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House of Representatives

The House met at 10 a.m.

The Reverend Dr. Eric Anthony Joseph, Chaplain and Dean, Langston University, Oklahoma, offered the following prayer:

The Biblical psalmist says, "I will make Your name to be remembered in all generations; therefore the people shall praise You forever and ever" (Psalm Chapter 45:16 and 17).

Let us ask God to govern our hearts and minds and Nation as we pray:

Dear heavenly Father, in a world in which many would claim our allegiance and seek our praise, we recognize that You alone are worthy of our praise.

For since the first Continental Congress opened in 1774 with 2½ hours of prayer, various ministers and guest chaplains and politicians have graced this transit House to appeal to You, as our sovereign Lord, to play an integral role in the Government of our then young Nation.

In 1789 we had 65 House Members and 26 Senators. In 1800 we moved the seat of power to the District of Columbia near the residence of our first President, General George Washington; and since 1911 we have grown to 435 House Members and today we have 100 Senators.

Therefore, Lord, as we grow as one Nation under Your providential jurisdiction, we beseech You to give these anointed House Members and servants to Thy people the fruit of Your omnipotent Holy Spirit.

May the House of Congress serve with love, joy, peace, patience, goodness, kindness, faithfulness, gentleness, self-control, as well as justice, humility, and compassion.

Guide and bless these men and women who have been elected by Your grace to direct us to the center of Your will. We openly ask these things in the name of Your Son, the living Saviour and Lord, Jesus the Christ. 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.

Mr. FOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 210. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 1344. An act to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers.

S. 2017. An act to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

WELCOMING DR. ERIC ANTHONY JOSEPH

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

Mr. ISTOOK. Mr. Speaker, it is my privilege and my honor to welcome today our guest chaplain, Dr. Eric Anthony Joseph, the chaplain of Langston University in Langston, Oklahoma, which is in my congressional district in our State. Langston University is named for the first African-American office holder in American history, and of course it is one of the premier Historically Black Colleges and Universities about which we will be honoring today with a special resolution.

Dr. Joseph is a man of learning, a man of experience, and a man of strong faith. He has received many degrees, including a doctorate of philosophy in intercultural education, a Masters of Divinity, a Masters of Arts in Christian education, a Bachelor of Arts in Communication, and two fine arts degrees.

Dr. Joseph has used his talents in a variety of ways to help bring people closer together and closer to God. He has served as a minister, a teacher, a chaplain, as a consultant, an athlete, and as a writer. Dr. Joseph has dedicated his life to ministering to people and strengthening their faith.

I join the Speaker and all of our colleagues in welcoming today Dr. Eric Anthony Joseph to the U.S. House of Representatives; and I thank him for his service, his leadership, and providing us this day with our opening prayer.

□ 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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H6305

UNFETTERED INSPECTIONS IN IRAQ

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

Mr. FOLEY. Mr. Speaker, Saddam Hussein has said he will let weapons inspectors into Iraq and the United Nations; and the world community says, all right. He is agreeing and he is cooperating.

Well, we have been down that road before. Saddam Hussein years ago promised unfettered inspections. However, when the inspectors got there, they were told, not now, not at night, not in the palaces, not in certain locations, not where we do not want you to go.

President Bush laid out a compelling argument to the United Nations on the need for forcible inspections; and if that does not change the attitude of Saddam Hussein, then that regime must go. They are in violation of the United Nations Council. They have violated numerous articles, and they need to be brought to bear the responsibility that the United Nations has in this effort.

Now, if we are going to continue to pay dues to this organization, we better expect and demand, as the President suggested, that they play a vital role and a meaningful role in world affairs. If they are going to just sit there and gather in New York for cocktails and coffee, then what is the point of spending millions and billions of dollars to keep the organization alive?

Saddam Hussein is a menace. He has proven it so. Let us fight with the President.

EDUCATING COMMUNITIES ON MISSING AND EXPLOITED CHILDREN

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

Mr. LAMPSON. Mr. Speaker, tomorrow in Texas I am co-hosting on the Beaumont Police Department and the Jefferson County Sheriff's Academy a seminar on missing-and-exploited-children cases. And while we work here in Washington to pass legislation to protect children at home and across America, I also think it is important for us to make sure that our law enforcement officers have the training that they need.

The seminar is a day-long event run in conjunction with the National Center For Missing and Exploited Children. The first 3 hours of the seminar will cover topics regarding the duties of the first responder and law enforcement resources. In the latter 4 hours, we will discuss the investigation of crimes against children with specific emphasis on physical and sexual abuse, abduction and missing children.

Sixty-nine officers will attend this conference, and that is 69 officers who

will be better equipped to deal with the terrible call from a parent saying, My child is missing.

Mr. Speaker, I believe that passing legislation is not our only duty as Members of Congress. I also believe that we must work to educate and assist our communities. This is a great first start.

PASSING A RESPONSIBLE BUDGET

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

Mr. WILSON of South Carolina. Mr. Speaker, when American families face difficult times, they set priorities. Today the United States is fighting a war and facing a slow economy. These are difficult times, and they call for clear priorities. President Bush and Republicans have done just that.

In March, Republicans in the House, led by the gentleman from Illinois (Speaker HASTERT), passed the President's budget plan that clearly outlined spending priorities.

We are keeping our commitment to education, Social Security, Medicare and, most importantly, national defense and homeland security. But Democrats have offered no plans and have set no priorities. The only clear message coming from them is let us spend more.

We must focus on what we need, not what we want. The American people have been consistent in making the economy their top concern. The President and respected Alan Greenspan have said that the way to promote a strong economy is to control government spending. The President and Republicans have presented a responsible budget that meets our Nation's priorities. It is time for the Democrats to get on board.

HONORING JULIA FAIRFAX

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

Mr. DAVIS of Illinois. Mr. Speaker, as a graduate of a historically black college, I too want to add my welcome to our guest chaplain, Dr. Eric Joseph. But I really rise to pay tribute to a grand lady of my community, Miss Julia Fairfax, 93 years old, who passed away just last week.

The amazing thing about her, though, is she was actively engaged and involved with all levels of community activity up until about 6 months ago. A grand lady, a grand dame, a lady that we shall always remember, admire and respect, Miss Julia Fairfax.

FIXING BROKEN BANKRUPTCY LAWS

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, for more than 5 years Congress has been working to fix our Nation's broken bankruptcy laws. And now when we are just 1 yard from the line, one Senator's extremist views on abortion have placed this bill in jeopardy. I still have not found anyone who can explain to me what abortion has to do with bankruptcy. Nevertheless, there it is, right in the middle of the bill, language that would single out peaceful, nonviolent pro-life protesters for unique punishment while leaving other debtors unaffected.

Mr. Speaker, this is completely wrong. We believe in treating people equally in this country, no matter what their politics, no matter what they believe.

Well, no one should be surprised that this bill is now in jeopardy. Fifty-five of us have been on record since May saying that we could not support this bill if it contained the Senate's poison pill.

Mr. Speaker, we need to fix this bill first by taking out the abortion language and then pass it.

WHAT IS SADDAM HUSSEIN HIDING?

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

Mr. GIBBONS. Mr. Speaker, since the end of the Persian Gulf War, Iraq has violated U.N. sanctions and resolutions 16 times. Sixteen times they have thumbed their nose at the United Nations and their resolutions.

Now, I commend President Bush on addressing these issues with the United Nations last Thursday. It is time to enforce all United Nations resolutions, and it is time to put weapons inspectors back in Iraq with unfettered access. This hard line must be taken.

Iraq cannot be given another decade to comply. All U.N. resolutions must be enforced, and this cannot be negotiable.

Mr. Speaker, if Iraq has no weapons of mass destruction, then what are they afraid of? If Iraq complied with the United Nations' resolutions, sanctions would be lifted; and they could make \$120 billion a year in their oil sales; but Saddam Hussein has foregone \$120 billion a year to hide something. We must have U.N. inspectors inside Iraq, and they must have complete access to see everything to see just what Saddam Hussein is hiding from the rest of the world.

NO MORE IRAQI OIL

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

Mr. REHBERG. Mr. Speaker, America is at war against terrorists; yet, we

buy our oil from nations that harbor the very same terrorists our sons and daughters bravely fight.

In the first 6 months of this year, America gave Saddam Hussein a staggering \$2.3 billion for Iraqi oil. I do not want to send my 18-year-old son or the sons and daughters of the people of Montana to the Middle East to fight for terrorist oil, especially when we have oil available here at home.

Mr. Speaker, we need to unify as Americans, pass a comprehensive and balanced energy plan that reduces our dependence on oil sold by terrorists. We must stop bankrolling the very terrorists that our men and women are fighting currently.

We have bought enough Iraqi oil. No more.

□ 1015

DECLARING WAR ON IRAQ

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

Mr. PENCE. Mr. Speaker, when the USS *Maine* was detonated in the harbor of Havana, Cuba, and the United States of America believed Spain to be responsible, we did not pass a resolution in this body authorizing the use of force for a regime change in Spain. We declared war on Spain and we won.

When Pearl Harbor was decimated through a dastardly attack by the imperial government and military of Japan, we did not pass a resolution authorizing a regime change in this Congress. We declared war on Japan.

Now, in the wake of 9/11, when there is enormous circumstantial evidence to suggest complicity with al Qaeda and Iraq, we are about to debate a resolution authorizing military force for a regime change, seemingly unwilling to use the term "declare war," discharging our constitutional duty.

Mr. Speaker, can a Nation that does not possess the courage to use a word possess the will to wage a war? If the facts are there to prove complicity with terrorism and al Qaeda, and even with 9/11, the nation of Iraq, let us do no less than our duty. Let us pass a resolution to declare war.

WELFARE REFORM

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

Mr. CUNNINGHAM. Mr. Speaker, in 1993, we took up the welfare reform bill. Many on the other side fought the welfare reform bill, but I want my colleagues to know that the events that took place and the successes of welfare, I had a meeting with over 100 men and women that had been previously welfare recipients in San Diego. Every single one of them lauded the bipartisan support of that welfare bill.

I had a doctor who came to my office and said that a lad with a 14-, a 13-, and a 12-year-old girl. The 14-year-old had two children. The 13-year-old had a child. The 12-year-old, the mother

wanted to know what was wrong because her 12-year-old could not have a child. We changed those kinds of things and bettered it for children.

What we are asking is for the other body to take up the welfare reform bill that has helped millions of low income Americans and pass the welfare bill on the Senate side. We will be taking up a resolution this week, and we hope that both sides of the aisle will help to help the people that need it the most.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The Chair would like to remind the gentleman that he should not be urging action upon the other body, the Senate, in his comments on the floor of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

RECOGNIZING CONTRIBUTIONS OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 523) recognizing the contributions of historically Black colleges and universities.

The Clerk read as follows:

H. RES. 523

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas historically Black colleges and universities have allowed many students to attain their full potential through higher education;

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition; and

Whereas the third week in September is an appropriate time to express that recognition: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

The House of Representatives—

(1) recognizes the significance of historically Black colleges and universities;

(2) recognizes that historically Black colleges and universities have been educating students for more than 100 years;

(3) commends the Nation's historically Black colleges and universities for their commitment to academic excellence for all students, including low-income and educationally disadvantaged students;

(4) urges the presidents, faculty, and staff of the Nation's historically Black colleges and universities to continue their efforts to recruit, retain, and graduate students who

might otherwise not pursue a postsecondary education;

(5) recognizes the significance of title III of the Higher Education Act, which aids in strengthening the academic quality, institutional management, and financial stability of historically Black colleges and universities; and

(6) requests that the President issue a proclamation calling on the people of the United States and interested groups to demonstrate support for historically Black colleges and universities in the United States during that week with appropriate ceremonies, activities, and programs.

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

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 523.

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

There was no objection.

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

Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. WATTS) for introducing this important resolution, and I appreciate his efforts to recognize the importance of historically Black colleges and universities.

HBCUs, as they are known, were created more than 150 years ago to provide African Americans with access to higher education, and currently there are 105 historically Black colleges and universities across the United States. In my State of Ohio, there are two HBCUs, Wilberforce and Central State Universities, that provide an invaluable education to the youth of Ohio.

While comprising only 3 percent of our Nation's 2- and 4-year institutions, HBCUs are responsible for producing 28 percent of all bachelors' degrees and 15 percent of all masters' degrees and 17 percent of all first professional degrees earned by African Americans.

In 1998, Congress enacted the Higher Education Amendments to make improvements to programs designed to help HBCUs strengthen their institutions and graduate and professional programs under the Higher Education Act, and these changes included allowing institutions to use Federal money to build their own endowments and to provide scholarships and fellowships for graduate and professional students.

Since 1995, Congress has increased its financial support of HBCUs by 89 percent, and President Bush's fiscal year 2003 budget, passed by this House in March, included more than \$213 million, a \$7 million increase over the current fiscal year, to strengthen HBCUs across the country.

Mr. Speaker, over the last 2 years leaders here in Congress have continued to demonstrate their commitment to historically Black colleges and universities. The Committee on Education and the Workforce has visited a number of HBCU campuses within the last year to consider the issues and concerns of minority-serving institutions to better address their needs through Federal education programs. Tomorrow we will continue our series of hearings on this very important topic.

Finally, I would like to thank and commend my colleagues on the Committee on Education and the Workforce, the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from California (Mr. MCKEON), the gentleman from California (Mr. GEORGE MILLER), the ranking Democrat, the gentleman from New York (Mr. OWENS) and others for their leadership on this issue and for their tireless efforts in promoting HBCUs in the House.

I want to urge my colleagues today to vote yes on this important resolution. It is my goal and the goal of the Committee on Education and the Workforce to build on the record of academic excellence of students attending these universities and colleges. This resolution honors their important work done at HBCUs and encourages all students to attend college and prepare for the challenges and opportunities of the 21st century.

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

Mr. OWENS. Mr. Speaker, I yield myself such time as I might consume.

I am pleased to join my colleagues in honoring the contributions of our Nation's historically Black colleges and universities. I am a graduate of Morehouse College and of Atlanta University, both historically Black colleges.

I think it is very important to note that in the constellation of the higher education world in America, these 105 historically Black colleges and universities are only a small part. There are more than 3,000 colleges and universities in the United States at this point. It is very important that we understand the value of this treasure that we have in this collection of colleges.

Our Nation continues to struggle with a great gap in college opportunity. Only 59 percent of African American high school graduates enroll in college, compared to 66 percent of white high school graduates. I am not going to stand here and pretend that the bulk of the African American students who do go to college are going to go to historically Black colleges and universities. That is not the case. We have more students enrolled, of course, in other institutions. However, these institutions have a special role in going after an underserved, hard-to-reach group.

Historically Black colleges and universities have a unique track record of success in expanding college opportunity for those who would normally not get the opportunity or, given the

opportunity, would need special assistance. Historically Black colleges and universities enroll 16 percent of all African American college students, but they are responsible for a full 40 percent of African American college graduates.

The greater percentage of African Americans that get Ph.D.s are far greater among the graduates of historically Black colleges and universities. They have developed innovative academic strategies, supported cutting-edge research and helped to launch the careers of millions of today's leaders, including scientists, doctors, teachers, lawyers, artists, entrepreneurs, community and religious leaders. They were there when there was nothing else, especially in the segregated South.

These institutions were created out of the efforts of local people using very basic grassroots methods. Sometimes tuitions were paid in terms of bushels of corn or crates of eggs. They improvised and survived over the years, and even now many of these historically Black colleges and universities have a very difficult time financially. They are not secure at all. Very few of them have endowments which are adequate for the purposes of today's financing.

Despite broad bipartisan support, they still receive only 4 percent of the \$29 billion in Federal funds for universities each year.

The House leadership has failed to keep its promise to move the education appropriations bill, and they have a lot at stake in that bill. Even worse, the Republican proposal includes only a 3.6 percent increase for Black colleges. Over the past 5 years, these institutions have received a 15 percent annual increase. The increase this year is far less than it was before.

We appreciate this resolution. We appreciate the special recognition being given to historically Black colleges and universities, but they are in need of substantial support.

The Republican leadership has also failed to schedule H.R. 1606, which is the gentleman from South Carolina's (Mr. CLYBURN) bill to preserve historic landmarks on Black college campuses. H.R. 1606 was approved by the Committee on Resources and has been on the House calendar since June. We would like to see some action on that.

The House has not even held any hearings on H.R. 1162, even though it has 120 sponsors. H.R. 1162 is a comprehensive initiative of minority-serving colleges introduced by the gentleman from California (Mr. GEORGE MILLER).

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

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Oklahoma (Mr. WATTS), the chairman of the Republican conference.

Mr. WATTS of Oklahoma. Mr. Speaker, the resolution before the House today recognizes the importance and

the significance of the 105 historically Black colleges and universities in America, commonly referred to as HBCUs.

One-third of all black students in college go to HBCUs. These distinguished institutions of higher learning place doctors, lawyers, legislators, educators, business owners, community leaders and America's black middle class into the mainstream of society. What were once the only options for Americans of African descent to receive post secondary education are now attractive options where students can learn in a rich, historic environment.

So many young citizens have been given the opportunity to attain their full potential because of HBCUs. Many of them are from underserved communities. These are students who may have never had the chance to go to college were it not for the presence of historically Black colleges and universities in their respective States around the country.

As one that used to play a little football, I am particularly thankful to HBCUs for producing the first black player to be drafted in the National Football League, Paul "Tank" Younger. About 100 NFL players right now have HBCU roots, including the Tennessee Titans' very distinguished quarterback Steve McNair, a fantastic quarterback who hails from Alcorn State in Mississippi.

Congress, both Democrats and Republicans, has recognized the importance of historically Black colleges and universities and voted to increase funding by 41 percent over the next 5 years. President Bush has continued this dedication by supporting similar increases so many more students can aspire to achieve their hopes and their dreams.

As most of the presidents of HBCUs from around the Nation gather in Washington this week, it is fitting to showcase the many benefits derived from a unique and distinguished network of schools. This resolution urges the White House to issue a proclamation calling on others to support HBCUs with appropriate activities, ceremonies, financial contributions and programs.

Nearly half a million students attend historically Black colleges and universities. We must do everything possible to further promote their role in higher education and the contributions they make to better the lives of so many young Americans. I urge the House to adopt this important resolution.

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

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

□ 1030

Mr. DAVIS of Illinois. Mr. Speaker, I cannot help but recall a number of years ago when I, as a 16-year-old, left home to go to the University of Arkansas at Pine Bluff. Not a university at

that time, it was Arkansas AM&N College. I recall having \$20 in my pocket, scared as I could possibly be, having never been away from home that much; but I also remember being able to go and register on credit. I also recall being able to purchase books and borrow them with virtually no money.

Then as time went on, I have six brothers and sisters who also attended the University of Arkansas at Pine Bluff, four nieces and nephews. Then I look around in my office in terms of people to work with and for me, there are seven individuals who work with me who have attended Historically Black Colleges and Universities, Wilberforce, Morehouse, Howard, UAPB, Jackson State. The reality is that for thousands and thousands of individuals, without these institutions being available, well equipped, ready, prepared, many of the individuals who have managed to rise above the individuality of their circumstances would have never been able to do so.

So I commend my colleague for introducing the resolution. I also share the comments of my colleague from New York who suggests that the best way to pay tribute to these institutions is to make sure they have adequate resources, that they are adequately funded, that there are resources to rebuild, in some instances, their infrastructures. Some of them I have visited their campuses, and they are seriously in need of repair. Some of them have virtually no equipment.

Mr. Speaker, as we pay tribute, the best way to do that is to make sure that these institutions are able to continue to grow, to develop, to thrive, and provide the opportunity for the thousands and thousands of students who otherwise would not be able to make it.

Mr. Speaker I rise in support of H. Res. 523, Recognizing the Contributions of Historically Black Colleges and Universities. There are about 105 historically black colleges and universities in the United States—the first being Cheyney University of Pennsylvania, which was founded in 1837. This measure commends the Nation's historically black colleges and universities for their commitment to educating all students, including low-income and educationally disadvantaged students, and recognizes the significance of title III of the Higher Education Act (PL 105–244), which strengthens the academic quality, management and financial stability of historically Black higher-education institutions. Also, the Black land-grant institutions in which the U.S. Congress had to pass a second Morrill Act in 1890 designed to provide equal educational opportunities for Black students who had been denied admission to their States' original 1862 land-grant universities. The 1890 institutions are a subset of the HBCUs whose mission is teaching, research, and extension and the continual education of young men and women to be self-sufficient.

Harry Truman, the 33rd President of the United States of America said, "We have to make it possible for every person to develop himself to the extent of his capacity and will, and no barriers should stand in the way; not

for his or her sake, but for the sake of all of us."

The one true measure of a nation's success is its ability to engage all of its citizens in the ever changing and transformation of a technology-based global economy. Cultural diversity, acceptance of differences, equal opportunity, shared economic prosperity—the ideals of the American way—must shift from being desired national objectives, to being absolutely crucial ones if the country wants to continue to be the most powerful, wealthiest, and freest nation in the world. To accomplish these goals America must face and overcome the tremendous task of educating all segments of its population. No group's educational potential can be neglected in this competitive global arena. The cost of ignorance is too great to ignore, neglect, and accept in order to build a stronger, and wealthier nation, otherwise to do so would deprive the economy of critical human resources and to incur costs to society—the costs of supporting those not capable of earning a living wage.

Many African-American young people find themselves at a disadvantage by being victims of poverty and other social ills in their attempt to better themselves by seeking a higher education. Fortunately, the Nation has in place a network of institutions. Historically Black Colleges and Universities, HBCUs. Traditionally, the predominantly Black institutions have attracted students mainly from the Black community.

In the past, much of the existence and origin of HBCUs can be attributed to the Civil War between April 1861 to April 1865 which was the single most important factor leading to the creation of conditions favorable for the establishment, growth, and development of educational institutions for the Negro in southern States. The end of the war marked the close of an era of 246 years (1619–1865) when the Negro in the South was in slavery—an era when in several southern States it was a crime to provide education or training in a useful trade or profession to a Negro. After the Civil War the men of the 62nd and 65th U.S. Missouri Regiment of Colored Infantry from the Union Army contributed \$6,380 to establish Lincoln University of Missouri in 1866, one of the oldest predominately Black landgrant institutions. These young brave veterans of war wanted to develop an institution with a purpose to address poor Black students having access to an education. The committed founders of Lincoln initiated a national desire among churches, citizen groups, individuals, and State legislatures to develop and build educational institutions for their students to have access to quality affordable education and to address racial segregation in southern States.

I am a graduate of the Arkansas Agricultural, Mechanical, and Normal College, which is a 1890 land-grant institution known today as University of Arkansas at Pine Bluff. The HBCUs constitute some of the largest and most prestigious institutions of higher education in the nation. Several of the 1890s offer doctoral degrees and/or professional degrees in engineering, food science, toxicology, environmental science, and other areas of national need. Six public HBCUs produce nearly 20 percent of African-American bachelor degree recipients in engineering and the 1890s graduate over 80 percent of all Black recipients of bachelor degrees in agricultural sciences. Tuskegee University alone has trained more

than 80 percent of the Nation's African-American veterinarians. These universities have been in the forefront of educating youth-at-risk, producing research vital to the quality of life and the environment, and addressing the social and economic needs of inner cities and rural communities. The HBCUs contributions must be commended because they with limited funding and resources have done an outstanding job and have made significant improvements in the range and level of academic performance and research programs. Our HBCUs must have increase funding to continue to serve the at-risk youth, low-income, and disadvantaged students in our country. After all, "a mind is a terrible thing to waste."

Mr. Speaker, I urge all my colleagues to support H. Res. 523, Recognizing the Contributions of Historically Black Colleges and Universities.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. ISAKSON), a member of Committee on Education and the Workforce.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for yielding me this time, and I particularly thank the gentleman from Oklahoma (Mr. WATTS) for introducing this important resolution.

Two miles south of my district and in the city of my birth, Atlanta, Georgia, the largest collection of Historically Black Colleges and Universities resides in America, Spellman, Morris Brown, Morehouse College, and the Morehouse School of Medicine, the largest collection of institutions anywhere in the world.

They have contributed greatly to the United States of America, not the least of which the most recent president of Morehouse School of Medicine, Dr. Louis Sullivan and the former Secretary of Health and Human Services under President Bush and the previous administration. But they have also contributed to my life. My doctor, Dr. Roaj Ujjin is a graduate of Morehouse School of Medicine and a friend who has helped me on many occasions, both personally and with my health.

These colleges and universities, which rose out of a tremendous need, have grown to be a major component of parity in the education and production of graduates who contribute to our country. I commend this Congress, the gentleman from Oklahoma (Mr. WATTS), the gentleman from Ohio (Mr. BOEHNER), and the gentleman from New York (Mr. OWENS) for the great tribute they are paying to those institutions today. Most importantly, I thank those institutions for the contribution they make to us.

Mr. Speaker, I urge all Americans to join in the support of their foundations and efforts for future growth.

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the distinguished chairman and the distinguished ranking member for bringing this important resolution to the floor. I rise in

strong support of House Resolution 523 because it recognizes the major role that Historically Black Colleges and Universities have played and continue to play in the education of African Americans and people of all racial and ethnic identities.

I emphasize that the HBCUs have always been open to people of all races and have always educated people of all races. We are fortunate in the District of Columbia to have two great HBCUs here, Howard University and the University of the District of Columbia.

Most Members know something about Howard, so I want to discuss the University of the District of Columbia, one of the oldest HBCUs, but the last to be funded as an HBCU. Even though it has long been a HBCU, the UDC was funded only in 1999. That occurred as part of a bill passed by this House, the College Access Act, where this House decided that because D.C. only had one university, an open-admissions university, that District students ought to be able to go to any public institution in the United States at low in-state tuition and to private universities here in the city and in the region.

There were some at the UDC who believed that opening higher education to more students would undermine UDC itself. The fact is the opposite has occurred. There is now new interest in UDC, not only because it is now a funded HBCU, but because there is new interest in college education in the District of Columbia.

Talking about going to college and about the College Access Act has had the effect of raising the profile of the University of the District of Columbia. At its lowest point in 1997, we did not know if the UDC, which had been the step-child of education in the District of Columbia, was going to continue. Now, in no small part because of the College Access Act, which has helped us to market college education in the District of Columbia, there has been a 13 percent increase in enrollment at this newest of the funded HBCUs, the University of the District of Columbia.

It would have been tragically wrong to restrict D.C. students given this opportunity of going to colleges, public colleges anywhere in the United States. That is the kind of zero-sum game you never want to play, especially with higher education.

Fortunately, and to their credit, the students at UDC and the faculty understood and supported the College Tuition Access Act to open public universities to all our residents. Now we understand that having done that, we have increased enrollment at our own State university. We are pleased, therefore, to support this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 6 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time and for bringing this bill to the floor. I thank my colleagues on the Committee on Education and the

Workforce on both sides of the aisle, and I thank the gentleman from Oklahoma (Mr. WATTS) for bringing this issue to the floor.

Of course, I rise in support of H. Res. 523, which recognizes the contributions of Historically Black Colleges and Universities. I thank the gentleman from Oklahoma (Mr. WATTS). For the last 3 years he has brought the presence of Historically Black Colleges and Universities here to the Capitol where we have been able to discuss issues of importance in terms of promoting the work that is being done at these colleges and universities.

Currently, there are 105 Historically Black Colleges and Universities that have all provided quality education, specifically in the fields of technology. Historically Black Colleges and Universities have played a prominent role in American history, have enabled thousands of students to obtain their full potential through higher education. Currently over half a million students attend HBCUs, and almost 60 percent are female.

Financial support for Historically Black Colleges and Universities has increasingly been a problem since enrollment over the past 10 years has been double compared to the national average. In Maryland, there are four Historically Black Colleges and Universities, Bowie State University, Coppin State University, Morgan State University, and the University of Maryland Eastern Shore.

One of the greatest issues facing our Nation this decade will be the pressing need to ensure that U.S. workers are prepared to compete in the technology-driven workforce of the future. As we enter the 21st century, U.S. jobs continue to grow fastest in areas that require knowledge and skills stemming from a strong grasp of science and technology. In fact, the Bureau of Labor Statistics has estimated that of the top 10 fastest-growing occupations, the top five are computer related.

Now more than ever, it is important that we cultivate the scientific and technical talents of all citizens, not just those who have traditionally worked in these fields. Today women, minorities, and persons with disabilities constitute a little more than two-thirds of the U.S. workforce, and yet their presence in the science and technology fields remains unacceptably low. As a result, the largest pool of potential workers continues to be isolated from science, engineering, and technology careers. While this is a challenge facing all institutions of higher learning, Historically Black Colleges and Universities have led the way to educating the under-represented minorities in those science, engineering, and technology fields. There is a disproportionate positive contribution that HBCUs have made to the development of the Nation's technical talent.

The National Science Foundation data indicates that HBCUs account for

nearly one out of three science and engineering degrees granted to African Americans. In addition, a high percentage of African Americans who go on to pursue an advanced degree in the science, engineering, and technology fields receive their undergraduate degrees at Historically Black Colleges and Universities.

In 1998, I introduced legislation, which became law, creating the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development. The purpose of the commission was to look at why women and minorities are not pursuing an education or career in the science and technology fields at the same rate as their traditionally white, male counterparts.

The commission felt that, if we continue to fail these groups in their quest to prepare for and participate in the new, technology-driven economy, we put at risk our Nation's economic and intellectual preeminence. One of the major recommendations of the commission was to establish a nongovernmental organization to serve as a clearinghouse of very best practices for educating all ages of women and minority in the SET fields and also to provide grants for carrying out their best practices.

On that call to action, the BEST initiative was formed. BEST: building, engineering and science talents. It was launched in September 2001 as a public-private partnership. The features that set BEST apart from other initiatives are its national scope, its comprehensive and systematic approach, its engagement of public and private sector leaders, and its vision of aligning key groups that make up America's under-represented majority.

As co-chairs of the National Leadership Council of BEST, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and I have looked to the leadership of HBCUs. Nationally recognized scholars and practitioners from HBCUs are participating in our blue ribbon panels on BEST practices. Two that have made important contributions are Dean Orlando Taylor of Howard University and Professor Melvin Webb of Clark Atlanta University.

Historically Black Colleges and Universities play an integral role in ensuring that we meet our Nation's technology and labor needs. By providing students with access to technology and engineering education, they will not only be prepared to use the technology required in most jobs today, but will also be encouraged to pursue careers on the technology forefront.

Mr. Speaker, these prestigious institutions of higher learning deserve our highest honors, and I join the gentleman from Oklahoma (Mr. WATTS) and others in this Chamber in supporting this legislation and urge passage.

Mr. OWENS. Mr. Speaker, I yield 3 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. Speaker, I join with my colleagues in supporting H. Res. 523, recognizing the contributions of Historically Black Colleges and Universities. I thank the gentleman from Oklahoma (Mr. WATTS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for bringing this forward because it is a good recognition of the thousands of young Americans who have received quality education at the more than 100 HBCUs around the country, a long and distinguished history that we recognize here today.

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The HBCUs have created higher educational opportunities where none existed and launched the careers of millions of scientists, doctors, teachers, educators, and lawyers. HBCUs are responsible for a full 40 percent of African American college graduates. So these are schools that are important for not just a subgroup, and they are of far more than historical importance. They are critical for our society's and our economy's functioning today. Historically Black Colleges and Universities have produced the majority of black professionals in the Nation, and the adoption of this resolution will affirm the United States' support of these institutions and critical contributions that their alumni make to our society.

But it is worth pointing out that we must go beyond empty words of praise. We must, this year, work to restore the purchasing power of Pell grants. We must increase the supplemental equal opportunity grants by really several hundred million dollars if we are truly going to pay respect to and help the HBCUs. We should be increasing Federal work study by several hundred million dollars. We should keep and, in fact, enhance the program leveraging educational assistance partnerships to help with State scholarships. I cannot fail to point out that although we do not know what will be in the appropriations bill coming up, we do know what the President has requested and what the Committee on Appropriations is working with and that is what would for HBCUs be, in effect, a cut in Federal funding. Yes, it is a small increase, but it is not an increase that keeps up with inflation.

So I ask my colleagues to support H. Res. 523, recognizing the contributions of Historically Black Colleges and Universities. I praise the dedicated work of the teachers and administrators of these schools. But I ask my colleagues to go beyond words of praise and provide real resources to allow HBCUs to achieve their promise and to allow the students of these colleges and universities to achieve their promise.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the resolution. Most of my life I have been in education. I was a teacher and a coach, both in high school and in college. I have seen what a good education can do. For my parents, who never missed a single event either athletic or academic that my brother and I went to, so the responsiveness of the families is critical. The President, to have a President that focuses on education and leaving no child behind. I fully believe that if a child qualifies to go to college, there should be no child whether it is a historically black college or any group, that should be left behind. Because the consequences are a devilment themselves.

I have a friend in San Diego, Bishop McKinney. He has actually come back and testified. He runs a program for African-American students. These children are at-risk students. If someone did not pick up the gauntlet and did not take care of these children, they would get left behind. Bishop McKinney has a private school that depends on private contributions. But I want to tell you that over 90 percent of those children, men and women, qualify to go to college. So Bishop McKinney, the Jaime Escalantes that say, hey, we can teach children are heroes.

It is not just the college itself that is important, it is the whole effort. It is the funding that my colleague mentioned a moment ago. Since 1998, we have increased education by 40 percent in this body, mostly in a bipartisan way. I want to thank the gentleman from California (Mr. GEORGE MILLER) and the chairman for working out the agreements that we have had recently. It is some of the most bipartisan legislation that we have had. But it also takes dedicated teachers at a lower level, not just 100,000 teachers but 100,000 qualified teachers that work with the children every single day. Those dedicated teachers should be paid more. They hold in their hands the lives not just of our children but society itself, because if that child is left behind, where are they going to end up? What is the prognosis? If you take a child in the inner city that drops out or is denied an education, they are going to end up statistically involved in crime or drugs or worse. Of that group, there is a lot of abuse, both child and spousal abuse. So it is the whole package, not just the university. You can have a university, but if you do not train the children early on and afterwards, then you have problems. It is also on the other end of it, also.

