States welfare state. Look what is going on here. 110 primary care centers built in Iraq with American tax dollars. Okay. 2,000 health educators trained with the American tax dollar.

3.2 million children vaccinated in Iraq with the American tax dollar. Great. Super. We went in there, we broke Iraq, we buy it. That is our responsibility. But back at the ranch, \$10 billion-plus, as I have talked to a few of our friends on the Committee on Energy and Commerce, \$10 billion-plus cuts in Medicaid for American kids. American citizens. \$252 million cut for health care professionals; \$94 million

cut for community health centers in the United States of America.

Student loans. We are building 2,700 schools that have been rehabbed in Iraq; 36,000 teachers and administrators trained in Iraq. We are cutting student loans in the United States. Iraq is a welfare state. So if you are sitting on the couch listening to the 30-something Group right now, and these are all third-party validators, this is not us making this stuff up.

Cal Thomas, the conservative Republican columnist, agrees with us. You see a Republican-controlled government, one-party government spending your tax dollars, giving your tax dollars to the oil companies, to the pharmaceutical companies, to the billionaires in the world, and/or in the United States, and creating a welfare state in Iraq while you are cutting health care in education and research and development. Even the Centers for Disease Control, our conservative friends on the other side want to cut the Centers for Disease Control at a time when we have this bird flu epidemic waiting in the wings.

We can do a better job. The Democratic Party has proposals. We want to create a million new engineers and scientists in the next 10 years. We want to build magnetic levitation trains in the United States and connect the United States of America. We want to invest in the research and development and create alternative energy sources so we no longer have to worry about being dependent on foreign oil.

And that is part of the magnetic levitation trains. We want arts and sports in all of our schools for all of our kids because we recognize in the 21st century that learning a musical instrument helps you with math. And when you are good at math, you become an engineer or a scientist, and you will go out and generate wealth. We make good investments. The Democratic Party makes good investments.

We balanced the budget in 1993 with not one Republican vote. And President Clinton made a lot of tough decisions, and the Democratic Congress made a lot of tough decisions. And, quite frankly, some Members lost their seat over it. But it led to the greatest economic expansion in the history of this country. And I do not think there is an American out there that would not say, boy, I would love to go back to the late 1990s. Boy would that not be great. Portfolio was up. Everything was up that should have been up. Everything was down that should have been down.

But meanwhile, our Republican friends keep this culture of corporate welfare and corruption and keep propping up the Republican Party, instead of propping up the United States of America, and being more concerned about shaking down the lobbyists on K Street, instead of propping up the United States.

The Democrats want to take this country in a new direction. We want to

provide new leadership. We want to change the direction of the country, and we want to get rid of this culture of corruption and cronyism, and we want to prop up the country, not any one political party, and use the government to enhance opportunity for people in the United States of America.

Mr. MEEK of Florida. With that, there is nothing more that I can possibly say about where we stand, what we are trying to do in the minority right now, what we would like to do if we had the majority. So with that, sir, will you give the closing.

Mr. RYAN of Ohio. Our Web site is [www.housedemocrats.gov/katrina](http://www.housedemocrats.gov/katrina). Become a citizen cosponsor to the independent commission so we can reform government the way it needs to be done.

And [30-somethingdems@mail.house.gov](mailto:30-somethingdems@mail.house.gov). We have been getting a ton of e-mails lately and a lot of support, over 40,000 citizen cosponsors for the independent commission for Katrina.

Help us change this government. Help us help the Democratic Party take this country in a new direction, a better direction, and help us get rid of this Republican-controlled government that does nothing but corporate welfare and create a welfare state in Iraq at the expense of the American worker and the American taxpayer.

Mr. MEEK of Florida. With that, Mr. Speaker, we would like to thank the Democratic leadership for allowing us to come here in the first Democratic hour. And like I say, it was an honor to address the House.

#### FISCAL RESPONSIBILITY AND THE REPUBLICAN PARTY

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the opportunity to come before the body and also to talk with the American people a little bit this evening about what we as a House majority are doing.

You know, I have been sitting here for the last few minutes listening to my colleagues talk about their plan and talk about what they were doing. And one of my colleagues was talking about we want this, we want that. I was beginning to think I was listening to one of my children name the Christmas list, got the we-wants.

And I will remind the American people that the we-wants are going to take a lot of your money. And I did not hear one single word mentioned about fiscal responsibility and spending less.

And I would encourage my colleagues to come and work with us, really to work with us on this issue, because we would appreciate having them choose to propose some spending cuts. They

have been going through this process of trying to come up with a slogan for 2006.

And it has been interesting to watch them talk about this slogan. I think they are going with something like We Can Do Better, Together We Can Do Better, or something of that nature.

There again, we are not hearing anything about controlling spending and reining in government. I did a cable news show last week with a Member of the Democratic Party. He said, well, you know, they had not been invited to join in working on submitting spending reductions.

Mr. Speaker, if they are waiting for an invitation, I hope they consider this the invitation. It is in that spirit that I wanted to come down to the floor tonight and talk a little bit about the Republican security agenda and invite the Democrats to join us, because we are living in uncertain times. We are facing significant challenges, and the Republican majority has a clear plan on how we move forward on this.

We are focused on our national security, our economic security, our moral security, our retirement security. And we are going to talk a lot. We have been working already, the 108th, 109th Congress, and putting quite a bit of time and energy into continued tax relief, lowering energy costs, working toward affordable health care, and talking about preserving access to health care for all Americans.

You know, I am just going to have to correct one of things that one of my colleagues said. They were talking about Medicaid spending and how we were going to cut Medicaid spending. And I was kind of scratching my head. We have been sitting in the Committee on Energy and Commerce since 3 o'clock on Tuesday afternoon now working on many of these issues.

And all we are talking about doing is slowing the rate of growth of Medicaid from 7.3 percent a year to 7 percent a year.

□ 1815

I think a lot of my constituents in Tennessee have, they have kind of wised up to a lot of this Washington talk, and they know that any time you talk about reining in growth, any time you talk about bureaucrats and having to learn to live with less so that families in houses in communities can keep their money, that you are going to hear talk of a cut. You are going to hear talk of a cut. My people know and understand that.

They also were saying a little bit about energy over there. I have got to make a comment there, too, and they were talking about how glorious the '90s were. We probably would not be talking so much about energy right now if President Clinton had not vetoed drilling in ANWR in 1995. He had the opportunity to do something bold and visionary, and he chose not to. Democrats chose not to. And I think we need to remember that as we talk about energy costs.

When we talk about economic policies and the economic expansion, I think that my young colleague over there might do well to realize Ronald Reagan and his economic policies led to that economic expansion, and we fondly remember that President.

As I said, we are talking about the security agenda. We are focused tonight on the economic security agenda and some of the things that we have been able to accomplish. As I said, spending reductions, we are working on across-the-board cuts, tax relief and tax reform, it has been a big, big part of that. The death tax repeal, marriage penalty relief, reducing marginal rates, all of those things; the child tax credit, marriage penalty relief, our colleagues want to talk all of the time and just say, oh, corporations are not paying their fair share. We need to tax corporations more. And that is all Republicans talk about in tax reform and tax relief. And they are just so wrong.

They are just so wrong on that because thousands of families in my district appreciate having sales tax deductibility. They appreciate having the child tax credit. They appreciate having marriage penalty relief. And so many who have, they are trying to save family farms and small business that they have started, they want to make the death tax repeal permanent.

We are going to continue talking about these as we move forward, and we are going to be continuing to work on these spending issues, because when government is taxing too much and spending too much, you stifle economic activity, and that does affect economic security of this Nation. Republicans are not willing to let government stifle economic activities.

Jobs growth and jobs creation is something that needs to be happening. We have seen 3 million new jobs created. That has happened because of the correct economic steps. It has happened because of a push to reform government. We have 98 programs that are targeted for potential elimination, a good first step there.

Our leadership is to be commended by taking these steps, and this is going to yield \$4.3 billion in savings, the budget that we passed. And I will remind my colleagues across the aisle did not get a single Democratic vote on this budget. It reduced \$35 billion in savings; \$35 billion dollars in that fiscal year 2006 budget, and now we are working to expand that. Not a single Democrat wanted to vote for that, but they wanted to spend more. And when they spend more, that is more money coming out of our taxpayers' pockets.

And, Mr. Speaker, our majority believes that we can do better, and I would certainly hope that our colleagues across the aisle will start to work with us on these spending reductions. We have got a great group of Members who are sick of having the liberals in this body tell us that there is no room to cut, and not a single Democrat has agreed to support even a

1 percent reduction. And they do not believe there is 1 percent of waste, fraud and abuse in government.

In fact, they have opposed our effort to get to that \$35 billion in savings. And I think that the people in my district know that you can find 1 percent of waste, fraud and abuse; and they are encouraging us to move forward and go maybe even more, find even greater savings.

I have said many times that I think that government needs to be streamlined, and that it could stop behaving and spending like the overgrown, unproductive behemoth that it has become over 40 years of Democrat control with growing program after program after program, and it could start functioning a lot more like some of our Tennessee companies, maybe FedEx or Comdata or the Tractor Supply Company or any of the hundreds and thousands of small businesses and small business manufacturers that are located across our wonderful Seventh Congressional District.

We have got agencies that spend without results and then do not want to tell us how they spend. We have got program after program that was created during the Great Society, and those programs put very little stock in achieving results. The Republicans in this House are working to reshape that, and we are going to continue putting our focus on spending reduction, reducing a little bit more and a little bit more every single year. And we hope that our Democrat colleagues across the aisle are going to join us and assist us with this.

I am pleased to note also, Mr. Speaker, I will have to note this even though the Democrats do not want to join us with across-the-board spending and reducing even 1 percent out of spending, I am pleased to note that today the President expressed support for taking a look at across-the-board cuts.

I was joined by two of my colleagues, the gentleman from Virginia (Mr. CANTOR) and the gentleman from Texas (Mr. HENSARLING), in filing three bills, a 1 percent, a 2 percent, and a 5 percent across-the-board cuts. And also I will have to note that in our work to reduce what the Federal Government spends, Citizens Against Government Waste has sent a letter encouraging Members of Congress to support our across-the-board cuts because they know that as we work toward fiscal responsibility, as we work to achieve and continue economic security in this Nation, a big important part of this is looking at what the Federal Government spends.

Mr. Speaker, I am joined by some of my colleagues tonight. And at this time I would like to recognize one of our colleagues from Texas who is our vice chairman of the Republican Study Committee and has been a leader in looking at the fiscal responsibility of this body and of the Federal Government. The gentleman from Texas (Mr. HENSARLING) has taken a lead on this. He helped with our freshman class as

waste, fraud and abuse became our class project. He came forward and helped found the Washington Waste Watchers so that we could begin to get inside these programs to target and look at specifically what was going on in these Federal programs, where the Federal Government spends its money, how it achieves its results.

The gentleman from Texas (Mr. HENSARLING) has worked on this issue for 3 years. And at this time I would like to yield to him for his comment about spending control and budget control and operations offset, having the Federal Government be accountable to the constituents.

Mr. HENSARLING. Mr. Speaker, well, I certainly thank the gentlewoman for yielding, and I certainly appreciate her leadership in this body and truly being one of the great leaders in trying to reform government, bring about accountability, and to help protect the family budget from the Federal budget.

Obviously, many good points were made about fiscal responsibility and the fact that somehow the Democrats, those on the other side of the aisle that we tried to work with, tell us there is no room for reform in the Federal budget, no room whatsoever; that somehow we have to spend even more and more money. Mr. Speaker, it begs the question how much is enough?

Mrs. BLACKBURN. Mr. Speaker, if the gentleman will yield, I mentioned that we were working on finding some appropriate levels of spending reduction in our Committee on Energy and Commerce, and I have been called back to this committee.

So at this point I am going to briefly yield the time to the Chair, who will yield it to the gentleman from Texas (Mr. HENSARLING) to control our hour of time.

#### FISCAL RESPONSIBILITY

The SPEAKER pro tempore (Mr. KUHLMAN of New York). Under the Speaker's announced policy, the balance of the majority leader's hour is reallocated to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, again it is obvious that those on the other side of the aisle, the Democrats that we are trying to work with, somehow believe that we do not have enough government, that somehow there is no room for reform in the Federal budget.

Again, this chart shows that beginning in 1990 up to the present, that Washington is now spending over \$22,000 per household. This is for only the fourth time in the entire history of the United States of America that the Federal Government has spent this much money. It is the first time since World War II, yet the Democrats say there is no room for reform in the Federal budget; that instead we need to increase taxes on hard-working American



families, or, even worse, that we somehow have to pass on more debt to our children.

Mr. Speaker, we can do better. And, Mr. Speaker, this simply amplifies the point, when you think about families, and I think about them in my district back in Dallas and in east Texas, who work hard for a living, some small businesspeople who have gone out to risk capital and start a new business and maybe employ three or four people, look at what has happened in the last 10 years.

You see the family budget, median family income for a family of four has risen from roughly \$45,000 to \$62,000. That is this line here, Mr. Speaker. But look at the same time what has happened to the Federal budget? We have gone from about \$1.6 trillion in 10 years to almost \$2.5 trillion.

In other words, the Federal budget is growing at least a third faster than the family budget in just the last 10 years. And yet our colleagues on the other side of the aisle, the Democrats, say, no, there is no place for reform. There is just no place for reform in the Federal budget, that somehow it is going to have to come out of the family budget instead.

But we reject this, Mr. Speaker, and I guess because it is getting close to Halloween, all of the sudden people are thinking about what costumes are they going to go wear for Halloween. I have got a 3½-year-old daughter who has decided to be Snow White. My 2-year-old son is going to become Superman. And now I have noticed that the Democrats want to don a mask called "fiscal responsibility." The American people are not going to buy into that costume, because their plans are simply to spend more and more money because they do not believe in reform.

Every time that we have passed a budget in the last 10 years, Mr. Speaker, they have gone back and offered an alternative budget that spends even more, yet they call that fiscal responsibility? Let us just look in the past several years; for example, let us look at the budget for fiscal year 2004. On June 25 they offered an amendment to add a half a billion dollars to the Interior bill. On the same day they offered an amendment to add \$8 billion to our Labor-HHS appropriations bill; on July 16 an amendment for almost half a billion dollars to the Commerce bill.

Let us look at what happened last year. Well, on June 9, an amendment to increase subcommittee allocations by \$14 billion; on June 23, an amendment to increase subsidies to businesses by \$79 billion; and now for our physical fiscal 2006 appropriations process, an amendment to increase foreign aid by almost a half a billion dollars.

Mr. Speaker, I think the American people are seeing a pattern here. It is a pattern of increased spending.

□ 1830

Again, as all this spending is done, sooner or later, somebody has to pay the piper.

Mr. Speaker, right now, as the Democrats have tried to fight every reform that we have brought forth, we know what is happening to our budget. We know that it is spiraling out of control, growing at a huge multiple over the family budget that one day is going to cause a day of reckoning.

This chart, for example, shows what is going to happen over the next generation when we look at Medicare growing at 9 percent a year, Medicaid at 7.8 percent a year, when we look at Social Security growing 5.5 percent a year. We know when the economy grows at a pretty good pace, that might be 3.5 percent.