I have got a friend, Dr. Rafi, who is one of the preeminent computer scientists in the world. His books are in every college and university in the United States and many of those overseas. But when he graduated from college, his background and knowledge were not accepted within the workplace because he was a minority. He said, I'm not going to complain. I'm not going to take their devilment. I am going to prove to them that my worth

is more than just the color of my skin. He took over and ran the department after a year and a half. Now his books are spread throughout. If you do not understand computer science, you can read one of his books. It is at a very elementary level of understanding, but yet it is for college students.

So it is not just the funding. It is not just the parents. It is not just the Jaime Escalantes or the Bishop McKinneys and the college itself, but it is the follow-on throughout. That is why this resolution is so important. We cannot stop short of just recognizing the university, but the whole package.

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

Mr. Speaker, I would like to take this time to repeat a plea for H.R. 1606. We have had tremendous bipartisan support for Historically Black Colleges and Universities starting in 1986 with the Higher Education Assistance Act when title 3-B was authorized and a steady stream of funding was created for historically black colleges, the first steady stream of Federal funding for the majority of these colleges. Before, there had been some land grant colleges in the South, segregated land grant colleges that were receiving Federal funding, but this created for all 105 Historically Black Colleges and Universities a steady stream of funding. During the years of the existence of title 3-B, both parties have supported increases in funds. It is an example of bipartisan cooperation that probably is unmatched in the area of education. So I have no complaint whatsoever in terms of that effort by both parties.

But I would like to make a plea for H.R. 1606. H.R. 1606 builds upon the successful program that Congress authorized in 1996 to provide Federal funds to assist in the preservation of buildings and structures that are eligible to be listed on the National Register of Historic Places and that are located on the campuses of Historically Black Colleges and Universities. We do not want Historically Black Colleges and Universities to become museums. Our fight is to keep them operating, keep them functioning and making a contribution. But they do have a museum quality, and they have a special contribution they have made to the American heritage. We would like to see that supported.

The 1996 act came about as a result of a cooperative effort by the Department of Interior and the United Negro College Fund, which identified many historic properties at the HBCUs that were threatened and in need of repair. A 1998 study had been done by the General Accounting Office, and it identified 712 historic properties at 103 of the Historically Black Colleges and Universities that were in need of assistance.

H.R. 1606, as reported by the Committee on Resources, authorizes the appropriation of such sums as may be necessary to carry out this historic preservation program. The bill also

provides that the grantee must provide from funds derived from non-Federal sources an amount that is equal to 30 percent of the total cost of the project for which the grant is provided. H.R. 1606 enjoyed significant support in Congress and among the African American community. The bill was favorably reported by the Committee on Resources on May 22, 2002, and has been pending on the House calendar since the committee report was filed on June 20, 2002. I would like to make a plea from both sides of the aisle to support the placing on the calendar and bringing to the floor a vote for H.R. 1606, the preservation of historic buildings on the campuses of Historically Black Colleges and Universities.

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

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

Let me thank Chairman WATTS for this resolution today that honors the significance and the importance of Historically Black Colleges and Universities. They are unique institutions in our country that serve the African American community and populations that have been traditionally underserved. Congress' role over the last several decades in terms of providing funding to strengthen these institutions has continued to increase. As I mentioned earlier, funding for these institutions from Congress has increased some 89 percent since 1995. That does not include the \$7 million increase that is called for by the President in this fiscal year's appropriation bills. When we finally come to some resolution on these, I fully expect that that number will be met in the appropriations process.

As I said before, these are unique institutions, and they deserve our support.

Ms. MILLENDER-McDONALD. Mr. Speaker, it is a great privilege for me to offer my support of H. Res. 523 which recognizes the significant achievements of our nation's 105 historically Black colleges and universities.

For more than 100 years, historically Black colleges and universities have educated, guided and nurtured generations of this country's preeminent scholars, physicians, educators, business and other professionals. In particular, historically Black colleges and universities have educated and opened the doors of higher education to scores of economically disadvantaged students who might not otherwise have had access to a college or graduate degree.

Today, I want to remind my colleagues of the critical importance of Title III of the Higher Education Act which shores up the academic quality, financial health and administrative capacity of traditionally Black educational institutions.

It is my hope that the President will support H. Res. 523 by issuing a proclamation that will inform and motivate citizens and organizations nationwide to similarly demonstrate support for our historically Black colleges and universities.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of H. Res. 523, a resolution that rec-

ognizes the many contributions of historically Black colleges and universities to American society. The 105 historically Black colleges and universities throughout the United States provide a diverse community of students with a high caliber and quality education, a necessary tool in our competitive workforce. Not only do these campuses foster a strong history of educational achievement, they also provide students with exposure to a rich heritage and significant historical perspective.

It is imperative that all students feel that they have access to institutions with allow them to attain their full potential through the pursuit of higher education. Historically Black colleges and universities have demonstrated success throughout their 100 years of educating our youth, proving that they are worthy of our national recognition and praise. Historically Black colleges and universities have provided many economically and educationally disadvantaged students with critical educational training and guidance—necessary components to building bridges to opportunity and access. The inroads made by these institutions are empowering communities which have historically been forgotten or dismissed.

We are fortunate in the 28th Congressional District of Texas to have an outstanding institution which exemplifies the rich tradition of historically Black colleges and universities. St. Philip's College was founded in 1898 by Bishop James Steptoe Johnston of St. Philip's Episcopal Church of the West Texas Diocese. The school, which opened on March 1, 1898, began as a sewing class for girls with fewer than 20 students in a house located in the historic La Villita area in downtown San Antonio. Today, St. Philip's College has been a vibrant multi-campus institution of the Alamo Community College District, joining three other colleges—San Antonio College, Palo Alto College and Northwest Vista College—in meeting the educational needs of San Antonio's growing and diverse community. A Historically Black College and a Hispanic Serving Institution with a semester enrollment of more than 8,000, St. Philip's is among the oldest and most diverse community colleges in the nation and one of the fastest growing in Texas.

I urge the presidents, faculty, and staff at historically Black colleges and universities around the country to continue their impressive work, providing a caring, nurturing, and respectful environment in which all may learn. We must all be dedicated to the education of all of our youth, and in particular those whose families have historically been shut out of educational opportunity, for leadership and service to our Nation and global community.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to ask my colleagues to join me in proclaiming September 15–September 21, 2002, as National Historically Black Colleges and Universities week.

The quest for reasonable parity in the American social order for African Americans rests with education. It is fair to state that the HBCUs of America have been and continue to be the equal opportunity colleges and universities of the higher education institutions in America. The racial progress made socially, economically, politically and educationally by African-Americans has been made because of the existence of these institutions.

Currently, there are 118 historically black colleges and universities in the United States. A brief review of the history of education for

African-Americans in this country will reveal that the HBCUs were elementary schools for the freed slaves and their progenies.

They were secondary schools for African-Americans when there was not a public education system. And HBCUs became colleges to provide higher education programs for African-Americans when the time was appropriate and education could be sustained by a critical mass of African-Americans who had graduated with secondary education achieved. They were only a group of colleges and universities which produced a critical mass of well educated African-Americans who were teachers, lawyers, doctors, ministers, social workers, pharmacists, etc. for leadership in the Black community.

Because of the existence of the schools, repressive segregated laws were challenged, our right to vote was achieved, as well as our right to participate in every facet of the American society. As such, these institutions have proven their ability to transform the prospective and quality of life for African-American citizens. They stand poised now to provide another great service to America and to African-American people.

The HBCUs are ready to respond to the call of our President to leave no child behind. We propose now to engage the HBCUs in a national urban thrust to equalize the college going rate for urban youth. In so doing, we transform urban America.

Historically Black Colleges and Universities have been proclaimed the salvation of black folks. HBCUs are credited with making higher education financially attainable for those whom otherwise would not be able to afford post-secondary education. They tout significant success rates because they are good at providing remedial preparation for students who start out with weak high-school backgrounds.

These institutions provide a supportive social, cultural and racial environment for people of color who are seeking a college education and perform a remarkable task of educating almost 85 percent of the country's Black College graduates.

Historically Black Colleges and Universities have educated 75 percent of Black Ph.D.s, 46 percent of all Black business executives, 50 percent of Black engineers, and 80 percent Federal judges. In addition, the historically Black health-professional schools have trained an estimated 40 percent of the nation's Black dentists, 50 percent of Black pharmacists and 75 percent of the nation's Black veterinarians.

HBCUs have educated an estimated 50 percent of the nation's Black attorneys and 75 percent of Black Military officers. They have produced Congressional representatives, state legislators, writers, musicians, actors, engineers, journalists, teachers, scholars, judges, pilots, activists, business leaders, lawyers and doctors.

Today I ask that my fellow members of Congress salute and acknowledge Historically Black Colleges and Universities, the presidents, faculties, staff, and trustees of the 118 institutions for their vigorous and persistent efforts in support of equal opportunity in higher education.

I also ask that Congress further commend the students who benefit from Historically Black Colleges and Universities for their pursuit of academic excellence and request that the President issue a proclamation calling on the people of the United States and interested

groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Mrs. CHRISTENSEN. Mr. Speaker, on behalf of my constituents in the United States Virgin Islands, many of whom would not have had the opportunity for a college education were it not for a Historically Black College or University, as well as my two children who are both graduates of some of these fine institutions. I am pleased to support H. Res. 523, recognizing the contributions of Historically Black Colleges and Universities.

Mr. Speaker for over a century, Historically Black Colleges and Universities (HBCU's) have played an important role in providing opportunities for higher education to millions of African-Americans. Many of these colleges and universities were founded during the era of slavery or when American society was deeply segregated.

Although social conditions have changed radically since these colleges and universities were founded, the HBCU's have remained committed to providing African-American students with superb educational opportunities.

Almost 300,000 African Americans are currently enrolled in HBCU's, and among their alumni are Members of Congress, hundreds of elected officials, military officers, physicians, teachers, attorneys, judges, ambassadors, and business executives.

I want to particularly call your attention to the key role that these institutions play in eliminating disparities in health care.

The recent Institute of Medicine report, entitled "Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care", clearly demonstrated the need for more health care providers of racial, ethnic and linguistic backgrounds to meet the need of our increasingly diverse population as one of its major recommendations.

In the wake of anti-affirmative action movements across this country medical school enrollment in majority medical schools have dropped significantly over the last ten years. Were it not for minority health professional schools at our HBCU's the percentage of minority health care professional would be even less than the four percent currently represent across the different health professions.

Another reason for our drop in health profession students is our poor and under-supported public school system. The worst public schools and the most ignored are in communities of color. As a result, our students graduate ill prepared for college.

Only because of the commitment of our HBCU's to work with primary and secondary schools to improve student preparation and other programs designed by to remediate what is missing are our students given a chance to serve their communities in the critical area of health care and all of the others that are so important to improving our quality of life.

The Subcommittee on National Parks and Public Lands on which I serve as the Ranking Democrat, earlier this year considered and passed H.R. 1606, which was introduced by my colleague JIM CLYBURN and which I am proud to be an original cosponsor, to build upon the work started in 1996 with the passage of the historically black colleges and universities' historic preservation program.

This program has been the catalyst for the preservation of historic structures at these in-

stitutions of higher education. Unfortunately, the program has used up all of its existing authorization of funds and while its accomplishments to date have been great, the work that still needs to be done is even greater.

Many of the buildings that have been and will be assisted by this program are integral elements of the school campus and their preservation will not only preserve buildings but also the history and spirit of these pioneering institutions.

To address this problem H.R. 1606 would authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations. I urge my colleagues to support passage of H.R. 1606 when it comes on the floor for a vote later this month.

So I join my colleagues in recognizing these fine institutions, especially the University of the Virgin Islands, in my district, for contributing immeasurably to all of our well-being.

I thank and commend my colleagues, Congressman J.C. WATTS and EDDIE BERNICE JOHNSON, for their leadership in bringing H. Res. 523 to the House floor.

Mr. CUMMINGS. Mr. Speaker, it is a pleasure for me to join my colleagues in supporting H. Res. 523, which recognizes Historically Black Colleges and Universities (HBCU). Mr. Speaker, we honor the 105 HBCUs, like Morgan State University and Coppin State College, located in my district, and the 13 predominantly black institutions of higher learning, like Baltimore's Sojourner-Douglass College. Mr. Speaker, I am proud to point out that I am a graduate of Howard University, an HBCU.

This week, Presidents, Chancellors, and representatives from HBCUs attended a conference with Congressional and business leaders and members of the Administration to identify opportunities to advance HBCUs.

HBCU's have been educating students for more than 100 years by making higher education affordable to all students, especially African-Americans. HBCU's have educated almost 85% of all African-American college graduates in the United States. Throughout their history, HBCUs have served as emblems of excellence in higher education for African Americans. These institutions of higher learning have a rich history of providing quality education that have allowed many students to attain their full potential.

HBCUs have performed a remarkable task of providing the educational training for a significant number of African-American politicians, federal judges, lawyers, doctors, engineers, educators, researchers, entertainers, and business executives, thus providing an opportunity for African Americans to participate and make exemplary contributions in all walks of life.

Often acclaimed, "the salvation of black folks," HBCUs have engraved in American history the opportunity for freedom through education. The benefits of an educational experience at an HBCU are significant and cannot be duplicated. Students develop intellectually and build life skills and personal confidence about their identity, heritage, and mission to society.

This record of outstanding achievement comes despite daunting challenges—not the least of which are limited financial resources. In fact, I must note that in comparison with other colleges and universities, HBCUs are often underfunded. However, these institutions

have maintained their commitment to excellence in higher learning.

Mr. Speaker, as I stated earlier, there are two HBCUs in my district of Baltimore.

Coppin State College has become a beacon in the community, working with school children, while also providing services to small businesses in cooperation with the Small Business Administration. It has also sponsored workshops, health fairs, concerts, and other activities that enable the college to serve as a repository for African-American culture.

Likewise, Morgan State University provides avenues for students to compete in the global marketplace by steering them toward nontraditional careers such as transportation at their National Transportation Center. Morgan has also become a premier institution in Maryland and the country for its engineering and science programs. These are just two examples of HBCUs working to fulfill their commitment to academic excellence.

In the continuing struggle, the course is not to dismantle or compromise the HBCU, but should be to preserve their identity and integrity. These great institutions of higher learning merit full support in continuing their missions. So, in conclusion as we honor the Nations' HBCUs, let us really show our gratitude by supporting an increase in financial resources to each HBCU when we consider the Labor, HHS, Education appropriations bill and the reauthorization of the Higher Education Act.

Mr. RILEY. Mr. Speaker, I rise today in strong support of H. Res. 523, and to call the attention of my colleagues to one of the premier historically Black universities in the Nation, Tuskegee University. As our country celebrates a week recognizing Historically Black colleges and Universities (HBCUs), I want to take a few moments to bring to light some of the reasons I am proud to represent Tuskegee in Congress.

Since its humble beginning days under Dr. Booker T. Washington in the 1880's, Tuskegee has educated many fine leaders in a variety of fields. Militarily, Tuskegee has taken the lead in spawning many successful protectors of our country. The first African-American four star General, Daniel "Chappie" James, was educated at Tuskegee. The school has produced more African-American general officers in the military than any other institution. And most notably, Tuskegee was home to the famed Tuskegee Airmen that bravely fought for the United States in World War II.

Tuskegee has also produced that first African-American winner of the National Book Award (Ralph Ellison), and a number of African-American experts in the fields of aerospace, electrical, and chemical engineering. While achieving all these military and academic successes, Tuskegee has been able to achieve a high level of athletic excellence, as well. The men and women of Fighting Tigers athletics have made Tuskegee the Nation's winningest Historically Black College, and University.

The school currently enrolls some 3000 students, who represent most states in the country and several foreign countries. Currently, degrees are offered at the bachelor's, master's, Doctor of Veterinary Medicine, and Doctor of Philosophy (Ph.D.) levels. The students at Tuskegee receive world class educations in

fields such as architecture, business, computers, engineering, liberal arts, teacher education, agricultural science, nursing, and veterinary studies. Some of its most notable programs range from studies of the Human Genome Factor to aerospace science engineering, to growing-food-in-space, and to the center for Plant Biotechnology Research. And most recently, the publication *U.S. Black Engineers & Information Technology* listed Tuskegee as one of the top schools in the Nation for African Americans in engineering.

Mr. Speaker, the motto of Tuskegee University is "capturing the quest for excellence in teaching, research and service." Every day on their campus in Alabama, the students, faculty, and staff of Tuskegee carry out this vision of Dr. Washington. I urge my colleagues to join me in recognizing the contributions of Tuskegee University, and of all Historically Black Colleges and Universities, by supporting H. Res. 523.

Mr. HOYER. Mr. Speaker, I rise today to celebrate Historically Black Colleges and Universities and their proud history of educating African-Americans for 165 years.

The contributions of HBCUs to this country are of such significance that it has become tradition for the President to proclaim a week in September as Historically Black Colleges and Universities week. This year the observance is taking place of the week of September 15th.

In the early part of the 20th century, HBCUs offered educational opportunities to blacks when most schools would not admit them. But even as the doors of other higher education institutions have opened to black students over the past few decades, HBCUs continue to offer a quality education to thousands of young Americans.

The first black college, now known as Cheyney University of Pennsylvania, was made possible by a Quaker philanthropist named Richard Humphreys who bequeathed \$10,000 to establish a school to educate African-Americans. The school was founded as the Institute for Colored Youth in Philadelphia in 1837, almost 30 years before the Emancipation Proclamation would free the South's slaves. The University has since outgrown its original mandate and now offers degrees in more than 30 disciplines for people of all races.

Following the success of Cheyney University, over 100 Historically Black Colleges and Universities in the United States have been established, educating people of all races in every discipline from liberal arts to medicine to business.

It is important to note that while Historically Black Colleges and Universities comprise only about 3 percent of all colleges and universities, nearly 30 percent of all bachelor's degrees awarded each year to African Americans are earned at those institutions.

I am proud of the State of Maryland's part in this evolution of black higher education, and I am privileged to represent Bowie State University (BSU), the oldest of Maryland's four HBCUs. (The three other HBCUs located in Maryland are Morgan State and Coppin State, both in Baltimore, and the University of Maryland—Eastern Shore).

Bowie State descends from the first school opened by the Baltimore Association for the Moral and Educational Improvement of Colored People in Baltimore in 1865. BSU now

has eighteen undergraduate academic programs, sixteen graduate programs at the master's level and recently established its first doctoral program in Education Leadership.

Some Historically Black Colleges and Universities are facing financial hardships and several have closed during the past few years. The Federal Government must recognize that the contributions made by these institutions have not occurred in a vacuum benefitting only a small segment of the population. Rather, the entire country has gained from the educational opportunities they offer to African-American citizens and others.

Congress and the President can acknowledge this by adequately funding the programs that support the efforts of these important institutions. The President has requested a four percent increase in funding for the Strengthening Historically Black Colleges program and the Strengthening HBCU Graduate Institutions for fiscal year 2003. This increase will do no more than help the programs keep up with inflation. As a member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I would like to see these programs receive more funding to help them continue their mission and tradition of educating African-Americans.

Marion Wright Edelman, founder of the Children's Defense Fund, said that "Education is for improving the lives of others and for leaving your community and world better than you found it."

Ms. Edelman's observation clearly illustrates how important HBCUs have been to America's black community and the Nation as a whole. Not only have they educated and improved the lives of individuals, but they have empowered those individuals to bring their knowledge back to their communities and improve the lives of others. And America is the better for it.

Mr. Speaker, I ask my colleagues to join me this week in saluting the contributions of America's Historically Black Colleges and Universities.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor a great American, Charles B. "Chuck" Harmon, on the occasion of this Congressional Tribute to the Negro Leagues. Negro League baseball players were at the vanguard of efforts to demonstrate that what matters most is not the color of a person's skin, but character, skill, and determination. Negro League players surmounted obstacles of the day to prove their skills as ball players and the character of the American spirit.

Chuck Harmon was one of twelve children born to Sherman and Rosa Harmon on April 23, 1924 in Washington, Indiana where he completed elementary and secondary school. He attended the University of Toledo for three and one-half years between 1942 and 1949 and served with honor in the United States Navy. Mr. Harmon has been married to Daurel Woodley Harmon for 54 years and has three children, Charlene, Charles Jr., and Cheryl. He also has two grandchildren, Danielle and Justin.

Chuck Harmon was honored on May 15, 1997 by the City of Cincinnati, a day designated to honor both Jackie Robinson and Chuck Harmon on the occasion of the fiftieth anniversary of Jackie Robinson breaking the color barrier in Major League Baseball. The day doubled as a Golden Anniversary for Mr. Harmon, who signed his first professional

baseball contract in 1947. Seven years later in 1954. Mr. Harmon broke the color barrier of the Cincinnati Reds baseball team.

Chuck Harmon has maintained courage and composure throughout many adverse situations, being the first and only African American to play on many segregated teams. Mr. Harmon's strength of character and achievements have resulted in many honors and awards. He has been honored by the Governor of Ohio, GEORGE VOINOVICH, the Greater Cincinnati Urban League, the Cities of Golf Manor, Ohio and Washington, Indiana which have named streets and a park in his honor, and a host of other sports teams for which he played. For the past 25 years, Mr. Harmon has focused on public service within the First Appellate District Court of Appeals in Cincinnati, Ohio.

Charles B. Harmon has lived a life characterized by a strict code of personal and public ethics, self respect, and respect for others. Mr. Speaker, it gives me great pleasure to rise today, and join with my congressional colleagues in congratulating player of the Negro Leagues and a great American from the State of Ohio, Charles B. "Chuck" Harmon.

Mr. FALEOMAVAEGA. Mr. Speaker, as members of Congress, I believe it is incumbent upon us to support the efforts of Historically Black Colleges and Universities (HBCUs) to recruit, retain, and graduate students who otherwise might not have the opportunity to pursue a post-secondary education.

It is a known fact that Historically Black Colleges and Universities have played a vital role in giving our Nation's youth the tools necessary to forge their way in today's society. More importantly, Historically Black Colleges and Universities have provided historically disadvantaged students with the opportunity to determine for themselves how best to combine their rich cultural heritage with demands of today's scientific and technological society. Historically Black Colleges and Universities have also forged the way for all minority groups to recognize the importance of education and the need for our children to make their mark in today's world.

I would like to commend the leaders and students, both past and present, of Historically Black Colleges and Universities for their tireless efforts in giving voice to those whose voices would have otherwise been made mute. I commend them for their perseverance and diligence. I thank them for teaching us that we can make a difference in society by remaining true to ourselves and embracing who we are.

As the only member of Congress of Samoan ancestry, I have a special affinity for the struggle of minorities. I have a special affinity for those affiliated with this Nation's Historically Black Colleges and Universities. You can believe that as long as I am a Member of Congress, I will always stand in support of historically Black Colleges and Universities and I urge my colleagues to do the same.

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of House Resolution 523 which recognizes the contributions of Historically Black Colleges and Universities. (HBCUs)

Education has always been key to economic opportunity in America. HBCUs have been a catalyst for educational and economic opportunity for generations of African Americans. These institutions were born of the belief that post-Civil War freedmen should become immediately educated. They continue to provide

quality higher education and professional nurturing to a broad mixture of diverse individuals.

In the days of slavery, slave owners made it a point to keep slaves from reading and having access to education. One only has to read Frederick Douglas to fully comprehend what slave owners would have brought upon themselves if slaves would have received an education. Even after the Emancipation Proclamation, during the days of Jim Crow laws, there were numerous efforts to keep blacks from having access to education.

As a result of the growth and success of HBCU's, the vast majority of African Americans with bachelor's degrees in engineering, computer science, life science, business and mathematics have graduated from one of the 105 HBCUs. These graduates make up the majority of our Nation's African American military officers, physicians, Federal judges, elected officials, and business executives. The distinguished faculty members of HBCUs serve as role models and mentors, challenging students to reach their full potential.

I graduated from an historically black institution—Florida A&M University. I wanted to be a physician, but I could not attend graduate school in Florida or any other southern state—not because I lacked the qualifications to be admitted to graduate school, but simply because of the color of my skin. For those of my generation, HBCU's were our sole lifeline for economic opportunity and advancement.

Today, HBCUs remain a critical part of our education system. These institutions have significantly increased educational access for thousands of economically and socially disadvantaged Americans, particularly young African Americans.

It is wonderfully appropriate that today we honor HBCUs with our words. It is even more important that we honor them with our deeds. In our Appropriations process, we must recognize the indispensable role that HBCUs play in our educational system and fund them properly.

Mr. Speaker, I congratulate our HBCUs for their record of achievement and commend Representative WATTS for offering this important resolution.

Mr. PITTS. Mr. Speaker, today, the House passed House Resolution 523, a resolution recognizing the contributions of Historically Black Colleges and Universities (HBCUs). Historically Black Colleges and Universities have a long, proud history of educating some of the brightest minds in America and tapping into the talent and potential of African-American students at a time in our Nation's history in which African-Americans did not enjoy the rights and freedoms of other Americans.

The 16th Congressional District of Pennsylvania is the home of two historically Black universities: Lincoln University and Cheyney University.

Lincoln University, named after President Abraham Lincoln, was founded in 1854 as an institution dedicated to providing higher education for African-American men. Lincoln University boasts several famous graduates, including renowned poet Langston Hughes and Former Supreme Court Justice Thurgood Marshall.

Founded in 1837, as the Institute for Colored Youth, Cheyney University is the oldest historically Black university in America. Cheyney University was founded through the

help of a Quaker benefactor who was committed to ensuring that African-American students could receive a high quality higher education. Cheyney University also has a long list of distinguished graduates, including "60 Minutes" journalist Ed Bradley and Philadelphia Tribune publisher and CEO Robert Bogle.

Since the founding of Lincoln and Cheyney Universities, African-Americans have achieved many important milestones in various academic disciplines. Yet, Historically Black Colleges and Universities continue to carry the mantle of African-American scholarship for future generations.

Finally, I want to commend Dr. Ivory V. Nelson, President of Lincoln University, and Dr. W. Clinton Pettus, President of Cheyney University, for their leadership and vision.

Mr. FORBES. Mr. Speaker, I rise in support of H. Res. 523, which recognizes the important contributions of Historically Black Colleges and Universities. These institutions are rich sources of history and knowledge that continue to serve communities across the nation. Virginia's 4th Congressional District is home to two historically Black institutions of higher education.

Virginia State University, located near the historic center of the City of Petersburg, was founded on March 6, 1882 when the legislature passed a bill to charter the Virginia Normal and Collegiate Institute. The University's first academic year, 1883–84, saw a student body of 126 and a faculty of only seven. By the centennial year of 1982, the University was fully integrated, with a student body of nearly 5,000 and a full-time faculty of 250.

Dr. James Solomon Russell founded Saint Paul's Normal and Industrial School in 1888. In 1941 the institution was granted authority to offer a four-year degree program. In 1957 the name was changed to Saint Paul's College, the name it bears today. Saint Paul's College boasts a characteristically small college atmosphere with a student body of 600, allowing for both diversity and camaraderie.

Virginia's history and desire for academic excellence are indelibly linked to the success and achievement of these institutions. For this reason, I rise in support of this resolution to recognize the Historically Black Universities and Colleges of our Nation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of House Resolution 523 recognizing the contributions of Historically Black Colleges and Universities. This legislation acknowledges the significance of the United States' Historically Black Colleges and Universities (HBCU's).

Historically Black Colleges and Universities are institutions of higher learning established prior to 1964. The principle mission of these institutions was, and is, the education of African-Americans. Toward this end, these institutions boast a proud and long-lasting tradition of producing some of the United States' most prominent African-Americans leaders and scholars, ranging from W.E.B. DuBois to Dr. Martin Luther King, Jr. and countless other individuals, who have devoted their lives to the service of traditionally disenfranchised communities throughout our Nation.

According to a number of sources, there are reportedly more African-American students attending HBCU's than at any other time in United States' history. In fact, as reported by the National Center for Educational Statistics, there was a 26 percent increase in HBCU en-

rollment between 1976 and 1994. For the years 1993 through 1994, roughly 28 percent of Black bachelor degree recipients received their degrees from Historically Black Colleges and Universities. With regards to this time span, Historically Black Colleges and Universities were responsible for awarding another 15 percent African-American master degree recipients, 9 percent of blacks earning a doctorate, and 16 percent of black professional degree recipients.

The State of Texas has been fortunate to have these Historically Black Colleges and Universities educate a significant portion of its residents and other students from a wide array of places throughout the world. From Texas' first Black college, Paul Quinn College, to colleges and universities such as Prairie View A&M University, Texas Southern University, and Wiley College, historically Black institutions throughout the State still play a critical role in the granting of undergraduate, graduate, and professional degrees to minorities. Due to the existence of these institutions, Prairie View A&M University has made a significant contribution to the preparation of many of Texas' minority educators, and Texas Southern University has played an enormous role in educating many Black attorneys and pharmacists.

Overall, as these institutions continue progressing toward claiming their stake in the mainstream of U.S. education, their missions and purposes for existing become more inclusive, as these important institutions adjust to the changing demographic compositions of their student bodies. It is a fact that more students from other racial and ethnic groups are attending.

Mr. Speaker, I urge my Colleagues to support this legislation. Historically Black Colleges and Universities not only are deserving of recognition, but they also are necessary to the vitality of our Nation's higher educational system. This legislation recognizes this very fact by acknowledging historically Black institutions' commitment to sustaining a viable education for students for over 100 years.

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

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the resolution, H. Res. 523.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECOGNIZING THE TEAMS AND PLAYERS OF THE NEGRO BASEBALL LEAGUES FOR THEIR CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to

the concurrent resolution (H. Con. Res. 337) recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

The Clerk read as follows:

H. CON. RES. 337

Whereas even though African-Americans were excluded from playing in the major leagues of baseball with their Caucasian counterparts, the desire of some African-Americans to play baseball could not be repressed;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas 6 separate baseball leagues, known collectively as the Negro Baseball Leagues, were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players;

Whereas Jackie Robinson, whose career began in the Negro Baseball Leagues, was named Rookie of the Year in 1947 and subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship;

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States;

Whereas during World War II, more than 50 Negro Baseball League players served in the Armed Forces of the United States;

Whereas during an era of sexism and gender barriers, 3 women played in the Negro Baseball Leagues;

Whereas the Negro Baseball Leagues helped teach the people of the United States that what matters most is not the color of a person's skin, but the content of that person's character and the measure of that person's skills and abilities;

Whereas only in recent years has the history of the Negro Baseball Leagues begun receiving the recognition that it deserves; and

Whereas baseball is the national pastime and reflects the history of the Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 337.

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

There was no objection.

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

This resolution, Mr. Speaker, recognizes the teams and players of the Negro baseball leagues for their achievements, dedication, sacrifices

and contributions to baseball and to the Nation. I want to commend the distinguished sponsors of this resolution, the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Illinois (Mr. DAVIS), for introducing this important resolution.

Until the mid-20th century when Jackie Robinson and Larry Doby, and parenthetically I would say Larry Doby of the Cleveland Indians, broke the color barrier, African Americans were excluded from playing major league baseball. Despite this, the desire that some African Americans had to play baseball professionally could not be repressed.

African Americans began organizing their own professional baseball teams. In 1885, the Cuban Giants from New York became the first professional African American baseball team.

□ 1100

In 1920, Rube Foster, known as the "Father of Negro Baseball," organized the Negro National League by adopting an organized league structure. Between 1920 and 1960, six separate baseball leagues known collectively as the Negro Baseball League were formed. The Negro Leagues maintained the high level of professional skill and, some believe, became centerpieces for economic development in many African American communities.

Teams such as the Pittsburgh Crawfords, which played in Pittsburgh's Hill District, reflected this high level of skill. The Crawfords won the 1935 Negro National League with future Hall of Famers James "Cool Papa" Bell, Oscar Charleston, Josh Gibson, Judy Johnson and the legendary Satchel Paige.

Again, Mr. Speaker, parenthetically, there is a book I had the pleasure of reading last year called *Crooked River Burning*, which, sadly, is about some of the sadder days in Cleveland, Ohio, but it is the story of a young Polish fellow who grew up on the west side of Cleveland and follows his life. But it begins in 1948 when he sneaks out of his uncle's house to go down to Municipal Stadium and sees the debut of Satchel Paige and the Cleveland Indians uniform, and over 70,000 people were in attendance on that evening.

Starting in 1935, the black teams began all-star game competition. The game was known as the East-West Game and was played each summer in Chicago's Comiskey Park. The Negro Leagues also had their own world series, but according to the Negro League Baseball Players Association, the East-West Game was considered more important than the world series and annually attracted between 20,000 and 50,000 fans.

In 1945, major league baseball started signing players from the Negro Baseball Leagues to its minor leagues for the first time since 1919. By 1950, five major league teams had black players; by 1953, seven clubs had 20 players; and by 1957, 14 clubs had 36 players.

As players in the Negro Baseball Leagues signed to play with the major leagues and attendance at Negro League games dropped, the Negro Baseball Leagues folded in 1960.

Events such as the 1991 opening of the Negro Leagues Baseball Museum in Kansas City, Missouri, reflect the recognition that the Negro Baseball Leagues and its players deserve. As this resolution notes, the Negro Baseball Leagues helped teach the country to judge others not by the color of their skin, but by the content of their character and the measure of their skills and abilities. In fact, Mr. Speaker, gender roles also fell in the Negro leagues, because three women played in them.

Mr. Speaker, I ask all Members of the House to support this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am proud to be an original cosponsor of H. Con. Res. 337, recognizing the teams and players of the Negro Baseball Leagues. This is a measure that is long overdue.

Mr. Speaker, I have been an avid baseball fan since I was a young person, and actually 50 years after the fact I can still recite the starting lineup of the old Brooklyn Dodgers. So when my colleague, the gentleman from Oklahoma (Mr. WATTS), approached me several months ago to cosponsor a resolution with him honoring the Negro Baseball Leagues and players, it was not exactly a hard sell. Likewise, I am sure, it was not difficult for the gentleman from New York (Mr. RANGEL) and Senators SANTORUM and MIKULSKI to join us.