Look at this chart here. Right now, the amount of money that we are spending, roughly 20 percent of the economy on government, in just one generation, if we do not engage in this process of reform, using the Washington term "reconciliation," which is a process we started today, if we do not engage in this reform process, this is the future that the Democrat Party wants to provide us. That is a doubling of the size of government in one generation, and that is if they do not come up with anything new. That is just on the programs that we have today, Mr. Speaker. I believe that is simply going to be unconscionable.

Now, again, the Democrats tell us that there is simply no place that we can reform and that somehow reforms lead to massive budget cuts for the poor. Well, we think there is another way that we can help poor people in America, and we believe it has a lot more to do with a paycheck than a welfare check. We want to ensure that the social safety net is there; but, Mr. Speaker, there is something better, and that is a paycheck.

Under the economic policies of this administration and this Republican Congress, all of the sudden we have created now 4 million new jobs. Four million new jobs have been created. People have hope. They have opportunity. They can put food on the table. They can put a roof over their head, and that had everything to do with the policies of this administration and this Republican Congress.

So in many respects, Mr. Speaker, it is not a debate about how much money we are going to spend on housing, how much money we are going to spend on education and on nutrition; but it is a debate about who is going to do the spending.

The Democrat Party can only measure compassion in the number of welfare checks. We measure compassion in the number of paychecks. We are helping empower the American people to have their nutritional program, to have their educational program, to have their housing program.

Mr. Speaker, I am very honored that we have been joined by a couple of other colleagues here tonight who I know have a great insight into our programs for fiscal responsibility, into our programs to try to bring some account-

ability to the Federal Government, to engage in reforms that could help the American people and actually deliver better health care at a cheaper cost, better housing at a cheaper cost.

One of these Members that we have been joined by, who is a great leader in the freshman class and who is no stranger here to the floor of the House, is the gentleman from Georgia (Mr. PRICE), my colleague; and I would be very happy to yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I just want to say how honored I am to join you this evening for what is such a contrast to what is being offered on the other side of the aisle. The calm and reasoned and logical and thoughtful approach that you and others have taken I think is just so wonderful and heartwarming, frankly, to all Americans to know that there are individuals that are as thoughtful and logical in their approach to, truly, the challenges that we have.

Before I begin, I do want to make a comment about what has seemed to become a nightly ritual, which is a level of personal attacks from the other side that frankly does a disservice to the discussion and the debate, and it really is a shame to see.

We have really a once-proud party on the other side of the aisle that has degraded into what may be known as the ABC game, which is accuse and blame and criticize, really with no positive outlook and no positive proposals for the future.

When they do offer alternatives, as my colleague from Texas just mentioned, what their alternatives do is significantly increase the tax burden on Americans, significantly increase the size of government and the scope of government; and as was mentioned, they have offered some significant increases just of late. So I would like to share with the Members, Mr. Speaker, a couple of graphics that will demonstrate that.

This demonstrates if the other side had their way, just so far this year in their proposals, for the next 5 years the amendments that they have offered would have added an increase in the amount of spending of over \$67 billion. This is actually out of date a little bit because we have not got another bit to share with the Members something that happened today in committee, but \$67 billion of increased spending.

What about the increase in taxes that they have proposed? As was mentioned, the only alternatives that they truly put on the table are an increase in the amount of spending and an increase in taxes, which certainly increases the size and scope of government. The amount of increased tax revenue that they have recommended to date, \$392 billion. Even in Washington, that is a lot of money, and many of these taxes obviously come out of small business and other business, which means jobs.

I think it is important that people recognize and remember what happens daily here and what has happened during this session alone.

We had a really very lean budget that was adopted by Congress, without a single vote, without a single Member of the other side, the Democrat Party, voting in favor of that budget. In fact, they were instructed by their leadership not to support it, and one of the members of their leadership bragged, I guess in essence, quote, they will not get a single vote on this budget. Now that is the kind of leadership that they are offering.

The level of change that we have to fight for here, although it is significant because it is moving in the correct direction, is really not huge, and there is a great graph that I have. This graph I think says so much. Pictures really can say so much more than just words.

This is the proposal for Medicaid changes that we have recommended, the savings in Medicaid, frankly, that increase and empower individuals; but you see the blue line here is without reform. The reform measures that we adopted and recommended you see are the red line. That is the difference over a 5-year period. That is what their screaming is all about. That is the hyperbole that they refer to when they talk about the kind of reform that we offer.

Today, in the Committee on Education and the Workforce, we were struggling with how to provide appropriate moneys to allow the 300,000 students who have been displaced by hurricanes Katrina and Rita the opportunity to go to school wherever they may now find themselves. The proposal that we put on the table had about 7 to \$9,000 per student, which is relatively consistent with the kinds of moneys being spent around the Nation. The Democrat proposal that they put on the table in our committee, and it was defeated, but the Democrat proposal was to spend over \$26,000 per student, adding literally billions to the cost of government. I do not know anybody that believes that that is a reasonable amount to spend on something that is as needed; but certainly, we do not need to increase the size and scope of government to do so.

The record of fiscal responsibility of the Republican Caucus and this Republican government really is very, very strong. What that fiscal responsibility has done is cut the budget significantly.

This year alone, the fiscal year 2005, which is already done, this is not projection, this is already done, cut the budget by nearly \$100 billion, cut the deficit by nearly \$100 billion, from \$412 billion to \$319 billion. So it is a remarkable demonstration of the resolve that we have.

When we have the challenges that we have had with the hurricanes and the like, I think it is important for people to appreciate that the Republicans always return to principle. Always, and

first and foremost in the area of government spending for our side, as a principle, is that the taxes that Washington collects are not government money. They are the people's money. So we need to be absolutely as responsible as we can be with that.

As I mentioned, we decreased in 2005 the deficit by nearly \$100 billion. What other results are there that we can point to that demonstrate that fiscal responsibility? Nondefense, nonhomeland domestic discretionary spending this year in the House is on track to be below last year's level, and that is for the first time since the Reagan administration. That is true fiscal responsibility.

House Republicans have passed legislation trying to find 35, and hopefully 50, billion dollars in savings in the mandatory programs. This is the first time since 1997. House Republicans have recommended zeroing out the budget, the funding, for 98 Federal programs that are wasteful, that duplicate services, and that are out of date. Anybody in America, if they were to look at the kinds of programs that are offered, I am certain would agree that there are government programs that are certainly wasteful, that there are government programs that offer the same thing that another program does, and many, many programs are out of date.

We have identified 98 of those Federal programs, and we are trying to make it so that we zero the funding for that so those programs are no longer on the books and no longer have that government waste. These savings themselves would save about \$4.3 billion.

For the first time since 1994, Congress has temporarily funded the government at the lowest level that is possible by law as we complete our work on the budget process; and last year we held the growth in nonsecurity discretionary spending to 1.4 percent, less than inflation.

So that is true, I believe, fiscal responsibility; and the record is clear. The record shows that the party of fiscal discipline is the Republican Party.

You say, well, what kind of results are we seeing in the economy with those kinds of policies? The gentleman from Texas alluded to many of the positive items that we are seeing in the economy.

Real GDP grew by 3.8 percent in the first quarter of this year, but what we are seeing is the strongest growth performance and one of the strongest growth performances in the past 20 years.

Payroll employment, that was mentioned, is up by nearly 3.7 million jobs in the past months. That is 3.7 million people that have employment that did not have it before.

The unemployment rate is down to 4.9 or 5.1, depending on the month, over the last quarter. We used to learn in economics that an unemployment rate of between 5 and 6 percent was full em-

ployment because you have got folks that are either moving or they are changing jobs or the like, make it so that 5 percent unemployment is essentially full employment. That 5 percent is less than the average for the decade of the 1970s, the 1980s, and the 1990s. Again, fiscal responsibility and true results from that kind of responsibility.

Manufacturing industrial production is up 3.4 percent over the past year and by 9.5 percent in the last 2 years.

Real business equipment investment has increased by 13.5 percent at an annualized rate over the past 2 years. That is the best sustained growth in over 6 years, truly a remarkable performance, and the economy is the beneficiary of the programs that have been put in place by this Republican Congress and this Republican administration.

□ 1845

One of the things that I think is so incredibly important, when we look at how does it get down to the community and down to those people on the street, what we are seeing in terms of personal homeownership, it is at an all-time record rate, 70 percent or thereabouts. That record rate stretches across all demographic categories of our society. So the results of this fiscal responsibility are very clear.

The results of the policies that have been put in place by this Republican Party, this Republican Congress, and this Republican administration have demonstrated clearly there is greater success for greater numbers of people.

So I am proud to stand before my colleagues tonight and to participate in this discussion of what is truly fiscal responsibility in a thoughtful and a reasoned and calm manner, and I commend the gentleman from Texas for organizing this hour. I look forward to being back to talk about these issues and more.

Mr. HENSARLING. Mr. Speaker, I appreciate the gentleman's leadership and sharing his insights with us. I would like to try to amplify a couple of his points.

Again, there is a big debate and all of a sudden the Democrats are claiming to be the party of fiscal responsibility. They are claiming something that they have claimed for 50 years, that somehow the Republicans when we try to reform government, that we are engaging in massive budget cuts that will hurt the poor.

Mr. Speaker, we are engaged in this process in Washington known as reconciliation, which is really a Washington term that means that we go back to our committees and say find a way to do it better. Let us be more accountable. Let us be more respectful of the family budget and figure out a way to do things better in the Federal budget. So we have something that is known as mandatory spending, which includes a lot of the welfare programs.

Mr. Speaker, as we attempt to reform a number of these programs, as we attempt to get better health care and

better housing at a lower cost, look at what we are trying to do. In the next 5 years, if we are successful in this plan, and so far our colleagues on the other side of the aisle, the Democrats, have said that none of them are going to help us, at the end of the day what we call mandatory spending is going to grow at 6.3 percent a year instead of 6.4 percent a year. That is the massive budget cut?

First, there is no cut. Only a liberal Democrat or an accountant for Enron would call 6.3 percent increase in the growth of mandatory spending a cut. All we are trying to do is reform programs, make them more accountable to the American people, and slow the rate of growth. People are entitled to their own opinions, but they should not be entitled to their own facts. Even after we do this, we will end up spending more of the people's money next year than we did last year.

When you think about the charges that our colleagues on the other side of the aisle are lodging, we should also remember that these were the very same people who said that welfare reform would be horrible, that it would be the end of the world as we know it. We had such quotes like from the Democrat leader in the House at the time that a million children would be forced into poverty. One of the Democrat leaders in the Senate said that if we have welfare reform, we will have trauma that we have not known since the cholera epidemics, and the rhetoric went on and on and on.

Mr. Speaker, what happened? I can tell Members what happened. Case loads fell in half and millions and millions and millions found jobs, hope, and opportunity. The poorest 20 percent of single-mother families had a 67 percent increase in their earnings once we had welfare reform. Millions were able to leave the rolls. Child poverty fell when we reformed the welfare programs, and 1.4 million children have been lifted out of poverty due to welfare reform.

So we kind of have to check the source. Reforms can work, and they must work for the American people. There are so many different ways that we can improve health care and housing and do it in a way that saves American families money. Right now we could save \$1.5 million a year in Medicaid if we just based drug payments on actual acquisition costs. We could save 2 to 3 billion a year if we would stop improper payments for States that do not qualify for the payments.

Mr. Speaker, if we would pass a simple, meaningful medical liability reform bill, we could save 5 to 10 percent on the cost of health care in America.

In 2003, the Federal Government can now not account for \$24 billion that was spent, and yet the Democrats say we cannot reform government.

The Department of Housing and Urban Development in 2001 in the last year of the Clinton administration spent \$3.3 billion paying out money to people who did not qualify for the pro-

gram. That was 10 percent of their entire budget, yet the Democrats tell us there is no room for reform in the Federal budget.

The Advance Technology Program spends \$150 million annually subsidizing private businesses, 40 percent of which goes to Fortune 500 companies. Yet the Democrats tell us there is no room for reform in the Federal budget.

There was a time quite recently when Medicare would spend five times as much on a wheelchair as the Veterans Administration. Same model and manufacturer. Why? Because one would competitively bid and the other would not, and so they just wasted that money. Yet the Democrats would tell us that somehow we are hurting Medicare recipients when we cease to pay five times as much for a wheelchair as we should have. Fortunately, we have caught that one, and we have remedied that; but we have 10,000 Federal programs spread across 600 agencies. There is so much room for reform.

When families are working hard to make ends meet, we need to be leaders in finding reforms in the Federal budget. I am very happy that tonight we are joined by one of the great deficit hawks and fiscal hawks that we have in the United States Congress, a real leader in helping root out a lot of the duplication and waste and fraud, a lot of the abuse that we find in the Federal budget.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I want to salute the gentleman from Texas (Mr. HENSARLING), the gentleman from Georgia (Mr. PRICE), and the gentleman from Tennessee (Mrs. BLACKBURN) for their being here tonight and focusing on the need to reduce spending.

I have heard from a number of citizens as we are discussing our budgetary situation facing this Congress, this Nation, and our country. Many have said, please, the problem is not taxes too low; the problem is spending too high.

The gentleman from Texas (Mr. HENSARLING) is vice chairman of the Republican Study Committee. The Chair is the gentleman from Indiana (Mr. PENCE). These gentlemen and others, the men and women that make up the RSC, were leaders in focusing on Operation Offset. Our Nation has faced expenditures this year that 6 months ago, 8 months ago were not expected. I believe that their focus on Operation Offset is a correct approach.

The first thing we need to do in looking at the aftermath of hurricanes Katrina, Rita, and Wilma and the other hurricanes that have hit the United States this year is do not spend unnecessarily in dealing with these tragedies.

After that, we need to focus on savings in any way we can to deal with those problems and to manage our fiscal affairs as best as possible.

One area that I think needs to be trimmed is foreign aid. Foreign aid for

the last 3 fiscal years has hovered around \$20 billion. In fiscal year 2005, it was between 19 and \$20 billion. But that does not include the hundreds of millions that were in the supplementals that were passed in fiscal year 2005. We can look at across-the-board cuts in that area of appropriations and I think have very little negative impact on American citizens.

Another area that we need to focus on is stopping illegal immigration. This costs the United States taxpayers billions of dollars every year. Now, I have seen wide estimates on how much the cost is to the Federal Treasury each year because of illegal immigration. The Center for Immigration Studies has estimated \$10 billion. The Federation of Americans for Immigration Reform estimates \$45 billion. A few months ago, I heard Bill O'Reilly on Fox News state that the figure was \$68 billion. There may be disagreement as to the exact figure, but there can be no disagreement that the cost is billions upon billions of dollars to the American taxpayer.

This Congress and the Republican conference have been very supportive of community health centers. They have gotten significant increases in their budgets each of the last several fiscal years. But they have a situation that confronts many other health care providers. When persons come in the door, they have to treat those persons. I believe that some of the governments of those countries south of us have steered their citizens to those entities and to our hospitals, and they know the ropes. Emergency care cannot be denied anyone, whether they are legally or illegally in the United States, particularly emergency room service. A person has to be served.

One way we can stop the influx of those who are not supposed to be in this country to our health centers, to our emergency rooms, to other health care providers is to stop them before they get here. I and others are working on legislation. Some would focus on a fence. I have a bill that would provide for a fence along the southern boundary. Other have suggested much tighter border enforcement, increased border patrol, while others say we need greater enforcement in the interior. We need to have the local sheriff and local chief of police, municipal officers, all have the authority to deal with this situation and have a partner with immigration services if they are detained or held at the local level, that they would be assured of cooperation and removal from the locality back to their home countries.

We also have an impact on social services, and that is billions of dollars. So one area where we could save a lot of money would be to simply enforce our laws against illegal immigration, stop it at the border and in the interior, remove those that are not here legally with a proper visa or proper green card or other proper work permit.

Another area of concern to me is the overuse of government credit cards.

Another member of the RSC has proposed the Government Credit Card Sunshine Act. Following Hurricane Katrina, we had to raise the limit on credit card maximums. Now, I understand the need for our FEMA officials to have the use of credit cards, but in the Federal Government I believe we have overused credit cards. I know in my office, I do not use credit cards. Our congressional office is certainly not like FEMA, it is not like law enforcement, and it is not like the DEA. I know you have to have them in some situations, but I support the Government Credit Card Sunshine Act, which would require the posting, except in classified situations and certain law enforcement situations, of expenditures by government credit cards within 15 business days after the expenditure goes through.

□ 1900

A check of some of the credit card abuses involve payment for Ozzie Osborne concert tickets, tattoos, gambling, cruises, exotic dance clubs, car payments, and the like. This is an example of waste in the Federal Government that needs to be stopped, and I think this act would go a long way to stop that.

This evening I have covered areas where we can focus on that will reduce the amount of Federal expenditures. But I want to close by emphasizing something that the gentleman from Texas (Mr. HENSARLING), the gentleman from Georgia (Mr. PRICE), and the gentlewoman from Tennessee (Mrs. BLACKBURN) emphasized. We are focusing on the savings by curtailing the rate of growth. We are not even saying there shall be no growth. We are saying we just do not want the rate of growth to continue at such a rapid and accelerated pace. By curtailing the rate of growth, we can do a tremendous benefit for all of the taxpayers of the United States of America.

Mr. HENSARLING. Madam Speaker, reclaiming my time, I thank the gentleman for his comments, and I certainly thank him for his leadership.

Madam Speaker, we have now heard just example after example of waste that is in the Federal budget, fraud that is in the Federal budget, not to mention the duplication which is in the Federal budget.

We need to remember, Madam Speaker, that when it comes to paying for government, there are really only three different places where we can find money as we go forward and try to balance this budget.

Number one, we are either going to increase taxes on the American people, or we are going to continue to pass even more debt on to our children because we care more about the next election as opposed to the next generation, or we will engage in this process that we are engaged in today to find reforms in the government. And we have heard example after example after example,

Madam Speaker, I now would like to talk about really the tax side of the equation, because so many of our friends and colleagues from the other side of the aisle say the root cause of all of America's fiscal problems lie in tax relief, that tax relief somehow has caused and fueled all these deficits. We hear it speaker after speaker after speaker.

Well, Madam Speaker, first let me say this: If tax relief is the source of all of our problems, as we can see by this chart, let us assume for a moment that tax relief does absolutely no good, that all we are doing is wasting money when we allow small businesses and the American family to keep more of their hard-earned money. Even if that was true, Madam Speaker, we can see by this chart here that out of the budget we have passed, tax relief is less than 1 percent. Less than 1 percent. So even if Members accept the fact that all we are doing is taking this tax relief money and throwing it away, 99 percent of our challenges in fiscal responsibility actually sit on the spending side.

And this, Madam Speaker, is a very important chart because, again, we will hear from our friends on the other side of the aisle speech after speech about how tax relief is driving the deficit. Well, since we passed tax relief under President Bush and a Republican Congress, Madam Speaker, look at what has happened. Tax revenue has gone from \$1.7 trillion in 2003 to \$1.8 trillion in 2004, to \$2.1 trillion in 2005. And, Madam Speaker, if people do not want to believe me, they should go to the United States Treasury report. Look it up. Individual tax revenues are up 15 percent. Corporate tax revenues are up almost 50 percent.

How is this happening? How do we cut tax rates and somehow get more tax revenue? It is pretty obvious to me, Madam Speaker. For example, I look at people in my district back in Texas, east Texas. I went to visit an industry called Jacksonville Industries. It is aluminum and dye cast business in Jacksonville, Texas. They employ 20 people. Prior to having the tax relief, due to competitive pressures they were on the verge of having to lay off two people, which in their case, a small business, was 10 percent of their workforce. But because of tax relief, Madam Speaker, they were able to go out and buy a huge new machine, and I do not remember what it is called. I could not even tell the Members what it does. But it is big, it is noisy, and it made them more competitive. And instead of having to lay off two people, they hired three new people.

Think about it, Madam Speaker. Listening to our friends on the other side of the aisle, they would say, wait a second, that is five people who could have been on welfare, and that is five people who could have, those are five people who could have been on food stamps, those are five people who could have been on a government housing pro-

gram, and that is how they measure compassion: How many government checks do we write?

But, Madam Speaker, under our program, under the tax relief, not only do we have more tax revenue, but guess what? We have created jobs. Four million jobs across America. Got a few more in Jacksonville, Texas, at Jacksonville Industries. So instead of having five people on unemployment, five people on welfare, we have five people who have good jobs. They are able to put a roof over their head. They are able to put food on their table for their children.

Madam Speaker, that is what compassion is. Compassion is not measured by the number of welfare checks we write. It is measured by the number of paychecks we create.

So I just cannot believe how we continually hear this argument that somehow tax relief is driving the deficit, and somehow tax relief is causing all of America's fiscal woes. Madam Speaker, it is simply not true.

But, Madam Speaker, what is true, again, even if all of the big spending plans of the Democrats, if we are able to fight them back, even with the programs that we have on the books today, unless we reform, unless they will work with us in this reconciliation process, again look at what is going to happen. In just one generation, government is going to grow from 20 percent of our economy to almost 40 percent of our economy, in just one generation. We are on the verge of being perhaps the first generation in America to leave our children a lower standard of living because we cannot work together and reform some of these out-of-control programs that are growing way beyond our ability to pay for them.

Now, our friends on the other side of the aisle want to rail against our tax relief, but what they will not own up to are their own tax increases. In order to pay for all of this government, all of this out-of-control, growing government, this is what is going to have to happen: And that is these are tax increases needed to fund all of our current projected spending without deficits. They say they want to balance the budget, but they refuse to reform any government program, notwithstanding all the waste and fraud and abuse and duplication that we have pointed out this evening. They just refuse to join with us in that process.

So what is the consequence of their unwillingness to help reform government? Taxes are going to go up, on a family of four in just one generation, \$10,000. We are going to have to double taxes on the American people just to balance the budget in 30 years, and it is going to go up and up and up.

And, Madam Speaker, that is why it is so critical that we come together, Democrat, Republican, Independent. This is the future we are looking at. It is like the Dickens of "Christmas Carol." This is the ghost of Christmas yet to come. There is still time to do

something about this. Again, there are so many ways that we can get better health care, better housing, better nutrition at a lower cost. But we are going to have to come together as a Congress, as the American people, and find smarter, better ways to run a number of these programs.

We cannot simply measure compassion by the number of government checks that are written. True compassion is empowering people. True compassion is creating new jobs so that the American people can fund their housing program, their nutritional program, their education program.

Madam Speaker, it is not a debate, again, about how much money we are going to spend on these worthy goals, but it is a debate about who is going to do the spending. Democrats clearly want the government and government bureaucrats to do the spending. We want American families to do the spending, and that is the difference. It is really two different visions about the future of America. One wants more government and less freedom. Our vision is one of less government and more freedom and greater opportunity throughout this land, Madam Speaker.

So I think it is going to be a very important debate that takes place in the weeks to come. But, again, in order to avoid the future of either passing debt on to our children or doubling taxes on the American people, there is only one alternative, and that is to come together and reform these out-of-control programs before we leave the next generation a lower standard of living than we enjoy. That is unconscionable, Madam Speaker, and there can be a better, better future for all of our children if we will work together and reform out-of-control spending.

#### THE POOR, THE MIDDLE CLASS, AND THE WEALTHY

The SPEAKER pro tempore (Miss MCMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes.

Mr. SANDERS. Madam Speaker, let me begin by suggesting that as the only Independent in the House of Representatives, my view of things is a little bit different than my Republican friend; in fact, some of my Democrat colleagues.

When I look out in America today, what I see that is important are not just statistics, but what is going on in the real lives of real people, of what is going on in the middle class in America, the vast majority of our people, what is going on in our communities. And in a broad sense, when I look at America today, I see an economic reality which includes the shrinking of the middle class, the reality that ordinary people in my State of Vermont and all over this country are working longer hours for lower wages. I look out at a time when in family after family it is absolutely necessary for two

breadwinners to be working in order to pay the bills and often at the end of the week have less disposable income than a one-income family had 30 years ago.

So I look out and I see that despite a huge increase in worker productivity, a huge explosion in technology, which makes us a much more productive society, that at the end of the day, despite all of that, the middle class is shrinking.

And when I look out in my State and I look throughout this country, I see another phenomenon, and that is that poverty is increasing; that in the last 5 years alone, since George W. Bush has been President, over 5 million more Americans have entered the ranks of the poor. And when I look at what is happening in America today with the middle class shrinking, with poverty increasing, I see another reality, a reality, in fact, that is not talked about terribly much on the floor of this House or, in fact, in the corporate-owned media, and that is that the wealthiest people in America today have never had it so good. Poverty increasing, the middle class shrinking, and people on the top doing phenomenally well.

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That is the economic reality of America today.

Madam Speaker, since President Bush took office, the average annual household family income has declined by \$2,500, approximately 4.8 percent. Furthermore, earnings also declined last year. This decrease in earnings was the largest 1-year decline in 14 years for men, but women also saw a decline in income. So what we are seeing in America, despite all of the rhetoric, all of the statistics being thrown around, is that people are not keeping up with inflation.

Madam Speaker, a recent income analysis by the IRS showed that in 2003, the last year that they studied, only those Americans in the top 1 percent saw an increase in their income above inflation; and amazingly enough, it was not just the top 1 percent that did well. It was the top one-tenth of 1 percent that really made the increased income. Meanwhile, while the top 1 percent in 2003 was the only group to earn more money above inflation, 99 percent of the American people were unable to earn enough income to keep up with inflation. In fact, the IRS data shows us that the wealthiest one-tenth of 1 percent earned more income than the bottom one-third of American taxpayers.

So what we are seeing in our country today is a decline of the middle class, an increase in poverty, and a growing gap between the rich and the poor. In fact, with the exception of Russia and Mexico, the United States today has the greatest gap between the rich and the poor of any major country on Earth, and that gap today is substantially wider than it was at any time since the 1920s in this country.

When we talk about the growing gap between the rich and the poor, when we talk about increase in wealth among the very wealthiest people in our country, it is rather incredible to understand that the richest 400 Americans, the wealthiest 400 Americans, are now worth \$1.1 trillion. Madam Speaker, that incredible amount of money among 400 families equals the annual income of over 45 percent of the entire world's population, or 2.5 billion people. On the one hand, 400 families have more wealth than is the income of 2.5 billion people in this world.

In 2004, when we talk about the growing gap between the rich and the poor, what we see is that in 2004 the President of the United States said, yes, we have a serious problem here. What is the answer?

Well, the answer is that in 2004, American families making more than \$1 million a year received tax cuts averaging \$123,000 a year. So we have a situation where the gap between the rich and the poor is growing wider, where the wealth of the upper-income people, the wealthiest people in this country, is getting bigger; and this White House and Republican leadership responds by giving those particular people huge tax breaks.

Madam Speaker, when we talk about what is going on in America, it is important to recognize that in 1980, the average pay of the CEOs of the largest corporations in America was 41 times larger than that of what blue collar workers then earned. By 2004, the average pay of those CEOs increased to 431 times larger. So in 2004 we have a situation where the CEOs of the largest corporations in America are now earning over 400 times what blue collar workers in this country are earning.

Is that what America is supposed to be about? Are we supposed to be a country in which the wealthiest 1 percent own more wealth than the bottom 90 percent, where the richest 13,000 families earn more income than the bottom 20 million families, where the people on top are able to use their wealth to make enormous political contributions that shape policy that benefits them, that the wealthiest people are able to own the media which describes reality for ordinary people in a way that benefits them? Is that what America is supposed to be about? I think not.

Madam Speaker, I am delighted that I have been joined by a very good friend of mine, in my view one of the outstanding Members of the United States Congress, a leader, fighting for the middle class, fighting for our environment, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Speaker, I thank the gentleman for yielding and appreciate being here tonight to talk about this important topic.

It was interesting, I watched a little bit of the hour before with the gentleman from Texas and others, and they were prattling on about the reckless spending of the Democrats. What

they forget is that the last time the budget was balanced, there was a Democrat sitting in the White House. The last time we began to tax the rich fairly, to bring about a balanced budget, there was a Democrat in the White House and the Democrats controlled Congress. Yet they talk about the reckless spending of the Democrats.

The debt when George Bush took office was about \$18,000 per American, the tiniest baby, oldest senior citizen, \$5.6 trillion. In 5 short years, he has run the debt up to over \$8 trillion, almost \$27,000 per person on the President's watch. Yet they prattled on about the Democrats' reckless spending.

But what they are really trying to cover up here is their favoritism for a very small percentage of society, and the gentleman from Vermont was just talking about it. This is IRS data. Under the Bush administration, the IRS being steadily politicized by this President, still, the data shows that one-tenth of 1 percent of the people in this country, those who earn over \$1.3 million a year, got an average income increase last year of \$130,000, a dream to most of my constituents, to earn \$130,000, principally due to tax cuts.

Here is what we are doing: collecting from working people, only people who earn salaries and wages who earn less than \$94,000 a year paying Social Security taxes. They are paying on every dollar they earn, up to \$94,000. Social Security will have a \$180 billion surplus this year. The Republicans and the Republican President are borrowing every penny of that \$180 billion surplus that is supposed to go to fund future retirement benefits for those Americans. They are borrowing it and they are spending it and they are replacing it with IOUs.

In part, and this is the ironic thing, in part, as the gentleman knows, that is going to finance tax cuts for the wealthiest among us, people who do not pay Social Security taxes, or pay at a tiny fraction of the rate. A person who earns, let us say \$940,000 a year, their Social Security tax rate is one-tenth of that of someone who earns \$30,000 a year. And many of them, since this administration values wealth over work, many people do not pay any Social Security tax, because they just live off their investments. Yet this administration says they need relief from taxes.

When they talk about the working people, they are not talking about giving tax relief to working families or help to working families. They today, and for the last week, have been talking about cutting student loans by \$15 billion, cutting Medicare for senior citizens, Medicaid for senior citizens and the poorest of Americans, cutting food security, cutting foster care from the Federal Government, cutting all those programs under the guise of newfound fiscal responsibility on the part of the Congress, which is spending us into bankruptcy. And what are they

going to do with it? They are going to finance more tax cuts for the wealthy, because they think what America needs is more trickle-down economics: give the money to the wealthiest among us and they will spend it in ways that will put other Americans to work.

Well, what if they spend it overseas? What if they invest it overseas, as more and more companies flee overseas? That does not put any Americans to work. The guy who runs Delphi auto parts has an answer for that. People are just going to have to take a little pay cut. He says Americans who work in these industries who are earning now good family wages should work for \$10 an hour. I do not know what Mr. CEO of Delphi earnings; I bet it is a little more. The average CEO earns in the first 12 hours of the year what working people under their tutelage and in their industries earn in 365 days of hard labor.