I am reminded of Harlan Williams' observations in *Jim Crow at Bat: Apartheid in Baseball*, when he wrote that, "Baseball is America's game. It was invented here, flourished here, and has been exported all around the world. As a national phenomenon, baseball has long served to mirror cultural currents and national attitudes. And from its inception, baseball's racial attitudes have mirrored those of society."

In 1872, John "Bud" Fowler became the first African American to enter organized baseball. At the time, *Sporting Life* magazine called him "one of the best general players in the country. If he had had a white face," they said, "he would be playing with the best of them." He was joined by a handful of other black players.

However, by the end of the 1800s, the door to organized baseball was slammed shut to African Americans. We are here today to celebrate the response to this closed door.

In 1920, Andrew "Rube" Foster, the indisputable father of Negro baseball, convinced seven other team owners to join with his team, the Chicago American Giants, to form the Negro National League. In fact, in 1981, "Rube"

Foster was inducted into the Baseball Hall of Fame in Cooperstown, New York, where he is considered to be one of baseball's greatest renaissance men.

In the years following the establishment of the Negro National League, other Negro Baseball Leagues were formed. The skill of the play and the players was extraordinary, as was the colorful array of their nicknames: Satchel Paige, "Cool Papa" Bell, "Double-Duty" Radcliffe, "GroundHog" Thompson, and the list goes on and on.

Of the 254 members of the National Baseball Hall of Fame, 18 were players who had only played in the Negro leagues. Still others, including Willie Mays and Jackie Robinson, had first played in the Negro Leagues, then went on to play in the major leagues, and were later inducted into the Baseball Hall of Fame. In fact, the caliber in the Negro Leagues was so high that many of the players who later moved on to the major leagues actually had better statistics playing there than they did in the Negro Leagues.

The electrifying decision by Branch Rickey to sign Jackie Robinson to play for the Brooklyn Dodgers in 1947 pushed open the closed door. As the best African American baseball players joined the major leagues, the Negro Baseball Leagues declined. The last teams folded in the early 1960s.

Some people shake their heads and say that the Negro League players came along too early. I think "Cool Papa" Bell had it right when he said "they opened the door too late."

But then it is never too late to right what has been wrong, to create equal opportunity and to open the doors for the Luke Easters, Minnie Minosos, Kirby Pucketts, Barry Bonds, Sammy Sosas, Frank Thomases and countless others who have thrilled and delighted us with their skill.

It is never too late to make America what it has never been, but must be. Opening the doors and recognizing the contributions that African Americans have made to baseball is a step in the right direction.

Thomas Wolf is reported to have said, "To every man his chance, his golden opportunity, to become whatever his talents, manhood and ambitions combine to make him. That is the promise of America."

This bill is a step in the right direction, I commend the gentleman from Oklahoma (Mr. WATTS) for introducing it, and I urge its swift passage.

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

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATTS), the author of the concurrent resolution.

Mr. WATTS of Oklahoma. I thank the chairman for yielding me time, and I also want to commend and thank my friend from Illinois (Mr. DAVIS) for his assistance in this effort.

Mr. Speaker, when the National Association of Baseball Players on De-

cember 11, 1868, voted unanimously to bar "any club which may be comprised of one or more colored persons," a racial barrier was built, but an opportunity was born.

A few years later, the Cuban Giants in New York became the first black professional baseball team. The men in this fledgling organization played independently of any structured league, but started what would become a model for the first half of the 20th century.

There actually were some black players on integrated teams in the late 1800s. Brothers Moses Fleetwood Walker and Welday Walker played in the major leagues in 1884. But as a new century dawned, the systematic exclusion kept a lot of good talent off a lot of diamond-shaped fields.

In 1920, a man by the name of "Rube" Foster founded the eight-team Negro National League at a YMCA in Kansas City, Missouri. To this day, he is referred to as the Father of Black Baseball. Three years later, a pioneer named Ed Bolden formed the Eastern Colored League.

In 1933, echoing the major league structure, the Negro National League and the Negro American League were born. That same year, an all-star game was formed. Playing in Chicago's Comiskey Park, Negro League players garnered between 20,000 and 50,000 fans, who would come and watch the greatest black athletes of the day. Camden Yards, mind you, in Baltimore, holds less than 49,000 people.

Up until 1948, the Negro League World Series was played 11 times in all, surviving even the ruins of the Great Depression.

As we work to educate the public on the rich and awesome history of the Negro Leagues, we also must reflect on the progress that has been made in such a relatively short amount of time. Today we think nothing of seeing a black man at the plate hit home run after home run on teams like the Dodgers and the Yankees and the Giants and the Braves. It is difficult to realize that we would not see that same player a half century ago.

Jacques Barzun, a French American historian and former dean of Columbia University's graduate school, astutely observed in his book *God's Country and Mine* in 1994, "Whoever wants to know the heart and mind of America had better learn baseball."

Mr. Speaker, baseball is America. Along with apple pie and jazz and automobiles, it symbolizes who we are as a Nation. But let us not forget about who played in the shadow of the big leagues when our country subscribed to the ideology of separation.

I urge my colleagues to vote for this resolution to honor the players and the teams of the Negro Baseball Leagues.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time, so I will simply close by indicating that it is a thrill and de-

light. There are still a number of ex-members of the Negro League who live around and in my congressional district, and three or four of them often convene at a McDonald's restaurant and sort of hold court. Individuals kind of move around and come by to chat with them and to see them. "Double-Duty" Radcliffe recently passed away.

But one of the teaching instruments that takes place as people realize who these men are and what their contributions have been, they stand there at "McDonald's University" and soak in all of the knowledge and information.

So, again, I want to commend my colleague, the gentleman from Oklahoma (Mr. WATTS), for introducing H. Con. Res. 337, recognizing the teams and players of the Negro Leagues.

And as we recognize these teams and these players, I also want to acknowledge and recognize all of the parents and coaches who are involved in Little League baseball play. There is nothing better than watching a group of young people in organized Little League activity learning, growing, developing, reaching a level of understanding about teamwork, positive attitudes, and not on the corner hauling crack and blow, but listening to the sound of the crack of the bat.

So I commend the gentleman from Oklahoma (Mr. WATTS) for this resolution, and I urge its passage.

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

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

Mr. Speaker, I want to commend the gentleman from Illinois (Mr. DAVIS) and the gentleman from Oklahoma (Mr. WATTS) for sponsoring this important resolution and working so hard to bring it to the floor.

This resolution pays tribute to the contributions of many fine athletes who did not get the recognition they deserved during their playing careers or, in many cases, during their lifetimes, because segregation required them to play out of the limelight.

Nevertheless, the players in the Negro Leagues were among some of the most accomplished who ever played our national pastime. Some went on to make their marks in the newly integrated major leagues. But all of them contributed to baseball history and helped pave the way for today's stars.

□ 1115

I urge passage of the resolution.

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the players of the Negro Baseball Leagues. These brave Americans—barred from playing major league baseball—organized their own professional baseball leagues that were, by all accounts, the caliber and quality of the all-white league from which they were excluded.

What began in the early 1800's as informal contests became actual professional teams by 1885, and the official Negro Baseball Leagues by 1920. The leagues, which lasted until 1960 when African-American ballplayers were accepted into major league baseball, were the

venue for some of the game's greatest players. Jackie Robinson, Satchel Paige, Willie Mays, and Hank Aaron were giants of the game of baseball—all got their start in the Negro Baseball Leagues.

More important than their impact on the game of baseball, however, was the symbolic value of the Negro Baseball Leagues. In an era where being black meant second-class status in America, the players of the Negro Baseball Leagues gave African-American children role models and helped to integrate the all-white American pastime.

Mr. Speaker, the struggle from segregation to full racial integration—a struggle that continues to this day—is the story of brave men and women who broke racial barriers by challenging the social, political, and economic norms of their time. The players of the Negro Baseball Leagues were such people.

Today, we commemorate the Negro Baseball Leagues and the indelible mark they made not only on baseball, but also on American society.

Mr. PUTNAM. Mr. Speaker, I rise in support of H.C.R. 337 and particularly wish to recognize the Negro League teams that played in Florida and the players who now reside in our great State.

While there were other minor or semi-professional teams in our State, Florida's most recognized Negro League team was the Jacksonville Red Caps, who played in the Negro American League.

Their numbers are dwindling, there are now only 150 or so former Negro League players left in the entire country, so it is important that, as we consider H.C.R. 337, I also recognize former players of the Negro Leagues who now live in Florida.

While I'm sure my list of Florida's remaining Negro League players is not complete, each year the Jacksonville Suns honor former Negro League players, and on June 9 of this year they met at Wolfson Park and honored the following former Negro League players:

Herb Barnhill, who began his baseball career in 1936 and played for the Jacksonville Red Caps in 1938 and 1941–42;

Henry "Bird" Clark, who began his baseball career in 1955 at the age of 16 with the Kansas City Monarchs;

Art Hamilton, a catcher who started with the Indianapolis Clowns in 1953, played with the Detroit Stars and closed his career with the Philadelphia Phillies in 1961; and

Harold "Buster" Hair Jr., who played for the Birmingham Black Barons in 1953, was drafted and played in Canada and then in 1958 played with the Kansas City Monarchs.

Thank you, Mr. Speaker. It is my pleasure to join my colleagues today in recognizing the contributions of these African-American baseball players who now reside in Florida, and their surviving Negro League teammates. I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 337.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

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

The yeas and nays were ordered.

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

CONSUMER RENTAL PURCHASE AGREEMENT ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 528 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 528

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. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 10 minutes 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 Financial Services, as amended by the amendment 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. 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 amendment 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 recommend with or without instructions.

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

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

Mr. Speaker, the resolution before us is a fair, structured rule providing for the consideration of H.R. 1701, the Consumer Rental Purchase Agreement Act.

H. Res. 528 provides 1 hour of general debate, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services, as amended by the amendment 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.

H. Res. 528 makes in order only those amendments printed in the Committee on Rules report accompanying this resolution. It provides that the amendments printed in the report shall be considered 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. This rule waives all points of order against the amendments printed in the report.

Finally, H. Res. 528 provides for one motion to recommit, with or without instructions.

Mr. Speaker, I urge my colleagues on both sides of the aisle to join me in support of this fair rule, which would enable the House to work its will on H.R. 1701, and two separate amendments, one offered by the gentleman from New York (Mr. LAFALCE) and another offered by the gentlewoman from California (Ms. WATERS).

In summary, H.R. 1701 seeks to create uniform national disclosure standards for the rent-to-own industry. It provides greater cost information to consumers who are considering rental purchase agreements.

I would like to commend the work of the gentleman from Ohio (Mr. OXLEY), my friend and colleague of the Committee on Financial Services, in bringing this legislation to the House floor, which I was pleased to cosponsor earlier this year. I also want to commend the gentleman from North Carolina (Mr. JONES) for being the primary author of this measure.

Again, in closing, I urge my colleagues to join me in supporting this

fair rule so that the House can proceed to consider the underlying legislation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this rule and to the underlying bill, H.R. 1701, a bill to amend the Consumer Credit Protection Act to establish Federal disclosure requirements for rental purchase businesses.

Traditionally, rent-to-own businesses cater to low- and moderate-income individuals who either do not have the money or do not have the credit to purchase goods for their homes. These individuals turn to businesses such as Rent-A-Center or RentWay with the idea that renting is a reasonable alternative to purchasing their household goods; and although this may be true in some instances, that is not always the case.

Mr. Speaker, to quote the gentlewoman from California (Ms. WATERS), who will speak on her own measures that she offered, one of which was accepted, three that were categorically rejected, she said this is special-interest legislation at its worst. For a number of reasons, this legislation fails to protect those consumers who depend on rental purchase businesses from being taken for a ride. And while the measure does implement necessary contracts, store tag, and advertising disclosure, it fails by preempting existing State consumer protection laws that treat rent-to-own transactions as credit sales and, therefore, require the disclosure of the cost of credit and annual percentage rates. A footnote right there, Mr. Speaker: in some of these failed disclosure situations, triple digit interest rates are being charged to people.

This bill might have had a chance of being a great piece of legislation, had the four amendments of my good friend and colleague, the gentlewoman from California (Ms. WATERS), and the second amendment of the gentleman from New York (Mr. LAFALCE) been accepted; and I was in full and complete support of both being allowed. As a result, this legislation in my judgment is not worth the paper it is drafted on. It is not curative. When the question was put yesterday to the relevant subcommittee chairman, who I am sure will speak and thus speak passionately regarding this matter, when the question was put to him whether or not it was curative, he stated that it was "helpful."

Worse yet, the Committee on the Judiciary chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), is quoted as saying, "The bill is unnecessary and unwise and is a misguided attempt to preempt the existing law of virtually every State."

The regulation of the rent-to-own industry is a State issue and all those

who disagree, in my opinion, are misguided too.

How can H.R. 1701 fulfill its stated purpose to protect consumers against unfair rental purchase agreements and predator financial services if it does not require rent-to-own businesses to disclose the interest rates in the leasing contract? Would any of us accept a bank loan without the APR being stated in the contract?

Mr. Speaker, one of our duties as Members of Congress is to make accessible the highest quality of life for all those who live within our great country's borders. H.R. 1701 would work against that continuous goal, if passed as is; and I urge my colleagues to vote against H.R. 1701 and against this closed rule.

Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. HASTINGS) for the attention that he paid to this particular piece of legislation in the Committee on Rules. I thank him for taking the time to understand it and to try and help me to make it a better bill with the amendments that I presented at the Committee on Rules.

I had four amendments in the Committee on Rules to H.R. 1701; only one was accepted and, of course, I thank the members for that. However, I think I was thrown a bone, a bone to say, well, we did something; but certainly, this does not cure what is wrong with this bill.

Let me tell my colleagues about the other amendments that I proposed that were not accepted. One of the amendments that I had was a very simple amendment. The sponsors of the bill had indicated that they wanted this bill to be a floor rather than a ceiling when it comes to State laws, and my amendment would simply strike a single subsection that would have accomplished that goal. Let me just share with my colleagues that 52 of the State Attorneys General earlier signed on to a letter objecting to this bill and, specifically, the preemption section. The Attorneys General stated: "Any State law that affords consumers the benefit of disclosures in rent-to-own agreements beyond those required by H.R. 1701 would be invalidated."

This is simply about State preemption. I am surprised that those who are advocating State preemption would do so when oftentimes we find they are standing up to protect States' rights and the State to protect its ability to make public policy in the interest of that State.

As initially considered in committee, the bill would have preempted all inconsistent Federal and State laws, regardless of whether they provided greater or less protection for consumers. This has been revised to preempt only those State laws or regulations that treat rent-to-own transactions as credit sales and apply credit-

like regulation, including disclosure of annual percentage rates and cost limits based on APRs. This would provide for automatic preemption of the laws of four States: Wisconsin, New Jersey, Minnesota, and Vermont, which currently apply credit statutes and regulations to rent-to-own transactions. It would also preempt all States from imposing credit-like restrictions on rent-to-own transactions in the future.

A letter written to the Committee on Financial Services by 52 State and territorial Attorneys General expressed strong opposition to any language which "expressly preempts any State law that regulates a rent-to-own transaction as a credit sale or similar arrangement that requires the disclosure to consumers of an effective interest, annual percentage, or singular rate."

This is outrageous, and we should be ashamed that a bill like this could get this far in the Congress of the United States. Most of those people out there as consumers expect us to protect them. Why would we fight to keep this industry from disclosing the interest rates on rent-to-own contracts? I think I know why. Why would we not want to treat them like credit sales? I think I know why. But it is unconscionable and unreasonable that Members of the Congress of the United States of America would use their power to work against consumers in this way with an industry that has some really questionable practices.

Let me tell my colleagues about the third amendment that they rejected. It would have added a new subsection to prohibit any unfair or deceptive acts or practices and abusive collection by the rental purchase industry.

□ 1130

Mr. Speaker, for years the industry has resisted it being classified as a sale so that it would not be subject to protections governing credit sales transactions. At the same time, it has also resisted coming under protections offered by the Consumer Leasing Act. I think it is unconscionable that a Federal law purporting to regulate this industry would fail to include basic protections against unfair or deceptive practices.

Let me tell Members a little bit about this industry. Some of the more outrageous examples include rent-to-own employees struggling with the customer in the home over the possession of the television set, and picking up a nearby object and smashing the set. This happened in Maryland in 1983.

An employee was breaking and entering a customer's home, only to be shot and killed as a result, in Nebraska in 1980.

In a number of instances, rent-to-own dealers have been found liable for tort claims such as assault, battery, and trespass.

In 1985, a Texas jury returned a verdict of nearly \$130,000 against a rental company for injuries to a customer which occurred during an attempted repossession.

Many rent-to-own dealers, when faced with an incident of wrongful repossession, will attempt to accuse the employee of unforeseen misconduct. It goes on and on and on, but my attempts to clean up the legislation were rejected.

Lastly, let me tell the Members about the fourth amendment, which was so reasonable. It would have placed a cap on total price.

Twelve States currently require an early purchase option in rent-to-own contracts: California, Connecticut, Delaware, Iowa, Maine, Michigan, Nebraska, New York, Ohio, Pennsylvania, South Carolina, and West Virginia. All of these States employ a formula to determine how much equity is acquired in the product over time, and the difference between the figure and the cash price.

Six States impose substantive limits on rental purchase prices: Connecticut, Iowa, Michigan, New York, Ohio, and Pennsylvania. My amendment is based on the New York law.

I would ask that we reject this rule because it has done nothing to make this a credible bill.

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

I would like to add emphasis, in closing, to what the gentlewoman said. She had one amendment that brought to the attention of this body that when a person that is renting pays 133 percent of the total purchase price that they would own the property. Now, any of us that pay 133 percent of something ought to at least own 75 percent of something by the time that we do that. For us not to have made that amendment in order, in my judgment, is a mistake.

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

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

Mr. Speaker, I would just like to point out that if one is buying a house, in the typical payment, one is paying roughly 200 percent of the cost of the house after it is over. Most people are not complaining.

And to the gentlewoman from California, who said twice she has a list of 52 attorneys general writing in against this, I would love to see that list.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 178, not voting 16, as follows:

[Roll No. 391]

YEAS—238

Aderholt	Goss	Peterson (MN)
Akin	Graham	Peterson (PA)
Army	Granger	Petri
Bachus	Graves	Pickering
Baker	Green (WI)	Pitts
Ballenger	Greenwood	Platts
Barcia	Grucci	Pombo
Barr	Gutknecht	Portman
Bartlett	Hall (TX)	Pryce (OH)
Barton	Hansen	Putnam
Bass	Hart	Quinn
Bereuter	Hastings (WA)	Radanovich
Biggert	Hayes	Ramstad
Bilirakis	Hayworth	Regula
Blunt	Hefley	Rehberg
Boehler	Herger	Reynolds
Boehner	Hobson	Riley
Boonilla	Hoekstra	Rogers (KY)
Bono	Holden	Rogers (MI)
Boozman	Hooley	Rohrabacher
Boyd	Horn	Ros-Lehtinen
Brady (TX)	Hostettler	Ross
Brown (SC)	Houghton	Royce
Burr	Hoyer	Ryan (WI)
Burton	Hulshof	Ryun (KS)
Buyer	Hunter	Ryuu (KS)
Callahan	Hyde	Saxton
Calvert	Isakson	Schaffer
Camp	Issa	Schrock
Cannon	Istook	Sensenbrenner
Cantor	Jenkins	Sessions
Capito	John	Shadegg
Castle	Johnson (CT)	Shaw
Chabot	Johnson (IL)	Shays
Chambliss	Johnson, Sam	Sherwood
Clement	Jones (NC)	Shimkus
Coble	Kanjorski	Shows
Collins	Keller	Shuster
Combest	Kelly	Simpson
Cooksey	Kennedy (MN)	Skeen
Cox	Kerns	Smith (MI)
Crane	Kildee	Smith (NJ)
Crenshaw	King (NY)	Smith (TX)
Cubin	Kirk	Souder
Culberson	Knollenberg	Spratt
Cunningham	Kolbe	Stearns
Davis, Jo Ann	LaHood	Sullivan
Davis, Tom	Lampson	Sununu
Deal	Latham	Sweeney
DeLay	LaTourette	Tancredo
DeMint	Lewis (CA)	Tanner
Diaz-Balart	Lewis (KY)	Tauzin
Doolittle	Linder	Taylor (NC)
Dreier	LoBiondo	Terry
Duncan	Lucas (KY)	Thomas
Dunn	Lucas (OK)	Thornberry
Ehlers	Manzullo	Thune
Ehrlich	Matheson	Tiahrt
Emerson	McCrery	Tiberi
English	McHugh	Toomey
Etheridge	McInnis	Towns
Evans	McIntyre	Turner
Everett	McKeon	Upton
Ferguson	Mica	Vitter
Flake	Miller, Dan	Walden
Fletcher	Miller, Gary	Walsh
Foley	Miller, Jeff	Wamp
Forbes	Moran (KS)	Watkins (OK)
Fossella	Morella	Watts (OK)
Frelinghuysen	Nethercutt	Weldon (FL)
Frost	Ney	Weldon (PA)
Gallegly	Northup	Weller
Ganske	Norwood	Whitfield
Gekas	Nussle	Wicker
Gibbons	Osborne	Wilson (NM)
Gilchrest	Ose	Wilson (SC)
Gillmor	Otter	Wolf
Gilman	Oxley	Young (AK)
Goode	Paul	
Goodlatte	Pence	

NAYS—178

Abercrombie	Bentsen	Brown (OH)
Ackerman	Berkley	Capps
Allen	Berman	Capuano
Andrews	Berry	Cardin
Baca	Bishop	Carson (IN)
Baird	Blumenauer	Carson (OK)
Baldacci	Borski	Clayton
Baldwin	Boswell	Clyburn
Barrett	Boucher	Condit
Becerra	Brady (PA)	Conyers

Costello	Kilpatrick	Payne
Coyne	Kind (WI)	Pelosi
Cramer	Kleczka	Phelps
Crowley	Kucinich	Pomeroy
Cummings	LaFalce	Price (NC)
Davis (CA)	Langevin	Rahall
Davis (FL)	Lantos	Rangel
Davis (IL)	Larsen (WA)	Reyes
DeFazio	Larson (CT)	Rivers
DeGette	Lee	Rodriguez
Delahunt	Levin	Roemer
DeLauro	Lewis (GA)	Rothman
Deutsch	Lipinski	Royal-Allard
Dicks	Lofgren	Rush
Dingell	Lowey	Sabo
Doggett	Luther	Sanchez
Dooley	Lynch	Sanders
Doyle	Maloney (CT)	Sawyer
Edwards	Maloney (NY)	Schakowsky
Engel	Markey	Schiff
Eshoo	Mascara	Scott
Farr	Matsui	Serrano
Fattah	McCarthy (MO)	Sherman
Filner	McCarthy (NY)	Skelton
Ford	McCollum	Slaughter
Frank	McDermott	Smith (WA)
Gephardt	McGovern	Snyder
Gonzalez	McKinney	Solis
Gordon	McNulty	Stark
Green (TX)	Meehan	Stenholm
Gutierrez	Meek (FL)	Strickland
Harman	Meeks (NY)	Stupak
Hastings (FL)	Menendez	Tauscher
Hill	Millender-McDonald	Taylor (MS)
Hilliard	Mollohan	Thompson (CA)
Hinchee	Moore	Thompson (MS)
Hinojosa	Moran (VA)	Thurman
Hoeffel	Murtha	Tierney
Holt	Nadler	Udall (CO)
Honda	Napolitano	Udall (NM)
Inslie	Neal	Vislosky
Israel	Oberstar	Waters
Jackson (IL)	Obey	Watson (CA)
Jackson-Lee	Olver	Watt (NC)
(TX)	Ortiz	Waxman
Jefferson	Owens	Weiner
Johnson, E. B.	Pallone	Wexler
Jones (OH)	Pascrell	Woolsey
Kaptur	Pastor	Wu
Kennedy (RI)		Wynn

NOT VOTING—16

□ 1220

Mr. McNULTY, Ms. ESHOO and Mr. DAVIS of Florida changed their vote from "yea" to "nay."

Mr. HOYER and Mr. DOOLITTLE changed their vote from "nay" to "yea."

The resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Pursuant to House Resolution 528 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. 1701.

□ 1222

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. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms and rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive

rights to consumers under such agreements, and for other purposes, with Mr. ISAKSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 25 minutes for the Committee on Financial Services, and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. WATERS) each will control 5 minutes for the Committee on the Judiciary.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I yield 5 minutes to myself to speak in support of this legislation.

Mr. Chairman, I speak to the whole House when I say that the subject of the legislation we find ourselves debating on the floor here today is the rent-to-own industry and the need to have some floor of regulations over that industry.

There are 15 million citizens who annually use rent-to-own stores. There has been an exhaustive study, a survey of rent-to-own by the Federal Trade Commission. In fact, they made several suggestions and proposals. They outlined abuses in the industry.

Let me speak to that industry. That industry is an industry, like many others, that people, their only connection with it is they drive by a store, and we see more and more rent-to-own stores in their neighborhood or in their city, but they do not know much about it. What the survey found is that people of all educational levels apparently are using rent-to-own. The number of people that have graduate school degrees, a good percentage of those people are using these stores.

Sometimes people go in and they rent equipment, rent furniture for as little as a month or 2 months, or even 2 weeks. I recently talked to someone that said they had gone in a rent-to-own store, and their explanation was that they were going to be in a city for 2 months and they simply did not want to get a U-Haul. They checked on the U-Haul rate, and it was \$900 out and \$900 back, and so they made a decision to spend \$1,500 on furniture.

Many Members, such as the gentleman from North Carolina (Mr. JONES) and the gentleman from Connecticut (Mr. MALONEY), felt there ought to be some protection for consumers. There are State laws in 40 percent of the States that have protections; but this will establish in all 50 States a floor of protection. With the floor of protection we do not, and I want to repeat this, we do not preempt State consumer laws. We do not preempt State consumer laws. So there will be 15 States, if we enact this legislation, that will have stronger laws than this legislation. There will be approximately 35 that have weaker laws.

In fact, there are States that have no laws. There are a number of States that have no laws. They will suddenly have laws regulating this industry. In fact, the worse abuses were in those States with no laws. The abuses identified in this report, they are addressed in this legislation. There will be significant provisions in this legislation to stop those abuses. There are States with very strong laws. We do not preempt those laws.

Do we preempt anything? Yes, we do. If we pass this law, there will be four States in which there is today an existing law, none which have been passed by the legislature, but four courts in four States have found that these are credit sales, and 46 States say they are leases. And those four States which say these are credit sales, we ought to give people disclosure like it was a credit sale, and we ought to show them the annual percentage rate.

Well, the IRS has looked at this and they say this is not a credit sale, this is a lease. This is not a credit sale. The Federal Trade Commission and the Federal Reserve, we brought them in. We had them testify. Is this a credit sale or is it a lease-purchase or a lease? They both said it is actually misleading and confusing to consumers to have them sign, have them give an APR disclosure of the annual percentage rate. It is a confusing thing. It will add nothing. That is what the Federal Trade Commission and the Federal Reserve have said.

And I think legitimately there are Members among us, and they have every right to their opinion, saying that the law in these four States, we do not want to preempt the four States that have said it is a credit sale. Well, the alternative is not to strengthen the law in 36 States. That is the choice we have.

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

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

Mr. Chairman, I would like the Members of this House of Representatives and the public to pay special attention to H.R. 1701, the bill we are debating on the floor today. For those Members who have been outraged about what they have learned about Enron and Global Crossing and Qwest and WorldCom and all of those major corporations which have been found to game the system, who have been ripping off the investors, who have been putting their pensioners at risk, if Members think that is bad, they ought to pay attention to this one.

□ 1230

This is special interest legislation at its worst, because the people who will be ripped off in these schemes are little people. They are poor people. They are working people. They are people without very much money.

We talk a lot about trying to do something about predatory lending. That is, some of us. But, Mr. Chairman,

this rent-to-own industry falls in the category of the check cashers and the payday lenders and even the tax preparers that are ripping off the most vulnerable of our society.

Let me tell you more about this rent-to-own industry. The bill is falsely presented by its industry proponents as pro-consumer, as not preemptive of State law. That is absolutely not true. The bill has one purpose and one purpose only, to circumvent stronger consumer protections in the Federal Truth in Lending Act and in statutes of a handful of States that the rent-to-own industry had not been able to overturn.

As originally introduced, H.R. 1701 sought to preempt all inconsistent State laws. This included all current or future State laws that attempt to regulate rent-to-own transactions as credit or installment sales as well as industry-enacted State rent-to-own statutes that provide stronger, but inconsistent, protections for its consumers. Although the amended committee bill has narrowed the scope of the bill's preemption somewhat, the bill would still preempt the best of the State laws in New Jersey, Minnesota, Wisconsin, and Vermont that seek to provide meaningful protections against unfair predatory practices; and it would still prevent these and other States from strengthening consumer protections in the future by treating rent-to-own transactions as credit sales.

If the industry had any good intentions, they would have supported my amendments in the Committee on Rules. I went in there and I asked for four simple amendments that I talked about during the debate on the rule. I suppose the worst of these is this preemption. Why would the Congress of the United States of America wish to preempt State laws that give strong protection to their people against this rip-off industry? The stories about what happens in this rent-to-own industry are absolutely outrageous and unconscionable. The idea that you could go in and rent a television that cost about \$169, we checked this out, and end up paying \$800 or \$900 for that television set through one of these contracts, and on top of it, be forced to pay insurance that would protect the company from any damages that they may have caused in addition to what you may have caused is just simply outrageous.

Let me just say this. We are elected to come here to do a number of things. The least of that is to protect poor people and working people and voters and our constituents from being ripped off by industries that we know are ripping them off. We know what this is all about. Consumers must ask the question, Why would my Representative not protect me from this kind of rip-off? I want the consumers to ask that question.

Mr. Chairman, we have a lot of Members here, some Members here, who want to add their voices to try to protect consumers.

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

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

Mr. Chairman, I rise in opposition to this bill. There is no overriding national need, no overriding public policy purpose, no overriding crisis that requires the Congress to federalize the regulation of the rent-to-own industry. The rent-to-own industry supports this legislation, and it is understandable why they do so. The fiscal note that is contained in the report of the Committee on the Judiciary says that the Federal Trade Commission intends to hire five new attorneys and investigators to investigate and enforce violations of this bill. That is five people nationwide looking into violations of the rent-to-own provisions that are contained in H.R. 1701.

That makes enforcement a joke. Because if you only have five cops regulating this pugnacious industry nationwide, you know that the law is not going to be enforced. So we are passing a piece of paper here supposedly in the name of consumer protection that the enforcing agency says that they will be able to enforce with just five people in the entire United States of America. I think that blows the cover on this being consumer protection legislation.

Let me tell you what this bill does to the Wisconsin Consumer Act. The Wisconsin Consumer Act by judicial construction has said that a rent-to-own contract is a credit transaction. This bill overrides that definition, and says it is a lease transaction and that eviscerates the enforcement by the Wisconsin attorney general's office of the rent-to-own industry. That is where the preemption is particularly harmful to consumers not only in my State but also in New Jersey, Minnesota, North Carolina, and Vermont.

Let us look at what enforcement has done in the States that have this preemption: \$16 million worth of recoveries in Wisconsin, \$30 million in Minnesota, and \$60 million in New Jersey. So the rent-to-own industry knows that it is going to get a get-out-of-jail-free card should this legislation be passed. Furthermore, the Wisconsin legislature has been lobbied incessantly by this industry to pass an exemption, and they got it in as a budget amendment in this last budget cycle. Republican Governor Scott McCallum vetoed this exemption as being special interest legislation. So opposition to moving these transactions from credit to lease transactions in my State is bipartisan.

We have done a good job in regulating this industry in our State, and I think that has been the case in most of the other States. We should not do away with this. And if a State has lower consumer protections than this bill provides, then I think it is the business of that State legislature to look at their law and see if it is adequate and to make whatever amend-

ments might be necessary. We should not have a Federal preemption even of a small amount in this legislation. I would urge the legislation to be defeated.

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

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

Let me simply respond to some of the arguments that we have heard here today and let me stress why I do not think those arguments have a lot of validity. They sound good. The gentleman from Wisconsin has said, "We don't think there's a national problem," but the gentlewoman from California stood up and talked about all sorts of abuses in all sorts of States. The Federal Trade Commission outlined abuses in several States. We have almost 20 States that have no regulation. The gentleman from Wisconsin says that this is up to the States, that the States ought to do something about this. When it came to homeowners, when it came to people that transact business with financial institutions, with Fair Debt Collection Practice Act, the Equal Credit Opportunity Act, Truth in Lending Act, Consumer Lease Act, Electronic Funds Transfer Act, we felt like the American consumer, the American customer, was entitled to some Federal protection. There is no Federal protection.

The gentleman did say that Wisconsin has acted, and acted in a tough way. Let me submit something to you. If we pass this legislation, there is nothing, nothing that prevents New Jersey, there is nothing that prevents Wisconsin, there is nothing that prevents Minnesota, there is nothing that prevents any of these States from banning these transactions. They can outlaw them. They can pass any type of tough legislation.

The gentlewoman from California is going to offer an amendment to basically put the California law as the law of all 50 States because she says California has this really tough provision and we want it in this bill. It will still be the law after we pass this legislation. It will still be the law in California. But to get enough support to pass this legislation, we have set a floor.

The gentlewoman from California talks about the attorney generals, that they wrote, all 50 of them, she said. But what you did not hear is that was to an original proposal before it came to the committee that I chair. When it came to the committee that I chair, we put in a provision that it does not preempt tougher consumer protection laws in those States that have it. In fact, my own attorney general who signed that letter wrote me September 13 and now says this legislation before us today will offer important new consumer protections for the citizens of my State. I do not have any protections now. The people of my State do not have any protections.

The gentlewoman from California, and I applaud her, and another gentle-

woman from California and one of the gentlemen from Florida said, "In 40 States, you walk in these stores and there is not even a price tag on there. There is not even a disclosure as to the price." That is true. What did we do? We added a provision in this legislation that we are considering which, if it passes today, will require that in all 50 States, something that two of the States of the four that call this a credit sale do not even have today. And important, they said one of the most important protections a consumer ought to have. They will have that even in two of these States, including North Carolina.

Several things that North Carolina does not have if this law passes, they will have a much stronger law. Yes, we are overruling a judge in four States because we have to have a national standard. This does not work. You have to either call it a lease if you are going to have a Federal statute, or you have to call it a credit sale. Forty-six legislatures have said it is a credit sale. Those States, not legislatures, 46 States, including the majority of legislatures who have looked at it, well, all the legislatures that have looked at it say it is a lease. None of the legislatures have said it is a credit sale. Four judges sitting in four courts in four States have said it is a credit sale. The FTC, the Federal Reserve said this could be confusing. The IRS says it is not, that it is a lease. That is how we have come down. We have come down on the side of every legislature that has looked at this, the two Federal agencies that have looked at this, we have come down on that side. We have disagreed with four judges sitting in four courtrooms across the country because we have to come down on one side or the other because we strengthen the protections in 36 States, and we absolutely do not preempt any law that California has on the books today or other States, the 15 that have stronger laws except the credit sales thing.

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

Ms. WATERS. Mr. Chairman, I yield 6 minutes to the gentleman from New York (Mr. LAFALCE).

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

Mr. LAFALCE. Mr. Chairman, I regret that I must come to the well of the House to oppose the bill that is before us today. Even if the amendments, the two amendments that have been permitted by the Committee on Rules, should pass, I would still have to vote against it as inadequate. I do this with some mixed emotions, however, because I believe it is very, very important for us to pass additional consumer protections for rent-to-own transactions. I do this not opposed to the concept of a rent-to-own transaction whatsoever. For certain individuals at certain times, they can be valuable. But before we pass a Federal law, it should meet a very solid standard. This bill simply does not do that.

We have a delicate balance that we have to reach whenever we pass Federal legislation given the dual sovereignty under which we exist. We have to have, it seems to me, minimal Federal standards, but permit States to be even more protective, not less, so that we could have competition for the best standard rather than a lowering of the standards.

□ 1245

This bill just does not do this.

Now, the gentleman from Alabama has said there are approximately 20 states that do not have any protections and that this bill would, therefore, be an improvement for them. I think the gentleman is right, and that is one side of the coin.

The other side of the coin, though, is that we do preempt things that the gentleman says we do not preempt, and we ought not to. The amendment that I proposed to the Committee on Rules which would deal with the preemption issue in a very good manner was simply not permitted by them, so we cannot bring it to the floor so we could have a debate on it. I think the gentlewoman from California (Ms. WATERS) will be offering a motion to recommit with her own preemption provision. It will differ a little from mine. We will see.

But who is for this bill and who is against it? First of all, it is called consumer rent-to-own. I think that is a misnomer, because no consumer groups support this bill. As a matter of fact, they all oppose it. The group Consumer Action opposes it, the Consumer Federation of America opposes it, Consumers League of New Jersey opposes it, the Consumers Union opposes it, the National Association of Consumer Advocates opposes it, the National Consumer Law Center opposes it, the U.S. Public Interest Research Group opposes it.

Who favors it? It is the rent-to-own industry, that has put the word "consumer" in the front of the bill. So I think this is a little bit deceptive in its marketing and its advertising.

Now, what about the attorneys general of the various States? I do know that the original bill as introduced was opposed by every single attorney general of every single State.

The bill has been amended and it has been improved, there is no question about that. But I know of no attorney general who has privately or publicly changed his or her opinion. Maybe you do. But all I do know is that at least with respect to the original bill, every single attorney general opposed it. So I think that is of some relevance, too, as we determine whether we want to pass a bill, especially if that bill will be preemptive.

Now, the question is, is the bill preemptive or not? You have differences of opinion, so let us go to the language of the bill. As I read it, it sounds pretty preemptive to me. On page 33, line 21, (b), "State laws relating to characterization of transaction. Notwith-

standing the provisions of subsection (a), this title shall supersede any state law that, (1) regulates a rental purchase agreement as a security interest, credit sale, retail installment sale, conditional sale or any other form of consumer credit, or that imputes to a rental-purchase agreement the creation of a debt or extension of credit, or, (2) requires the disclosure of a percentage rate calculation, including a time-price differential, an annual percentage rate, or an effective annual percentage rate."

The States that have that will be superseded, and every single State in the Union will be precluded from doing that in the future. I say to the gentleman from Alabama, if that is not preemption, I do not know what it is.

Now, there are a lot of other difficulties, too, other than the issue of preemption. The issue of cash price is one of them. There have been studies done about the percentage of individuals who do not really rent, but ultimately wind up owning. The studies can be interpreted differently and they differ, but, suffice to say, a significant number do wind up owning it.

The fact of the matter is, if they were to go to some department store, they might be able to buy a TV set for \$200, and, unfortunately, they wind up paying closer to \$800 or \$1,000 for it, and they think they are getting a good deal. They need to be protected. Some States attempt to protect them, and we would preclude that, and we certainly would apply that to all the States.

If we are going to have Federal legislation, we must deal with that cash-price issue. We must deal with what the total cost of ownership would be, because too many individuals across America are being taken to the cleaners right now.

We have an important business in our society, the rent-to-own business. It should exist and it can serve a valuable function for certain clients, but only if we legislate consumer protections. We probably could get there through a process of negotiation, but we have not as of today.

Mr. Chairman, I urge everyone to oppose final passage of this bill.

Mr. BACHUS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES), one of the sponsors of the legislation. North Carolina has been mentioned as one of the four States, and there are sponsors of this legislation from the State of North Carolina.

Mr. JONES of North Carolina. Mr. Chairman, since we have been talking about attorneys general around the United States, I must tell you one of my very best friends whom I served with for 10 years in the North Carolina House of Representatives is the Attorney General of North Carolina. His name is Roy Cooper. We have talked about a couple of other issues, but never did this come up. Maybe the other 49 are very concerned, but he has not shared that concern with me.

Let me tell just briefly the history of this issue as it relates to legislation dealing with the rent-to-own business. This goes back to a bill that was introduced 10 years ago by Congressman LoRocco from the West. That was 10 years ago, and, finally, after 10 years, right or wrong, we have brought this legislation to the floor. I certainly respect my friends on the other side of this issue, and I mean that most sincerely.

This consumer rent-to-own purchase agreement act, I do want to restate, represents the largest category of consumer transactions currently unregulated by the Federal Government. I mention that because we held hearings in the subcommittee of the gentleman from Alabama (Mr. BACHUS). I do not know if we had three or four, but I know there were several discussions. The gentlewoman from California (Ms. WATERS) was very proactive. I disagree, but I respect her ability and her positions on this issue.

I think that the rent-to-own business, quite frankly, has wanted to work with the Congress on this legislation. Does it go far enough? Maybe not, but is it a step in the right direction? I think it is. Several comments have been made about the rent-to-own industry and just how bad some people think it is, and I would like to read just a couple of survey comments from the Federal Trade Commission, survey of rent-to-own customers, and this is April of 2000. I believe that the Clinton administration was the administration in the year 2000.

Let me read, in a couple of minutes, some of their surveys of those people who do rent the rent-to-own equipment. Sixty-seven percent of consumers intended to purchase the merchandise when they began the rent-to-own transaction, and 87 percent of the customers intending to purchase actually did purchase. So that sounds like to me a satisfied customer. I cannot imagine anyone not satisfied that would buy the product. Seventy-five percent of rent-to-own customers were satisfied with their experience with rent-to-own transactions. Seventy-five percent.

They also state that nearly half of all rent-to-own customers have been late making a payment. Sixty-four percent of late customers reported that the treatment they received from the store when they were late was either very good or good, and another percent, 20 percent, reported that the treatment was fair. So, Mr. Chairman, in that case 84 percent of the people that were late in their payments said that they had an experience with the business that was very positive.

I want to close with this minute by reading a letter from four of my colleagues from the Democratic side that I think would rate with anyone as being a friend of the consumer in this country. It is the gentleman from New York (Mr. TOWNS), the gentleman from New York (Mr. MEEKS), the gentleman

from Maryland (Mr. WYNN), the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from South Carolina (Mr. CLYBURN). They sent a letter out on September 17. That is this week, obviously. I want to read, in closing, one paragraph:

"H.R. 1701 will help consumers in several ways. Most importantly, like the Truth in Lending Act and the Consumer Leasing Act, the bill improves disclosures so that consumers can understand the full costs of this transaction and make better decisions about spending their money. For example, about 30 states do not require any price tag disclosures of total costs, and H.R. 1701 will fix that. It prohibits mandatory purchase of insurance from merchants and other unfair charges. It forbids abusive collection practices. It provides moderate or substantial expansion of reinstatement rights in about 40 states. It authorizes enforcement by the FTC and State attorneys general."

And they close by saying this, the gentleman from New York (Mr. TOWNS), the gentleman from New York (Mr. MEEKS), the gentleman from Louisiana (Mr. JEFFERSON), and the gentleman from South Carolina (Mr. CLYBURN) close this way, by saying to their colleagues, "We urge you to consider the merits of H.R. 1701 carefully, and we seek your support for its passage."

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

Ms. WATERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentlewoman from California for yielding me this time.

I have prepared comments, but before I get to them let me say that it is really wonderful that the gentleman from Maryland (Mr. WYNN), the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from South Carolina (Mr. CLYBURN), and the gentleman from New York (Mr. MEEKS) and the gentleman from New York (Mr. TOWNS) would write a letter, but I am the gentlewoman from Ohio and there is the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE) and the gentleman from New York (Mr. LAFALCE) and a number of great Members of this Congress who oppose this legislation.

Secondly, I do not care what a survey said about 67 percent intending to purchase or 87 percent did purchase. They are consumers, and as a Member of Congress, I am here to protect the consumers from the State of Ohio, California, New York, and anywhere else, and just because they responded to a survey as such does not mean they are being protected.

A few days ago, Mr. Chairman, I stopped by one of those fancy coffee shops that serve enough coffee variations for nearly everybody's peculiar tastes. Instead of going with my usual black with two sugars, I decided to be a bit more adventuresome and ordered

a double-decaf-triple-blend-nondairy-double-latte-hazelnut-cappuccino. But when I got my customized drink, I had to sift through a thick layer of fluffy foam in order to get to a few sips of coffee that were actually in my cup. All in all, my coffee adventure was a big letdown, just like H.R. 1701 is also a letdown, and once you sift through the fluff, it is clear that this bill advances the interests of the rent-to-own industry while leaving its customer in a haze of disinformation.

The gentlewoman from California (Ms. WATERS) and the gentleman from New York (Mr. LAFALCE), my esteemed colleagues, have offered several amendments that would address the abuses in what can rightfully be classified as legal loanshark rates. Without their amendments, the rent-to-own industry becomes a form of debt slavery where customers pay and pay and pay but in the end they may never get anything for their money.

We have heard the horror stories about the rent-to-own customers ultimately paying up to five times an item's actual cost before they can own it. Some in the industry have tried to skirt the issue of interest rates by claiming that these are not actually credit sales. But those claims conveniently ignore the ultimate goal of most rent-to-own customers, to own the product. The fundamental issue comes down to disclosure and H.R. 1701's advocates have tried to paint a picture of the excessive burdens that will come with disclosing some basic facts and answering simple questions about these transactions. But what is so burdensome about answering questions, as many of our amendments would do, such as what is the cash price if I buy today? Is that burdensome? Or what is my early purchase option? Or what is the effective interest rate if I make my weekly or monthly payment until I own the item? It is almost like those insurance policies that people of color used to buy in Alabama and they come by every day and pay 25 cents a week and month after month after month for 30 years and when they die they cannot even be put in the ground. What about what is the cost of any insurance of the services I pay? Or what about what are the guarantees in effect while I am still paying under a rent-to-own and after I purchase the item? Simple questions that we all want an answer to. The answers to these questions will allow customers to make better informed decisions when they are choosing between using a rent-to-own service or to buy an item outright. Where is the burden in that?

While I recognize the rent-to-own industry may serve a legitimate purpose by allowing customers to have an item for only short periods of time or consider alternatives when deciding whether to purchase, H.R. 1701 as it stands right now only serves to advance the special interests of many of the economic scavengers in the rent-to-own industry who are looking to have a feast on unwitting consumers.

□ 1300

I urge my colleagues to vote against this legislation.

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

Ms. WATERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank my colleague, the gentlewoman from California (Ms. WATERS), for yielding me this time and also for her clarity in leading the charge against this special interest, anticonsumer legislation. Her hard work and clear understanding of this legislation has really brought focus to this debate and to this very deceitful bill. I also want to thank our ranking member on the committee, the gentleman from New York (Mr. LAFALCE), for his leadership and his dedication to really try to fix this very badly broken bill.

Now, when our committee considered this bill, I supported numerous amendments to improve it, but, of course, to no avail. Last night Members sought an opportunity to offer several meaningful amendments to the bill here today, but the Committee on Rules only allowed two. So what are we left with? A bad, broken bill that is in desperate need of repairs.

That is why I rise today in strong opposition to the underlying bill, the so-called rent-to-own bill, and in strong support of the Waters and LaFalce amendments. A more accurate name for the bill in its present state might be rent-at-your-own-risk or rent-until-you-could-have-owned-it-three-times-over, because this bill fails to provide real consumer protections against unscrupulous operators who charge exorbitant rates to low-income people for items really that a wealthy person could buy with their credit card for a mere fraction of the price.

Concerns over the business practices of the rent-to-own industry are very real. These merchants entice vulnerable low- and moderate-income consumers to acquire household goods with no credit checks, no qualification, and no payments, and disguise the true cost of the transaction.

Here are just a few of the enticements commonly used; we have no doubt heard them before: "Bad credit? No problem"; "Need a TV? Come on down"; "Get it today, enjoy it tonight"; "The sooner you come in, the more money you will save."

Well, perhaps on the other hand, if you do not live in a minority neighborhood, you may have never heard these ads.

These aggressive and alluring ads stress affordability and immediate rewards, only while completely ignoring the actual cost of acquiring the merchandise over the contract's term, which usually ends up being significantly higher than the cost of buying the merchandise through credit cards or more conventional means.

Though much of this bill merely duplicates existing weak rent-to-own

laws in many States, it really has an insidious core. At the heart of this bill lies preemption language that would kill stronger State laws in four States, Minnesota, New Jersey, Wisconsin, and Vermont, that still treat rent-to-own as a credit transaction. So if this bill is enacted, all States would be required to treat rent-to-own sales as if they were leases subject to minimum disclosures, and the few remaining consumer protections in those four States would actually be lost.

No wonder this bill is opposed by all of the consumer groups, including Consumers Union, Consumers Federation of America, National Consumer Law Center, ACORN, U.S. PIRG, and others. No wonder all 52 State attorneys general oppose this bill.

Congress should really be working for true consumer protections for all Americans in rent-to-own transactions, not assaulting the laws of four States and creating a Federal ceiling on the regulation of the industry.

Frankly, this bill is simply another in the long line of well-titled, good-sounding, anti-consumer bills that the majority deems appropriate to spend our time discussing when the end of the fiscal year is right around the corner and the majority of this Chamber's work on appropriations has yet to be done.

So I urge all Members to stand up for consumers today by voting for the Waters and LaFalce amendments and oppose this sham industry bill.

Mr. BACHUS. Mr. Chairman, this legislation passed out of the Subcommittee on Financial Institutions and Consumer Credit, which I chair, on a vote of 24 to four.

Mr. Chairman, I yield 3½ minutes to the gentleman from Connecticut (Mr. MALONEY), my Democratic colleague on the full committee.

Mr. MALONEY of Connecticut. Mr. Chairman, I rise to urge my colleagues to support the Consumer Rental Purchase Agreement Act, H.R. 1701. The bill before us is the product of many months of hard work by many Members. I especially want to thank the gentleman from North Carolina (Mr. JONES) and my Committee on Financial Services colleagues on both sides of the aisle for their constructive input in producing a bipartisan, consumer-friendly piece of legislation.

Let me be clear. This bill establishes a Federal floor for rent-to-own disclosures and consumer rights, and preserves States' options to regulate costs and other disclosures. That is, States can still apply further economic and substantive safeguards such as regulating maximum rental costs, allowable fees, and fair collection practices, should they decide to do so.

In April of 2000, the Federal Trade Commission issued a staff report that addresses many of the issues surrounding the rent-to-own industry. Generally speaking, the FTC report concluded that clear and comprehensive disclosures of the rental-purchase

transaction would benefit both the industry and consumers. That is what this bill does.

Additionally, the FTC made some recommendations regarding the types of disclosures that would benefit the consumer the Consumer Rental Purchase Agreement Act before us today begins to implement those recommendations. Let me quote or cite a few examples.

Again, H.R. 1701 establishes a Federal floor, assuring that more protective State laws continue in force and can be enacted in the future. Secondly, the bill expands and assures that the consumer's acquisition rights will be preserved after a missed payment if the consumer acts to reinstate the lease within a specified period of time. The bill prohibits mandatory charges for damage waiver. It requires price tags and labels and clarifies what should be included on those price tags and labels. It requires more accurate cost disclosures, and it requires the disclosure of whether or not the equipment is new or used.

The bill prohibits merchants from imposing a balloon payment or any other special fee to acquire ownership, and it prohibits abusive practices and provides stringent liability and enforcement mechanisms. The bill gives enforcement power to both the FTC and to the State attorneys general, and the bill ties criminal and civil liabilities and penalties for violations to the requirements for the Truth in Lending Act and the Consumer Leasing Act.

My good friends who oppose this legislation are simply wrong. This legislation creates a Federal floor. For all of the good things that they would like to achieve, in addition to what this bill does, can in fact be done at the State level; and I would submit to them that right now there is no Federal structure for the regulation of this industry. What this bill does is create the Federal structure for the regulation of this industry, for the benefit of the consumer, and creates an opportunity in the future to add additional protections as those protections are argued successfully through the congressional process. So this is a great opportunity for the consumer that we offer here today in this legislation.

Is this bill good for industry? Of course it is good for industry, because it creates that mandatory minimum Federal floor which helps create the national marketplace in which this activity can take place. That is the benefit of a continental market. But is it good for the consumer? Of course it is good for the consumer, because it establishes rights that consumers do not have now, takes no rights away, and gives the opportunity for additional rights, either to be granted by the States or to be granted by the Congress of the United States.

Mr. Chairman, this is a very important step forward for consumers in this country, as well as a step forward for our economy.

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

Mr. Chairman, I would like to correct a few things. My colleague, the gentleman from Alabama, listed the FTC and cited the FTC report I think as support for the legislation. The FTC responded that they did not support a need for Federal legislation at this time. I just wanted to clear the record of that.

Also, I want to clear up some statements that were made by my colleague relative to preemption. We have a letter from the State of Wisconsin that says that this proposal would block all future State efforts to protect rent-to-own customers within the context of consumer credit regulation. They also go on to say that the substitute's approach to preemption is in conflict with the fundamental principle underlying the attorneys general letter of September 5, 2001.

So I do not want the Members of Congress to believe that somehow preemption is not a question. It certainly is still a question and, certainly, there is preemption.

Mr. Chairman, I want to share with my colleagues that some of the amendments that I attempted have been alluded to by other Members who have talked about this bill. I want to share with my colleagues that I tried to amend this legislation that would basically place a cap on total price. My amendment was based on New York and Iowa, law which requires that a percentage of the periodic payment be devoted to equity. My amendment would have provided that 75 percent of each payment would count as an ownership interest in the property, and that the customer would acquire full ownership of the property when he or she had paid an amount equal to 133 percent of the cash price.

Well, that was opposed; and that is what some of my colleagues were talking about when they talked about the exorbitant prices.

Also, I would like to point out that I tried desperately to do something about the abusive practices with an amendment, and I cited some of the things that happened with these repossessions. Many of the rent-to-own contracts have clauses which attempt to sanction the entry into the customer's residence when the customer is not even at home. The contract currently used by a large company provides, and I quote, that "the lessor shall have the right forthwith and without prior notice to enter any premises where said property is located and take immediate possession of said property without the necessity of any legal or judicial process," and "the lessee shall be obligated to reimburse the lessor for any and all expenses related to any reasonable effort to repossess the property, including reasonable attorneys' fees."

This industry is unconscionable.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Chairman, there are a number of difficulties with this bill. We could deal with those difficulties if we had more time and willingness, and if we were negotiating it, rather than an attempt to negotiate it with the industry. If we just proceed with this bill, I think it is dead for this Congress. I do not think it will see the light of day in the Senate.

What are some of the issues? Well, first of all, preemption is an issue. I read off the specific provisions of the bill that preclude preemption. The gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, wrote an excellent opinion explaining the difficulties he has because of preemption. These are not make-believe arguments; they are consumer protections that are preempted. States cannot do it. State laws are superseded. We need to deal with that issue.

Now, I actually do not think that those are the primary concerns of the rent-to-own industry. What are their primary concerns which probably only a handful of Members, at best, would even be aware of?

□ 1315

First, it is not so much the APR consumer protections, it is the treatment, the tax treatment of the rent-to-own contract. It is not that the IRS has said this is a lease to be written off for 3 years, it is that the rent-to-own industry got Congress to put a provision in the Tax Code that says a rent-to-own contract shall, by definition, be a lease, and shall be allowed a 3-year write-off. They are afraid that some provision of the Federal or State law might alter that treatment. We can deal with that.

They are also concerned, too, about if it is considered to be a credit sale, it might not be considered an asset of theirs. If it is not an asset of theirs, they might not have the security that is available to obtain cash flow financing from financial institutions. So that is another concern. I think that is something that could be dealt with, too.

In other words, we could deal with their business problems while still having good Federal standards for consumer protection and allowing the States to go further. This bill does not do it.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I thank the gentleman from Alabama (Mr. BACHUS) for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 1701. This is bipartisan legislation which would create a nationwide floor for rent-to-own contracts. In turn, this floor would create greater opportunities and flexibility for consumers to choose from when acquiring new products.

What kind of flexibility? Rent-to-own consumers do not need to commit to

any specified amount of time to use these products. One example would be consumers who like to test out different products before deciding which product they will purchase. Rent-to-own gives them an opportunity to do that by just allowing the consumers to determine which of these products best suits their needs before purchasing that product.

In addition, rent-to-own allows consumers to obtain products they may only need for a short time. For instance, a consumer may want a giant screen TV for just the fall football season. They could engage in a rent-to-own contract for the fall, and at the end, simply return the TV, no questions asked, and end the agreement right on the spot.

Another example is particularly helpful for parents of children interested in taking music lessons on an instrument. These parents can obtain the instrument the child is interested in with a rent-to-own agreement. If the child loses interest, parents can simply return the instrument and stop making payments. Many school districts in the United States of America have this sort of thing in place.

Rent-to-own represents a viable and simple alternative for many Americans not looking to purchase a product. However, rent-to-own also represents an option for many Americans who lack credit or who do not have the funds to purchase a product they otherwise would be unable to obtain, so they do it slowly, with a rent-to-own contract.

In essence, this legislation is about ensuring greater options for consumers. As a body, I believe it is our mission to create more and not limit choices and opportunities for consumers.

Those opposed to this legislation claim the bill would override State law and harm consumers. That is a gross distortion. While this legislation would create a new floor for consumer protections in the States, in no way would the bill change any State law which is stronger than the standards written in the bill, nor would this bill prevent any State from enacting even stronger consumer protections for these leasehold agreements. What the bill does is create a floor of strong consumer protections from which States can work to help consumers who want to take advantage of rent-to-purchase opportunities.

I urge my colleagues on both sides of the aisle to join us in support for this legislation to give all consumers better protections in these contracts, and a lot more options in the market.

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

Mr. Chairman, what is behind this bill? Not a desire to create a Federal floor of consumer protections for rent-to-own customers, as the majority views allege. If Members really believe that the rent-to-own people are in here doing all of this fighting because they

want to provide consumer protection for the people that they have been literally ripping off and abusing all of these years, then I guess I do have a bridge I want to sell them.

This is an effort to avoid hundreds of millions of dollars in legal penalties imposed by courts from precisely those States whose laws it would preempt. Since 1997, legal actions responding to State consumer law violations have produced legal judgments and settlements against the Nation's largest rent-to-own chain, Rent-a-Center, Incorporated, amounting to \$30 million in Minnesota, \$16 million in Wisconsin, and more than \$60 million in New Jersey.

Unable to win under these State laws, or to overturn them at the State level, the rent-to-own industry is simply calling on Congress to preempt them. All of the national consumer organizations oppose H.R. 1701, as has been indicated, as an inadequate standard to protect vulnerable consumers from misleading lease arrangements that really mask installment sales at exorbitant rates of interest. That is what this is all about.

If Members travel through Washington, D.C. in the poorest areas, or any of these cities, Members will see the check cashing industry, the payday loan industry, the rent-to-own industry, where they put their operations, where people are the poorest and most vulnerable, people who are desperate, who do not ask the questions, and who are willing to do everything they can to make those weekly payments without asking, what is the bottom line? What do they add up to?

Mr. Chairman, we cannot allow the Congress of the United States to be used to shield these rip-off rent-to-own dealers. We cannot allow this industry, I do not care how powerful they think they are, how much money they think they have, to come in here and use the Congress of the United States to keep ripping off people who expect some protection from us.

If we cannot stop this legislation on the floor of Congress, we are not worth our salt. I would simply say to the Members of Congress, it is preemption, it is abusive, it is exorbitant. This is the worst of the worst.

Again, for all people who went home and said to their constituents, forgive me about Enron, I did not know any better; forgive me about WorldCom, I did not know any better; yes, I am going to be about corporate responsibility; no, I will not allow the rip-off of the citizens of the country anymore, what are they going to tell their consumers and their citizens and their constituents when they go home after they have voted for this?

We are not going to let Members forget it. This is an area that some of us are going to have to spend priority time on: predatory lending. Everybody that falls under that banner, they have had free rein in America for too long, and people are suffering from it.

The assets, the hopes, and aspirations are being drained out of poor communities. They will never catch up. They will never be able to have a savings account. They will never have money to pay down on a home because they have been ripped off, dribble by dribble, buck by buck.

I do not care whether it is Democrats or Republicans, this is not a bipartisan bill. Do not give me the name of any Democrats who support it, because they are just as bad as those on the opposite side of the aisle who support this. I do not care what color they are, I do not care where they come from. As a matter of fact, I intend to expose every legislator, black, green, purple, I do not care what they are, that supports this kind of legislation. They have too much power. The people have invested too much in the Members of Congress for them to take their power and use it in this fashion. Not only is it unconscionable, but I daresay it is criminal to do so.

So they can name all the people who they want to name who supposedly support it, they can fashion their arguments in any way they want to call preemption, nonpreemption. They do not even try to defend against the abuses. They do not even try to defend against the exorbitant price because they cannot. It is just that bad.

Shame on us if we allow this legislation to get out of here. Shame on us who are elected by the people of this country, expecting us to give them some minimal protection. Many of them do not know about all of the fancy, highfalutin corporate relationships we have around here, but many of them do know that on a day-to-day basis they have to go to these little businesses because they think they have no place else to go to get a little help. They think we are looking out for them. I ask the Members of Congress to reject this legislation.

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

Mr. Chairman, I am not sure whether I am sort of tan or yellow or whatever I am, but whatever I am, I want to agree with the gentlewoman from California (Ms. WATERS) about one thing. She has outlined a number of abuses. She has argued about a number of people that are being ripped off. I agree. But what she is saying has nothing to do with this bill, because this bill absolutely increases consumer protection.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN) to close, one of 24 Members of the Committee, after 4 days of hearings and markup, who voted overwhelmingly for this bill.

Mr. SANDLIN. Mr. Chairman, I am glad that the House is finally considering this bipartisan legislation to establish Federal oversight of the rent-to-own industry. Contrary to what we have heard today, many of my poor constituents, my consumers, have absolutely no access to consumer products without the rent-to-own industry.

As we have all heard today, currently there is no Federal oversight or regulation of the rental purchase industry. The lack of a Federal consumer protection statute for this growing industry is inexcusable; it is unconscionable.

While H.R. 1701 may not be a perfect piece of legislation, it represents a vast improvement over the inadequate status quo that has been referred to today.

According to an April 2000 Federal Trade Commission staff report, the rent-to-own industry serves approximately 3 million Americans and generates nearly \$4.5 billion in revenues. It is time for Congress to enact a Federal statute governing this growing industry that will subject rent-to-own merchants to Federal oversight and reasonable minimum standards for contracts and point-of-rental disclosures.

By establishing a Federal floor for rental purchase agreements, H.R. 1701 will strengthen consumer protections in 32 States, including the State that I am from in Texas.

At the same time, I have read this measure and this measure does not preempt State statutes that provide consumers with even tougher protections for consumers, including disclosures intended to give rental purchase consumers all the information necessary to make intelligent decisions. They can make those intelligent decisions, and they do have more protections. This is pro-consumer in Texas and across the country.

Ironically, the opponents of a uniform Federal standard for the rent-to-own industry, which would regulate the industry under the Truth in Lending Act, are usually the most forceful advocates of Federal protection for consumers. Far from being a weakening of consumer protections, as some opponents of this measure contend, H.R. 1701 merely codifies rulings by both the Federal Reserve Board and the Internal Revenue Service that treat rental purchase tax credits as lease sales.

This is pro-consumer, it is pro-protection. It increases the ability of consumers to have information to make intelligent decisions about the purchases they have, and it gives the poor, the disadvantaged, the unfortunate the opportunity to have access to consumer products that they could get absolutely no other way.

I urge my colleagues to pass this long overdue measure. Let us get some regulation in this industry. Let us help our consumers.

Mr. Chairman, as an original cosponsor of the Consumer Rental Purchase Agreement Act, I am glad that the House is finally considering this bipartisan legislation to establish federal oversight of the rent-to-own industry.

As we have all heard today currently there is no federal oversight or regulation of the rental purchase industry. The lack of a federal consumer protection statute for this growing industry is inexcusable, and while H.R. 1701 may not be a perfect piece of legislation, it represents a vast improvement over the inadequate status quo.

According to an April 2000 Federal Trade Commission staff report, the rent-to-own industry serves approximately 3 million Americans and generates nearly \$4.5 billion in annual revenues.

In Texas alone, the rent-to-own industry generates nearly \$500 million in annual revenues and employees 7,500 people. It is time for Congress to enact a federal statute governing this growing industry that will subject rent-to-own merchants to federal oversight and reasonable minimum standards for contract and point-of-rental disclosures.

By establishing a federal floor for rental purchase agreements, H.R. 1701 will strengthen consumer protections in 32 states, including Texas, that currently afford consumers weaker safeguards than those contained in the Consumer Rental Purchase Agreement Act. At the same time, this measure does not preempt state statutes that provide consumers with even tougher protections for consumers, including disclosures intended to give rental purchase customers all the information necessary to make intelligent decisions.

Ironically, opponents of a uniform, federal standard for the rent-to-own industry, which would regulate the industry under the Truth-in-Lending Act, are usually the most forceful advocates of federal protections for consumers. Far from being a radical weakening of consumer protections, as some opponents of this measure contend, H.R. 1701 merely codifies rulings by both the Federal Reserve Board and Internal Revenue Service that treat rental-purchase transactions as lease sales.

I urge my colleagues to pass this long-overdue measure on behalf of rental-purchase consumers across the country.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 1701, the so-called Consumer Rental Purchase Agreement Act.

This bill has nothing to do with protecting consumers. It doesn't help the most financially vulnerable Americans that often rely on rent-to-own agreements just to afford some of the most basic necessities for their families.

This bill is more about letting the \$5 billion dollar a year rent-to-own industry get out from under strict consumer protection standards in force in several states. This shouldn't come to anyone's surprise considering the Republican leadership's track record of giving corporate interests a free ride at the expense of America's working families.

Proponents of this bill are right in pointing out that rent-to-own agreements are not subject to any federal standard. But, their effort to create a new national standard is severely misguided. Not only does it overturn tougher consumer protection laws already in place in most states. But, it will also prevent some states from regulating these transactions altogether.

In addition, this bill doesn't include important disclosure requirements mandating that rent-to-own businesses inform consumers of the total cost of entering into these agreements. This undermines the basic principle of a free market by barring Americans from shopping competitively and making informed choices.

We should do more to demand accountability from the rent-to-own industry. This bill simply gives them a shelter to play games with financing gimmicks and impose hidden fees on vulnerable consumers.

I think Congress owes more to America's working families than to conspire in another

corporate scam. I urge my colleagues to stand up for consumers and vote down this misguided bill.

Ms. SCHAKOWSKY. Mr. Chairman, today I rise in strong opposition to H.R. 1701. I urge my colleagues to join me in opposing this anti-consumer legislation. I want to thank Representative WATERS for her tireless work on behalf of consumers. Every national consumer rights organization and 52 state and extraterritorial Attorney Generals oppose this bill. I should also note that there is bipartisan opposition to this bill. The Judiciary Committee Chairman has stated that "H.R. 1701 is a misguided attempt to preempt the existing laws of virtually every state." I could not agree more.

This legislation sacrifices consumer protections for the sake of a politically connected industry that is notorious for exploiting consumers. We should not preempt strong consumer protection laws in Minnesota, New Jersey, Wisconsin, and Vermont. This bill would also effectively stop states from passing strong consumer protections in the future.

The \$5 billion a year rent to own industry offers goods and services to people who do not have the credit or money to buy goods at the regular sales price. I should note that this industry that already receives special treatment by the IRS. The IRS grants the Rent to Own Industry a three-year depreciation schedule. The horse racing business is the only other industry that has a three-year depreciation schedule. This legislation will give this industry even more "special treatment."

H.R. 1701 effectively allows the rent to own industry to hide the true costs of its transactions by hiding interest rates. Consumers should know the final cost of a deal they have agreed to.

This industry provides goods to those who are unable to conventionally purchase goods. We in Congress should work to strengthen and not weaken protections for families that are struggling to make ends meet. Low-income people predominately use this market. It is estimated that over 30% receive some form of public assistance, 59% earn less than \$25,000 and 73% have a high school degree or less. These consumers frequently end up paying 10 to 15 times of the rental price. On average it takes a consumer 77 weeks to own the good.