But this administration values wealth over work, trickle-down economics over investments in our future, in education, in our kids, in health care and infrastructure above all. They are hollowing out America, and we should get to trade policy a little later to talk about that, they are hollowing out America, looting the Treasury, and they are getting ready to hand our kids and our grandkids the bill, a bill that they will have to pay on \$10 an hour in wages. Now, this is not all going to hold together.

Mr. SANDERS. Madam Speaker, I thank my friend for his comments. My friend mentioned the Delphi Corporation, which is in Michigan, I believe. I want to say a word about that. It is not in my district. Why is it important, what is happening there?

In general, and we will get to the whole trade issue, the whole globalization that has been pushed on this country by corporate America in order to make the wealthiest people and the large corporations richer while working people see a decline in their standard of living, we will get to that in a moment. But what this attack on the workers, unionized workers, UAW workers at the Delphi Corporation is about is something of huge national significance.

As the middle class declines, it is absolutely not uncommon, from Maine to California, that workers see some decline in their wages; workers are forced to pay more for their health care; workers are losing some or all of their pensions. That is going on all over this country as we move in a race to the bottom.

But what this Delphi Corporation business is about is something more. That is not a slow decline in our standard of living; that is a precipitous collapse in the standard of living of working people. What I fear very much is that what happened at Delphi, that particular concept can spread all over this country.

What happened at Delphi, which recently filed for bankruptcy, is that the

workers there had solid, middle-class incomes. They were doing well. They could send their kids to college; they had decent homes. They were making \$25 or \$30 an hour, solid, middle-class income.

The company files for bankruptcy, and what the CEO there says is you are not going to make \$25 an hour anymore; you are going to make \$10. You are going to go from the middle class to poverty, like that.

Then a fellow named Jerry Jasinowski, who is the president of the Manufacturing Institute at the National Association of Manufacturers, which, by the way, has been one of the leading forces in this country in pushing unfettered free trade and unfettered globalization on America, they push it on America, and then in responding to the attack on the workers at Delphi, this is what he says:

"From airline pilots to auto assembly workers, employees need to help reduce their costs. We can't afford to live with the very generous benefits we provided 10-15 years ago."

What he is saying in English is, if you are a working person, what is happening to the Delphi employees could happen to you, should happen to you. The rich get richer.

Last year the CEOs of major corporations earned a 54 percent increase in their compensation. The gap between the rich and the poor is growing wider, and what these people at the National Association of Manufacturers say is, hey, working people all over this country, tighten your belt.

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We are taking it away from you. You thought you were in the middle class. You thought you could provide an education to your kids, have decent health care, have some security. Forget it. We are in a race to the bottom, and there are workers in China who are making 30 cents an hour. How dare you think you could earn \$50,000 or \$60,000 a year? Not anymore.

I yield to the gentleman from Oregon.

Mr. DEFAZIO. Madam Speaker, the gentleman raises an excellent point. The other technique that Delphi and other major corporations are employing is they are also sticking it to the U.S. taxpayer, because Delphi also is going to walk away from its pension obligations.

Now, we have a pension insurance fund backed by the Federal Government called the PBGC. Under George Bush's watch, it has gone from having an \$8 billion surplus to an estimated \$200 billion deficit in 5 short years of George Bush's watch. That is the future obligations of pension plans they have assumed. United Airlines pension plan and now Delphi is going to try to dump theirs on them, and other airlines.

So these major U.S. corporations declare bankruptcy and dump the pension plans on the taxpayers. Workers see a



major reduction in pension, because they will not give you your promised pension; depending upon your age and what you were promised, you might get 30, 40 percent of what your pension was going to be. Ultimately the taxpayers are going to pick up the bill for this little maneuver as they take this company through.

Now, there are no future claims. This company goes through bankruptcy, re-emerges and is sold for a huge profit, but the Federal taxpayers have no recourse. They cannot reclaim any of that money.

I asked a fellow from the PBGC about this, about the airlines. I said, so, you have taken an equity position in United Airlines as part of this deal of assuming their pensions. Could you not have a claim against future profitability of the airline or against future stock value to make the taxpayers and the PBGC whole? And he got really puzzled for a moment and he looked and said, well, I guess we could do that. Never thought of doing that.

So this has become the new technique: dump the obligations, dump the health care plans, dump the pension plans, the health care plans of people who either fall into the cracks; or, if they are old enough, they can get into Medicare, which this administration is also driving toward bankruptcy. And I do not know if we will have a chance to get to that tonight, but that is another topic of extraordinary concern. And then they become, you know, recovery champions when they turn Delphi around and when the company becomes worth a whole heck of a lot more money, and some turnover specialists capitalize it to come out of bankruptcy and make a fortune on the company. That is the way it works now. That is not a long-term, sustainable plan for this country.

I think now, if we could, we might move a little bit into trade now. Tax policies are a huge portion of this. We already talked about that to some extent. The other thing that is driving down wages and benefits and the working standards, the living standards in this country, is trade. As the gentleman said, it is a race to the bottom. We are saying to the American workers, well, you have to live at the standard of a Chinese worker.

Well, I do not think that that is going to work real well in the system. I mean, we are a consumer-based society. Housing is pretty expensive, cars, fuel, all of these sorts of things. How are you going to live on 3 bucks an hour or a buck an hour, raise a family, have a home, have a place to live and do those sorts of things? It will not work. This model will not work.

But we are also losing our entire manufacturing base. The first automobiles manufactured in China are going to be reimported next January. So goodbye, auto industry, it is gone. And they were pretty honest about that. There was actually an article, 1 day before we voted on special trade

status for China, on the front page of the Wall Street Journal which said, this is the end of the manufacturing in America. It is all going to China. And Boeing, of course, wants to go, too. Then we will not make anything anymore. We will try and borrow money to buy things we used to make, but at some point they will probably stop lending us the money, or they will start demanding something in return that we are not going to want to pay.

Mr. SANDERS. If I might, let me just pick up on that point, because you are absolutely right. Let us be clear about what has happened here in the last 20 years.

Corporate America woke up one day and they said, hmm, why do we have to pay American workers American wages, provide health insurance, negotiate on occasion with unions, obey environmental laws, pay taxes in the United States of America? Why do we have to do that when you have billions of people in China, desperately poor people in Latin America, in other countries, who will work for us for almost nothing? Now, just because we, who are the heads of major corporations that grew grapes here in the United States because of American workers, who became profitable giants because of American consumers, well, we do not have to respect that. We do not owe any allegiance, in fact, to the United States of America. In fact, they say, we are not American corporations. Oh, yes, we are American corporations when we come to D.C. in order to get billions of dollars in corporate welfare from the American taxpayers. Oh, yes, we speak English well, and we are American corporations on those days. But on every other day, if we can throw American workers out on the street, move to China, hire desperate people there at 30 cents an hour, who go to jail if they try to form an independent union, who are breathing air that is highly polluted because the environmental standards are virtually nonexistent, we are international corporations. We are off and running.

And that was clearly what they had in mind at the very beginning of this whole debate on free trade, and that is, in fact, what they have done, and that is, in fact, what they are doing.

From their perspective, what globalization is about is telling an American worker, hey, shape up, fellow, because there are people over there who can work for 10 percent of what you are working for. And if you are not prepared to take cutbacks in health care, cutbacks in wages, give up your pension, we are picking up, we are going to China, and guess what? Because of permanent normal trade relations, which Congress passed, my goodness, they could bring those products back into this country without any tariff whatsoever. We do not need you anymore. So industry after industry, whether it is steel, whether it is furniture, whether it is textiles, whether it is footwear.

In fact, one of the interesting things, Christmas is coming soon, and during Christmastime people do an enormous amount of shopping, and they go to the stores and they look and they try to find products made in the United States of America, and they look and they look and they look. And as Mr. DEFAZIO mentioned, it is harder and harder to find products manufactured in America, because our corporations have essentially taken our manufacturing base and sent it to China.

As Mr. DEFAZIO indicated, this is really bad not just for the standard of living for American workers, it is very dangerous for the future of our country in a dozen different respects. How do you defend yourself as a nation in terms of national defense if you are not making products in this country anymore to be used by the military? How are you a great country when you are no longer producing real products, but are now engaged only in service industry-type work?

I yield to the gentleman.

Mr. DEFAZIO. Madam Speaker, I guess this is a little bit of a digression, but it is a case in point. I mean, there is this whole bizarre concept of free trade based on an economist who has been dead over 200 years that only the United States Government, under the tutelage of these multinational corporations is following, much to our detriment.

Our trade deficit this year is headed towards \$700 billion. That means we are borrowing almost \$2 billion a day from overseas, 40 percent of that from the Chinese, to buy things made in China and other countries that used to be made here. That is not a sustainable model. That ultimately undermines our standard of living. We are piling up huge overseas debts.

But even worse than that, and that is just all under these bizarre theories of free trade, the race to the bottom and all things are a result from that; we are not even really practicing what President Clinton and President Bush are so fond of calling rules-based trade. We are going to have rules. Well, there are rules. The rules say that the Chinese cannot pirate things. Guess what? The Chinese pirate millions of dollars a year worth of U.S. dollars.

The gentleman mentioned furniture. I have a little furniture manufacturer, a high-end furniture manufacturer, in my district. He called me up and said, I have a little trade problem. I thought, that is a little weird, but okay, and I went to visit. Well, it turns out the Chinese delegation came over to look at his plant, they liked his stuff, they offered him more money than he could ever imagine he would ever have to buy his company. The only condition was he had to unbolt all the machines and all the production lines, send 3 managers to China for 6 months, and then they would send him a 20 percent cut for the future. Of course, he would not have workers or a company anymore. He agonized, and he said no.

Well, the Chinese said, okay, fine. They went to Seattle and, from a furniture store there, bought a copy of everything he made, and the next year a Chinese Communist Government-subsidized company produced a clone of everything this company in Oregon makes and were selling it for 40 percent less at the furniture show. That has also happened to a high-tech company in my district.

My staff was in an extraordinary phone call with the Bush administration, the Commerce Department, saying, will you not help these companies fight the piracy? And they said, no, we will not do that. We are not interested. These are the people who cloak themselves with small business, except if the Chinese want to steal the small businesses, that is okay with us. We are not going to do anything about it, because it might upset some of the big deals going on between GM to move all of their manufacturing to China, or Boeing to move all of their manufacturing to China, or IBM; you know, the big companies. So small business gets written off.

So not only are we losing the big manufacturing firms; our small firms, our innovators, are being pirated by the Chinese. The administration will do nothing about it. We are borrowing almost \$2 billion a day. This is a crazy thing we are doing to the future of our Nation, and they want to tell us how great it is.

Remember, it was the President's own economic advisor who, in the President's economic report a year ago January, said that outsourcing, that is, exporting U.S. jobs overseas like Delphi or GM or others, is yet just the latest and greatest new manifestation of the advantages of free trade.

Mr. SANDERS. I believe, roughly speaking, although I do not have the exact words in front of me, but what he said is something like, if a product can be made less expensively abroad than in the United States, it makes sense to do that. So essentially what he is telling us, and this is the President of the United States' economic adviser, what he is saying to every corporation in America is, hey, dummy, they pay 50 cents an hour there, \$15 an hour here, where are you going to go? Go. So what you have is the Bush administration essentially telling corporate America that they should throw American workers out on the street and move abroad.

I remember a couple of years ago, one of the largest corporations in America is, of course, General Electric. The fellow who is head of that corporation is a guy named Jeff Immelt. Mr. Immelt spoke to some GE investors and he said, and I roughly quote here, not the exact quote, he said, when I look at the future of General Electric, I see China, China, China, China, and China. Why not? Why would you want to pay an American worker a decent wage? Why would you want to reinvest in Oregon or in the State of Vermont when you

can hire people abroad for 50 cents an hour or \$1 an hour, and they go to jail if they stand up for their political rights? It sounds like a great place to do business to me.

Mr. DEFAZIO. Remember how they have sold this, how they sold CAFTA, NAFTA? It was, we are opening up markets for U.S. workers and U.S. products. We want to put Americans to work. We want to create wealth in this country. NAFTA, Bill Clinton said, was going to bring 400,000 jobs to America. He was off by a few. It actually exported 1.2 million jobs from America to Mexico, so he was off by a little bit there.

Bill Clinton talked about how all the Mexicans were going to buy our goods. The total buying power of Mexico is less than the purchasing power of the people of New Jersey. If they spent every peso they earned on U.S. goods, which, of course, they have to eat and provide housing, they could not do that. The same thing with CAFTA and the same thing with China. These workers who work in the plants that are producing these products, they cannot afford to buy them.

Mr. SANDERS. Let me interrupt my friend and tell you, I do not know if you have been to Mexico to view this.

Mr. DEFAZIO. Yes, Machiadora.

Mr. SANDERS. I have been on several occasions to Machiadora, and what a sad sight it is. When you go there you see these modern factories, and then a mile away from these modern factories, not only by American interests, but European interests, Japanese interests, a mile away from those modern factories you see people literally living in cardboard shacks because their income is so low, their wages are so low that they cannot afford decent housing, even by Mexican standards, being exploited terribly.

But that is what we are seeing, a huge shift in manufacturing from the United States to China and to Mexico. And do you want to hear one of the ironies is that many of these corporations who have gone to Mexico are now leaving Mexico in order to go to China, because they do not want to pay Mexican workers \$1 an hour. Go to China. You can pay people there 50 cents an hour.

It is a very serious problem currently existing in Mexico, and it is part of that whole race to the bottom.

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American workers, that is where our competition is. That is what this President, this Congress has said. Your competition are desperate people earning pennies an hour and if you don't lower your standard of living, they are going there.

Is that a sensible policy for the middle class of this country? Obviously it is not. Nobody here is not concerned about the poor people in the world. We want to see those people being able to feed their kids, have decent jobs, have health care, have education. But you don't have to destroy the middle class

of this country in order to improve the standard of living of poor people around the world. We can do both. We can raise the standard of living of American workers and improve the lives of poor people around the world rather than engage in this race to the bottom.

I would like to mention to my friend, we can stay on the trade issue, but I know he has been very involved and we have worked together on this issue of the greed and the rip-offs being perpetrated literally today by ExxonMobil and the other large oil companies. I think just today, if my memory is correct, ExxonMobil announced that in the last quarter, the last 3 months, they earned \$10 billion in profits which as I understand it is more than any corporation in the history of the United States of America; \$10 billion. They are not the only large oil company to be earning record-breaking profits. In my State of Vermont, which obviously gets very cold in the winter-time, we are seeing a lot of senior citizens, lower income people, middle-income people, who are going to be having a very, very difficult time heating their homes this winter because the price of home heating oil is soaring. What I see in my State, a very rural State, where it is not uncommon for workers to travel 100 miles to and from their jobs, paying now \$2.60, \$2.70 for a gallon of gas, that is what I see. Meanwhile, ExxonMobil has just earned more profits than any other corporation in the history of the United States and every other major oil company is also earning record-breaking profits.

I wonder why the President of the United States has not said to the CEOs of the major oil companies: Come on into my office. Let's go into the Oval Office and let's talk about how you're going to lower gas prices, lower home heating oil prices so the American people don't have to take their paychecks or their limited incomes and give it to the large corporations.

I know my friend has done a lot of work on this issue.

Mr. DEFAZIO. I have got to correct the gentleman. He exaggerated. Their profit was only \$9.8 billion for the quarter because they had some markdowns. That is the largest corporate quarterly profit in the history of the world, not just the United States of America. Some would say, well, you know, it has to do with supply and demand and all that. The biggest increase in profits for ExxonMobil, whose profits are up 75 percent on the quarter, BP's profits up 34 percent on the quarter. I think their stockholders should be talking to them. How come they only went up 34 percent on the quarter? ConocoPhillips 89 percent on the quarter—that CEO is going to be getting a nice little bonus—is in their refining areas.

The Republican chairman, from Texas, stood up on the floor of the House and said, "We have closed 300 refineries in America in the last 10 years." If he is talking about "we,"

that is, if he identifies himself as an oil company executive, that is true. If he is talking about the government of the United States of America, the laws of the United States of America, environmental laws, tax laws, other things, no. The 300 refineries that were closed were closed because of hundreds of oil company acquisitions and mergers and a deliberate policy.

There has been uncovered a memo from Conoco to other major oil companies back in the mid nineties that said: We have a great idea. We're all only getting 27, 22 cents a gallon on refining. If we close down a bunch of refineries, we can drive up those margins. They have succeeded beyond their wildest dreams. Oregonians were paying three bucks a gallon on Labor Day weekend. We are not in the east coast supply train so it is a little hard to say it had something to do with Katrina. But we were paying three bucks, \$3.05 a gallon for regular, I remember paying. That was because the refiners cut went from 22.7 cents a gallon to \$1.11 a gallon, a 500 percent increase in profits for the refiners. In fact, there is a new company, a new kid on the block, the largest refiner in America now called Valero whose CEO when George Bush offered to let him build new refineries on closed military bases with no environmental restrictions, he basically said, why would I want to do that? It's working just great the way it is. They are making unbelievable profits price gouging. It is exactly the same thing that Enron did in California. Enron in California got ahold of a bunch of generating plants and then they would shut them down and they would say, oh my god, we've got to charge you 10 times as much for your electricity today because there's a shortage. They are doing the same thing with refineries. They shut them down and they say, Oh, there's a refinery shortage. Americans are just going to have to pay more. Those darn environmentalists. None of them were closed because of environmental reasons, and they haven't applied to build any new ones.

Yesterday the Republican leaders of Congress held a press conference, which was kind of pathetic, where they said, Pretty please. We don't care about your really high profits, but we've heard there might be some gouging going on and you better stop that. And pretty please use some of your profits to build refineries.

No. It doesn't fit their business model. They are making money hand over fist. Their production end where they pump the stuff out of the ground, their profits are only up a measly 50 percent. On the distribution end they are only up 5 percent. The retailers are up 2 percent. The Republicans the week before last did adopt some price gouging legislation. Who did they target? The refiners, whose profits are up 500 percent? No. The companies who are pulling it out of the ground, whose profits are up 50 percent? No. Even the distributors who are up 5 percent, not a

big deal? No, they targeted the retailers whose profits are up 2 percent because it's those mom-and-pops who are responsible for those high prices, let me tell you. But the friends of small business target the retailers and let the price gougers, the refiners, off the hook. Then they say, oh, we need to open up more land, we have to do this, we have to do that. No. Plain and simple this business model is immensely profitable in the industry and until we go after them has no incentive to change that business model.

The gentleman is right. The target is now fixed on your people. They have turned it from price gouging my people on gasoline to price gouging your people on home heating oil. But next spring they will turn their sights back to gasoline. They cannot extort as high, economists call it rent or price for their excess products in gasoline in the wintertime because people don't drive as much. In the summer they can do that.

Mr. SANDERS. Just so that everyone remembers, one of the points that the President made during his campaign, he comes from an oil background. The Vice President comes from an oil background. They know about these things. So for all folks in America who are paying outrageously high prices for gas at the pump, outrageously high prices for home heating oil, well, we have a President and a Vice President who are very chummy with the oil industry which maybe helps explain why the oil industry is enjoying the highest profits they have ever seen while people all over this country are absolutely getting ripped off. While we talk about oil, I want to divert just a little bit and go back to the trade issue because I know you and I have worked on this one together as well. I always find it so amusing for folks who say, We're great free traders. We believe that competition is where it is.

As everybody in Congress and everybody in America knows, there is an organization called OPEC, Organization of Petroleum Exporting Countries. OPEC's very reason for existence, the reason they came together, was to be a cartel which could limit production and raise profits. That is what they are. They acknowledge it. This is a self-acknowledged cartel. So I find it just so curious that for an administration, for leaders here in Congress who tell us how much they believe in competition and the free market, I find it quite amazing that I have not heard one word from the White House about the need to take action at the World Trade Organization to break up OPEC so that we can see honest competition from different countries and companies in terms of the oil they are producing.

Have you heard the President, the great exponent of free enterprise and competition, raise that issue?

Mr. DEFAZIO. To be totally fair, the last administration was pathetic on this issue, too. I first uncovered this issue during the Clinton administra-

tion. I thought they would be happy to hear it. They could help American consumers. They were big rules-based trade guys. They said, no, no, they didn't believe it. I had further legal analysis done and the legal analysis said, Yes, you can clearly file a claim. They are clearly violating the rules of OPEC. You can't constrain supply of a commodity in international trade if you are in the World Trade Organization to drive up the price, only for conservation purposes. They certainly can't make that case.

But the Clinton administration would not do it. I have heard, well, maybe the Bush people, he understands oil, the Vice President understands oil, they will get tough and take on OPEC. They are tough guys. And so I contacted them. I have gotten a form response from the Trade Representative and the Commerce Department. I have introduced legislation here in the House which the Republican leaders refuse to schedule which would mandate the President file a complaint against OPEC.

Free trade, you have got to realize, only works one way. It only works to stick it to American workers. It doesn't work for American consumers. They are not going to use free trade rules to go after OPEC. They are not going to use free trade rules to go after the company in China that cloned my furniture company. They are make a little feint at it. They are saying, Oh, we're going to go to the WTO and ask them to look at whether the Chinese are pirating things. All they have to do is pick up the Trade Representative's report or Pat Choate's book and they can read page after page after page of documentation of the Chinese stealing American products and goods and jobs. But they have only filed one complaint. This administration, 5 years in office, has filed one trade complaint against China, to be totally fair, on behalf of a pharmaceutical company. That is the only one they have filed. The thousands of small businesses and big businesses are being ripped off, OPEC who is ripping off everybody and driving businesses out of the United States of America, they won't take them on, but they did file a complaint on behalf of the pharmaceutical industry in China.

Mr. SANDERS. The reason for all of that is obviously very clear. Virtually every piece of legislation that comes to this floor of the House is frankly bought and paid for. Why would you stand up to our China policy, which has now a \$160 billion trade deficit, the loss of millions of jobs, the lowering of wages throughout this country, why would you stand up and try to fight that when you have corporate America investing tens of billions in China, donating huge amounts of money to the President and other political people, why would you stand up for American workers in the middle class when you could defend China and the large corporations that go to China?

When we speak about our trade policy, I don't want anybody to think that we are just talking about blue collar jobs. One of the major economic crises facing our country today is not just the loss of manufacturing jobs in the auto industry, the steel industry, textiles, furniture, et cetera, et cetera. That is hugely important. But what is happening now, in addition to the loss of manufacturing jobs, we are beginning to see the hemorrhaging of white collar information technology jobs. For many years, the rhetoric here in Washington was, well, don't worry too much if you're going to lose the blue collar jobs in your community because that's kind of old-fashioned economics. We're not into that anymore. The real trick is to make sure your kids get a college education and they can go out and get white collar, computer, information technology jobs, make 50, 60, \$70,000 a year, good, clean, solid income. That's the future of America.

But what is happening there? What is happening now is corporations are beginning to understand the same thing. Information technology companies are understanding what manufacturing companies are understanding. And, that is, why do you want to hire American workers at 40 or \$50,000 a year when there are people in India, China, Russia and elsewhere who can do information technology jobs very, very well for 10 percent of the wages paid in the United States? So what you are beginning to see now is a hemorrhaging of white collar information technology jobs which are impacting people who have college degrees, people who have graduate degrees. We are seeing this taking place at an increasing level. The answer is if we lose blue collar jobs that paid middle-class wages, if we lose white collar jobs that paid middle-class wages, what is left?

□ 2000

Well, I guess it is Wal-Mart time. We have a situation now, in a company like Wal-Mart, which is far and away the largest employer in America today, a company which pays low wages, minimal benefits, virtually no pension plan, that is the future of America, lose good-paying blue-collar jobs, lose good-paying white-collar jobs and move towards the Wal-Mart-type job in which our standard of living becomes less and less.

Mr. DEFAZIO. Just to make a link there, remember, during the discussions here on this floor, and during the formulation of the China trade policy here, there were the special Wal-Mart provisions that were added to that legislation, China being the largest producer of products for Wal-Mart. Wal-Mart has been driving manufacturers out of America.

There was a fan company driven out of Ohio. Finally, they did not want to go. They wanted to keep making them here, but Wal-Mart said we can get them cheaper. You make them cheaper. The guy said, I can't make them any

cheaper. This is really efficient. We are making great products here in the United States of America. I am paying these people a decent wage. They said, no, we know you can do it better. No more contract unless you go cheaper. We know where you can go, China.

They are doing that to business after business after business, driving them out of America, driving them to China. Yes, you can say short run, that is good. The products are cheaper. Well, the profit margins are a lot cheaper. The products are maybe a little cheaper, but people do not have jobs any more. People are buying things on credit.

Not only are we borrowing \$675 billion this year, projected, to buy products made overseas, Americans are borrowing money to buy the products that we borrowed money to import from overseas that we used to make here, because they have lost their jobs, and they are living off the equity in their homes or other things. We have record levels of debt in this country. So there are a host of cascading problems that are falling out of this unsustainable rush toward the bottom.

Mr. SANDERS. My friend mentioned the argument in favor of the permanent normal trade relations agreement was this. China is a huge country, with enormous numbers of consumers. Think about the potential market that we are going to have by selling product to China, all the jobs that we are going to be creating. That was the argument.

Well, it turns out I was in China a couple of years ago. We actually met with, I believe the gentleman was the head of Wal-Mart China. We went to Wal-Marts, and we talked to a number of their executives including, I think, the head of Wal-Mart China. Somebody asked a question of them. They said, will you please tell us, we are in your store here, it is a huge store, and in many respects it looks like an American Wal-Mart store.

Somebody asked them, tell me, I am looking around, and I see all of these American products from soaps to basketballs to whatever it is. What percentage of the products here in Wal-Mart China are made in the United States of America and brought to China?

The guy was a little bit sheepish. He really did not want to hear that question. He said 1 percent. Now obviously why would anybody, any large corporation, make a product in the United States and send it to China when you can produce it in China with wages substantially less than they are here.

Mr. DEFAZIO. Let me tell you, I had a container board company in my district, major corporation. They closed it down. They had one candid executive who told the truth. He said, why would anybody make container board in the United States of America any more? The container board is made to package products. The products are all made in China. The container board industry is moving to China so they can

make the container board in China for the products made in China to ship back to the United States of America, even basic industries like that.

I mean, it is extraordinary the breadth and the depth of the undermining that is going on here. When you ask them what is your long-term vision, Alan Greenspan, the chief economist hack of the country, likes to say, oh, this shows how much people have faith in us. They will lend us all this money. But then when you say is it sustainable to borrow \$600 or \$700 billion a year forever.

Well, no, no, no. This is a temporary situation that will be corrected. How is it going to be corrected? If the dollar went to Arrupe, how would it be corrected? It is not going to be corrected through the typical currencies. We are buying everything overseas. The Chinese have basically pegged their currency to ours. No matter how much the dollar goes down the products cost the same. Oil costs more because we are paying for it, and they are raising the price.

The old models of trade do not work any more. But this administration, because it is working well for a very few, for the corporate CEOs and for a few investors, are perpetuating the model to the point where they push America over the final edge. You talked about the CEO of General Electric. The former CEO of Boeing gave a speech where he said he could not wait until Boeing was not referred to as an American company anymore.

Think about it. If our Republican colleagues do not care about the middle class and small business, which they pretty clearly do not by perpetuating these policies, they at least ought to care about their number one thing they are supposedly tough on, national security. So, in 30 years, when we are in confrontation with China, we have no manufacturing base at all left in this country, we do not make airplanes any more. Like the year before, we predicted we would get into a potential conflict with China, say, over Taiwan. We will call them up and ask them to sell us weapons so we can defend ourselves against them.

How is this going to work? They won't need weapons. They have so many of our assets in their bank as of now. When George Bush took the presidency they had \$60 billion in U.S. assets. As of the end of last year they had \$242 billion of Treasury bonds. They are headed from being number 2 toward being number 1. They will eclipse Japan in a few years as the largest holder of our debt.

All they have to do is threaten to dump our debt on the market and crash the dollar, and they can control the United States of America.

They are putting us so much at jeopardy. If they do not care so much about the middle class, if they do not care about small business, they have to care about the national security implications of this, and the economic security implications of this. But they do

not seem to. A few people are doing really well, and they consider themselves sort of stateless people, like the guy who owns a cruise line, who gave up his U.S. citizenship, lives in the U.S. but he took Bahamian citizenship so he would not have to pay taxes any more. He just lives here and all his customers are here. I mean, that is great. What a great model for the American people.

Mr. SANDERS. I think we are running out of time. Maybe we can just kind of wrap this up by saying this. This is a great, great country, and the concern that many of us have is that despite people working harder and harder, despite new technology being there that makes us more productive, for some of the reasons that we have discussed tonight, and many of the others that we have not discussed, what we are seeing in America is that the middle class is becoming poorer. Millions of American families today desperately want to be able to send their kids to college so that their kids will have a better income and standard of living than they do. They cannot afford to do that. What we are seeing is families being stressed out, because both husbands and wives are working incredible hours in my State in Vermont. It is not uncommon for people to be working two or three jobs trying to cobble together an income.

We did not touch on health care, and the disintegration of our health care system, 46 million Americans without any health insurance whatsoever, tens of millions more who are underinsured, people who are dying because they cannot afford to go to a doctor, and their illnesses become so severe that they are incurable by the time they walk into the doctor's office.

We did not touch on the greed of the pharmaceutical industry, which makes huge contributions to the political profession, mostly to the Republicans, and the result being that we end up paying by far the highest prices in the world for prescription drugs; and the passage of a Medicare prescription drug bill, which does not allow Medicare and 43 million recipients to negotiate with the drug company, so drug prices will go up and up.

The bottom line here is, in my view, that unless ordinary Americans, middle-class, working people, begin to stand up and fight back to reclaim this country from a handful of wealthy and powerful interests, who are using their power to make themselves wealthier at the expense of almost everybody else, unless we turn that around, the future of this country is not great for our kids and our grandchildren, everything being equal. Our kids will have a lower standard of living than we will.

I would like to let my friend from Oregon conclude.

Mr. DEFAZIO. The new CEO of Delphi said that very plainly. He said 10 bucks an hour. That is the future for manufacturing workers in America. As you mentioned, it will not be very long until they try to put the same squeeze

on knowledge-based workers. They have done it to other skilled workers.

Just yesterday Northwest Airlines announced, or was it Continental, whichever one of those is currently in bankruptcy, they are both in bankruptcy. Anyway, one of those two airlines announced that they were going to outsource their flight attendant jobs because they can get cheaper jobs overseas. They want to do the same thing with pilots.