Consumers are deceived by low monthly installment rates. People should absolutely know what they are getting into when they agree to buy an item over a long period of time. This legislation will make it even harder for consumers to get fair and accurate information about their obligations. We in Congress should work to strengthen, not weaken protections for working families. This legislation will effectively increase low-income people's debt. Join me in voting against this anti-consumer legislation and voting for the motion to recommit that is being offered by the gentlelady from California.

Mr. PAUL. Mr. Chairman, H.R. 1701, the Consumer Rental Purchase Agreement bill, rewrites every rent-to-own contract in the nation to conform to the dictates of federal politicians and bureaucrats. This bill thus represents another usurpation by Congress of powers reserved by the 9th and 10th amendments of the Constitution to the states and the people.

Rent-to-own transactions provide many low-income individuals an affordable means of obtaining durable goods, such as furniture, appli-

ances and computers. Rent-to-own also provides a way of obtaining luxury items for a short time. For example, someone who cannot afford a big screen TV can use a rent-to-own contract to obtain such a TV to watch the Super Bowl.

Proponents of H.R. 1701 admit the benefits of rent-to-own but fret that rent-to-own transactions are regulated by the states, not the federal government. Proponents of this legislation claim that state regulations are inadequate, thus making federal regulations necessary. My well-intentioned colleagues ignore the fact that Congress has no legitimate authority to judge whether or not state regulations are adequate. This is because the Constitution gives the federal government no authority to regulate this type of transaction. Thus, whether or not state regulations are adequate is simply not for Congress to judge.

Some may claim that H.R. 1701 respects states' rights, because it does not preempt those state regulations acceptable to federal regulators. However, Mr. Chairman, this turns the constitutional meaning of federalism on its head. After all, the 10th amendment does not limit its protections to state laws approved of by the federal bureaucracy.

In addition to exceeding Congress's constitutional authority, H.R. 1701, like all federal regulatory schemes, could backfire and harm the very people it was intended to help. This is because any regulation inevitably raises the cost of doing business. These higher costs are passed along to the consumer in the form of either higher prices or fewer choices. The result of this is that marginal customers are priced out of the market. These consumers may prefer to sign contracts that do not meet federal standards as opposed to not having access to any rent-to-own contracts, but the Congress will deny them that option. According to the proponents of H.R. 1701, if people cannot obtain desired goods and services under terms satisfactory to the government, they are better off being denied those goods and services. Mr. Chairman, this type of "government knows best" legislation represents the worst type of paternalism and is totally inappropriate for a free society.

In conclusion, H.R. 1701 exceeds Congress's constitutional authority by regulating areas constitutionally left to the states. It also raises the cost of forming rent-to-own contracts and thus will deny those contracts to consumers who desire them. I therefore urge my colleagues to reject this paternalistic and unconstitutional bill.

Mr. SHOWS. Mr. Chairman, the rent-to-own industry provides an important service for those who cannot afford the initial expense of durable good purchases, such as furniture, washing machines, and televisions, and for those who are looking for temporary home furnishings. Many Mississippians rely on the convenience and accessibility of rent-to-own products. Nationally, rental and rent-to-own transactions total \$5.3 billion each year. Because the rent-to-own industry provides such a vital service to so many people across the U.S., I am proud to support the Consumer Rental-Purchase Agreement Act on the floor of the House today.

The Consumer Rental-Purchase Agreement Act of 2002 (H.R. 1701) protects those consumers who opt to rent or rent-to-own. Because these types of transactions are short-term leases not covered by the Consumer

Leasing Act or the Truth in Lending Act, H.R. 1701 fills a gap in federal regulation of consumer transactions.

H.R. 1701 regulates the rent-to-own industry by establishing federal regulatory framework for rent-to-own transactions. The legislation establishes a federal "floor" of minimum consumer protection for rent-to-own consumers in every state. This federal "floor" provides for consumer disclosures while still allowing states to impose price caps, fee limits, and other protections.

H.R. 1701 protects consumer rights. The bill extends the reinstatement period that preserves a consumer's acquisition rights after missing payments. It restricts the types of fees that merchants may charge, such as balloon payments for multiple late fees. The bill prevents merchants from requiring that customers purchase their damage waiver or insurance as a condition of the rental. It also prohibits abusive collection practices and protects customers from waiving their legal claims.

H.R. 1701 protects states' rights to regulate and establish business standards in the rent-to-own industry. The bill improves on the existing rent-to-own retail standards in more than 40 states but assures that more protective state laws continue in force. States can and do restrict rental costs and require further disclosures. H.R. 1701 also ensures the uniform definition of the transaction as a short-term lease with a purchase option (not an outright sale or secured transaction), consistent with current federal tax treatment and statutes in 46 states. The bill does not prevent states from imposing on rent-to-own transactions economic limits like those applied in state regulation of long-term leases or consumer credit.

The bill provides for more complete and accurate consumer disclosures, adopting several policy recommendations made by the Federal Trade Commission in a recent study of the industry. For example, H.R. 1701 requires that merchandise bear a price tag or label disclosing the "total cost" of the rental, including mandatory fees or charges, as well as the rental payment amount and number of payments to acquire ownership. Only 18 states currently require any type of price tag or label disclosure, and even fewer include all of the information mandated by H.R. 1701.

I am a proud cosponsor of this bipartisan legislation, which raises the standards of disclosure in the rent-to-own industry and ensures that consumers are protected during these transactions. As a member of the Committee on Financial Services, I voted in favor of this legislation on June 27th, which passed the committee with bipartisan support and was reported favorably to the full House, 29-9.

I am proud to support this bill on the floor of the House today because it guarantees that the relationship between rent-to-own retailers and consumers maintains its integrity and best serves each side's financial stake in rent or rent-to-own transactions.

Ms. JACKSON-LEE of Texas. Mr. Chairman, today I speak out in opposition to H.R. 1701. This bill does great harm to our nation's consumers while protecting the rent-to-own industry with weak regulations that are not suited to the true nature of the type of transaction these contracts really represent—credit-sales contracts.

Once again, we hasten to pass a bill that unfairly places the interests of common consumers below the interests of industry and

business. Unfortunately, there are those in the rent-to-own business who create these contracts without providing full disclosure to the consumers who use them—consumers who ultimately intend to own the television, furniture or other good contemplated in the rent-to-own agreement. When these consumers fail to make payment, instead of giving them reasonable terms and conditions prolonging the contract, or reinstating the contract owners of these contracts often take possession of these goods—even after the consumers has made significant payments under the contract in excess of the actual cost of the goods.

The measure also raises another issue that Republicans often use as a battle cry when they support regulation that oppresses the rights of individuals or threatens what they term as undue burdens on business and industry. I cannot count the number of times that I have heard Republicans raise the issue of states rights arguing that states know best and decrying Federal encroachment upon state matters. However, when they want to elevate the rights of our nation's industries over the rights of individual consumers, states rights goes right out of the door. This measure tramples on the decisions of state regulators to regulate rent-to-own contracts as credit sales and turns federalism on its head. H.R. 1701 would preempt strong state laws regulating rent-to-own contracts from New Jersey, Minnesota, Wisconsin and Vermont. This measure preempts stronger state laws regulating rent-to-own contracts and is opposed by 52 state and territorial Attorneys General.

Consumer advocates oppose this measure. Furthermore, all of the government witnesses during the Judiciary Subcommittee on Commercial and Administrative Law on this bill, including witnesses representing the Wisconsin Attorney General, the Federal Trade Commission and the Federal Reserve declined to recommend action on H.R. 1701, further making the argument that this is nothing more than a giveaway to the industry. Yet, we still see this measure progressing in the House.

I do not believe at this juncture, in our nation's history, that this legislation reflects Congressional concern for a nation with a stagnant economy and teetering on the brink of war. At a time when all of our nation's citizens are particularly concerned for their well being we should not pass legislation that will allow industry to capitalize on those citizens with the most exposure to these turbulent times. For these reasons I do not support H.R. 1701, and if present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. HEFLEY). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services, amended by the amendment recommended by the Committee on the Judiciary, 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 as read.

The text of the committee amendment in the nature of a substitute, as amended, is as follows:

H.R. 1701

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 "Consumer Rental Purchase Agreement Act".

SEC. 2. FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) The rental-purchase industry provides a service that meets and satisfies the demands of many consumers.

(2) Each year, approximately 2,300,000 United States households enter into rental-purchase transactions and over a 5-year period approximately 4,900,000 United States households will do so.

(3) Competition among the various firms engaged in the extension of rental-purchase transactions would be strengthened by informed use of rental-purchase transactions.

(4) The informed use of rental-purchase transactions results from an awareness of the cost thereof by consumers.

(b) PURPOSE.—The purpose of this title is to assure the availability of rental-purchase transactions and to assure simple, meaningful, and consistent disclosure of rental-purchase terms so that consumers will be able to more readily compare the available rental-purchase terms and avoid uninformed use of rental-purchase transactions, and to protect consumers against unfair rental-purchase practices.

SEC. 3. CONSUMER CREDIT PROTECTION ACT.

The Consumer Credit Protection Act is amended by adding at the end the following new title:

"TITLE X—RENTAL-PURCHASE TRANSACTIONS

"Sec. 1001. Definitions.

"Sec. 1002. Exempted transactions.

"Sec. 1003. General disclosure requirements.

"Sec. 1004. Rental-purchase disclosures.

"Sec. 1005. Other agreement provisions.

"Sec. 1006. Right to acquire ownership.

"Sec. 1007. Prohibited provisions.

"Sec. 1008. Statement of accounts.

"Sec. 1009. Renegotiations and extensions.

"Sec. 1010. Point-of-rental disclosures.

"Sec. 1011. Rental-purchase advertising.

"Sec. 1012. Civil liability.

"Sec. 1013. Additional grounds for civil liability.

"Sec. 1014. Liability of assignees.

"Sec. 1015. Regulations.

"Sec. 1016. Enforcement.

"Sec. 1017. Criminal liability for willful and knowing violation.

"Sec. 1018. Relation to other laws.

"Sec. 1019. Effect on government agencies.

"Sec. 1020. Compliance date.

"SEC. 1001. DEFINITIONS.

"For purposes of this title, the following definitions shall apply:

"(1) ADVERTISEMENT.—The term 'advertisement' means a commercial message in any medium that promotes, directly or indirectly, a rental-purchase agreement but does not include price tags, window signs, or other in-store merchandising aids.

"(2) AGRICULTURAL PURPOSE.—The term 'agricultural purpose' includes—

"(A) the production, harvest, exhibition, marketing, transformation, processing, or manufacture of agricultural products by a natural person who cultivates plants or propagates or nurtures agricultural products; and

"(B) the acquisition of farmlands, real property with a farm residence, or personal property and services used primarily in farming.

"(3) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

"(4) CASH PRICE.—The term 'cash price' means the price at which a merchant, in the ordinary course of business, offers to sell for cash the property that is the subject of the rental-purchase transaction.

"(5) CONSUMER.—The term 'consumer' means a natural person who is offered or enters into a rental-purchase agreement.

"(6) DATE OF CONSUMMATION.—The term 'date of consummation' means the date on which a consumer becomes contractually obligated under a rental-purchase agreement.

"(7) INITIAL PAYMENT.—The term 'initial payment' means the amount to be paid before or at the consummation of the agreement or the delivery of the property if delivery occurs after consummation, including the rental payment; service, processing, or administrative charges; delivery fee; refundable security deposit; taxes; mandatory fees or charges; and any optional fees or charges agreed to by the consumer.

"(8) MERCHANT.—The term 'merchant' means a person who provides the use of property through a rental-purchase agreement in the ordinary course of business and to whom a consumer's initial payment under the agreement is payable.

"(9) PAYMENT SCHEDULE.—The term 'payment schedule' means the amount and timing of the periodic payments and the total number of all periodic payments that the consumer will make if the consumer acquires ownership of the property by making all periodic payments.

"(10) PERIODIC PAYMENT.—The term 'periodic payment' means the total payment a consumer will make for a specific rental period after the initial payment, including the rental payment, taxes, mandatory fees or charges, and any optional fees or charges agreed to by the consumer.

"(11) PROPERTY.—The term 'property' means property that is not real property under the laws of the State where the property is located when it is made available under a rental-purchase agreement.

"(12) RENTAL PAYMENT.—The term 'rental payment' means rent required to be paid by a consumer for the possession and use of property for a specific rental period, but does not include taxes or any fees or charges.

"(13) RENTAL PERIOD.—The term 'rental period' means a week, month, or other specific period of time, during which the consumer has a right to possess and use property that is the subject of a rental-purchase agreement after paying the rental payment and any applicable taxes for such period.

"(14) RENTAL-PURCHASE AGREEMENT.—

"(A) IN GENERAL.—The term 'rental-purchase agreement' means a contract in the form of a bailment or lease for the use of property by a consumer for an initial period of 4 months or less, that is renewable with each payment by the consumer, and that permits but does not obligate the consumer to become the owner of the property.

"(B) EXCLUSIONS.—The term 'rental-purchase agreement' does not include—

"(i) a credit sale (as defined in section 103(g) of the Truth in Lending Act);

"(ii) a consumer lease (as defined in section 181(1) of such Act); or

"(iii) a transaction giving rise to a debt incurred in connection with the business of lending money or a thing of value.

"(15) RENTAL-PURCHASE COST.—

"(A) IN GENERAL.—For purposes of sections 1010 and 1011, the term 'rental-purchase cost' means the sum of all rental payments and mandatory fees or charges imposed by the merchant as a condition of entering into a rental-purchase agreement or acquiring ownership of property under a rental-purchase agreement, such as the following:

"(i) Service, processing, or administrative charge.

"(ii) Fee for an investigation or credit report.

"(iii) Charge for delivery required by the merchant.

"(B) EXCLUDED ITEMS.—The following fees or charges shall not be taken into account in determining the rental-purchase cost with respect to a rental-purchase transaction:

"(i) Fees and charges prescribed by law, which actually are or will be paid to public officials or government entities, such as sales tax.

“(ii) Fees and charges for optional products and services offered in connection with a rental-purchase agreement.

“(16) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

“(17) TOTAL COST.—The term ‘total cost’ means the sum of the initial payment and all periodic payments in the payment schedule to be paid by the consumer to acquire ownership of the property that is the subject of the rental-purchase agreement.

“SEC. 1002. EXEMPTED TRANSACTIONS.

“This title shall not apply to rental-purchase agreements primarily for business, commercial, or agricultural purposes, or those made with Government agencies or instrumentalities.

“SEC. 1003. GENERAL DISCLOSURE REQUIREMENTS.

“(a) RECIPIENT OF DISCLOSURE.—A merchant shall disclose to any person who will be a signatory to a rental-purchase agreement the information required by sections 1004 and 1005.

“(b) TIMING OF DISCLOSURE.—The disclosures required under sections 1004 and 1005 shall be made before the consummation of the rental-purchase agreement and clearly and conspicuously in writing as part of the rental-purchase agreement to be signed by the consumer.

“(c) CLEARLY AND CONSPICUOUSLY.—As used in this section, the term ‘clearly and conspicuously’ means that information required to be disclosed to the consumer shall be worded plainly and simply, and appear in a type size, prominence, and location as to be readily noticeable, readable, and comprehensible to an ordinary consumer.

“SEC. 1004. RENTAL-PURCHASE DISCLOSURES.

“(a) IN GENERAL.—For each rental-purchase agreement, the merchant shall disclose to the consumer the following, to the extent applicable:

“(1) The date of the consummation of the rental-purchase transaction and the identities of the merchant and the consumer.

“(2) A brief description of the rental property, which shall be sufficient to identify the property to the consumer, including an identification or serial number, if applicable, and a statement indicating whether the property is new or used.

“(3) A description of any fee, charge or penalty, in addition to the periodic payment, that the consumer may be required to pay under the agreement, which shall be separately identified by type and amount.

“(4) A clear and conspicuous statement that the transaction is a rental-purchase agreement and that the consumer will not obtain ownership of the property until the consumer has paid the total dollar amount necessary to acquire ownership.

“(5) The amount of any initial payment, which includes the first periodic payment, and the total amount of any fees, taxes, or other charges, required to be paid by the consumer.

“(6) The amount of the cash price of the property that is the subject of the rental-purchase agreement, and, if the agreement involves the rental of 2 or more items as a set (as may be defined by the Board in regulation) a statement of the aggregate cash price of all items shall satisfy this requirement.

“(7) The amount and timing of periodic payments, and the total number of periodic payments necessary to acquire ownership of the property under the rental-purchase agreement.

“(8) The total cost, using that term, and a brief description, such as ‘This is the amount you will pay the merchant if you make all periodic payments to acquire ownership of the property.’

“(9) A statement of the consumer’s right to terminate the agreement without paying any fee or charge not previously due under the agreement by voluntarily surrendering or returning

the property in good repair upon expiration of any lease term.

“(10) Substantially the following statement: **‘OTHER IMPORTANT TERMS:** See your rental-purchase agreement for additional important information on early termination procedures, purchase option rights, responsibilities for loss, damage or destruction of the property, warranties, maintenance responsibilities, and other charges or penalties you may incur.’

“(b) FORM OF DISCLOSURE.—The disclosures required by paragraphs (4) through (10) of subsection (a) shall be segregated from other information at the beginning of the rental-purchase agreement and shall contain only directly related information, and shall be identified in boldface, upper-case letters as follows: **‘IMPORTANT RENTAL-PURCHASE DISCLOSURES’.**

“(c) DISCLOSURE REQUIREMENTS RELATING TO INSURANCE PREMIUMS AND LIABILITY WAIVERS.—

“(1) IN GENERAL.—A merchant shall clearly and conspicuously disclose in writing to the consumer before the consummation of a rental-purchase agreement that the purchase of leased property insurance or liability waiver coverage is not required as a condition for entering into the rental-purchase agreement.

“(2) AFFIRMATIVE WRITTEN REQUEST AFTER COST DISCLOSURE.—A merchant may provide insurance or liability waiver coverage, directly or indirectly, in connection with a rental-purchase transaction only if—

“(A) the merchant clearly and conspicuously discloses to the consumer the cost of each component of such coverage before the consummation of the rental-purchase agreement; and

“(B) the consumer signs an affirmative written request for such coverage after receiving the disclosures required under subparagraph paragraph (A) of this paragraph and paragraph (1).

“(d) ACCURACY OF DISCLOSURE.—

“(1) IN GENERAL.—The disclosures required to be made under subsection (a) shall be accurate as of the date the disclosures are made, based on the information available to the merchant.

“(2) INFORMATION SUBSEQUENTLY RENDERED INACCURATE.—If information required to be disclosed under subsection (a) is subsequently rendered inaccurate as a result of any agreement between the merchant and the consumer subsequent to the delivery of the required disclosures, the resulting inaccuracy shall not constitute a violation of this title.

“SEC. 1005. OTHER AGREEMENT PROVISIONS.

“(a) IN GENERAL.—Each rental-purchase agreement shall—

“(1) provide a statement specifying whether the merchant or the consumer is responsible for loss, theft, damage, or destruction of the property;

“(2) provide a statement specifying whether the merchant or the consumer is responsible for maintaining or servicing the property, together with a brief description of the responsibility;

“(3) provide that the consumer may terminate the agreement without paying any charges not previously due under the agreement by voluntarily surrendering or returning the property that is the subject of the agreement upon expiration of any rental period;

“(4) contain a provision for reinstatement of the agreement, which at a minimum—

“(A) permits a consumer who fails to make a timely rental payment to reinstate the agreement, without losing any rights or options which exist under the agreement, by the payment of all past due rental payments and any other charges then due under the agreement and a payment for the next rental period within 7 business days after failing to make a timely rental payment if the consumer pays monthly, or within 3 business days after failing to make a timely rental payment if the consumer pays more frequently than monthly;

“(B) if the consumer returns or voluntarily surrenders the property covered by the agree-

ment, other than through judicial process, during the applicable reinstatement period set forth in subparagraph (A), permits the consumer to reinstate the agreement during a period of at least 60 days after the date of the return or surrender of the property by the payment of all amounts previously due under the agreement, any applicable fees, and a payment for the next rental period;

“(C) if the consumer has paid 50 percent or more of the total cost necessary to acquire ownership and returns or voluntarily surrenders the property, other than through judicial process, during the applicable reinstatement period set forth in subparagraph (A), permits the consumer to reinstate the agreement during a period of at least 120 days after the date of the return of the property by the payment of all amounts previously due under the agreement, any applicable fees, and a payment for the next rental period; and

“(D) permits the consumer, upon reinstatement of the agreement to receive the same property, if available, that was the subject of the rental-purchase agreement, or if the same property is not available, a substitute item of comparable quality and condition may be provided to the consumer; except that, the Board may, by regulation or order, exempt any independent small business (as defined by the Board by regulation) from the requirement of providing the same or comparable product during the extended reinstatement period provided in subparagraph (C), if the Board determines, taking into account such standards as the Board determines to be appropriate, that the reinstatement right provided in such subparagraph would provide excessive hardship for such independent small business.

“(5) provide a statement specifying the terms under which the consumer shall acquire ownership of the property that is the subject of the rental-purchase agreement either by payment of the total cost to acquire ownership, as provided in section 1006, or by exercise of any early purchase option provided in the rental-purchase agreement;

“(6) provide a statement disclosing that if any part of a manufacturer’s express warranty covers the property at the time the consumer acquires ownership of the property, the warranty will be transferred to the consumer if allowed by the terms of the warranty; and

“(7) provide, to the extent applicable, a description of any grace period for making any periodic payment, the amount of any security deposit, if any, to be paid by the consumer upon initiation of the rental-purchase agreement, and the terms for refund of such security deposit to the consumer upon return, surrender or purchase of the property.

“(b) REPOSSESSION DURING REINSTATEMENT PERIOD.—Subsection (a)(4) shall not be construed so as to prevent a merchant from attempting to repossess property during the reinstatement period pursuant to subsection (a)(4)(A), but such a repossession does not affect the consumer’s right to reinstate.

“SEC. 1006. RIGHT TO ACQUIRE OWNERSHIP.

“(a) IN GENERAL.—The consumer shall acquire ownership of the property that is the subject of the rental-purchase agreement, and the rental-purchase agreement shall terminate, upon compliance by the consumer with the requirements of subsection (b) or any early payment option provided in the rental purchase agreement, and upon payment of any past due payments and fees, as permitted in regulation by the Board.

“(b) PAYMENT OF TOTAL COST.—The consumer shall acquire ownership of the rental property upon payment of the total cost of the rental-purchase agreement, as such term is defined in section 1001(17), and as disclosed to the consumer in the rental-purchase agreement pursuant to section 1004(a).

“(c) ADDITIONAL FEES PROHIBITED.—A merchant shall not require the consumer to pay, as

a condition for acquiring ownership of the property that is the subject of the rental-purchase agreement, any fee or charge in addition to, or in excess of, the regular periodic payments required by subsection (b), or any early purchase option amount provided in the rental-purchase agreement, as applicable. A requirement that the consumer pay an unpaid late charge or other fee or charge which the merchant has previously billed to the consumer shall not constitute an additional fee or charge for purposes of this subsection.

“(d) **TRANSFER OF OWNERSHIP RIGHTS.**—Upon payment by the consumer of all payments necessary to acquire ownership under subsection (b) or any early purchase option amount provided in the rental-purchase agreement, as appropriate, the merchant shall—

“(1) deliver, or mail to the consumer’s last known address, such documents or other instruments, which the Board has determined by regulation, are necessary to acknowledge full ownership by the consumer of the property acquired pursuant to the rental-purchase agreement; and

“(2) transfer to the consumer the unexpired portion of any warranties provided by the manufacturer, distributor, or seller of the property, which shall apply as if the consumer were the original purchaser of the property, except where such transfer is prohibited by the terms of the warranty.

“SEC. 1007. PROHIBITED PROVISIONS.

“A rental-purchase agreement may not contain—

“(1) a confession of judgment;

“(2) a negotiable instrument;

“(3) a security interest or any other claim of a property interest in any goods, except those goods the use of which is provided by the merchant pursuant to the agreement;

“(4) a wage assignment;

“(5) a provision requiring the waiver of any legal claim or remedy created by this title or other provision of Federal or State law;

“(6) a provision requiring the consumer, in the event the property subject to the rental-purchase agreement is lost, stolen, damaged, or destroyed, to pay an amount in excess of the least of—

“(A) the fair market value of the property, as determined by the Board in regulation;

“(B) any early purchase option amount provided in the rental-purchase agreement; or

“(C) the actual cost of repair, as appropriate;

“(7) a provision authorizing the merchant, or a person acting on behalf of the merchant, to enter the consumer’s dwelling or other premises without obtaining the consumer’s consent or to commit any breach of the peace in connection with the repossession of the rental property or the collection of any obligation or alleged obligation of the consumer arising out of the rental-purchase agreement;

“(8) a provision requiring the purchase of insurance or liability damage waiver to cover the property that is the subject of the rental-purchase agreement, except as permitted by the Board in regulation;

“(9) a provision requiring the consumer to pay more than 1 late fee or charge for an unpaid or delinquent periodic payment, regardless of the period in which the payment remains unpaid or delinquent, or to pay a late fee or charge for any periodic payment because a previously assessed late fee has not been paid in full.

“SEC. 1008. STATEMENT OF ACCOUNTS.

“Upon request of a consumer, a merchant shall provide a statement of the consumer’s account. If a consumer requests a statement for an individual account more than 4 times in any 12-month period, the merchant may charge a reasonable fee for the additional statements.

“SEC. 1009. RENEGOTIATIONS AND EXTENSIONS.

“(a) **RENEGOTIATIONS.**—A renegotiation occurs when a rental-purchase agreement is satisfied and replaced by a new agreement undertaken by the same consumer. A renegotiation requires

new disclosures, except as provided in subsection (c).

“(b) **EXTENSIONS.**—An extension is an agreement by the consumer and the merchant, to continue an existing rental-purchase agreement beyond the original end of the payment schedule, but does not include a continuation that is the result of a renegotiation.

“(c) **EXCEPTIONS.**—New disclosures are not required for the following, even if they meet the definition of a renegotiation or an extension:

“(1) A reduction in payments.

“(2) A deferment of 1 or more payments.

“(3) The extension of a rental-purchase agreement.

“(4) The substitution of property with property that has a substantially equivalent or greater economic value provided the rental-purchase cost does not increase.

“(5) The deletion of property in a multiple-item agreement.

“(6) A change in rental period provided the rental-purchase cost does not increase.

“(7) An agreement resulting from a court proceeding.

“(8) Any other event described in regulations prescribed by the Board.

“SEC. 1010. POINT-OF-RENTAL DISCLOSURES.

“(a) **IN GENERAL.**—For any item of property or set of items displayed or offered for rental-purchase, the merchant shall display on or next to the item or set of items a card, tag, or label that clearly and conspicuously discloses the following:

“(1) A brief description of the property.

“(2) Whether the property is new or used.

“(3) The cash price of the property.

“(4) The amount of each rental payment.

“(5) The total number of rental payments necessary to acquire ownership of the property.

“(6) The rental-purchase cost.

“(b) **FORM OF DISCLOSURE.**—

“(1) **IN GENERAL.**—A merchant may make the disclosure required by subsection (a) in the form of a list or catalog which is readily available to the consumer at the point of rental if the merchandise is not displayed in the merchant’s showroom or if displaying a card, tag, or label would be impractical due to the size of the merchandise.

“(2) **CLEARLY AND CONSPICUOUSLY.**—As used in this section, the term ‘clearly and conspicuously’ means that information required to be disclosed to the consumer shall appear in a type size, prominence, and location as to be noticeable, readable, and comprehensible to an ordinary consumer.

“SEC. 1011. RENTAL-PURCHASE ADVERTISING.

“(a) **IN GENERAL.**—If an advertisement for a rental-purchase transaction refers to or states the amount of any payment for any specific item or set of items, the merchant making the advertisement shall also clearly and conspicuously state in the advertisement the following for the item, or set of items, advertised:

“(1) The transaction advertised is a rental-purchase agreement.

“(2) The amount, timing, and total number of rental payments necessary to acquire ownership under the rental-purchase agreement.

“(3) The amount of the rental-purchase cost.

“(4) To acquire ownership of the property the consumer must pay the rental-purchase cost plus applicable taxes.

“(5) Whether the stated payment amount and advertised rental-purchase cost is for new or used property.

“(b) **PROHIBITION.**—An advertisement for a rental-purchase agreement shall not state or imply that a specific item, or set of items, is available at specific amounts or terms unless the merchant usually and customarily offers, or will offer, the item or set of items at the stated amounts or terms.

“(c) **CLEARLY AND CONSPICUOUSLY.**—

“(1) **IN GENERAL.**—For purposes of this section, the term ‘clearly and conspicuously’ means

that required disclosures shall be presented in a type, size, shade, contrast, prominence, location, and manner, as applicable to different mediums for advertising, so as to be readily noticeable and comprehensible to the ordinary consumer.

“(2) **REGULATORY GUIDANCE.**—The Board shall prescribe regulations on principles and factors to meet the clear and conspicuous standard as appropriate to print, video, audio, and computerized advertising, reflecting the principles and factors typically applied in each medium by the Federal Trade Commission.

“(3) **LIMITATION.**—Nothing contrary to, inconsistent with, or in mitigation of, the required disclosures shall be used in any advertisement in any medium, and no audio, video, or print technique shall be used that is likely to obscure or detract significantly from the communication of the disclosures.

“SEC. 1012. CIVIL LIABILITY.

“(a) **IN GENERAL.**—Except as otherwise provided in section 1013, any merchant who fails to comply with any requirement of this title with respect to any consumer is liable to such consumer as provided for leases in section 130. For purposes of this section, the term ‘creditor’ as used in section 130 shall include a ‘merchant’, as defined in section 1001.

“(b) **JURISDICTION OF COURTS; LIMITATION ON ACTIONS.**—

“(1) **IN GENERAL.**—Notwithstanding section 130(e), any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 1-year period beginning on the date the last payment was made by the consumer under the rental-purchase agreement.

“(2) **RECOUPMENT OR SET-OFF.**—This subsection shall not bar a consumer from asserting a violation of this title in an action to collect an obligation arising from a rental-purchase agreement, which was brought after the end of the 1-year period described in paragraph (1) as a matter of defense by recoupment or set-off in such action, except as otherwise provided by State law.

“SEC. 1013. ADDITIONAL GROUNDS FOR CIVIL LIABILITY.

“(a) **INDIVIDUAL CASES WITH ACTUAL DAMAGES.**—Any merchant who fails to comply with any requirements imposed under section 1010 or 1011 with respect to any consumer who suffers actual damage from the violation shall be liable to such consumer as provided in section 130.

“(b) **PATTERN OR PRACTICE OF VIOLATIONS.**—If a merchant engages in a pattern or practice of violating any requirement imposed under section 1010 or 1011, the Federal Trade Commission or an appropriate State attorney general, in accordance with section 1016, may initiate an action to enforce sanctions against the merchant, including—

“(1) an order to cease and desist from such practices; and

“(2) a civil money penalty of such amount as the court may impose, based on such factors as the court may determine to be appropriate.

“SEC. 1014. LIABILITY OF ASSIGNEES.

“(a) **ASSIGNEES INCLUDED.**—For purposes of section 1013, and this section, the term ‘merchant’ includes an assignee of a merchant.

“(b) **LIABILITIES OF ASSIGNEES.**—

“(1) **APPARENT VIOLATION.**—An action under section 1012 or 1013 for a violation of this title may be brought against an assignee only if the violation is apparent on the face of the rental-purchase agreement to which it relates.

“(2) **APPARENT VIOLATION DEFINED.**—For purposes of this subsection, a violation that is apparent on the face of a rental-purchase agreement [includes] includes, but is not limited to, a disclosure that can be determined to be incomplete or inaccurate from the face of the agreement.

“(3) **INVOLUNTARY ASSIGNMENT.**—An assignee has no liability in a case in which the assignment is involuntary.

“(4) **RULE OF CONSTRUCTION.**—No provision of this section shall be construed as limiting or altering the liability under section 1012 or 1013 of a merchant assigning a rental-purchase agreement.

“(b) **PROOF OF DISCLOSURE.**—In an action by or against an assignee, the consumer’s written acknowledgment of receipt of a disclosure, made as part of the rental-purchase agreement, shall be conclusive proof that the disclosure was made, if the assignee had no knowledge that the disclosure had not been made when the assignee acquired the rental-purchase agreement to which it relates.

“SEC. 1015. REGULATIONS.

“(a) **IN GENERAL.**—The Board shall prescribe regulations as necessary to carry out the purposes of this title, to prevent its circumvention, and to facilitate compliance with its requirements.

“(b) **MODEL DISCLOSURE FORMS.**—The Board may publish model disclosure forms and clauses for common rental-purchase agreements to facilitate compliance with the disclosure requirements of this title and to aid the consumer in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures. In devising such forms, the Board shall consider the use by merchants of data processing or similar automated equipment. Nothing in this title may be construed to require a merchant to use any such model form or clause prescribed by the Board under this section. A merchant shall be deemed to be in compliance with the requirement to provide disclosure under section 1003(a) if the merchant—

“(1) uses any appropriate model form or clause as published by the Board; or

“(2) uses any such model form or clause and changes it by—

“(A) deleting any information which is not required by this title; or

“(B) rearranging the format, if in making such deletion or rearranging the format, the merchant does not affect the substance, clarity, or meaningful sequence of the disclosure.

“(c) **EFFECTIVE DATE OF REGULATIONS.**—Any regulation prescribed by the Board, or any amendment or interpretation thereof, shall not be effective before the October 1 that follows the date of publication of the regulation in final form by at least 6 months. The Board may at its discretion lengthen that period of time to permit merchants to adjust to accommodate new requirements. The Board may also shorten that period of time, notwithstanding the first sentence, if it makes a specific finding that such action is necessary to comply with the findings of a court or to prevent unfair or deceptive practices. In any case, merchants may comply with any newly prescribed disclosure requirement prior to its effective date.

“SEC. 1016. ENFORCEMENT.

“(a) **FEDERAL ENFORCEMENT.**—Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), and a violation of any requirements imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements of this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional test in the Federal Trade Commission Act.

“(b) **STATE ENFORCEMENT.**—

“(1) **IN GENERAL.**—An action to enforce the requirements imposed by this title may also be brought by the appropriate State attorney general in any appropriate United States district court, or any other court of competent jurisdiction.

“(2) **PRIOR WRITTEN NOTICE.**—

“(A) **IN GENERAL.**—The State attorney general shall provide prior written notice of any such civil action to the Federal Trade Commission and shall provide the Commission with a copy of the complaint.

“(B) **EMERGENCY ACTION.**—If prior notice is not feasible, the State attorney general shall provide notice to the Commission immediately upon instituting the action.

“(3) **FTC INTERVENTION.**—The Commission may—

“(A) intervene in the action;

“(B) upon intervening—

“(i) remove the action to the appropriate United States district court, if it was not originally brought there; and

“(ii) be heard on all matters arising in the action; and

“(C) file a petition for appeal.

“SEC. 1017. CRIMINAL LIABILITY FOR WILLFUL AND KNOWING VIOLATION.

“Whoever willfully and knowingly gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this title or any regulation issued thereunder shall be subject to the penalty provisions as provided in section 112.

“SEC. 1018. RELATION TO OTHER LAWS.

“(a) **RELATION TO STATE LAW.**—

“(1) **NO EFFECT ON CONSISTENT STATE LAWS.**—Except as otherwise provided in subsection (b), this title does not annul, alter, or affect in any manner the meaning, scope or applicability of the laws of any State relating to rental-purchase agreements, except to the extent those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

“(2) **DETERMINATION OF INCONSISTENCY.**—Upon its own motion or upon the request of an interested party, which is submitted in accordance with procedures prescribed in regulations of the Board, the Board shall determine whether any such inconsistency exists. If the Board determines that a term or provision of a State law is inconsistent, merchants located in that State need not follow such term or provision and shall incur no liability under the law of that State for failure to follow such term or provision, notwithstanding that such determination is subsequently amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

“(3) **GREATER PROTECTION UNDER STATE LAW.**—Except as provided in subsection (b), for purposes of this section, a term or provision of a State law is not inconsistent with the provisions of this title if the term or provision affords greater protection and benefit to the consumer than the protection and benefit provided under this title as determined by the Board, on its own motion or upon the petition of any interested party.

“(b) **STATE LAWS RELATING TO CHARACTERIZATION OF TRANSACTION.**—Notwithstanding the provisions of subsection (a), this title shall supersede any State law to the extent that such law—

“(1) regulates a rental-purchase agreement as a security interest, credit sale, retail installment sale, conditional sale or any other form of consumer credit, or that imputes to a rental-purchase agreement the creation of a debt or extension of credit; or

“(2) requires the disclosure of a percentage rate calculation, including a time-price differential, an annual percentage rate, or an effective annual percentage rate.

“(c) **RELATION TO FEDERAL TRADE COMMISSION ACT.**—No provision of this title shall be construed as limiting, superseding, or otherwise affecting the applicability of the Federal Trade Commission Act to any merchant or rental-purchase transaction.

“SEC. 1019. EFFECT ON GOVERNMENT AGENCIES.

“No civil liability or criminal penalty under this title may be imposed on the United States or

any of its departments or agencies, any State or political subdivision, or any agency of a State or political subdivision.

“SEC. 1020. COMPLIANCE DATE.

“Compliance with this title shall not be required until 6 months after the date of the enactment of the Consumer Rental Purchase Agreement Act. In any case, merchants may comply with this title at any time after such date of enactment.”

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 107-661. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, and 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.

It is now in order to consider amendment No. 1 printed in House Report 107-661.

AMENDMENT NO. 1 OFFERED BY MR. LA FALCE

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LAFALCE: Page 5, strike line 5 and all that follows through line 8, and insert the following new paragraph:

“(4) **CASH PRICE.**—

“(A) **IN GENERAL.**—The term ‘cash price’ means the price at which a merchant, in the ordinary course of business, would offer to sell for cash the property that is the subject of the rental-purchase agreement, as determined by the Board pursuant to this paragraph.

“(B) **DETERMINATION OF CASH PRICE.**—The Board shall determine in regulation the formula or criteria for calculating the cash price of a product that is the subject of the rental-purchase agreement, which shall approximate the equivalent fair market value of the product if offered under a cash or credit sale, as adjusted to reflect additional charges or services, if any, that the Board determines are appropriate for purposes of rental-purchase transactions.

“(C) **MINIMUM CASH PRICE.**—Notwithstanding subparagraph (B), the cash price determined by the Board pursuant to subparagraph (B) shall not be less than an amount equal to twice the documented actual acquisition cost of the property to the merchant, which shall include the cost of shipment, refurbishing or other charges, as determined by the Board; except that, a merchant shall not be not precluded from selling a product for cash for an amount that is less than the cash price determined under this paragraph.

“(D) **ADJUSTMENT FOR USED PROPERTY.**—The cash price of used or previously rented property that is the subject of the rental-purchase agreement shall be determined by adjustment of the cash price determined under this paragraph according to such formula or criteria as the Board shall prescribe by regulation.

“(E) **PERIODIC ADJUSTMENT REQUIRED.**—The Board shall, by regulation, periodically review and revise, as necessary, the formula or criteria for determining cash price under this paragraph in response to changes in merchant costs, market conditions, or other factors determined by the Board.

Page 17, beginning on line 4, strike "either by payment of the total cost" and all that follows through line 7, and insert "in accordance with section 1006;"

Page 18, beginning on line 8, strike " or any early payment option provided in the rental purchase agreement,".

Page 18, strike line 12 and all that follows through line 17 and insert the following new subsection:

"(b) TRANSFER OF OWNERSHIP.—

"(1) SCHEDULED PAYMENTS.—The consumer shall acquire ownership of the rental property upon payment of periodic payments totaling more than an amount, 50 percent of which equals the cash price of the rental property.

"(2) EARLY PAYMENT OPTION.—The consumer shall acquire ownership of the rental property, at any time after the initial payment, upon payment by the consumer of an amount equal to the amount by which the cash price of the leased property exceeds 50 percent of all previous payments under the rental-purchase agreement.

Page 18, beginning on line 23, strike " or any early purchase option amount provided in the rental-purchase agreement, as applicable".

Page 19, line 4, strike "RIGHTS" and insert "DOCUMENTS".

Page 19, beginning on line 6, strike " or any early purchase option amount provided in the rental-purchase agreement, as appropriate".

The CHAIRMAN pro tempore. Pursuant to House Resolution 528, the gentleman from New York (Mr. LAFALCE) and a Member opposed each shall control 10 minutes.

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

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

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

□ 1330

Mr. LAFALCE. Mr. Chairman, before I get to the specifics of the amendment before us, let me just make a couple of points.

Some individuals have said there is no Federal protection; therefore, we need something to protect consumers. Let me underscore again the fact that every single consumer organization that I am aware of opposes this bill, and they are very pro-consumer. These organizations such as Consumers Union, the Consumers Federation of America, et cetera, they are pretty pro-consumer and they are adamantly opposed to this bill. So when individuals come to the floor and say that this is a consumer bill, there is a disconnect. And I ask people to draw their own conclusions as to what the cause of the disconnect is.

Secondly, some individuals keep getting up here and saying there is no preemption whatsoever; the States can do anything they want to. Again, I ask them to go to page 32 of the bill and 33, lines 20 through 7 on page 33 where it specifically says that notwithstanding the provisions of the rest of the bill, this title shall supersede any State law that does the following, and then it ticks it off including the disclosure of a percentage rate calculation, including

a time-price differential, an annual percentage rate, an effective annual percentage rate, that, if a State law calls for it, eliminates a State law. If a State wants to pass legislation, it is precluded.

Do not come to this floor with a straight face and say that the States can do anything they want when this language is in here. If you come to the floor, read this language.

Unfortunately, the Committee on Rules is not offering us the opportunity to correct those deficiencies with an appropriate amendment. That means whatever happens with respect to the amendment the bill is still going to be defective.

They have permitted me to deal with one issue and that is the issue of cash price. And this is a rather large issue. It is going to be a controversial one, I understand that. But such a significant percentage of consumers who rent do wind up owning, that we have to ask what is the price of their ownership, and are they aware of it, and should we permit the rental industry to charge such an enormous price to the consumers, most of whom are the poorest in our society?

First of all, let us ask, well, what does it usually cost to own something? There have been a few studies. First of all, let me quote to you from a document put out by the U.S. PIRG, the Public Interest Research Group. They did a study, the average outright cash price for a 19-inch color TV at a department store would be \$217; at a rent-to-own, \$415. The average cost to rent to own a 19-inch color TV, that is outright; but the average cost at the department store \$217. At the rent-to-own, \$746. That is the total average cost, \$746 as opposed to \$217 at a department store. And I could go on and on and on.

More recently, a study was done by a professor at the Rochester Institute of Technology, Professor Robert Manning. He wrote the book "Credit Card Nation." He has a chapter in that book dealing with the rent-to-own industry. He says that the total Circuit City credit cost for a 19-inch Magnavox television was \$231, whereas, the total cost under the rental purchase contract was \$779. Unbelievable.

For a \$190 Fisher 4-head VCR, the total retail credit cost at Circuit City would be \$236.22 versus a total cost of \$935.33 at Rent-a-Center.

This is unconscionable. Almost everybody who winds up owning property, and that is a significant number, and the gentleman himself has used figures of around 70 or 80 percent, I am not sure exactly what the accurate percentage is but it is significant, are winding up paying three, four, five times the cost of what it would be someplace else. I think we need to deal with that.

At present there are at least 12 States that currently impose some form of restriction on the cost consumers must pay to acquire ownership

of rent-to-own merchandise. Over half these States impose limits on total rental costs and fees, while others provide an early purchase option that permits consumers who have access to cash to reduce the overall cost of the transaction.

But by far the simplest approach I have found for limiting total ownership cost under rent-to-own arrangements is that included in New York State law as well as in the rent-to-own statutes of Ohio and Nebraska. Under this approach, a consumer is assured of acquiring ownership of the rental property whenever their total rental payments reach an amount that is equal to two times or twice the stated cash price of the property. Now, this can be accomplished by making all scheduled payments or by a lump sum early-purchase option payment. This approach helps to limit the costs consumers must pay to own a product while also assuring a reasonable return for the merchants of roughly twice the retail cost.

Now, unfortunately, even this approach has run into problems in my own State of New York as rent-to-own merchants have sought to inflate the cash price of products in order to increase the total purchase price. So a product might be \$200 at a department store, they call the cash price \$400; and, therefore, they are able to charge \$800 rather than the \$200. So despite the intent of the law to have the cash price reflect local retail prices, rent-to-own merchants have often set the cash price at a much higher level than they would charge consumers to purchase the product outright.

Inflating the cash prices serves two purposes for rent-to-own merchants. It inflates the total cost consumers will ultimately pay to acquire ownership of the rental property, and it discourages consumers from making outright purchases of merchandise and encourages longer term, more costly rentals.

My amendment would make the ownership cost limitation in New York and Ohio State law presently the minimum standard of protection in the bill. Consumers who have made rental payments equal to twice the cash price of the rental property would be entitled to full ownership of the property. But in order to make this work as a national standard, the amendment would also direct the Federal Reserve Board, who would be responsible for the totality of this legislation, to issue regulations providing detailed criteria or a formula calculating the cash price for rental property together with additional criteria for adjusting the cash price for previously used property.

The Federal Reserve Board has acted in other circumstances to promulgate regulations dealing with truth and lending, et cetera, so I think they certainly would be able to do this.

Now, let me first say that with respect to preemption, this bill would not preempt the State laws dealing with cash price. I will get that out front.

Nor would it preclude the States on their own from adopting some cash price restrictions in the future.

The difficulty is there is no good cash price law right now because of the ability of the rent-to-own industry to determine what cash price is and the trend is going in the other direction. If we are going to pass Federal legislation, we ought to get it right. We ought to protect the consumer. And it seems to me that the only bargaining power we are going to have is now. Once you pass any Federal legislation, I think it will be impossible as a political matter to strengthen it. There will be so much opposition. And so, if we are going to protect the consumer, we cannot do it later. It has got to be done as a condition of the passage of this particular bill. Otherwise, in my judgment, politically you will forfeit the opportunity to get it right in the future. And that is why this amendment, if we are going to go forward, ought to be included in the bill.

In its original form, H.R. 1701 provided no substantive equity or ownership protections for consumers. It provided no legal assurance that upon making all required rental payments a consumer will actually acquire ownership of the rented property. It offered no assurance that the consumer will not have to pay additional fees or meet additional conditions to acquire ownership. And it provided no assurance that, even after making all payments, the consumer will be given the appropriate documentation of ownership and any applicable warranties for the property.

Fortunately, I was able to offer several amendments that corrected these problems with the bill. However, equally serious problems were not resolved in fact that the bill does nothing to limit the outrageous costs that many consumers must pay over time to acquire ownership of merchandise under rent-to-own arrangements.

These cost can be substantial, and are often obscured from consumers by promotions that highlight only the low, and seemingly affordable weekly rental rate, while hiding total cost figures in confusing small print.

At least twelve states currently impose some form of restriction on the cost consumers must pay to acquire ownership of rent-to-own merchandise. Over half these states impose limits on total rental costs and fees, while others provide an early purchase option that permits consumers who have access to cash to reduce the overall cost of the transaction.

By far the simplest approach I have found for limiting total ownership costs under rent-to-own arrangements is that included in New York State law, as well as in the rent-to-own statutes of Ohio and Nebraska. Under this approach, a consumer is assured of acquiring ownership of the rental property whenever their total rental payments reach an amount that is equal to two times, or twice, the stated cash price of the property.

This can be accomplished by making all scheduled payments or by a lump sum early purchase option payment. This approach helps to limit the costs consumers must pay to own a product, while also assuring a reasonable return for the merchant of roughly twice the retail cost.

Unfortunately, this approach has run into problems in New York as rent-to-own merchants have sought to inflate the cash price of products in order to increase the total purchase price. Despite the intent of the law to have the cash price reflect local retail prices, rent-to-own merchants often set the cash price at a much higher level that they would charge consumers to purchase the product outright.

Inflating the cash prices serves two purposes for rent-to-own merchants—it inflates the total cost consumers will ultimately pay to acquire ownership of the rented property, and it discourages consumers from making outright purchases of merchandise and encourages, longer term, more costly, rentals.

My amendment would make the ownership cost limitation in New York and Ohio State law the minimum standard of protection in the bill. Consumers who have made rental payments equal to twice the cash price of the rental property would be entitled to full ownership of the property.

To make this work as a national standard, the amendment also directs the Federal Reserve Board to issue regulations providing detailed criteria or a formula calculating the cash price for rental property, together with additional criteria for adjusting the cash price for previously used property. The Board would, in effect, provide a basis for determining cash price for rental-purchase transactions in much the same way it established a framework for determining annual percentage rates (APR) calculations for credit transactions thirty years ago.

Under the amendment, the calculation provided by the Board would assure a cash price at least to two times the merchant's acquisition cost, plus any supplemental costs the Board considers appropriate. The cash price would be set more uniformly at or near comparable retail prices for consumers in all parts of the country. And it would assure a total return for the merchants at somewhere near four times acquisition costs—a rate of return that most retail merchants would envy.

I would emphasize again that this is only the minimum standard for protecting consumers from excessive ownership costs. All states would continue to have the option of providing additional costs protections for consumers within their state.

We've made considerable progress in the bill in a pro-consumer direction. My amendment takes it a step further by assuring that the total cost of acquiring ownership of rent-to-own merchandise is reasonable for both the consumer and the merchant.

My amendment is entirely consistent with what proponents describe as the purpose of the bill. It takes the best approach currently in State law, sets it as the minimum federal protection, and continues to permit states to add whatever additional protections they consider necessary to adequately protect consumers.

I think this is a reasonable and balanced approach and I would urge its adoption.

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

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

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment, and I think the gentleman from New York (Mr. LAFALCE) was accurate in basically much of what he said, and what

he said was, I believe that we ought to have a price control; we ought to have price restriction. And 12 States do have that in their State legislation. And after we pass this legislation today, if the State chooses to pass it, those price restrictions will still be in place. There is no preemption.

As I have said repeatedly on the floor of this House in this debate here today, the only thing, the only thing that is preempted is the decision by four judges in four States, three or four States, there is a question in one of the States, whether to call this credit sales. And we have come down on the side of what the great body of evidence, all the State legislatures who have considered this as for tax treatment, IRS, how they have treated it, as a lease. And as I said, we have to make that decision if we are to have Federal regulation. We have done that.

And in those four States, there are three States, they are absolutely right, if this is an important protection for consumers in this State then that is taken away. However, I will tell you that in Wisconsin because of legislation, all the rent-to-own stores are closing or have closed so they are not giving anybody in Wisconsin that approach, did not give them any choice. It basically drove the industry out.

I applaud the gentlewoman from California (Ms. WATERS) for her honesty. She has said, I do not like this industry. I do not want them in business. And she has been upfront about that. As far as the consumer groups that we keep hearing about, when this legislation was introduced, they came to the Hill en masse and they said, We like some of what is in here, but I will tell you what we do not like, we do not like preempting those States with stronger laws and we are not going to support legislation until that is done.

Now, I would not have co-sponsored the bill. I did not introduce the bill. It came to my committee and at that time before 4 or 5 days of hearing, that is what they came to me and said. They said, Absolutely we will not support it unless that is in it. Put that in it and we will talk to you.

We had Members on both sides that did not like the fact that we preempted certain protections in certain States. So we have backed up, and we did not preempt any of those consumer protection laws. They are not preempted.

The attorney general of Alabama in a letter that he wrote me this week said, "If enacted, the legislation employed would set the floor for consumer protection while leaving intact existing State regulations that offer greater protection to consumers; and going forward under this legislation, any State legislature that chooses to do so can enact additional protection for its citizens that go beyond what is included in H.R. 1701."

Now, that is absolutely a fact. I do not think there is any argument there. I applaud the gentlewoman from California (Ms. WATERS). I applaud the

other gentlewoman from California in that they have been opposed to this legislation and that they will be opposed to this legislation from now on. They want these stores closed. And there may be other Members of the body that want that.

There may be others that want price restrictions. Twelve States have opted for it. I really do not understand this. I do not understand how 38 States have said we do not want price restrictions. Yet the gentleman from New York (Mr. LAFALCE), who said, We are preempting what four States have done, now gets up with an amendment that changes the law in 38 States. Where is the consistency there?

□ 1345

When this proposal came up we went to the Federal Reserve. The gentleman from New York has said the Federal Reserve will set these cash prices formulas. Can my colleagues imagine when the Federal Reserve heard about an amendment that the Federal Reserve would have to start taking all their time and going around and setting these maximum prices? Do I need to inform this body they are opposed to having to do this? Absolutely they are opposed to it.

As the FTC concluded in its report, and I have it on page 98, we talked about all these exorbitant and excessive profits. The FTC looked at that, page 98, and what they said is they said there are almost no barriers to entering this business. They said a person can get a store front, a delivery truck and an inventory of household merchandise, and they can enter the industry. They said because there are no barriers to entering this industry, if people are making a big profit, somebody else will come in down the street and open up, and they said that excessive profits can be maintained only if there are significant barriers to entering, to collusion, or some type of anti-competitive barrier. There do not appear to be any significant barriers to entry that would prevent new firms from entering the rent-to-own industry. That is what they concluded.

They said no evidence that excessive profits, and they said, therefore, and the issue here was price restrictions, until it is shown that there are some barriers to introduction in this industry or some States erect barriers to people getting into the industry, and I know of none, that price restrictions that are contemplated, they should be explored more fully but they should not be enacted.

Another thing, the consumer groups, and my colleagues know these same consumer groups, it is interesting, if we look back at some of the important legislation that this Congress has passed, legislation including the Consumer Leasing Act, Fair Debt Collection Act, Fair Reporting Act, these consumer groups, it never was good enough for them. They always opposed them. They always wanted a little

more. They push for it but they wanted something else and they urge, and they will continue even though we have 46 States, we do nothing about strong protection, we increase protection. We increase protections in all 50 States. As I said, some of the four States that call this a credit sale do not require people to put a price tag on there. We require that.

One of the consumer groups said the terrible abuse, the gentlewoman from California (Ms. WATERS) pointed this out, to her credit, was that these people go in and they do not know what they are paying for this. There are 40 States throughout who do not require any disclosure today at where the item is as to the price they are paying, 40 States, including some that set the price.

This legislation requires point-of-rental disclosures as to price, something that the consumer groups say is badly needed. This legislation does it. They oppose it.

They say they want preemption because 12 States have gone beyond what we establish. They do not want us to interfere with those 12 States. So we did not. They are still opposed to it and they will be opposed to it ad infinitum, and that is okay. That is their right, but the one thing that we do not need in this body is we do not need to misrepresent this thing as a bill that does not increase consumer protection because it absolutely does. In 46 States it absolutely does, and four where they have the credit sales thing, one can argue that that effectively keeps people from going to rent-to-own stores. So in those four States, it might aid the industry, but in the other States it will not because it establishes new requirements, and because I am one of those 46 States I will be on the floor voting for this.

The CHAIRMAN pro tempore (Mr. HEFLEY). All time for debate has expired.

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

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

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

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

It is now in order to consider Amendment No. 2 printed in House Report 107-661.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. WATERS:
Page 19, line 22, strike "A rental-purchase agreement" and insert "(a) IN GENERAL.—A rental-purchase agreement".

Page 21, after line 13, insert the following new subsection:

"(b) CONTINUED APPLICABILITY OF EXISTING LAW.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the risk of any loss, damage, or destruction of the property that is the subject of a rental-purchase agreement shall remain with the merchant throughout the period such agreement is in effect and any rental-purchase agreement, or any waiver or other form of agreement between the merchant and the consumer, that purports to shift the burden of any such risk, and the cost of insuring against any such risk, to the consumer shall be null and void.

"(2) EXCEPTION FOR LOSS, DAMAGE, OR DESTRUCTION FOR WHICH THE CONSUMER IS DIRECTLY RESPONSIBLE.—Paragraph (1) shall not apply with respect to any loss, damage, or destruction that was deliberately caused by the consumer or that occurred due to the negligence of the consumer.

The CHAIRMAN pro tempore. Pursuant to House Resolution 528, the gentlewoman from California (Ms. WATERS) and the gentleman from Alabama (Mr. BACHUS) each will control 10 minutes.

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

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

Mr. Chairman, I would first like to start this presentation by thanking the gentleman from Wisconsin (Mr. SENSENBRENNER) who was on the floor today to help oppose this legislation. As my colleagues know, the gentleman from Wisconsin (Mr. SENSENBRENNER) and I do not always get along on all of the issues that come before us, but he is a man of impeccable integrity, and I would like to thank him for taking the floor today in opposition to the legislation that is before us.

Also, before I get into the debate on this amendment, I would like to thank my colleague from Alabama, and while I have been very, very pointed in my discussion about this, I do respect him. I have worked with him on debt relief. I have worked with him, along with many of the church organizations of the world, to do something about debt relief for poor countries. Today, I would ask him to do some domestic debt relief and work with me to make sure that we relieve the poor citizens of this Nation from the awful burden of debt that has been placed on them by these rip-off industries, and certainly the rent-to-own falls within that category.

Let me say this. I had four amendments before the Committee on Rules. I was denied three of them, but as I said earlier, I was thrown a bone and allowed to present this one amendment. As unbelievable as it is, given everything that we have learned about the rent-to-own industry, the preemption, the abusive practices, all of that, let me add one more to the list of unbelievable practices.

Under the common law of bailment, a merchant is responsible for damage to property unless the customer is neglectful or fails to exercise ordinary care. Typically, rental-purchase agreements contractually shift all responsibility for damages to the customer in a

rent-to-own business. The merchant sells a liability damage waiver to the customer which effectively makes customers pay for responsibility that is not theirs. This amendment would ban this shifting of the liability to the consumer and prohibits the charging of a fee for ensuring the customer against loss. There is an exception for loss, damage or destruction that is deliberately caused by the consumer that is a result of consumer negligence.

Imagine this. A person has got this contract with the rent-to-own industry. They need this television or whatever it is, refrigerator, whatever. Not only do they have an arrangement that is not considered a credit sales contract arrangement and so they do not have to disclose anything, they do not have to disclose what the interest is on it, and this industry just can charge whatever they want to charge that person. Then they say to the person, now, they are responsible for this item and we have a little something that is built into this contract that we want the person to pay. We want the person to pay some amount. What amount? Any amount that they decide. In some States the amount that they charge the customer is equal to the amount that they are paying weekly to rent this particular item, but they can do this, and they do not have to disclose it.

It was so bad that in committee, what they decided is, say, well, at least they have to tell the consumer that they are going to charge them this damage waiver liability coverage in the contract. In my home State of California, we forbid this practice altogether. We forbid it altogether. It is wrong that they should shift this liability all to the consumer and the rent-to-own company takes no responsibility, charges whatever it wants, does not have to disclose it, and we just let this practice go on.

So we would try with this amendment to stop the practice altogether. I know that it seems that we cannot say much more about the bad practices. Why would we preempt the States from taking the opportunity to fix what is wrong? We do not need to come over the top with some Federal legislation that would then preempt them from doing it the way they want to do it.

This business about saying that we are helping the States and we are helping the consumer, we are not preempting them, is absolutely misleading the Members of Congress about what this is all about. If we really want to help the States, allow them to present public policy that will work in their States. For those States that do not have it, they will. Give them a chance. Do not preempt them. Do not create this so-called floor that my colleagues are talking about.

I have never seen any one industry with so much that is wrong with it, and I sincerely believe that some of my colleagues who are trying to help the industry may have been duped. They did

not know it was this bad. They did not understand that it really was preemption. They did not know about some of these abusive practices. They did not know about this, what do we call it, LDW. They did not know that people were being given contracts where they had to pay for this kind of coverage, and most people, even if we tell them, if they want it, we are going to charge a person whatever amount they decide to charge them as a fee just in case they damage this equipment, they do not know they could say no, even if we put it in the bill. They just assume that if they do not do it they will not be able to get this desperately needed item that they are going after.

This amendment was made by the Committee on Rules. I could come to the floor and take it up. I do not know if my friends on the opposite side of the aisle are going to oppose it or if they are going to support it. It is just one other thing that I would like to point out that is so bad about this industry, as we wrap up today on this floor, all of the problems with rent-to-own.

I hope that they would just show a sign of support for the consumers and say we will give my colleagues this one, but it does not make any difference. It is still a bad bill. It is still a terrible bill with all of the preemption in it, with all of the abusive practices allowed, all of which we have talked about so much today.

Again, I would again thank my colleague on the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chair of the Committee on the Judiciary. He would not come to this floor and oppose this legislation unless it was serious. He would not come to this floor and easily embrace those on the opposite side of the aisle that he is oftentimes in disagreement with unless he felt very strongly about it. The gentleman from Wisconsin (Mr. SENSENBRENNER) does not simply oppose his colleagues. He does not do that without giving serious thought to it. When he came here today and said this is a bad bill, something is wrong with this bill, I would hope that the Members on the opposite side of the aisle would respect the chairman of the Committee on the Judiciary who, too, had this bill in the Committee on the Judiciary.

We are talking about two committees here today, the Committee on Financial Services, and it was in the Committee on the Judiciary.

□ 1400

This is not something that he is speculating about from afar. The gentleman from Wisconsin (Mr. SENSENBRENNER) had this in committee and had an opportunity to go through it, understands it very well and is opposed to it because the gentleman sees it for what it is.

Again, I do not want to put my colleagues on the spot, and I have the highest respect for the gentleman from Alabama (Mr. BACHUS). I have worked

with the gentleman and I know in many instances he has had to work very hard to do the right thing on some issues. I would simply appeal to the gentleman to do the right thing. I do not care who in the leadership is pushing this bill. I do not care who the industry is friends with, what letters the Congress of the United States got from what sector or section. The fact of the matter is our constituents should be premier. They should be number one. Even if we were going to err, we need to err on the side of the constituents. If Members think for a moment there are bad things in this industry, as the gentleman from Alabama (Mr. BACHUS) has said, and yes, there are some bad things. He agreed to that, but then err on the side of the constituents. My colleague from Alabama said I do not like this business. That is an understatement. I am not here simply because I do not like the business. I am here because I have the power as one Member of Congress to go on the floor of Congress and say what is wrong with them. They are ripping off our constituents. They are charging exorbitant prices. There is no disclosure, and we should not let them do it.

Mr. BACHUS. Mr. Chairman, I yield 6 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, before I address the Waters amendment, let me say a few things about the LaFalce amendment.

The LaFalce amendment runs counter to our economy and would subvert the free market. The amendment requires rent-to-own merchants all to offer the same cash price for their products, and these prices would be set by the Federal Reserve Board. I have to wonder why we have to impose such a duty on the Federal Reserve Board. The Federal Reserve is tasked with broad mandates to ensure the overall health of the economy through sound monetary policy. The last thing we need is for the Federal Reserve to become an appraiser and set prices for the rent-to-own industry.

Second, the amendment would harm competition in the rent-to-own industry. I do not see anyone advocating that a car lease would have a cash price set by the Federal Reserve. Why? Because we know that a competitive car lease market benefits the consumer. When an industry all has the same base price for a product, that is known as collusion. A merchant not fairly setting a price on their own but being required to set it at their competition's level, that is illegal. When airlines set their ticket prices, it is illegal. When they put such a practice into law on a rent-to-own lease, it is also wrong. I think that my colleagues should join me in support of the free market and oppose the LaFalce amendment.

Mr. Chairman, now let me speak to the Waters amendment, which I also oppose. My colleague from California has here an amendment that would remove the responsibility of a consumer

to care for the merchandise that they received through a rental purchase agreement. The agreement would effectively preempt contract law that is already in place and established in 49 States. In effect the merchant, who is not in possession of the property, would be responsible for the damage to it. This amendment would take away any responsibility for the consumer to care for the product that they are renting. Does anyone know of any agreement in which the holder of a rental piece of property would not be responsible for the damage that they do to it while it is in their possession?

I believe the amendment would effectively kill the industry; and in these slow economic times, I do not think we should be looking to eliminate more jobs. The rental purchase industry is a credible option for many Americans who would not otherwise have the opportunity to obtain the products that they need.

Personally, I learned to play the violin on a rent-to-own violin. It provided an enormous amount of joy in my life because my folks could not afford to buy me a violin when I was in grade school. They did a rent-to-purchase agreement. There are kids all over the Nation who do this.

Our mission in Congress should be to increase opportunities for people, not to limit consumer opportunities. Let me be clear on another point. Because of an amendment from the gentleman from North Carolina (Mr. JONES), the bill allows merchants to include liability damage waivers as part of the rental purchase contracts only after disclosing to the consumer that they need not purchase this coverage in order to enter into the rental purchase agreement itself. The bill is clear that the consumer has been given the choice, and we need to support the choice by voting against the Waters amendment.

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

Mr. Chairman, one thing I would like to point out, I have great respect for the gentleman from Wisconsin (Mr. SENSENBRENNER), who did speak against this legislation. I would point out to the gentlewoman from California (Ms. WATERS) that what the gentleman said was we do not need any Federal legislation regulating this industry. That is not what the gentlewoman from California (Ms. WATERS) has said or what the gentleman from New York said, or what all of these consumer groups have said.

What they have said is we need to regulate this industry. There is certainly not disagreement among the opponents. I think some of the opponents want the present state of affairs where there is absolutely no regulation in a number of States to continue. There are others that want to put this industry out of business, and then there are those of us in the middle who believe this is a legitimate business. We may never go there as customers. There are a lot of stores I do not go in as a cus-

tommer, but I do not try to close them down because 15 million Americans do go there. There are Members of this body who think if they do that they are crazy and we ought to protect them by stopping them from going in those stores.

I would say to the gentleman from New York (Mr. LAFALCE) that I went in a store in Manhattan a few weeks ago. There were a lot of things in that store I cannot afford. I simply turned around and walked out because the price was not right. There are people that might want to pay that. There were many people paying that much for those items. I could not do it. I made a decision. People are free to come in and leave. People are free to make choices in America.

There does need to be some minimum protection for those customers. Whether this legislation passed or not, people are going to continue to go in rent-to-own stores. They are going to continue to operate in almost all our States. When they do, I think they ought to be protected. And this legislation does not preempt any of the strong consumer protection laws that exist. It preempts none of them except the characterization as a credit sale, and we have been over and over that in those four States. It does that.

Now, let me talk about the amendment for a minute because this amendment is another example of we do not want to preempt, but here is an amendment that we want to use to preempt. It is a preempting agreement. It preempts the law of 49 States.

What the gentlewoman from California (Ms. WATERS) has offered here is an amendment that would overturn the long-established contract law in 49 States and make the law of California the national standard. It would apply the law of California.

Right now in the legislation we have, what she is advocating is the law of California and once this passes, if it passes, will continue to be the law in California. But we will not put that law on the other 49 States because what California does, it says when there is a rent-to-own agreement or a rent-to-purchase agreement, or the consumer leases something, they cannot shift the liability for that property onto the customer except, and there is an exception, and I do not want to misrepresent this, it says if the customer deliberately causes damage to the item or it occurs due to the consumer's negligence, then the merchant can get his money back.

The gentlewoman and I agree on that. If somebody goes out and they rent a TV, they get home and they get mad at their wife and throw the TV at their wife or husband, they have to pay for the television. She and I agree that is the thing to do. But we do not agree if the husband or the wife rents the TV, the wife takes the TV home, the husband picks up the TV and throws it out the window, then I think the merchant ought not have to pay for that. She

says no, no. That was not the customer, that was the husband of the customer.

I believe when something is rented and taken home, if the next door neighbor comes in and they destroy it, or the renter's son or daughter destroys it, the renter has it and it is destroyed, I think the renter ought to be responsible for that, and 49 States say they ought to be responsible for that.