We are outsourcing the maintenance of our airplanes. More than half the heavy maintenance on our airplanes is now done overseas with very little supervision from the FAA. We are losing those jobs, too, because they can get a mechanic for \$2 an hour in El Salvador, where they would have to pay a skilled mechanic in the United States of America maybe \$25, \$30 an hour. They do not want to pay those wages. The race to the bottom is going to end very, very poorly for most Americans. We have got to stop it.

Mr. SANDERS. We have got to stop it.

Mr. DEFAZIO. We have got to stop the trade policies, tax policies, the fiscal bankruptcy policies that we are doing. I don't mean by the bankruptcy bill, that was bad enough, written by the credit card companies, but the bankrupting, the looting of America that is going on with this administration.

It is just laughable when the Republicans parade down here and talk about the spending of the Democrats when they control everything and they have increased the debt by 62 percent in 5 years. How do you blame the Democrats for that when they are in charge of every branch of government?

Mr. SANDERS. The House and the Senate and the White House. They have it all.

Let me just conclude by thanking my friend from Oregon for being with me today.

#### THE PRICE OF ENERGY

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to talk about an issue that is the most important and pressing issue facing the country today. That is number 1, the price of energy, and, number 2, in particular, natural gas.

I was not going to talk about what we just heard here, but I feel little bit compelled to talk from the last two previous speakers. They talked a lot about energy company profits, which are unfortunate, I think. But how can energy companies benefit from us in such a great way when things are so difficult for the users of energy in this country?

When you allow the marketplace to be short of gas or natural gas or oil,

then you allow the traders in New York to bid up the price. When there is a shortage, the price goes up. The big companies that own millions of acres, great reserves and own it in the ground, when they produce it at \$65 a barrel, they are going to make a lot more money than when they produce it at \$35 a barrel. So if you want to beat them, you want to make sure that we have ample supply, that there is lots of gas, natural gas, that there is lots of oil to produce, that there is lots of coal. There is lots of all the energy portfolios.

Then they cannot make excessive profits because the oil they own, or the natural gas they own in the ground, is not two and three times more valuable than it really ought to be. Those are basic economics.

The one comment that I found interesting is this current administration has not worked to break up OPEC. I never heard anybody say that before. OPEC is a group of countries who have for years played a big influence in oil prices, because they sort of combine their resources, and decided how much oil they were going to put in the marketplace. At one time, they did have the ability to lower it by dumping millions more per day on the market or raising it by taking 1 million or 2 million a day off the market.

When the shortage started to show, the Wall Street traders could run the price up. They could get the high price for a while. When there was resistance from America, then they would bring it back down. In the meantime, they made a lot of money. The riches did not go to American companies, they went overseas.

Now, how government can break up organizations of governments that are sovereign countries, I mean, I do not understand how we have any role to play. Now, today, they do not have the same monopoly they did. With China and India becoming huge energy consumers, along with us, the marketplace is short. All the oil that can be pumped is being utilized. So there is no slack. I am told that they do not really have the ability to dump an extra 1 or 2 million barrels on the marketplace today that they used to have.

□ 2015

So they can take oil away and force the price up, but they cannot add extra oil and bring the price back down. I wished I knew how we could beat OPEC. I do know how we can beat OPEC.

But it is interesting, one of the Members that was here just speaking to us was in a committee meeting markup that I was in the other day. I will not mention any names but we had a debate on opening up Tar Sands in the West. My memory is he was opposed to it. We had an argument opening up ANWR. My memory was he voted against it. We had a discussion about opening up the OCS, that is, the Outer Continental Shelf. He was opposed to it.

Well, if those are the three ways that you bring energy to the marketplace, then we do not have to import as much energy, and we hopefully can get the price down. It is interesting the lack of understanding in this country who sets the oil prices, who sets the natural gas prices.

The issue I really wanted to talk about tonight is natural gas, and that is the clean fuel, the almost perfect fuel. There is almost no contaminants. When you burn it, it is a clean, blue flame. There is very little pollution, I think a fourth of the CO<sub>2</sub> if you consider that pollution, of fossil fuels, but today, it is \$14.00 per 1,000. Yesterday, it was almost \$15 all day long, and I guess that was the highest it stayed for one day in the history of this country. Five years ago, natural gas was a little over \$3. Fifteen years ago, it was under \$2.

Gasoline prices have dominated our news, and we have seen more newscasts about people at the pump and the price of gasoline because right after Katrina it did get up to \$3, and most of us are not used to paying \$3. Europe's been paying that for a long time, even more than that. We were not used to paying that. I know I shuddered at how much it cost me to fill up my wife's Cherokee, 6-cylinder engine, but it was close to \$50, and that was sticker shock to fill up one vehicle and spend \$50.

Natural gas, though, is the one that I believe has this country in serious potential economic trouble, and why do I say natural gas? Number 1, while gasoline prices almost doubled when they were at \$3 there at about 155 or 160 percent of where they were 5 years ago now as they have come back down, but natural gas prices are 700 percent more than they were 5 years ago and maybe even a little higher percentage than that.

When this country buys \$65 oil and produces it into products, the whole world does, but when we pay \$14 per 1,000 for natural gas, we are all by ourselves. Natural gas is a product that I do not think a lot of people understand how we use it.

We heat our homes and cook our meals in not all households but many of them. We heat the majority of our schools and the hospitals and the YWCAs and YMCAs. Most of our small businesses use it to heat their places.

Then, in the industrial side, we melt steel with it. We melt aluminum with it. We bend steel and aluminum by heating it. The industry that has been hit the worst is fertilizer. Our farmers have really been hammered with fertilizer costs. Why would you need natural gas for that? Well, when you produce nitrogen fertilizer, that is the one that really makes plants grow fast, 71 percent of that cost is natural gas.

When you can buy gas in every country in the world cheaper than here, where do you think the fertilizer companies are going to make fertilizer? In the last 2 years, 44 percent of our fertilizer factories have left the States because of natural gas prices.

Going on down the list, petrochemicals, every chemical we buy at the hardware store and grocery store that we use to clean products with, they are all made from a natural gas base. Often half the cost of making petrochemicals is natural gas because it is an ingredient, and it is also fuel used to heat it and make the product.

Polymers and plastics, what do we have that does not have polymers and plastics in it? Almost nothing. Everything has polymers and plastics. Most of that has been made in this country, but polymers and plastics, when they are produced, they have both oil and a lot of natural gas in the production process and as an ingredient. So 40 to 45 percent of the cost of polymers and plastics come back to natural gas.

I was at a company in my district last week who makes the basic products for skin softeners, face creams and hand creams, and you know what one of the basic products is? A derivative of natural gas. Another company there made the mucilage for labels, largest company in the world making labels. What was the base product for making the glue that goes on labels? Natural gas.

I do not think a lot of Americans realize that, but from face creams to fertilizers to all kinds of chemicals and polymers and plastics, natural gas is the major ingredient, and the price of that natural gas has made us uncompetitive.

While we are at \$14, Europe has been at \$6 or \$6.50. China, Taiwan, South Korea and Japan have been between \$4.50 and \$5. Those are our economic competitors making products, competing against us, and some of those countries have cheap labor. Now they have an energy that is used so extensively in the manufacturing process where they have almost a three-to-one advantage.

Then you go to the rest of the world, and most of the world's less than \$2. So, if you are going to make petrochemicals and make a profit, you are going to make polymers and plastics, if you are going to melt steel and iron ore or make fertilizer, where are you going to do it? You are going to do it in a country where it is \$14 or are you going to go do it where it is \$6 or are you going to go to South America where it is \$1.60?

At the current time, 120 chemical plants are being built in the world. One of them is in the States. 119 of them, many of that 119 are being built to displace American jobs because they can produce their products far more competitively in foreign countries.

How do we change this? We have to open up supply. It is interesting, about 10 years ago, this country, this Congress, made a decision that we would remove the prohibition of using natural gas to generate electricity. We used to only allow natural gas to be used as electric generation early in the morning when we had peak power needs and in the early evening when we

went home and were eating our meals and the factories were still running and the lights were coming on and we used more power right then than at any other time of the day. At that time of the day, the electric companies have to produce more power than they do during the middle of the day or during the night when we are all sleeping.

So peak plants were allowed to use natural gas because it is cheaper to build them, and you can turn them off and on. It is hard to turn a nuclear plant off and on. It is hard to turn a coal plant off and on, but you can turn a natural gas plant off and on and you can use it for peak power needs.

When we changed that law and allowed natural gas to be used, 98 percent of all power generation in this country that is new and was built in the last decade is all natural gas. We now consume one-fourth of the natural gas that this country has to consume to make power, to make electricity. So that has made the marketplace very, very short.

The other problem is we have not opened up supply. I remember a number of years ago when I was attending breakfast as a new Member of Congress that the Edison Electric Institute was putting on, they showed this 12 or 15 years of time that we would use a lot of natural gas to make electricity, and then other sources would come back in line and take up the slack.

At the same time, I went over to a breakfast in the Senate with Daniel Yergin, who wrote the book on oil, a Pulitzer Prize book, and he talked about the oil industry. He stated that if we go down this road, as was being proposed, and we did not open up supply, it would cause severe economic problems in this country because natural gas prices would become unaffordable.

That is exactly what has happened. In my view, it is Congress and the last three administrations who are all equally at fault. Twenty-some years ago, a prohibition was placed in law by Congress and a moratorium was placed by the President at that time that you could not produce oil and gas on 85 percent of the Outer Continental Shelf, and the Outer Continental Shelf is the land offshore for the first 200 miles. The first three miles are controlled by the States. The next 197 miles are controlled by the Federal Government, the Federal waters. Then you go into international waters.

Why would we do that? I am not quite sure why they did it at that time. I was told it was done temporarily by the President, that we were going to have an inventory and find out where our best reserves were, and then we would know where to produce. That never happened.

The next President came in and he made it last to 2012, and the current administration has not dealt with it. So we have a presidential moratorium from producing there and we have a legislative moratorium.



I was here a number of years and voting on Interior appropriations bills unaware that every one of those bills I passed said you cannot spend a dime to lease land on the Outer Continental Shelf so it can be produced.

Why would this country do that? The argument is that you cannot do it and have clean beaches, that you cannot do it and have nice shorelines. Let me see what the rest of the world does.

We can go north to a country that is considered very environmentally sensitive, Canada. They produce oil both oil and gas right off of the main coastline in Canada and right above Washington, off that coastline, and they drill in our Great Lakes every day, and produce gas only, not oil, and sell it to us. In fact, we get 14 percent of our natural gas from Canada. We produce 84 percent of our own, and we get 2 percent from LNG, that is liquefied natural gas, and I will talk about that later. That is another issue.

So, Canada produces there. The United Kingdom, are they not a pretty environmentally sensitive country? I think so. How about Denmark, Sweden, Norway, New Zealand, Australia? They all produce on their Outer Continental Shelf. You go past 12-miles, you cannot see it, you do not know it is there. It is interesting, in the gulf, when the storms hit so hard there this year, the fishermen were saying to the oil companies now, if you are not going to produce here any longer, we want you to leave the rigs and the platforms because that is where the good fishing is. Every study has shown where we are producing oil and gas in the Outer Continental Shelf, there is a lot more aquatic life because they like the shade, they like the cover, and that is just where the good fishing is.

I want to read you an interesting article to prove that I think with today's technology oil and gas production both are not an environmental threat.

It says here: "The most cited reason is to protect 'the State's tourism dependent economy and environmentally sensitive shoreline.'" That is what States like Florida and California have been telling us.

"Objections which are based more on fear than fact. Of the hundreds of thousands of gas wells drilled in the U.S., not one has ever been declared or caused an environmental hazard," not one.

A natural gas well is a 6-inch hole in the ground. You put a steel casing down it, you cement the bottom and cement the top, and you let gas out.

"As for oil, the last environmental hazard was a spill in California over 36 years ago." Technology has really improved since then. "Light years away when you could consider the advances made in advanced drilling technology.

"To demonstrate how safe offshore energy production is today: there were 113 production platforms destroyed, 52 damaged, 8 drilling platforms destroyed and 19 damaged by Katrina and Rita. Yet there were no significant

spills and no spills of any kind which resulted in contact with sensitive habitat."

We just know that this storm was one of the hardest to hit the gulf.

"Simply put, there is no basis in science or recent history to the claim that offshore energy production presents a real or potential environmental hazard to any State's shoreline. A fact accepted by countries such as Norway, Sweden, Denmark, Australia, United Kingdom and Canada noted 'green countries' which willingly drill off their coastlines.

"As for the problem of aesthetics, all production platforms can easily be placed away out of sight of even the tallest tourist by placing them no closer than 20 miles off shore."

In my view, this argument just does not cut water. Anyway, I have been one who has been proposing that we open up the Outer Continental Shelf. I have been involved in this natural gas issue for the last 5 years. For a number of years, I stood right back here in this aisle and argued with Members of Congress who are no longer here but who were in powerful positions, trying to convince them that all the charts and graphs put out by the Energy Department showed me that we were approaching a very big shortfall on natural gas in the future, and because it is so involved in our whole economic basis, it is so involved in heating our homes and running our businesses and making so many different products, that we could not afford to let natural gas prices excel to the point of where it would make this country noncompetitive.

□ 2030

Today it is at \$14. Earlier I was talking on the phone to a gentleman who is the head of the Christian Youth Center in a community in my district. He said he just signed a contract. Last year they bought their gas for \$7. He just signed a contract for \$14. That means that organization is paying twice as much for heat this year. I have talked to all kinds of companies, and most are signing contracts for \$14 and \$15. They never dreamed they would pay that much. A couple short years ago, they were at \$3 and \$4.

When you are a company that bakes things, a company that heat treats metal, a company that uses huge amounts of natural gas, you are suddenly placed in a noncompetitive position with the rest of the world. That is where this country is at.

This is a government-caused shortage. We have decided to expand use of clean natural gas, but at the same time we have refused to produce it, and you cannot import it like you can oil, thank God. There are those who think importation is the answer. I do not think so. I think it can be helpful, but I hope it does not become our long-term policy.

Liquefied natural gas, you liquefy it at very low temperatures. You place it

in the most expensive ships known to man, and then bring it into ports. Then you have to warm it back up, turn it back to a gas and have it injected into our system. The part I have not been able to get an answer on, we have four such ports that can receive liquefied natural gas and regassify it and put it into the system. The one I know about is Baltimore, and I was told they are at 63 percent capacity. When you can buy natural gas in foreign countries for \$2, \$3 and \$4, I do not know why the ships are not lined up. There is something flat about this system because it is not being utilized to the capacity this country has.

Big oil would like us to go down that road. They would like to build the ships. They would like to build the ports and they have the money to do that. I think that is a flawed philosophy because who do we buy it from? We buy it from Libya, Algeria, Nigeria, and Russia, not exactly our friends, and unstable countries, countries that do not always treat us very fairly. For the short term, I think we should take all we can get, but I do not think we should build our long-term natural gas supply system that way. The chart that I saw recently showed by the year 2020, 38 percent of our natural gas would come from LNG. I do not think that we can make that happen. I hope we do not make that happen because we have trillions of cubic feet off our shores, all up and down our coastlines.

I have a map, and it shows 85 percent of our coastline, California coastline, and from Maine to Florida all locked up. The outer continental shelf is from 2 miles to 3 miles loaded with natural gas. My proposal is we open it up for natural gas. We give the shorelines 20 miles of protection so you would never see it, and then the States have the right to open it up for oil. We cannot drill our way out of our oil problem, but this country can be self-sufficient on natural gas. We can produce enough natural gas so our price is half of what it is today, maybe even lower than that, where our industries are competitive, where our seniors can afford to heat their homes, and where our YMCAs and churches and our schools can afford to pay their energy bills. This is going to hit education. Their energy bills this winter are going to double.

And at the same time I was talking to the refinery in my district who is very concerned about where the price of home heating oil is going to be this year because he has never been in the position where at this time of the year they did not have any in storage because they cannot produce enough home heating oil. Some schools and hospitals have dual tanks because if one is not available, they have the other. It is very important that you never lose heat in a hospital.

But home heating oil, this refinery said they did not have any in storage tanks. They have been making more gasoline because of the gasoline shortage, and home heating oil has been

selling so fast they cannot produce enough to have any in storage. It will hit the fan on that issue in January and February. When cold weather is here and has a grip on us and there is a short supply, we will see prices for home heating oil that will make natural gas look like a bargain, if you can even buy it.

Mr. Speaker, this country is facing, I believe, the greatest pressure on our economy because of the price of energy and specifically natural gas. It is one we do not have to have. This has been by choice, and then by willingness of no one to face up to where we are at today and change it.

I propose to this Congress, and I have been promised we will have a discussion, I have a proposal that would open up the outer continental shelf all of the way around this country. We would open it up for natural gas. We would give the 20-mile cushion so it is out of sight, and we would allow the States the rights, and we would reward the States for those who produce and provide the energy this country needs.

I have asked our leadership, and I have been told it will happen, that we will have a debate in the Committee on Resources. And if I can get my bill out of there, and I am hopeful because we passed an amendment similar to that a few weeks ago, and that bill got stalled because of great opposition from the Florida State government and the Florida delegation. So we did not deal with the issue on the floor. But I have asked that we have a clean up or down vote, that we have lengthy debate, that we tell the American people about how natural gas, and I believe natural gas, if we had ample supply, the use of it could be expanded.

We passed a bill last week to incentivize the expansion of refineries. Natural gas could be utilized in all of our school buses because a gasoline engine with a slight adjustment can burn natural gas. Our construction vehicles, city transit vehicles, we could have a large number of vehicles in this country that do not have to travel long distances and can be refueled every night use natural gas. Swan Delivery Company that sells ice cream and frozen products, they have advertised for years that they are the company that is green, they burn natural gas and not gasoline. Now they are paying a huge premium for that. That shows us it can be done.

I have a bus system at State College in my district, they are all natural gas. Today they are paying a premium for being good stewards of the environment burning the clean fuel.

And the West is full of natural gas, but that is not as obtainable because we have inadequate pipeline systems to get it out to the States. The outer continental where we have, I am told, over 400 trillion cubic feet, and many think it may be double that, that is a 50- to 70-year supply. We would not need to import any from Canada. We could use it for transportation. The first hydro-

gen cars would really be run on natural gas because that is how we can make hydrogen today most efficiently. So it can be the bridge to the future as we bring on renewables.

Mr. Speaker, \$60 oil is going to make a lot of things work. We are working now on making fuels out of coal. We are making fuels out of grain. I have a company in my district that just bought a landfill, and they are going to make ethanol out of garbage. All kinds of things are going to work, but it is not quick. It is going to take time.

So an ample supply of the clean fuel that has no contaminants, that we can use in so many ways and is so much a part of our economy already, natural gas can be our bridge, but \$14 natural gas has been the wall that this country is going to hit at a high rate of speed.

I was a retailer for 26 years. I vividly remember the late 1970s and early 1980s when we had very high natural gas prices, and we had extremely cold winters. I remember as a retailer it was always difficult to make a profit in January and February. You were lucky if you did not lose money, and then you started making profit in the spring and summer. But during those years, people were so far behind in their spending because they had spent so much money to heat their homes, and petroleum prices were up, too. Sometimes it was clear into May before business became normal again because people were spending so much.

This winter people are going to spend twice as much to drive their car, and almost twice as much to heat their homes. They are going to have a whole lot less money for spending, and 70 percent of Americans spend all of the money they earn every paycheck, so the marketplace is going to be very soft for retail business and commerce, in my view. It is all going to be caused because this country has been unwilling to realize that energy prices are a direct correlation of supply. And we are much more dependent on foreign oil. ANWR could be helpful, and other drilling would be helpful, but on natural gas, there is no valid reason that we have the highest natural gas prices in the world that makes our petrochemical companies uncompetitive, that makes our plastic companies and polymer companies uncompetitive.

Several weeks ago Alcoa Aluminum Company in Pittsburgh ran a release, and the headline did not say this, I had to read the whole article to pick it up, and I read it twice to make sure I was correct. It said in the article if energy prices persist to be consistently high as they are today in America, Alcoa Aluminum will have to, and it said especially natural gas, we will have to reconsider whether we can produce here.

Now, I thought that was a message that should have been the headline. I thought it should have read, "Alcoa said current natural gas prices may prevent us from doing business here." That was not the headline. I forgot what the headline was, but it was sort

of an innocuous headline. Nobody read that and seemed to understand what it said. It said we have to reconsider whether we can produce here.

Mr. Speaker, I have had chemical companies and fertilizer companies tell me how it is almost impossible for them to continue being here, and they have told that to the leaders of Congress and I am sure they have told it to the administration. But for some reason we are here tonight and today and yesterday, and we have no real plan of action to bring on natural gas supplies that can allow Americans to heat their homes cost effectively or small businesses to operate efficiently. Or for the major companies, which are the best blue collar jobs that we have left in this country, to stay here and prosper here and be competitive in a global marketplace.

This is an issue that I do not think is complicated. I think it is quite simple. I have been concerned about it for 5 years. Unfortunately, all of my predictions have come true, and it is even worse than I expected. Tonight I urge my colleagues, I urge the people in this country, we have to open up the supply of energy in general but natural gas in particular. It is the fuel that can give us a strong economy, that can help us affordably live in our homes, small businesses stay profitable, and allow the large production companies that make all of the products that I have mentioned, whether it is bending, melting, smelting, cooking, you name it, if it uses natural gas, today they cannot do it competitively.

If we do what we should do and open up supply, America will continue to be the land of opportunity and we can compete with anybody because we have the best workforce.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OBEY (at the request of Ms. PELOSI) for today on account of an important matter in the district.

Mr. REYES (at the request of Ms. PELOSI) for today on account of official business.

Mr. MACK (at the request of Mr. BLUNT) for today on account of traveling with the President of the United States to survey damage caused by Hurricane Wilma.

Mr. SENSENBRENNER (at the request of Mr. BLUNT) for today and October 28 on account of family business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOTTER) to revise and extend their remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, November 3.

Mr. WOLF, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mrs. SCHMIDT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 939. An act to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes; to the Committee on Transportation and Infrastructure.

#### ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1409. An act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 172. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

#### ADJOURNMENT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Friday, October 28, 2005, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4807. A letter from the Congressional Review Coordinator, Department of Agri-

culture, transmitting the Department's final rule — Stall Reservations at Import Quarantine Facilities [Docket No. 02-024-2] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4808. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — 2004 Dairy Disaster Assistance Payment Program (RIN: 0560-AH28) received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4809. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Disability and Rehabilitation Research Projects — received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4810. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Review, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment (RIN: 1904-AB54) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4811. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products; Test Procedure for Residential Central Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-97-440] (RIN: 1904-AA46) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4812. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products; Test Procedure for Residential Central Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-97-440] (RIN: 1904-AA46) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4813. A letter from the Acting Division Chief, WCB, Federal Communications Commission, transmitting the Commission's final rule — Appropriate Framework for Broadband Access to the Internet over Wireline Facilities [CC Dkt 02-33]; Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review — Review of Computer III and ONA Safeguards and Requirements [CC Dkt 95-20, 98-10] ; Conditional Petition of the Verizon Telephone Companies for Forbearance with Regard to Broadband Services Provided Via Fiber to the Premises; Petition of the Verizon Telephone Companies for Declaratory Ruling or, Alternatively, for Interim Waiver with Regard to Broadband Services Provided Via Fiber to the Premises to the Committee on Energy and Commerce.

4814. A letter from the Regulations Coordinator, Food and Drug Administration, transmitting the Administration's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 2002N-0276] (formerly Docket No. 02N-0276) (RIN: 0910-AC40) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4815. A letter from the General Counsel, Office of Federal Procurement Policy, Office of

Management and Budget, transmitting the Office's final rule — Capitalization of Tangible Assets; Correction—received July 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4816. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Revisions to the State Program Amendment Process (RIN: 1029-AC06) Received October 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4817. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover (RIN: 1018-AT89) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4818. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Bull Trout (RIN: 1018-AJ12; 1018-AU31) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4819. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Arkansas River Basin Population of the Arkansas River Shiner (*Notropis girardi*) (RIN: 1018-AT84) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4820. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwestern Willow Flycatcher (*Empidonax traillii extimus*) (RIN: 1018-AT88) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4821. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332- 5039-02; I.D. 092105D] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4822. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Areas 620 and 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 092105A] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4823. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 092105A] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4824. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic

Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 091605F] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4825. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 091505A] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4826. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hana, HI [Docket No. FAA-2005-21166; Airspace Docket No. 05-AWP-4] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4827. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sheldon Municipal Airport, IA [Docket No. FAA-2005-22006; Airspace Docket No. 05-ACE-30] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wellington Municipal Airport, KS [Docket No. FAA-2005-22005; Airspace Docket No. 05-ACE-29] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Area R-3004; Fort Gordon, GA [Docket No. FAA-2005-22397; Airspace Docket No. 05-ASO-9] (RIN: 2120-AA66) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4830. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4831. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Norfolk, NE [Docket No. FAA-2005-21872; Airspace Docket No. 05-ACE-26] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of the Class D and Class E Airspace; Salina Municipal Airport, KS [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; and Revision of Class E Airspace; Big Delta, Allen Army Airfield, Fort Greely, AK [Docket No. FAA-2005-20643; Airspace Docket No. 05-AAL-13] received October 6, 2005, pursuant to 5 U.S.C.

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

4834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Golovin, AK [Docket No. FAA-2005-21448; Airspace Docket No. 05-AAL-16] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4835. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100, A319-100, A320-200, A321-100, and A321-200 Series Airplanes; and Model A320-111 Airplanes [Docket No. FAA-2005-21189; Directorate Identifier 2005-NM-055-AD; Amendment 39-14279; AD 2005-19-14] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -400, -500, -600, -700, -700C, -800 and -900 Series Airplanes [Docket No. FAA-2005-20347; Directorate Identifier 2004-NM-226-AD; Amendment 39-14284; AD 2005-19-10] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2005-21087; Directorate Identifier 2005-NM-019-AD; Amendment 39-14280; AD 2005-19-15] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes and Model A320-200 Series Airplanes [Docket No. FAA-2005-21861; Directorate Identifier 2005-NM-093-AD; Amendment 39-14281; AD 2005-19-16] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2005-22453; Directorate Identifier 2002-NM-139-AD; Amendment 39-14278; AD 2005-19-13] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22452; Directorate Identifier 2001-NM-336-AD; Amendment 39-14277; AD 2005-19-12] (RIN: 2120-AA4) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3 Airplanes [Docket No. FAA-2005-21344; Directorate Identifier 2004-NM-190-AD; Amendment 39-14283; AD 2005-19-18] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc., Models PA-28-160, PA-28-161, PA-28-180, and PA-28-181 Airplanes [Docket No. FAA-2005-21174; Directorate Identifier 2005-CE-23-AD; Amendment 39-14285; AD 2005-19-20] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Textron Lycoming) AEIO-360, IO-360, O-360, LIO-360, LO-360, AEO-540, IO-540, O-540, and TIO-540 Series Reciprocating Engines [Docket No. FAA-2005-21864; Directorate Identifier 2005-NE-29-AD; Amendment 39-14276; AD 2005-19-11] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arrius 2 F Turboshaft Engines [Docket No. FAA-2005-22430; Directorate Identifier 2005-NE-34-AD; Amendment 39-14275; AD 2005-19-10] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4845. A letter from the Department of Transportation, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PZL-Swidnik S.A. Models PW-5 "Smyk" and PW-6U Gliders [Docket No. FAA-2005-20802; Directorate Identifier 2005-CE-18-AD; Amendment 39-14282; AD 2005-19-17] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4846. A letter from the Regulations Coordinator, OFM, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program and State Children's Health Insurance Program (SCHIP) Payment Error Rate Measurement [CMS-6026-IFC] (RIN: 0938-AN77) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4847. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Condition of Participation: Immunization Standard for Long Term Care Facilities [CMS-3198-F] (RIN: 0938-AN95) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BUYER: Committee on Veterans' Affairs. H.R. 4061. A bill to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes (Rept. 109-256). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 520. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-257). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MCCRERY (for himself, Mr. JEFFERSON, Mr. BRADY of Texas, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. BAKER, Mr. ALEXANDER, Mr. JINDAL, Mr. MELANCON, and Mr. PICKERING):

H.R. 4155. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricane Rita, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. RANGEL, Mr. CARDIN, Mr. STARK, Mr. LEVIN, Mr. McDERMOTT, Mr. McNULTY, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. EMANUEL, Mrs. TAUSCHER, Mr. KIND, Mr. DAVIS of Alabama, Mr. ACKERMAN, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Ms. BEAN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOREN, Mr. BOUCHER, Mr. CARDOZA, Mr. CARNAHAN, Mr. CASE, Mr. COSTELLO, Mr. CROWLEY, Ms. DELAUNO, Mr. DICKS, Mr. DINGELL, Mr. ENGEL, Mr. ETHERIDGE, Ms. ESHOO, Mr. FORD, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. HARMAN, Ms. HERSETH, Mr. HIGGINS, Mr. HINOJOSA, Mr. HOLDEN, Ms. HOOLEY, Mr. HOLT, Mr. INSLEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. LARSEN of Washington, Ms. LEE, Mr. LYNCH, Mrs. MALONEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCINTYRE, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OWENS, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Mr. SNYDER, Ms. SOLIS, Mr. STRICKLAND, Mr. VAN HOLLEN, Mr. WEXLER, Ms. SCHWARTZ of Pennsylvania, and Mr. ROSS):

H.R. 4156. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the service sector, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. DEAL of Georgia, Mr. BLUNT, Mr. CANTOR, Mr. MCCRERY, Mr. SAM JOHNSON of Texas, Mr. CAMP, Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. HULSHOF, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. WELLER, Mr. RYAN of Wisconsin, Mr. BEAUPREZ, Mr. UPTON, Mrs. WILSON of New Mexico, Mr.