I can tell Members, we all respect California and their position on this; but this is something California feels ought to be the law. I can tell Members in Alabama, if I rent something to somebody and their dog chews it up or their wife breaks it or their next door neighbor destroys it, or even somebody comes in and steals it from them, I do not feel like that is the merchant's responsibility. I feel it is the customer's responsibility. I happen to believe that.

The legislatures and the courts of 49 States agree with me. California is different. This legislation says that is right. The law of California stays in place because we do not preempt any of those laws. Now what that does is that means it drives up the cost for everybody in California. If California wants to make that decision, that is fine. I do not agree.

I want to close simply by thanking the gentleman from Ohio (Chairman OXLEY) for his leadership on this bill, again thanking the gentleman from North Carolina (Mr. JONES) for his leadership, and the gentleman from Connecticut (Mr. MALONEY) for what I think is a very important piece of consumer protection. It does not go as far as some have urged, but it does not preempt States that go further. It establishes a floor in those States that have weak or no protection.

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

The CHAIRMAN pro tempore (Mr. HEFLEY). The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

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

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

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from New York (Mr. LAFALCE), amendment No. 2 offered by the gentlewoman from California (Ms. WATERS).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 1 OFFERED BY MR. LAFALCE

The CHAIRMAN pro tempore. The pending business is the demand for a

recorded vote on the amendment offered by the gentleman from New York (Mr. LAFALCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 232, not voting 16, as follows:

[Roll No. 392]

AYES—184

Abercrombie	Gordon	Morella
Ackerman	Green (TX)	Murtha
Allen	Gutierrez	Nadler
Andrews	Harman	Napolitano
Baca	Hastings (FL)	Neal
Baird	Hill	Oberstar
Baldacci	Hilliard	Obey
Baldwin	Hinchev	Olver
Barcia	Hinojosa	Ortiz
Barrett	Hoeffel	Owens
Becerra	Holt	Pallone
Bentsen	Honda	Pascrell
Berkley	Hoyer	Pastor
Berman	Inslee	Payne
Berry	Israel	Pelosi
Bishop	Jackson (IL)	Phelps
Blumenauer	Jackson-Lee	Platts
Bonior	(TX)	Pomeroy
Borski	Jefferson	Price (NC)
Boswell	Johnson, E. B.	Rahall
Boucher	Jones (OH)	Reyes
Brady (PA)	Kaptur	Rivers
Brown (OH)	Kennedy (RI)	Rodriguez
Capps	Kildee	Roemer
Capuano	Kilpatrick	Rothman
Cardin	Kind (WI)	Roybal-Allard
Carson (IN)	Kleczka	Sabo
Carson (OK)	Kucinich	Sanchez
Clay	LaFalce	Sanders
Clayton	Lampson	Sandlin
Clement	Langevin	Sawyer
Clyburn	Lantos	Schakowsky
Condit	Larsen (WA)	Schiff
Costello	Larson (CT)	Scott
Coyne	Lee	Serrano
Crowley	Levin	Sherman
Cummings	Lewis (GA)	Skelton
Davis (CA)	Lipinski	Slaughter
Davis (IL)	Lofgren	Smith (WA)
DeFazio	Lowey	Snyder
DeGette	Luther	Solis
Delahunt	Lynch	Spratt
DeLauro	Maloney (NY)	Stark
Deutsch	Markey	Strickland
Dicks	Mascara	Stupak
Dingell	Matsui	Tanner
Doggett	McCarthy (MO)	Thompson (MS)
Dooley	McCarthy (NY)	Thurman
Doyle	McCollum	Tierney
Edwards	McDermott	Turner
Engel	McGovern	Udall (NM)
Eshoo	McIntyre	Velazquez
Etheridge	McKinney	Visclosky
Evans	McNulty	Waters
Farr	Meehan	Watson (CA)
Fattah	Meek (FL)	Watt (NC)
Filner	Meeks (NY)	Waxman
Ford	Menendez	Weiner
Frank	Millender-McDonald	Wexler
Frost	Mollohan	Woolsey
Gephardt	Moran (VA)	Wu
Gonzalez		Wynn

NOES—232

Aderholt	Biggart	Burr
Akin	Bilirakis	Burton
Armey	Blunt	Buyer
Bachus	Boehert	Callahan
Baker	Boehner	Calvert
Ballenger	Bonilla	Camp
Barr	Bono	Cannon
Bartlett	Boozman	Cantor
Barton	Boyd	Capito
Bass	Brady (TX)	Castle
Bereuter	Brown (SC)	Chabot

Chambliss	Hunter
Coble	Hyde
Collins	Isakson
Combest	Issa
Cooksey	Istook
Cox	Jenkins
Cramer	John
Crane	Johnson (CT)
Crenshaw	Johnson (IL)
Cubin	Johnson, Sam
Culberson	Jones (NC)
Cunningham	Kanjorski
Davis (FL)	Keller
Davis, Jo Ann	Kelly
Davis, Tom	Kennedy (MN)
Deal	Kerns
DeMint	King (NY)
Diaz-Balart	Kirk
Doolittle	Knollenberg
Dreier	Kolbe
Duncan	LaHood
Dunn	Latham
Ehlers	LaTourette
Ehrlich	Leach
Emerson	Lewis (CA)
English	Lewis (KY)
Everett	Linder
Ferguson	LoBiondo
Flake	Lucas (KY)
Fletcher	Lucas (OK)
Foley	Maloney (CT)
Forbes	Manzullo
Fossella	Matheson
Frelinghuysen	McCrery
Gallegly	McHugh
Ganske	McInnis
Gekas	McKeon
Gibbons	Mica
Gilchrest	Miller, Dan
Gillmor	Miller, Gary
Gilman	Miller, Jeff
Goode	Moore
Goodlatte	Moran (KS)
Goss	Myrick
Graham	Nethercutt
Granger	Ney
Graves	Northup
Green (WI)	Norwood
Greenwood	Nussle
Grucci	Osborne
Gutknecht	Ose
Hall (TX)	Otter
Hansen	Oxley
Hart	Paul
Hastings (WA)	Pence
Hayes	Peterson (MN)
Hayworth	Peterson (PA)
Hefley	Petri
Heger	Pickering
Hobson	Pitts
Hoekstra	Pombo
Holden	Pryce (OH)
Hoolley	Putnam
Horn	Quinn
Hostettler	Radanovich
Houghton	Ramstad
Hulshof	Regula

NOT VOTING—16

Blagojevich	Kingston
Brown (FL)	Miller, George
Bryant	Mink
Conyers	Portman
DeLay	Rangel
Hilleary	Roukema

□ 1438

Ms. GRANGER and Messrs. CALVERT, FRELINGHUYSEN, EHLERS, SMITH of Texas, WELDON of Pennsylvania, SULLIVAN and TERRY changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HEFLEY). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the second amendment.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 157, noes 255, not voting 20, as follows:

[Roll No. 393]

AYES—157

Abercrombie	Hastings (FL)	Moran (VA)
Ackerman	Hilliard	Nadler
Allen	Hinchev	Napolitano
Andrews	Hinojosa	Neal
Baca	Hoeffel	Oberstar
Baldacci	Holt	Obey
Baldwin	Honda	Olver
Barcia	Horn	Ortiz
Barrett	Israel	Owens
Becerra	Jackson (IL)	Pallone
Bentsen	Jackson-Lee	Pascrell
Berkley	(TX)	Pastor
Berman	Jefferson	Payne
Berry	Johnson, E. B.	Pelosi
Bishop	Jones (OH)	Pomeroy
Bonior	Kaptur	Price (NC)
Borski	Kennedy (RI)	Rahall
Boucher	Kildee	Reyes
Brady (PA)	Kilpatrick	Rivers
Brown (OH)	Kirk	Rodriguez
Capps	Kleczka	Rothman
Capuano	Kucinich	Roybal-Allard
Carson (IN)	LaFalce	Rush
Clay	Lampson	Sabo
Clayton	Langevin	Sanchez
Clyburn	Lantos	Sanders
Condit	Larsen (WA)	Sandlin
Coyne	Larson (CT)	Sawyer
Crowley	Lee	Schakowsky
Cummings	Levin	Schiff
Davis (IL)	Lewis (GA)	Scott
DeFazio	Lofgren	Serrano
DeGette	Lowey	Slaughter
Delahunt	Luther	Solis
DeLauro	Maloney (NY)	Spratt
Dicks	Markey	Stark
Dingell	Mascara	Strickland
Doggett	Matsui	Stupak
Doyle	McCarthy (MO)	Thompson (MS)
Edwards	McCarthy (NY)	Thurman
Engel	McCollum	Tierney
Eshoo	McDermott	Towns
Etheridge	McGovern	Turner
Evans	McHugh	Udall (CO)
Farr	McKinney	Udall (NM)
Fattah	McNulty	Waters
Filner	Meehan	Watson (CA)
Ford	Meek (FL)	Watt (NC)
Frank	Meeks (NY)	Waxman
Gephardt	Menendez	Wexler
Gonzalez	Millender-McDonald	Woolsey
Gutierrez	Moore	Wu
		Wynn

NOES—255

Aderholt	Blumenauer	Callahan
Akin	Blunt	Calvert
Armey	Boehert	Camp
Bachus	Boehner	Cannon
Baird	Bonilla	Cantor
Baker	Bono	Capito
Ballenger	Boozman	Cardin
Barr	Boswell	Carson (OK)
Bartlett	Boyd	Castle
Barton	Brady (TX)	Chabot
Bass	Brown (SC)	Chambliss
Bereuter	Burr	Clement
Biggart	Burton	Coble
Bilirakis	Buyer	Collins

Combest	Hunter	Ramstad
Costello	Hyde	Regula
Cox	Inslee	Rehberg
Cramer	Isakson	Reynolds
Crane	Issa	Riley
Crenshaw	Istook	Roemer
Culberson	Jenkins	Rogers (KY)
Cunningham	John	Rogers (MI)
Davis (CA)	Johnson (CT)	Rohrabacher
Davis (FL)	Johnson (IL)	Ros-Lehtinen
Davis, Jo Ann	Johnson, Sam	Ross
Davis, Tom	Jones (NC)	Royce
Deal	Kanjorski	Ryan (WI)
DeLay	Kelly	Ryan (KS)
DeMint	Kennedy (MN)	Saxton
Deutsch	Kerns	Schaffer
Diaz-Balart	Kind (WI)	Schrock
Dooley	King (NY)	Sensenbrenner
Doolittle	Knollenberg	Sessions
Dreier	Kolbe	Shadegg
Duncan	LaHood	Shaw
Dunn	Latham	Shays
Ehlers	LaTourette	Sherman
Ehrlich	Leach	Sherwood
Emerson	Lewis (KY)	Shimkus
English	Linder	Shows
Everett	Lipinski	Shuster
Ferguson	LoBiondo	Simpson
Flake	Lucas (KY)	Skeen
Fletcher	Lucas (OK)	Skelton
Foley	Lynch	Smith (MI)
Forbes	Maloney (CT)	Smith (NJ)
Fossella	Manzullo	Smith (TX)
Frelinghuysen	Matheson	Smith (WA)
Frost	McCrery	Snyder
Gallegly	McInnis	Souder
Ganske	McIntyre	Stearns
Gekas	McKeon	Stenholm
Gibbons	Mica	Sullivan
Gilchrest	Miller, Dan	Sununu
Gillmor	Miller, Gary	Sweeney
Gilman	Miller, Jeff	Tancredo
Goode	Mollohan	Tanner
Goodlatte	Moran (KS)	Tauscher
Gordon	Morella	Tauzin
Goss	Murtha	Taylor (MS)
Graham	Myrick	Taylor (NC)
Granger	Nethercutt	Terry
Graves	Ney	Thomas
Green (WI)	Northup	Thompson (CA)
Greenwood	Norwood	Thornberry
Grucci	Nussle	Thune
Gutknecht	Osborne	Tiahrt
Hall (TX)	Ose	Tiberi
Hansen	Otter	Tommy
Harman	Oxley	Upton
Hart	Paul	Visclosky
Hastings (WA)	Pence	Vitter
Hayes	Peterson (MN)	Walden
Hayworth	Peterson (PA)	Walsh
Hefley	Petri	Wamp
Herger	Phelps	Watkins (OK)
Hill	Pickering	Weldon (FL)
Hobson	Pitts	Weldon (PA)
Hoekstra	Platts	Whitfield
Holden	Pombo	Wicker
Hooley	Portman	Wilson (NM)
Hostettler	Pryce (OH)	Wilson (SC)
Houghton	Putnam	Wolf
Hoyer	Quinn	Young (AK)
Hulshof	Radanovich	Young (FL)

NOT VOTING—20

Blagojevich	Keller	Simmons
Brown (FL)	Kingston	Stump
Bryant	Lewis (CA)	Velazquez
Conyers	Miller, George	Watts (OK)
Cooksey	Mink	Weiner
Cubin	Rangel	Weller
Hilleary	Roukema	

□ 1447

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WELLER. Mr. Chairman, on rolcall No. 393, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. MCHUGH. Mr. Chairman, on rolcall No. 393, I inadvertently voted "aye." I would like the RECORD to show that I meant to vote "no."

The CHAIRMAN pro tempore (Mr. HEFLEY). There being no further amendment in order, 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.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HEFLEY, Chairman pro tempore 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. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes, pursuant to House Resolution 528, 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.

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 MS. WATERS

Ms. WATERS. Mr. Speaker, I offer a motion to recommit.

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

Ms. WATERS. Mr. Speaker, yes, I am opposed to the bill in its current form.

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

The Clerk read as follows:

Ms. WATERS moves that the bill H.R. 1701, the Consumer Rental Purchase Agreement Act, be recommitted to the Committee on Financial Services with instructions that the Committee report the bill forthwith to the House with the following amendment:

Page 32, strike line 17 and insert "This".

Page 33, line 13, strike "Except as provided in subsection (b), for" and insert "For".

Page 33, strike line 21 and all that follows through page 34, line 9 (and redesignate the subsequent subsection accordingly).

Ms. WATERS (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 gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes on her motion to recommit.

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

I suppose most of the Members present here today heard the debate that we have just finished on H.R. 1701.

My motion to recommit sends H.R. 1701 back to the Committee on Financial Services with instructions to amend the bill in one key respect: to strike a provision in H.R. 1701 that preempts the States from applying credit or installment sales standards to regulate rent-to-own transactions.

This is the provision that my colleagues heard the gentleman from Wisconsin (Mr. SENSENBRENNER) come to the floor and talk about today. It is because of that provision that the chairman of the Committee on the Judiciary decided to vote against the bill when this bill was marked up in the Committee on the Judiciary. I think that is a very important point.

Mr. Speaker, I suppose most of the Members on the floor heard the debate. We talked about a lot of things that are wrong with the rent-to-own legislation, H.R. 1701. We spoke about preemption, abusive practices, about attempts to force the consumers to accept all of the liability on the contracts. But we talked mostly about preemption.

Proponents of H.R. 1701 say that the bill does not preempt State laws, but they are absolutely wrong. Section 1018 of the bill expressly supersedes State laws that regulate rental purchase agreements as a security interest, credit sale, retail installment sale, conditional sale, or any and all other forms of consumer credit that treats a rental purchase agreement as the creation of a debt or extension of credit. Section 1008 of the bill also expressly supersedes State laws that require the disclosure of percentage rate calculation, including a time-price differential and annual percentage rate, or an effective annual percentage rate. Because of the bill's restrictions, rental-purchase transactions cannot be subjected to the State usury laws and finance charge limits, as well as APR and other disclosures. As a result, the bill preempts the strongest State laws in Wisconsin, Minnesota, New Jersey, and Vermont and prevents other States from adopting similar legislation in the future.

Since 1997, legal actions responding to State consumer law violations have produced legal judgments or settlements against the Nation's largest rent-to-own chain amounting to \$16 million in Wisconsin, \$60 million in New Jersey, and \$30 million in Minnesota. Why should Congress cancel out stronger State laws supported by all of the consumer groups and literally all of the States' attorneys general? Consumers need more, not less, protection from predatory financial practices.

Mr. Speaker, the Members may not be paying attention, but they ought to. They ought to pay attention because we have just been roundly criticized because of what we did not do with major corporations in America. Many people pleaded ignorance that they had supported the efforts of Enron and WorldCom and Quest and all of those other major corporations that have

been found to be gaming the system, corporations that put their pensioners at risk. People who were paying into their 401(k)s thought they had protected their future; but, in fact, they had been supporting their companies while the heads of those corporations, the majors in those corporations were literally exercising their stock options and getting richer and richer.

Well, we can tell the American people that we really did not understand, that we really were not paying attention; but we cannot keep doing it. We cannot keep saying, oh, I made a mistake.

Right on the heels of this great debate in America, we find ourselves confronted with predatory lenders that come in all stripes and sizes. We know that the pay-day lenders are on every corner in inner cities and little towns and now lined up outside of our American Army bases where they are luring people in to get these small loans.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. WATERS. Mr. Speaker, I would respectfully request that I be allowed the time that has been interfered with by the Members on the floor who have not respected the Speaker's gavel. The Speaker has taken up at least a minute of my time, and I would like to have it restored to me.

The SPEAKER pro tempore. The gentlewoman from California (Ms. WATERS) is recognized for 30 additional seconds to conclude her remarks.

Ms. WATERS. Mr. Speaker, the rent-to-own industry has come to this House, and they have gotten support to try and preempt States that have stronger consumer protection laws. We should not allow it to happen. It is unconscionable that we are allowing them to rip off the most vulnerable in our society with these rent-to-own contracts that are charging \$800 and \$900 for a \$169 television, and on and on it goes.

□ 1500

We have the opportunity to do something about it today. I would ask that we allow this bill to be recommitted so that it can be fixed.

Mr. BACHUS. Mr. Speaker, I rise to seek time in opposition.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Alabama (Mr. BACHUS) is recognized for 5 minutes.

Mr. BACHUS. Mr. Speaker, the body has just heard a lot of information. It was probably about equally divided between information that is not relevant to the legislation before us and misinformation about the legislation. It is very hard in 5 minutes to rebut all of that.

First, let me say that this has nothing to do with WorldCom, Enron, and Quest. Those companies are not in the rent-to-own industry, so any confusion, I hope we dispel that right up front.

What the gentlewoman is talking about is the rent-to-own industry. It is

the largest industry in America that is not regulated. The States are pretty much divided: One-third of them have no regulation, one-third of them have weak-to-moderate regulation, and one-third of them have strong regulation.

What this legislation does, it leaves in place all consumer protection legislation at the State level, all. It leaves all those laws passed by the State legislature, all, and I will explain that, all of them in place. It simply has a floor. It requires certain things. If the State has a stronger provision, that is applicable. If the State has a weaker provision, the Federal standard applies.

Today, over 40 States do not require that they put a price tag on a rent-to-own item. Every consumer group has condemned this. This legislation will require a price tag so the consumer knows what he is paying, what it is costing him.

In every State, in 46 States, the legislatures have looked at these transactions and they have said that it is not a consumer credit sale. It is not a credit sale, it is a lease or a lease-purchase or a rent-to-own. It is not a credit sale.

But judges in three courts around the country have said, no, it is a credit sale. It is a consumer credit transaction, and we are going to apply all the Federal law that applies to those transactions to this. We are going to apply all the Federal laws that apply to those transactions, including an APR statement, a disclosure statement.

The FTC, in a fairly exhaustive study, looked at that, and the Federal Reserve and the FTC said that requiring these APR statements and these consumer disclosures which are required for credit sales, when we apply them to rent-to-own, we confuse or mislead the customer. California does not do it, New York does not do it; but judges, not State legislatures, judges in three or four States have said we are going to do that.

This legislation does change the law in Wisconsin, New Jersey, and one other State, Vermont. It changes it in those three States by saying that it is not a credit sale. It does not repeal any law that the legislatures passed. It does invalidate a judge-made law in those States. But in no case, in no case other than in those four States, three or four States, does it make any change in the law.

Furthermore, Mr. Speaker, and I have said that repeatedly during this debate, there is nothing in this legislation that prevents a State from passing any law that they want to pass to ban or put additional restrictions on these sales, except to mischaracterize it as a consumer credit transaction. These people are going in and they are renting property, that is what they say, and they do not think they are applying for a loan. Those regulations should not apply to them.

The gentlewoman from California (Ms. WATERS) has asked us to really

apply the law of four States to the law of 46 States. I say, resist this motion to recommit and let us get on with protecting the people, the 15 million Americans that use these rent-to-own transactions.

The SPEAKER pro tempore. 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

Ms. WATERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

This will be a 15-minute vote followed by a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 227, not voting 15, as follows:

[Roll No. 394]

AYES—190

Abercrombie	Fattah	McGovern
Ackerman	Ferguson	McNulty
Allen	Filner	Meehan
Andrews	Ford	Meek (FL)
Baca	Frank	Menendez
Baird	Frelinghuysen	Millender
Baldacci	Gephardt	McDonald
Baldwin	Gonzalez	Mollohan
Barcia	Graham	Moran (VA)
Barrett	Green (TX)	Morella
Bass	Green (WI)	Nadler
Becerra	Gutierrez	Napolitano
Bentsen	Harman	Neal
Berkley	Hastings (FL)	Obestar
Berman	Hill	Obey
Berry	Hilliard	Olver
Bishop	Hinchee	Ortiz
Blumenauer	Hinojosa	Owens
Bonior	Hoeffel	Pallone
Borski	Holt	Pascarell
Boswell	Honda	Pastor
Boucher	Inslee	Paul
Boyd	Israel	Payne
Brady (PA)	Jackson (IL)	Pelosi
Brown (OH)	Jackson-Lee	Petri
Capps	(TX)	Pomeroy
Capuano	Jefferson	Price (NC)
Cardin	Johnson, E. B.	Rahall
Carson (IN)	Jones (OH)	Ramstad
Carson (OK)	Kaptur	Rangel
Clay	Kennedy (RI)	Rivers
Clayton	Kildee	Rodriguez
Clyburn	Kilpatrick	Roemer
Condit	Kind (WI)	Rothman
Coyne	Kleccka	Roybal-Allard
Crowley	Kucinich	Rush
Cummings	LaFalce	Ryan (WI)
Davis (CA)	Langevin	Sabo
Davis (FL)	Lantos	Sanchez
Davis (IL)	Larsen (WA)	Sanders
Davis, Jo Ann	Larson (CT)	Sandlin
DeFazio	Lee	Sawyer
DeGette	Levin	Saxton
Delahunt	Lewis (GA)	Schakowsky
DeLauro	LoBiondo	Schiff
Deutsch	Lofgren	Scott
Dicks	Lowey	Sensenbrenner
Dingell	Luther	Serrano
Doggett	Lynch	Slaughter
Doyle	Maloney (NY)	Smith (WA)
Edwards	Markey	Snyder
Ehlers	Mascara	Solis
Ehrlich	Matheson	Spratt
Engel	Matsui	Stark
Eshoo	McCarthy (MO)	Strickland
Etheridge	McCarthy (NY)	Stupak
Evans	McCollum	Tancredo
Farr	McDermott	Tauscher

Thompson (CA) Udall (NM) Watt (NC)
 Thompson (MS) Upton Waxman
 Thurman Velazquez Weiner
 Tierney Viscolosky Wexler
 Towns Waters Woolsey
 Udall (CO) Watson (CA) Wu

NOES—227

Aderholt Greenwood Peterson (MN)
 Akin Grucci Peterson (PA)
 Arney Gutknecht Phelps
 Bachus Hall (TX) Pickering
 Baker Hansen Pitts
 Ballenger Hart Platts
 Barr Hastings (WA) Pombo
 Bartlett Hayes Portman
 Barton Hayworth Pryce (OH)
 Bereuter Hefley Putnam
 Biggert Herger Quinn
 Billrakis Hobson Radanovich
 Blunt Hoekstra Regula
 Boehlert Holden Boehlert
 Boehner Hooley Reyes
 Bonilla Horn Reynolds
 Bono Hostettler Riley
 Boozman Hoyer Rogers (KY)
 Brady (TX) Hulshof Rogers (MI)
 Brown (SC) Hunter Rohrabacher
 Burr Hyde Ros-Lehtinen
 Burton Isakson Ross
 Buyer Issa Ryan (KS)
 Callahan Istook Schaffer
 Calvert Jenkins Schrock
 Camp John Sessions
 Cannon Johnson (CT) Shadegg
 Cantor Johnson (IL) Shaw
 Capito Johnson, Sam Shays
 Castle Jones (NC) Sherman
 Chabot Kanjorski Sherwood
 Chambliss Keller Shimkus
 Clement Kelly Shows
 Coble Kennedy (MN) Shuster
 Collins Kerns Simpson
 Combest King (NY) Skeen
 Costello Kirk Skelton
 Cox Knollenberg Smith (MI)
 Cramer Kolbe Smith (NJ)
 Crane LaHood Smith (TX)
 Crenshaw Lampson Souder
 Cubin Latham Stearns
 Culberson LaTourette Stenholm
 Cunningham Leach Sullivan
 Davis, Tom Lewis (CA) Sununu
 Deal Lewis (KY) Sweeney
 DeLay Linder Tanner
 DeMint Lipinski Tauzin
 Diaz-Balart Lucas (KY) Taylor (MS)
 Dooley Lucas (OK) Taylor (NC)
 Doolittle Maloney (CT) Terry
 Dreier Manzullo Thomas
 Duncan McCrery Thornberry
 Dunn McHugh Thune
 Emerson McMinnis Tiahrt
 English McIntyre Tiberi
 Everett McKeon Toomey
 Flake Meeks (NY) Turner
 Fletcher Mica Vitter
 Foley Miller, Dan Walden
 Forbes Miller, Gary Walsh
 Fossella Miller, Jeff Walsh
 Frost Moore Wamp
 Gallegly Moran (KS) Watkins (OK)
 Ganske Murtha Watts (OK)
 Gekas Myrick Weldon (FL)
 Gibbons Nethercutt Weldon (PA)
 Gilchrest Ney Weller
 Gillmor Northup Whitfield
 Gilman Norwood Wicker
 Goode Nussle Wilson (NM)
 Goodlatte Osborne Wilson (SC)
 Gordon Ose Wolf
 Goss Otter Wynn
 Granger Oxley Young (AK)
 Graves Pence Young (FL)

NOT VOTING—15

Blagojevich Hilleary Mink
 Brown (FL) Houghton Roukema
 Bryant Kingston Royce
 Conyers McKinney Simmons
 Cooksey Miller, George Stump

□ 1522

Messrs. LOBIONDO, SAXTON, PRELINGHUYSEN and FERGUSON changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). 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

Ms. WATERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 215, noes 201, answered “present” 1, not voting 15, as follows:

[Roll No. 395]

AYES—215

Ackerman Graves Oxley
 Aderholt Greenwood Pence
 Akin Grucci Peterson (MN)
 Arney Gutknecht Peterson (PA)
 Bachus Hall (TX) Phelps
 Baker Hansen Pickering
 Ballenger Hart Pitts
 Barr Hastings (WA) Pombo
 Bartlett Hayes Portman
 Barton Hayworth Pryce (OH)
 Bereuter Herger Putnam
 Berkley Hobson Quinn
 Biggert Holden Radanovich
 Bilirakis Hooley Regula
 Boehlert Horn Boehlert
 Boehner Hostettler Reyes
 Bonilla Houghton Reynolds
 Bono Hoyer Riley
 Boozman Hulshof Rogers (KY)
 Brady (TX) Hunter Ros-Lehtinen
 Brown (SC) Hyde Ross
 Burr Insee Royce
 Burton Isakson Ryan (KS)
 Buyer Issa Sandlin
 Calvert Jenkins Schrock
 Camp John Sessions
 Cantor Johnson (CT) Shadegg
 Capito Johnson (IL) Shaw
 Carson (OK) Johnson, Sam Shays
 Castle Jones (NC) Sherman
 Chabot Kanjorski Sherwood
 Chambliss Keller Shimkus
 Clay Kelly Shows
 Clement King (NY) Shuster
 Clyburn Kirk Skelton
 Coble Knollenberg Smith (TX)
 Collins Kolbe Spratt
 Combest LaHood Stearns
 Cox Lampson Stenholm
 Cramer Larson (CT) Sullivan
 Crane Latham Sununu
 Crenshaw LaTourette
 Cunningham Leach
 Davis, Jo Ann Lewis (CA)
 Deal Lewis (KY)
 DeLay Linder
 DeMint Lucas (KY)
 Diaz-Balart Lucas (OK)
 Dooley Maloney (CT)
 Dreier Manzullo
 Duncan Matheson
 Dunn McCrery
 Emerson McHugh
 English McIntyre
 Everett McKeon
 Fletcher Meeks (NY)
 Forbes Mica
 Ford Miller, Dan
 Fossella Miller, Gary
 Frost Moore
 Gallegly Moran (KS)
 Ganske Murtha
 Gekas Myrick
 Gibbons Nethercutt
 Gilchrest Ney
 Gillmor Northup
 Gonzalez Norwood
 Goode Nussle
 Goodlatte Ortiz
 Gordon Osborne
 Goss Ose
 Granger Otter

Green (TX)
 Green (WI)
 Gutierrez
 Harman
 Hastings (FL)
 Hefley
 Hill
 Hilliard
 Hinchey
 Hinojosa
 Hoefel
 Hoekstra
 Holt
 Honda
 Israel
 Istook
 Jackson (IL)
 Jackson-Lee (TX)
 Jefferson
 Johnson, E. B.
 Jones (OH)
 Kaptur
 Kennedy (MN)
 Kennedy (RI)
 Kerns
 Kildee
 Kilpatrick
 Kind (WI)
 Kleczka
 Kucinich
 LaFalce
 Langevin
 Lantos
 Larsen (WA)
 Lee
 Levin
 Lewis (GA)
 Lipinski
 LoBiondo
 Lofgren
 Lowey
 Luther
 Lynch
 Maloney (NY)
 Markey
 Mascara
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McMinnis
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 McNulty
 Meehan
 Meek (FL)
 Menendez
 Millender-
 McDonald
 Miller, Jeff
 Mollohan
 Moran (VA)
 Morella
 Nadler
 Napolitano
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NOES—201

Abercrombie
 Allen
 Andrews
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 Baldacci
 Baldwin
 Barcia
 Barret
 Barton
 Bass
 Becerra
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 Berry
 Bishop
 Blumenauer
 Blunt
 Bonior
 Borski
 Boswell
 Boucher
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 Brady (PA)
 Brown (OH)
 Cannon
 Capps
 Capuano
 Cardin
 Carusi
 Clayton
 Condit
 Costello
 Coyne
 Crowley
 Cubin
 Culberson
 Cummings
 Davis (CA)
 Davis (FL)
 Davis (IL)
 Davis, Tom
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Deutsch
 Dicks
 Dingell
 Doggett
 Doolittle
 Doyle
 Edwards
 Ehlers
 Ehrlich
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Ferguson
 Filner
 Flake
 Foley
 Frank
 Frelinghuysen
 Gephardt
 Gilman
 Graham

ANSWERED “PRESENT”—1

Callahan

NOT VOTING—15

Blagojevich Evans Roukema
 Brown (FL) Hilleary Simmons
 Bryant Kingston Stump
 Conyers Miller, George Watkins (OK)
 Cooksey Mink Weller

□ 1532

Mr. TAYLOR of North Carolina changed his vote from “no” to “aye.”

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. WATKINS of Oklahoma. Mr. Speaker on rollcall No. 395 I was unavoidably detained. Had I been present, I would have voted “aye.”

GENERAL LEAVE

Mr. BACHUS. 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. 1701, the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Alabama? There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal.

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

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Ms. WATERS. Mr. Speaker, I offer a motion to instruct the conferees on the Help America Vote Act, H.R. 3295.

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

The Clerk read as follows:

Ms. WATERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate to ensure that a conference report is filed on the bill prior to October 1, 2002.

The SPEAKER pro tempore. The gentlewoman from California (Ms. WATERS) will be recognized for 30 minutes and the gentleman from Ohio (Mr. NEY) will be recognized for 30 minutes.

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

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

This motion instructs the conferees on H.R. 3295, the election reform legislation, to complete their work and file a conference report prior to October 31, 2002. Mr. Speaker, it has been almost 2 years since the 2000 Presidential election, an election that created a crisis of confidence in our Nation's election system. It has been more than 9 months since the House of Representatives passed the Help America Vote Act, H.R. 3295. It has been more than 5 months since the Senate passed its version of election reform legislation, S. 565, the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002 by a vote of 99 to 1. Yet the conferees still have not completed their work.

The 2000 Presidential election lost between 500,000 and 1.2 million votes because of faulty machines, confusing ballot designations and designs, reported voter intimidation, and other human and mechanical impediments to the voting process. According to the United States census population survey, 2.8 percent of the 40 million voters who did not vote in 2000 stated they did not vote because of problems with poll-

ing place operations such as long lines and inconvenient hours or locations. Many of those who did vote in 2000 found themselves wondering whether their vote was counted and whether they actually voted for the candidate of their choice. We have already begun to observe similar problems in the 2002 primary election in several States, not to mention Florida one more time.

Mr. Speaker, in February of 2001, because of all of this, House Democratic leader Richard Gephardt asked me to lead the Democratic Caucus Special Committee on Election Reform. The committee was given the responsibility to travel throughout America and examine our Nation's voting practices and equipment. Over a 6-month period of time, this committee held six public-filled hearings in Philadelphia, San Antonio, Chicago, Jacksonville, Cleveland, and Los Angeles. We heard from election experts and hundreds of voters about what is wrong with our election system. I was overwhelmed by the outpouring of interest and support we received from our Nation's voters.

Our committee released a comprehensive report on November 7, 2001, the anniversary of the 2000 election debacle. The committee's report, entitled Revitalizing our Nation's Election System, set forth targeted minimal standards for Federal elections in order to guarantee that every vote will count. This report became part of the foundation for H.R. 3295, the Help America Vote Act of 2001.