BASS, Mr. TERRY, Mr. MURPHY, Mr. BRADLEY of New Hampshire, Mr. BOEHLERT, Mr. CASTLE, Mrs. EMERSON, Mr. GERLACH, Mr. HOBSON, Mrs. KELLY, Mr. JINDAL, Mr. SCHWARZ of Michigan, Mr. SHAYS, and Mr. SIMMONS):

H.R. 4157. A bill to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. BECERRA, Mr. COSTA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. MENENDEZ, Mr. ORTIZ, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Mr. ISRAEL, Mr. FORD, Mr. CARDOZA, Mr. CUELLAR, Mr. GRIJALVA, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. RUPPERSBERGER, Mr. MICHAUD, Mr. HIGGINS, and Mrs. JONES of Ohio):

H.R. 4158. A bill to authorize the Secretary of Energy to establish a program of energy assistance grants to local educational agencies; to the Committee on Education and the Workforce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. NEAL of Massachusetts, and Ms. JACKSON-LEE of Texas):

H.R. 4159. A bill to amend title 38, United States Code, to establish licensure requirements for employees and contractor personnel of the Department of Veterans Affairs performing orthotics services, pedorthics services, or prosthetics services in any State in which there is a State licensure requirement for persons performing those services in private practice; to the Committee on Veterans' Affairs.

By Mr. CASTLE (for himself and Mr. GILCREST):

H.R. 4160. A bill to authorize the Secretary of the Army to evaluate, construct, operate, and maintain capital improvements to the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal) for public recreation; to the Committee on Transportation and Infrastructure.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4161. A bill to reiterate the responsibilities of FEMA with regard to the creation of an appeals process and the establishment of minimum training and education requirements under the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004; to the Committee on Financial Services.

By Mr. GALLEGLY:

H.R. 4162. A bill to provide for an exchange of lands between the Secretary of Agriculture and the United Water Conservation District of California to eliminate certain private inholdings in the Los Padres National Forest, and for other purposes; to the Committee on Resources.

By Mr. JINDAL (for himself, Mr. MCCRERY, and Mr. MELANCON):

H.R. 4163. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act; to the Committee on Transportation and Infrastructure.

By Mr. LYNCH:

H.R. 4164. A bill to amend chapter 89 of title 5, United States Code, and the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require coverage of hearing aids under the Federal Employees Health Benefits Program and private group and individual insurance; to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MACK:

H.R. 4165. A bill to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P; to the Committee on Resources.

By Mrs. MCCARTHY (for herself and Mr. SCHWARZ of Michigan):

H.R. 4166. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan (for himself, Mr. TOWNS, Mr. ADERHOLT, Mr. ALEXANDER, Mr. ANDREWS, Mr. BARROW, Mr. BASS, Mr. BEAUPREZ, Mr. BERRY, Mrs. BIGGER, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BONNER, Mr. BOREN, Mr. BOUCHER, Mr. BOUSTANY, Mr. BOYD, Mr. BRADLEY of New Hampshire, Mr. BURGESS, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CANTOR, Mrs. CAPITO, Mr. CARDOZA, Mr. CARTER, Mr. CHANDLER, Mr. CHOCOLA, Mr. COBLE, Mr. CONAWAY, Mr. CRAMER, Mr. CRENSHAW, Mr. CROWLEY, Mrs. CUBIN, Mr. DAVIS of Illinois, Mr. DAVIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DOYLE, Mrs. DRAKE, Mr. DUNCAN, Mr. EHLERS, Mr. EMANUEL, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mr. FERGUSON, Mr. FOLEY, Mr. GALLEGLY, Mr. GERLACH, Mr. GILLMOR, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GORDON, Ms. GRANGER, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HALL, Ms. HART, Mr. HAYES, Mr. HENSARLING, Mr. HERGER, Mr. HIGGINS, Mr. HOEKSTRA, Mr. HULSHOF, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. KINGSTON, Mr. KIRK, Mr. KLINE, Mr. KOLBE, Mr. KUHLMAN of New York, Mr. LAHOOD, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS, Mr. MARCHANT, Mr. MARSHALL, Mr. MATHESON, Mr. MCCOTTER, Mr. MCINTYRE, Miss MCMORRIS, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mrs. MUSGRAVE, Mrs. NORTUP, Mr. NORWOOD, Mr. NUNES, Mr. ORTIZ, Mr. OSBORNE, Mr. OTTER, Mr. OXLEY, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REGULA, Mr. REHBERG, Mr. ROHRABACHER, Mr. ROSS, Mr. ROYCE, Mr. RUPPERSBERGER, Mr. RUSH, Mr.

SCHWARZ of Michigan, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SKELTON, Mr. SODREL, Mr. SOUDER, Mr. STRICKLAND, Mr. SULLIVAN, Mr. SWEENEY, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. TIAHRT, Mr. TIBERI, Mr. UPTON, Mr. WAMP, Mr. WELLER, Mr. WESTMORELAND, Mr. WICKER, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, Mr. WYNN, Mr. WHITFIELD, Mr. SHERWOOD, Mr. JEFFERSON, Mr. DAVIS of Alabama, and Mr. MANZULLO);

H.R. 4167. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RYUN of Kansas (for himself, Mr. WILSON of South Carolina, Mr. TANGREDO, Mr. NEUGEBAUER, Mr. DANIEL E. LUNGREN of California, and Mr. FORBES):

H.R. 4168. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. RANGEL, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. PAUL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas):

H.R. 4169. A bill to suspend temporarily the application of laws which would deny certain federal benefits, entitlements, grants, and licenses to victims of Hurricane Katrina or Hurricane Rita due to convictions for certain drug crimes; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. BOOZMAN, Mr. KUHL of New York, and Mr. DANIEL E. LUNGREN of California):

H.R. 4170. A bill to provide administrative subpoena authority to apprehend fugitives; to the Committee on the Judiciary.

By Mr. TAYLOR of North Carolina (for himself, Mr. JONES of North Carolina, Mr. MCHENRY, Ms. FOX, and Mrs. MYRICK):

H.R. 4171. A bill to provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties, and for other purposes; to the Committee on Resources.

By Mr. BURTON of Indiana (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Mr. BLUMENAUER, Ms. LEE, Mr. WEXLER, Mr. WELLER, Mr. GONZALEZ, Mr. MACK, Ms. HARRIS, and Mr. FORTUÑO):

H. Con. Res. 280. Concurrent resolution mourning the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico and expressing the sense of Congress that the United States should do everything possible to assist the affected people and commu-

nities; to the Committee on International Relations.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, Mr. HASTERT, Mr. RUSH, Mrs. BIGGERT, Mr. EMANUEL, Mr. WELLER, Mr. GUTIERREZ, Mr. KIRK, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Mr. COSTELLO, Ms. SCHAKOWSKY, Mr. EVANS, Mr. MANZULLO, Ms. BEAN, Mr. LAHOOD, Mr. JACKSON of Illinois, and Mr. HYDE):

H. Con. Res. 281. Concurrent resolution congratulating the Chicago White Sox on winning the 2005 World Series; to the Committee on Government Reform.

By Ms. LEE:

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress that the tax give away since 2001 to the wealthiest 5 percent of Americans should be repealed and those monies instead invested in vital programs to relieve the growing burden on the working poor and to alleviate poverty in America; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself and Mr. TURNER):

H. Con. Res. 283. Concurrent resolution honoring the heroic service and sacrifice of the 6,500 glider pilots of the United States Army Air Forces during World War II; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Con. Res. 284. Concurrent resolution expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt; to the Committee on International Relations.

By Mrs. SCHMIDT:

H. Con. Res. 285. Concurrent resolution expressing the sense of the Congress that the States of Louisiana, Mississippi, and Alabama should adopt comprehensive, modern, and uniform statewide building codes; to the Committee on Transportation and Infrastructure.

By Mr. WILSON of South Carolina:

H. Res. 519. A resolution recognizing and saluting the Carolinas Independent Automobile Dealers Association; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself and Mr. BILIRAKIS):

H. Res. 521. A resolution expressing the sense of the House of Representatives that the Former Yugoslav Republic of Macedonia (FYROM) should cease its distribution of negative and nationalist propaganda and should work with the United Nations and Greece to find a mutually acceptable official name for the FYROM; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself and Mr. LANTOS):

H. Res. 522. A resolution honoring the 600th anniversary of the birth of Gjergj Kastrioti (Scanderbeg), statesman, diplomat, and military genius, for his role in saving Western Europe from Ottoman occupation; to the Committee on International Relations.

#### ADDITIONAL SPONSORS

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

H.R. 25: Mr. POE.

H.R. 65: Mr. MILLER of Florida.

H.R. 398: Mr. BLUMENAUER, Mr. DEFAZIO, Mr. ETHERIDGE, Ms. LORETTA SANCHEZ of California, and Mr. DICKS.

H.R. 445: Mr. HAYES.

H.R. 586: Mr. MCKEON and Mr. ROGERS of Kentucky.

H.R. 690: Mr. RUPPERSBERGER.

H.R. 735: Ms. ESHOO.

H.R. 752: Mr. BERMAN.

H.R. 791: Ms. BERKLEY and Mr. SHERMAN.

H.R. 910: Mr. SCOTT of Virginia and Mr. BRADY of Pennsylvania.

H.R. 949: Mrs. DAVIS of California and Mrs. MCCARTHY.

H.R. 986: Ms. WOOLSEY.

H.R. 1002: Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, and Mr. THOMPSON of Mississippi.

H.R. 1108: Mr. ENGEL, Mr. ANDREWS, Mr. LANTOS, Mr. BACA, and Mr. GORDON.

H.R. 1153: Mr. MEEHAN.

H.R. 1155: Mr. CLEAVER.

H.R. 1288: Mr. ROHRABACHER and Mr. LATHAM.

H.R. 1306: Miss MCMORRIS and Mrs. KELLY.

H.R. 1322: Mr. ISRAEL and Mr. LANTOS.

H.R. 1415: Mr. SERRANO and Mrs. TAUSCHER.

H.R. 1508: Ms. BEAN.

H.R. 1514: Mr. WALSH.

H.R. 1534: Mr. DEAL of Georgia.

H.R. 1535: Mr. DEAL of Georgia.

H.R. 1536: Mr. DEAL of Georgia.

H.R. 1565: Mr. SANDERS.

H.R. 1578: Mr. MARCHANT, Ms. HART, and Ms. Bean.

H.R. 1602: Ms. KAPTUR.

H.R. 1603: Mr. PAUL.

H.R. 1691: Ms. BERKLEY.

H.R. 1736: Mr. GINGREY.

H.R. 1823: Mr. LANTOS.

H.R. 1849: Mr. STARK.

H.R. 1951: Mr. BISHOP of Utah and Mrs. EMERSON.

H.R. 1973: Mr. UDALL of New Mexico, Mr. WU, Mrs. CAPPS, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. MANZULLO, Mr. SHAYS, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. THORNBERRY, Mr. TURNER, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. KIRK, Mr. DENT, Mr. PICKERING, Mr. PETRI, Mr. WALDEN of Oregon, Mr. SIMPSON, Mr. LEWIS of Georgia, Mr. RAMSTAD, Mrs. EMERSON, Mr. GERLACH, Mr. WATT, Mr. CARDIN, Ms. HOOLEY, Mr. EHLERS, Mr. DEFAZIO, Mr. UPTON, Mr. BOOZMAN, Mr. MCHUGH, Mr. VISCLOSKEY, and Mr. MORAN of Kansas.

H.R. 2014: Mr. BERRY.

H.R. 2134: Mr. SCHIFF.

H.R. 2218: Mr. ABERCROMBIE.

H.R. 2669: Mr. WAXMAN, Mr. CROWLEY, and Mr. FERGUSON.

H.R. 2682: Mr. VAN HOLLEN.

H.R. 2803: Mr. UDALL of New Mexico.

H.R. 2808: Mr. MCDERMOTT, Mr. NEY, Mr. KANJORSKI, Ms. WASSERMAN SCHULTZ, and Mr. CLAY.

H.R. 2822: Mr. MILLER of Florida.

H.R. 2828: Mr. EVANS.

H.R. 3042: Mr. STRICKLAND.

H.R. 3049: Mr. KENNEDY of Minnesota.

H.R. 3142: Mr. PASTOR.

H.R. 3147: Mr. NEUGEBAUER.

H.R. 3267: Mr. VAN HOLLEN and Mr. BLUMENAUER.

H.R. 3301: Mr. CHOCOLA and Mr. DENT.

H.R. 3449: Ms. SCHAKOWSKY.

H.R. 3505: Mr. WELLER and Mr. SODREL.

H.R. 3506: Mr. SANDERS.

H.R. 3630: Mr. SHIMKUS.

H.R. 3698: Mr. HOYER.

H.R. 3702: Mr. CLAY and Mr. PETERSON of Minnesota.

H.R. 3721: Mr. HINCHEY.

H.R. 3743: Mr. FITZPATRICK of Pennsylvania.

H.R. 3804: Mr. LANTOS.

H.R. 3852: Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. CASE, Mr. BAIRD, and Mr. MOORE of Kansas.

H.R. 3857: Mr. BROWN of South Carolina.

H.R. 3861: Mr. JONES of North Carolina.

H.R. 3889: Mr. GIBBONS.

H.R. 3909: Ms. WASSERMAN SCHULTZ.

H.R. 3953: Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, and Mr. PUTNAM.



- H.R. 3957: Mr. MCHUGH.
- H.R. 4009: Ms. LORETTA SANCHEZ of California.
- H.R. 4025: Mr. SCHIFF, Mr. MATHESON, Mr. SALAZAR, Mr. HOLDEN, Mr. CASE, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. KENNEDY of Rhode Island, Mr. NEAL of Massachusetts, Mr. MCCOTTER, Mr. GUTIERREZ, Ms. BEAN, Mr. LEWIS of Georgia, and Mr. RUPPERSBERGER.
- H.R. 4042: Mr. SAM JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. FILNER, Mr. FRANK of Massachusetts, and Mr. SOUDER.
- H.R. 4045: Mr. WEXLER.
- H.R. 4061: Ms. BERKLEY, Mr. MICHAUD, and Ms. HOOLEY.
- H.R. 4079: Mr. BARTLETT of Maryland.
- H.R. 4093: Mr. FEENEY, Mr. OTTER, Mr. KELLER, Mr. COBLE, and Mr. BACHUS.
- H.R. 4098: Mr. FORD, Mr. BARROW, Mr. TAYLOR of North Carolina, and Mr. BOREN.
- H.R. 4145: Mr. SERRANO, Mr. ORTIZ, Mr. LEWIS of California, Ms. ESHOO, Mr. GONZALEZ, and Mr. SNYDER.
- H.R. 4146: Mr. FRANK of Massachusetts.
- H. Con. Res. 90: Mr. BRADY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. WOLF, and Mr. BURTON of Indiana.
- H. Con. Res. 234: Mr. CROWLEY.
- H. Con. Res. 235: Ms. CORRINE BROWN of Florida and Ms. HERSETH.
- H. Con. Res. 251: Ms. WOOLSEY.
- H. Con. Res. 260: Mr. FRANK of Massachusetts, Ms. SCHWARTZ of Pennsylvania, Ms. DELAURO, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. EVANS, and Mr. MCGOVERN.
- H. Res. 302: Mr. FRANKS of Arizona.
- H. Res. 335: Mr. BRADY of Pennsylvania and Mr. PETERSON of Minnesota.
- H. Res. 415: Ms. ZOE LOFGREN of California.
- H. Res. 458: Ms. BERKLEY and Mr. HONDA.
- H. Res. 466: Mr. BUTTERFIELD.
- H. Res. 483: Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. RUPPERSBERGER, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, and Mr. SHAYS.
- H. Res. 515: Mr. JEFFERSON and Mr. AL GREEN of Texas.
- H. Res. 517: Mr. BISHOP of New York, Mr. FOSSELLA, Mr. KING of New York, and Mr. ROTHMAN.