Mr. Speaker, not only did Leader GEPHARDT appoint me to lead the Democratic Caucus Special Committee on Election Reform, many other committees around this country were working to try to find out what went wrong, what is wrong with our election system, what is it we have not paid attention to, what caused us to get to the point of such dysfunction in that election. The NAACP held hearings. The U.S. Commission on Civil Rights held hearings. There was a Carter-Ford Commission, and then, of course, this legislation was taken up that I am referring to by the Committee on House Administration led by the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY). And, of course, even though the gentleman from Michigan (Mr. CONYERS) is not here today, our ranking member on the Committee of the Judiciary has spent countless hours meeting with human rights groups and civil rights groups not only here in the Capitol but across the country, and I am told by the gentleman from Michigan (Mr. CONYERS) that wherever he travels, he is asked what is going to be done about election reform? What are you going to do to correct the problems in the election system?

In addition to that, the Leadership Conference on Civil Rights and many others that I am unable to notice today have already been holding hearings, gathering information and trying to bring us to a point of reform.

With that, let me just say that the Help America Vote Act would establish the election assistance commission, set up a program to buy out or improve antiquated punch card voting systems, authorize funds to improve the administration of elections, improve procedures for uniform and overseas voters, and set certain minimal standards for State and local election systems.

The Help America Vote Act was passed again by the House of Representatives on December 12, 2001, by an overwhelming vote of 362 to 63. You can see, Mr. Speaker, it is time for us to do something. It is time for the conferees to act. We need to get this conference report done and reported out.

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

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

I rise in support of the gentlewoman from California's (Ms. WATERS) motion to instruct, the one offered by the distinguished Member. I want to thank her for offering the motion.

I believe that the conferees, Mr. Speaker, on the election reform bill are within sight of an agreement that will bring critically needed aid and assistance to improve elections in the United States, and I believe this motion to instruct will have a positive effect of reminding the conferees on both sides of the aisle that reasonable negotiations are critical to getting this conference report done in the very near future. It is not that we need reminding, but I think this helps. We simply cannot afford to deadlock this conference because either side makes unrealistic demands at the last minute.

Let us talk for a minute about what both sides agree on, and I think it is important to note. We agree that we should authorize substantial sums of Federal dollars to modernize election systems in the next few years. We agree that obsolete voting systems like punch cards and lever machines should be replaced as rapidly as possible. We agree that voters in all States should have their rights protected by imposing basic requirements. We agree that those requirements should include guaranteed access to voting machines and ensure ballot access and secrecy for those who have a form of a disability. We agree that they should guarantee a voter's right to review his or her ballot to correct errors before that ballot is cast. We agree that they should guarantee a voter's right to provisional ballots so no voter is turned away from the polls in the United States. We agree that there should be an election assistance commission to help States comply with these requirements. We agree that there should be strong enforcement by the Department of Justice to ensure that these provisions are fully complied with as the law of the land. We agree there should be research and pilot programs to develop and to test new technologies to improve our voting systems.

We also agree, Mr. Speaker, there should be programs to encourage both

college and high school students across America to volunteer as poll workers or assistants where local election officials need them on a nonpartisan basis. We agree the rights of military and overseas voters should be protected and enhanced.

In addition to taking steps to make it easier to vote, we have agreed that steps must be taken to make it harder to cheat.

Leaders on both sides of the Capitol stand behind the antifraud provisions passed overwhelmingly by their respective Houses. I am confident that these provisions to improve the integrity of our political process, along with the many other requirements we all agree upon should be imposed, will be included in a final package.

There are some who doubt that agreement can be reached. They say judgments have been made by some and that a partisan issue for the 2002 elections may be more valuable than the improvements in the process that would be achieved by this bill, and shame on anybody on either side of the aisle or anybody across the country that would want to politicize this.

□ 1545

I believe the basic core of this institution on both sides of the aisle and the basic core of advocacy groups across the Nation want to produce a product, and I know the conferees also do.

I reject the analysis that has been made that this will be held up because of an issue versus a product that is good for people. I know that we can set aside partisanship and get this bill passed, and we must. I want to take this opportunity to praise the gentleman from Maryland (Mr. HOYER), the ranking member on the Committee on House Administration.

I want to also praise members of the conference committee, Senators DODD, MCCONNELL, BOND, SCHUMER, the input of the gentleman from Michigan (Mr. CONYERS), and on our side of the aisle, members of the Committee on House Administration that produced this product and other conferees, including the gentleman from Missouri (Mr. BLUNT) who has been extremely helpful.

I want to say something about the process for a little bit. There was debate on a select committee which I did not think was a bad idea, it was agreed to mutually on a bipartisan basis, and after the give-and-take and public debate over the issue, the bill and the idea came to our committee, frankly, from the gentleman from Maryland (Mr. HOYER) to have the Help America Vote Act.

We diligently worked on it. Despite campaign finance reform, despite anthrax in the buildings, we continued to work on it. Why does it take so long? It is a complicated bill that is going to have good ramifications down the road, and it needed to be intensely worked on. It is a bill that I believe we can be proud of.

Without the help and assistance of the gentleman from Maryland (Mr. HOYER), we would not be close to agreement; and I count on the gentleman's continued help and assistance to ensure that this bill is enacted before the end of the session.

Throughout the discussions, the gentleman from Maryland (Mr. HOYER) has insisted that we focus on the top priorities, such as getting this bill done as soon as possible so States can start to plan for the 2004 elections. Both sides of the aisle understand the importance of getting money out to local and State officials as rapidly as possible without a time-consuming and burdensome Federal bureaucracy getting in the way. We understand that there is no single issue that can be allowed to prevent this bill from passing. We are continuing to communicate and talk.

I also thank all of the groups who have encouraged and supported our efforts to get this bill passed, including the National Federation of the Blind, the National Association of Secretaries of State, the National Association of Counties, the National Association of Clerks and Recorders, the Election Center, and the advocacy groups that are out there with disabilities, civil rights and all of the other groups across this country that have had hearings and made input into the system.

There is much work left to be done, and I know we are running out of time, but I believe we can meet that challenge. I look forward to being on the floor in the near future and enacting a bill with broad bipartisan support, a bill that makes it easier to vote and harder to cheat, a bill that would demonstrate to all Americans that this Congress can put aside partisanship and improve the election process for all of our citizens.

There is a lot of talk across the country, and knowing the rules of the House, I will just say of things not going up and down the hallways and coming back here and there. Let me say on this particular issue, we want to make sure that all the bodies of the Congress work together and enact something that is going to be down the road for generations, something to be proud of and something which ensures integrity in our system.

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

Ms. WATERS. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for yielding me this time, and for her leadership. She has been extraordinary since November 2000 working on this issue. I also want to thank the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairwoman of the Congressional Black Caucus. I also want to thank the gentleman from Rhode Island (Mr. LANGEVIN) who has done such yeoman work on this bill, along with the gen-

tleman from Ohio (Mr. NEY), who has been very responsible for the disabilities provision in this bill.

Mr. Speaker, let me begin by recognizing the outstanding leadership of the gentlewoman from California (Ms. WATERS,) whom I mentioned, who has tirelessly championed the cause of election reform, as has the gentleman from Florida (Mr. HASTINGS), the gentleman from Rhode Island (Mr. LANGEVIN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). As chairwoman of the Democratic Caucus Special Committee on Election Reform, of which I was a member, the gentlewoman from California held hearings all over this country to learn what ails our election system. Many of the recommendations of her committee are included in the bill that was drafted.

As last week's primary in Florida confirms, the problems of the 2000 election will not go away until the Congress and the States enact meaningful national standards and offer States and local authorities the resources to improve their election infrastructure.

Mr. Speaker, I have said a lot of people worked hard on this legislation, and they have. But frankly, thanks in large measure to my indefatigable colleague from Ohio, we have made the progress that we have. We are closer than ever to enacting the most comprehensive package of voting reforms since the Voting Rights Act of 1965.

The gentleman from Ohio (Mr. NEY) has been an unwavering advocate of reform, a strong proponent of the provisions that he believes are important to be in this bill; and frankly, expressing concerns about those provisions he thinks ought not be in the bill, but always focused on passing legislation that will assist the States and assist our voters in making our democracy even more perfect.

He has been an advocate of reform that will require States to offer provisional ballots to all voters whose registration, for one reason or another, is not properly included on the rolls; reform that will require States to maintain statewide computerized registration lists to ensure the most accurate, up-to-date rolls and minimize the number of voters who are incorrectly removed from voters' rolls; reforms that will reward States for retiring obsolete voting machines, especially the notorious punch card machines and their dangling chads, that prompted this Congress to act in the first place. And I might add that the gentleman from Ohio (Mr. NEY) and others have brought to our attention as well the problems that the lever machines cause because of the unavailability of parts to repair those particular machines.

This bill includes reforms that require voting systems to be accessible for individuals with disabilities, a cause that the gentleman from Rhode Island (Mr. LANGEVIN) has been

untiring in advocating to ensure all Americans, irrespective of disabilities, have access to the polling place, have a technology that they can use, and can cast their vote in secret. We thank the gentleman from Rhode Island (Mr. LANGEVIN) for his outstanding leadership.

I want to say that the gentleman from Ohio (Mr. NEY) has been particularly focused on including nonvisual accessibility to the blind and visually impaired to allow them to vote privately and independently, and reforms that allow voters to review and correct their ballots before they are cast. I call that second chance voting. It is a critically important component of our bill because it will tell the voter that they voted for too many people, they did not vote for this position or that position, do you want to? So that the voter, when they leave the polling place, will have confidence that they have cast correctly a ballot which will reflect their views.

This bill includes reforms that do not weaken any existing voting rights laws and includes meaningful enforcement and ensures that every vote counts.

Mr. Speaker, this motion made by the gentlewoman from California (Ms. WATERS) is intended to ensure that we on the conference committee complete our work prior to October 1, 2002. Our chairman supports that motion, and given the progress the conference committee has made in the past 7 days, I am optimistic that we will meet that deadline.

All of us have one person in this House to thank for that process, the gentleman from Ohio (Mr. NEY). Frankly, without the gentleman's leadership and his chairmanship of this committee, we would not be as far along as we are.

At the urging of the chairman of the Committee on House Administration, as well as the distinguished gentleman from Connecticut, Senator DODD, Members will be happy to know that the principal conference members and their staffs have been meeting diligently long hours to resolve the outstanding issues that remain.

Frankly, Mr. Speaker, at the beginning everyone sort of circled everyone; but I can assure Members there was honest, open, positive discussion occurring.

Motions to instruct are often intended to urge conference members to head in directions they may not want. This motion directs us to move in a direction we want to move. I thank the gentlewoman from California (Ms. WATERS) for her leadership and for this motion. I thank the gentleman from Ohio (Mr. NEY) for his commitment to the passage of this legislation. America will be a better place for this legislation having been adopted.

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

Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for his comments and his integrity and sincerity on this issue.

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

Ms. WATERS. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I first want to thank the gentlewoman from California (Ms. WATERS) for offering this motion to instruct today and for her leadership on this very important issue. I also want to echo the comments of the gentleman from Maryland and thank the gentleman from Ohio (Mr. NEY) and, of course, the gentleman from Maryland (Mr. HOYER) as well for his hard work on this bill.

Mr. Speaker, as we enter the closing days of the 107th Congress, the House faces a number of legislative initiatives that we would like to complete. While many of these are necessary to keep our government running and to protect the American people, we must not forget our responsibility to protect the fundamental right to vote. The election debacle of November 2000 was not an isolated incident. Last week's primary in Florida demonstrated we still have serious problems with the administration of our election systems.

I know that many States, including Rhode Island, are poised to initiate substantial election reforms but are merely waiting for the Federal Government to issue guidelines and provide funding. The gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) were instrumental in crafting H.R. 3295 which passed the House with strong bipartisan support. While our bill differs from the other Chamber in several respects, these differences are not insurmountable. I know that the conferees of H.R. 3295 have the American people's best interests at heart, and I encourage them to work expeditiously to resolve the remaining disagreement and develop a conference report that we can pass before the end of the year.

Mr. Speaker, I urge my colleagues to support the Waters motion to instruct.

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

Ms. WATERS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the motion to instruct election reform conferees being offered today by the gentlewoman from California (Ms. WATERS), the chairman of the Democratic Task Force on Election Reform. I appreciate the gentlewoman's work that she has done in the past on election reform, and I applaud the work that she continues to do on this issue that continues to burn at the heart of every American.

In all candor, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) are to be complimented by all of us, as well as the persons that have been mentioned heretofore, and all of the members of the task force that worked with them in developing our position.

I am a bit put out that in this same body where all of us stood with former Vice President Gore presiding, all of us that were here on that day to say that an election had been free and fair, are somewhere now scattered throughout Washington, and I recognize that Members have other agendas, but I am alarmed that this room is not full.

□ 1600

In Florida, my constituents are reaping the firsthand devastation of Federal inaction. During Florida's primary election last Tuesday, 14 counties in Florida faced similar problems to the ones that we faced on Election Day 2000. Ranging from malfunctioning voting equipment to uneducated poll workers, voters in my State never had a chance to benefit from the provisions that the House approved with the assistance of the gentleman from Ohio (Mr. NEY), the gentlewoman from California (Ms. WATERS), and the gentleman from Maryland (Mr. HOYER) in the Help America Vote Act. Instead, last Tuesday was, to quote an overworked phrase, *deja vu* all over again. While Florida voters were robbed once again, Congress remains silent.

After the election in 2000, Governor Bush and President Bush said that that would never happen again. The President has every right to do as he is doing, traveling around the Nation to put his case before us as we move toward November. But not one peep has come from this President. I have heard about Iraq. I have heard everything about a defense authorization bill. We are here doing this in an effort to not be doing appropriations. We have not done but five of 13 in the House and this President has not signed one single solitary appropriations measure. I doubt very seriously if we will.

When history judges the work that the 107th Congress has done, it will undoubtedly view the debate we are having right now as the landmark failure of this body. Who would have ever thought that after the sham and debacle of an election we had in 2000, that a Member, Republican or Democrat, would ever need to come to the floor of this body urging House and Senate conferees to reach a deal on an election reform package?

I hope that my colleagues realize, and I am sure they do, that the calendar records 606 days have passed since Election Day 2000, while this body has spent time cutting taxes as we did yesterday and in some resolution we are going to bring up tomorrow to remind the Senate that they are supposed to make permanent some tax cut while we go forward talking about a war and not finishing up the war on terrorism and having all sorts of things from prescription drugs to everything facing us in our body politic. No doubt what we are more about is rewarding the wealthy corporate persons and furthering corporate irresponsibility. This body has neglected to do anything to reinstate integrity in the American election process.

Elections are the foundation of our representation. Representation is the foundation of our democracy. Thus, we must never find ourselves again questioning the methods by which we choose our leaders. I say, if the House can create a Department of Homeland Security in one month, then the election reform conference committee can certainly reach an agreement in a year.

Mr. Speaker, as I was walking over to the Capitol this afternoon to speak in support of the gentlewoman from California's motion, I was trying to think of how many times I have spoken out for election reform. Quite frankly, I cannot remember; but I know it is too many times.

Too many times have the American people's cries for fairness and democracy in our election system gone unanswered. Too many days have passed by since our last Federal election left former President Jimmy Carter proclaiming, "If the Carter Center were to grade the American election system, it would fail." Too many opportunities have passed when Congress has gone home early for the week before assuring Americans that their votes will always count. Before long, we will be saying that too many elections have occurred while Americans continue to vote on an election system that we know is broken. That is a notion that I am not willing to even consider and neither are the American people. If we fail to act, it is an outrage.

Mr. NEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I join together on the floor today with my colleague from Florida (Mr. HASTINGS) because I too have spoken at each of our occasions here on the floor, with the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) and others in urging passage of this important legislation.

What happened in Florida's primary election this year is an example of exactly why we need to complete this conference as soon as possible. The Florida legislature passed legislation that outlawed punch cards, included new technology, called for improved election management practices and policies and introduced a statewide computerized registration system. The State was not afraid to spend money to support this effort. They set aside \$32 million to improve the way elections were run. The counties responded with approximately an additional \$50 million of local money designed to complement this statewide initiative. It is very difficult for anyone to argue that Florida was not committed to changing the way elections were run in their State. In fact, the gentleman from Ohio (Mr. NEY) and his staff spent the last 2 years studying elections across the country, talking to election officials, voters, disability advocacy groups, election machine vendors and other experts in the field. Based on what they learned, Florida spent more

money on new voting equipment than any other State in the country during the last 2 years. They also made significant improvements in election management policy, including the introduction of provisional voting, second-chance voting, definitions of what constitutes a vote, and other improvements.

So what happened in Florida? Sixty-seven counties in Florida comprise our State. We heard about major problems in two counties, Dade and Broward. For those who tried to lay the blame at Governor Bush's feet, it is worth noting that the officials actually responsible for running those elections in these two counties are Democrats. The good news is that the overwhelming majority of Florida counties got it right. In addition to implementing new legislative districts, they changed the way they keep track of voter registration records, introduced new voting technology, they trained poll workers and educated voters on how this technology works.

Let me remind Members of my home county, Palm Beach County, where our supervisor of elections, Teresa LePore, who was much criticized during the 2000 election because of the butterfly ballot decided to take the new voting technology to virtually every group that would have her. She went to Kiwanis, she went to Rotary, she went to synagogues, she went to mosques, she went to shopping centers and displayed the new touch screen voting technology. She trained her workers. She educated her workers and her poll workers and her deputies. She actually had mock elections outside of public supermarkets in order for the community to be more comfortable with the voting machine. Thankfully, because of that effort and that time she took, we had very little problem in Palm Beach County. In fact, we had a 98.5 percent success in Florida. We are suffering the aftermath of two counties.

I regret that there were not a lot more people exercised about what happened in Dade and Broward. I was exercised that not every vote counted in the 2000 election, and I am convinced that some people should have been more vocal and vociferous because of what happened in Dade and Broward.

The gentleman from Ohio's staff of the Committee on House Administration observed primaries in Lee County, Florida. Lee County used the same new touch screen voting technology as 11 other counties in Florida did, including Broward; but they did things a little differently. They spent extra time recruiting and training poll workers. I want to underscore that. Extra time recruiting and training poll workers. Educating their voters, buying extra voting machines so voters could practice at the precinct. They even went to the trouble of making a video on how to use the new technology and had it play in each precinct in the county during election day. Lee County, Florida, home of our own PORTER GOSS. In

addition, they installed modems in all the precincts so that the election results could be electronically transmitted to the central office as soon as the polls closed. The local media and voters declared the election in that county a success. This is how election reform should work. Proven in several counties. A few problems in two counties. So let us not minimize the importance of the legislation before us.

My contention from the beginning has been if we are going to implement meaningful reform, we cannot do it in a partisan manner. Managing good, solid elections that count every vote cast is not about what party you belong to. It is about sound public policy. Election officials need time to implement the meaningful changes that election reform will bring. It is imperative that we move this bill out of conference as soon as possible so that they are not rushed into making bad decisions, sending ill-trained poll workers to the polls, introducing new technology without educating voters, or repeating any of the other mistakes we saw in those two counties in Florida.

I commend the gentleman from Florida (Mr. HASTINGS), as I do others in our delegation, the gentlewoman from Florida (Ms. BROWN) and others who have also been vociferous in wanting to improve the election system not only in our home State but in every State of the Union. This is critical, it is timely, it is urgent; and I urge the conference to report out the bill.

Ms. WATERS. Mr. Speaker, I simply want to thank the gentleman from Florida (Mr. HASTINGS) for all the work he did on the special committee on reform. He supported it 100 percent.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of this urgent motion to instruct conferees on election reform.

Mr. Speaker, the most fundamental issue facing all of us during this Congress is restoring the public's faith in democracy. To restore that faith in democracy, we must make sure that every vote cast is counted. Equal protection of voting rights laws requires an electoral system in which all Americans are able to register as voters, remain on the rolls once registered, and vote free from harassment. Ballots must not be misleading. And, again, every vote must count.

In the 2000 election, Florida was not the only State where American citizens were denied the full exercise of their constitutional franchise. It happened all over this Nation. Moreover, most of those excluded from democracy were Americans of color. That is why election reform has been the number one legislative priority of the Congressional Black Caucus. We will not be silenced until this Congress answers this call. This is not, however, a black issue or a white issue or a brown issue. It is an American issue. It is a red, white,

and blue issue. The survival of our democracy depends on the accuracy and integrity of our election system. Just last week, we received yet another wake-up call from the Sunshine State reminding us that the time for election reform is now and that we must do whatever it takes to pass this election reform bill immediately.

I would like to thank Senator DODD, the gentleman from Michigan (Mr. CONYERS), the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY) whom I have worked very closely with, the gentlewoman from California (Ms. WATERS), and all the others, most especially the African American delegation from Florida, for bringing the information and offering to be available to answer any questions at any time. I know that this election reform conference committee has been working diligently and they have come close to a compromise on this issue. I hope, Mr. Speaker, that soon, before we recess, this conference report will come out for us to vote on in an acceptable manner.

Now that we have come so close to compromise and now that the next round of Federal elections is right upon us, even though it probably will not affect it, the price for not passing election reform during this Congress is far too high. It is imperative that the conference committee continue its hard work and come to an agreement before the end of this month. We cannot afford to let this opportunity slip away.

I know, Mr. Speaker, how many hours the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) and Senator DODD have spent working on this issue. I have talked to someone every day on it. It is time for us to finalize this conference report and bring it forth.

Mr. NEY. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Speaker, as I understand it on both sides, I think there is great agreement with regard to the motion to instruct on this particular bill, so I am not here to debate that; but I am here, I think, to help set the record a little bit straight as to exactly what happened in Florida.

As we know, Florida was the middle of a hurricane during the last election, so it has received a great deal of attention. The Florida legislature spent a great deal of money in buying, purchasing and helping the counties put in place, as well as the county commissions, the state-of-the-art, or what we thought was the state-of-the-art voting machines, electronic machines. This was a new type of voting process for most of the counties in the State of Florida.

□ 1615

In my own home county of Broward County, the wheels sort of fell off the wagon.

Now, what exactly happened? According to the Registrar of Elections in Broward County, 150 of her workers did not show up, a lot of those that did were not properly trained, and there was great confusion within the voting places.

Many precincts opened late, as late as noon. In order to try to compensate for that, the Governor extended time for voting until 9 o'clock, but many of the precincts closed at 7 because they could not find the people that would stay over or because the word never got out to the poll workers that they were supposed to stay until 9.

Now, whose fault is this? I have heard too many people, and even Vice President Gore, former Vice President Gore was in the district today, trying to blame this on our Governor, Jeb Bush. Jeb Bush did not elect the Supervisor of Elections in Broward County; the people of Broward County did. Jeb Bush did not hire the poll workers that did not show up; the Supervisor of Elections did. Jeb Bush did not train the workers to operate the different voting machines. That is the responsibility of the Supervisor of Elections.

So, pray tell, what is the Governor's responsibility here, other than to support bringing state-of-the-art equipment into the State of Florida, which he did, which the state legislature did? There were just some colossal errors.

Unfortunately, with all the finger pointing, people wonder, what in the world? I even heard the President being blamed here on the floor a while ago. That makes absolutely zero sense. The President of the United States does not run the voting precincts in the State of Florida, the State of California, or any other State.

The Governor of the State of Florida, particularly in Broward County, his only responsibility is, perhaps you could argue, that if he does not remove the duly elected Registrar of Elections, that somebody could blame him for not removing this particular person. But it does not appear that is the way he is going. It appears he has sent down the Secretary of State, Jim Smith, who has come down and spent a great deal of time working with the people in Broward County to be sure this does not happen again. A citizen's committee has been set up.

The County Commission and our sheriff, Sheriff Jenne, has been working with the Registrar of Elections, doing everything they can to make this system work. The Governor has been totally cooperative. The Governor of the State of Florida is not the voter registrar in Broward County, and that is just the beginning and the end of it, and there is nothing further to really say with regard to that.

If people are going to blame the Governor, they should come here and say exactly what he did. If they are going to blame the President, they should come down and tell us what his responsibility is in getting people to the polls and getting the polls to work in Broward County.

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

Mr. SHAW. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Speaker, I would ask the gentleman to please repeat the number of people that failed to show up at the Broward County polls that were workers that were allegedly hired by the Broward County Supervisor of Elections. Was it 150?

Mr. SHAW. One hundred fifty people.

Mr. FOLEY. Mr. Speaker, if the gentleman will continue to yield, this is something I wanted to elaborate on. I think the gentleman has done a great job on it. The county elects their own supervisor who is charged and mandated with the task of carrying out the elections.

Mr. SHAW. The gentleman is correct. In Dade County, it is appointed by the Dade County Commission, so it is different. It is the way the charter is set up.

Mr. FOLEY. If the gentleman will yield further, one other thing I would like to elaborate on, is the Secretary of State, Jim Smith, who has recently been appointed, warned the Democratic Party officials about problems in Broward County, brought it to their attention. The State offered resources, the State tried to help, and the Broward County elected supervisor rejected all efforts to assist in the election.

This is different. Things were done, attempts were made to try to help during this critical and important election following 2000. All offers were rebuffed. I think that official bears sole, complete responsibility for the election outcome in Broward County, and Dade County has the same problem to address.

Mr. SHAW. Mr. Speaker, reclaiming my time, I would like to conclude by saying that the Governor and State officials in Florida are doing everything possible. Our County Commission in Broward County is doing everything possible to be sure they get a full count in Broward County.

Interestingly enough, all but one of our County Commissioners is a Democrat, the Voter Registrar is a Democrat, Broward County will deliver a big Democrat vote for the Democrat nominee for Governor, and the Republican Governor, Jeb Bush, is doing everything in his power to see to it that all the people, Democrats and Republicans in Broward County, get a fair count this time, that they do not go through the fiasco that we went through last Tuesday.

So I would like to just conclude with that, that I wish our Registrar all the best on November 5. It is going to be closely watched, but I think with all the assistance we are getting that the Registrar will have a great day and a great evening, and we will end up all

being very proud of what is going to happen in Broward County. Republicans and Democrats want to be sure every vote gets counted.

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

Mr. Speaker, I had not intended this to be a platform for the defense of Jeb Bush or any other Governor, but, since it has been made such, the buck stops at the top.

Mr. Speaker, I yield 3½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me time, and especially thank her for bringing this motion to instruct to the floor so we will not be put in the shameful position of perhaps going home again, we cannot go home again, without doing something about this bill.

Virtually every primary is over. We are 2 years past the worst election crisis in the United States of America. We have heard defense of Florida, we have heard partisan comments about the counties involved. The point of crisis has shifted from the States to the Congress of the United States.

We are sitting here with our thumbs in our mouths, knowing full well that Florida and every State of the Union cannot do it by themselves. That is really all Florida says to me. Florida is like a canary in the coal mine. Just as it was in the presidential election, we never would have learned without the fiasco of the 2000 election that we have broken election systems throughout the United States of America.

Florida redux is shameful, to be sure; to have the same crisis emerge in similar counties is shameful, to be sure. But we are going to have that over and over again unless we do our job.

Why name the President of the United States? Because he is the President of the United States, and it was his election, that is why. Because he has the bully pulpit, that is why. Because he ought to step up and say to the conference committee what the gentlewoman from California is saying: "Hey, shake it loose so we don't do it again." Yes, it is his responsibility, and it is especially our responsibility.

It is shameful that the NAACP has to go retail. It has had to go county by county to just settle a suit there on such basics as, I remember one of the provisions is that you have to provide an alternative way to vote in case you are challenged at the polls? Really? In 2002 we are just saying that?

In Virginia, I have read thousands of different things that have happened county by county as counties go by themselves retail trying to fix the system in Virginia. One county that had 600 overvotes was reduced to one last year. How many overvotes must there have been throughout the United States that nobody even knows about now because they have not been dealt with?

If you want to know what we have to do with Florida, it is known as con-

gressional leadership, Federal leadership, and it is known as the right to vote. And that buck, yes, I say to the gentlewoman, stops at the top, and we are the top of that pyramid.

We did not know until Florida. My friends, now we know. That means now we are responsible. Any disagreement, as I have heard there is on voter ID, I just want to say right here is the most shameful, the most shameful cause of disagreement. The notion about just how much ID you ought to have before you, with your American self, can cast your vote, exercise your right to vote? It is a chilling reminder of years past.

I want to say right up front; this is a civil rights issue, only this time everybody understands the civil rights is not for African Americans alone. In Florida we saw people of all races and backgrounds, all educational backgrounds, got caught in what African Americans have been caught in for decades.

Let us free the American people and let them all vote in November.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 4 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman and gentleman for yielding me time.

Mr. Speaker, I just want to thank the gentlewoman from California for this motion to instruct and for her leadership in chairing the Election Reform Task Force, which I had the pleasure of joining her on in several cities throughout the Nation. This is an important motion to instruct, but it is also an important conference.

I would like to add my appreciation to the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), for the work that they have done, along with the gentleman from Michigan (Mr. CONYERS), and I serve on the conference committee. Also the gentleman from Michigan (Mr. BARCIA), who is a leader on this issue, and many others.

I would like to speak to the importance of the conference and the work yet undone and the importance of this motion to instruct for October 1. I would like to emphasize that the Constitution and election reform is not partisan. The example that we saw in Florida is an issue that should be of concern to Republicans and Democrats, and I believe that this legislation will be a cornerstone to solving some of the problems when we have Federal requirements, even though we saw the legislature in Florida try to act upon it.

But let me move away from Florida and use Texas as an example of why this Federal bill is so very important. In the State of Texas we will be entering into one of the most historic elec-

tions come 2002, because, for the first time, we will have at the top of the ticket two individuals who are Americans, of course, but represent the great diversity of the State of Texas.

But in the State the election system is also diverse, but not to the positive, but to the negative. In the State of Texas our ballots are counted by hand. They are punch card ballots, they are write-in ballots, and, yes, in the largest county in Texas, they will be by E-Slate.

Texas has the ability to vote straight ticket, as many jurisdictions have. We are just discovering that the E-Slate that we have in the State of Texas, which I think will be in another county as well, does not function right for voters of either party that may choose to select their candidates by voting a straight ticket. That is a privilege of those who vote. That is a chilling effect where you cannot utilize certain equipment and vote the way you desire.

With Federal requirements, that will provide assistance to ensure that there is a consistency of vote throughout the state, but, more importantly, it will also provide training dollars which are so desperately needed.

I have to go home this weekend and test the machine. Others have tested it, as I have encouraged them to do, but I have to test it, because there is a problem. I believe this legislation has the ability to bring consistency and bring to people the privilege of voting that the Constitution and citizenship bestows upon them.

I hope that the leadership of this House and the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), who work so well together, will look at the idea of a national ID, that we happen to have avoided in the immigration legislation and even to a certain extent in Homeland Security, that there is not a chilling effect, if you will, for people who come to the polls to vote, that we determine that you are able to vote, that we have standards, that we have uniform voting procedures, that we have requirements, that we have Federal oversight, but we do not chill people from voting, as did happen to all people in the last election.

Disabled people were prohibited from voting in particular areas, and Florida comes to mind. This legislation opens the doors to disabled persons.

I hope we can work through the question of purging, though I think there is a great response to the purging question. What that means is people being thrown off the rolls and not knowing they have been thrown off the rolls and legitimately wanting to cast their vote.

This is a civil rights question, but it is an American question, and I believe the members of the conference, including the chairman and ranking member and the leadership in the other body, if I might add, the chairman of the Committee on Rules in the other body, all

have considered this an important challenge, and I hope by October 1st we will finish our work and finish it together and have a bill, not for partisanship, but for all Americans, to protect the civil rights of all Americans.

□ 1630

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

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank my esteemed colleague, the gentlewoman from California (Ms. WATERS), for bringing this to our attention. I have a very short comment to make. Number one, it is time, regarding the instructions she has given to the conferees, it is time we had fair voting in Florida. It is time we not depend on the machine. We need leadership. The Governor of Florida, the Dade County Elections Commission, none of them have acted in good faith. We need this. We need the Federal Government to come in and say, look, we want a fair election. It is time for one. We cannot pass the buck. Even with the machines, if we do not have the proper leadership to direct this, it cannot run in the right way.

We know that Florida has been cheated, we know that this country has been cheated, so I will not stand here and make allowances for anyone. We need this instruction that the good Congresswoman has passed on to the conferees. It is time that they listen for once and pass this and make sense when they do it and not look for some bipartisan kind of thing that is going to please everybody. Please the American public. Please the people who work so hard for the vote. Please the people who died for the vote. So I make no amends for any of them.

Mr. Speaker, I rise in strong support of this Motion to Instruct the Election Reform Conferees to produce a Conference Report before October 1, 2002, and I commend my good friend Congresswoman MAXINE WATERS for offering it.

Mr. Speaker, election reform is long overdue. How many more election day catastrophes, like last week's voting in Florida, will be required for this Congress to get the message that our people need a real election reform bill and they need it now?! I don't have the time to detail all of the problems that occurred in last week's voting in South Florida, but the problems were extremely serious.

I have read the same newspaper and magazine accounts that all of you have read suggesting that the election reform conferees have not yet been able to work out their differences, and that election reform may be dead for this Session of Congress. Mr. Speaker, this outcome is absolutely unacceptable. This Congress will have failed the American people if it does not pass a strong election reform Conference Report, and send it to the President for his signature before this Session ends.

Mr. Speaker, last week's voting revealed that the many problems that plagued the 2000 Presidential election in South Florida are con-

tinuing. I didn't just hear about the problems from my constituents. I experienced some of the problems myself.

Miami-Dade County allowed early voting in advance of the September 10th primary. Yet when I stopped by a library branch in my precinct to cast an early vote, I was delayed from voting for more than 30 minutes because the only computer available was not working and the election officials on duty said that they couldn't verify that I was an eligible voter!

Even though I presented my driver's license, my new voter registration card and other photo identification, I still was not allowed to vote for over thirty minutes while poll workers attempted to check Election Department records to verify my eligibility.

While these poll workers tried to follow new Miami-Dade procedures to contact the main elections office in the case of a computer glitch, they were unable to contact the Elections Supervisor to verify my eligibility. During this thirty minute period, I saw at least two voters who wanted to vote early leave the polling place without voting.

As all of you know, I'm not easily deterred, especially when my rights are being threatened, so even though I was extremely unhappy with the Department's inability to verify my eligibility during this delay, I did not leave the polling place. Instead, I had my District Office contact the County Elections Supervisor and his staff. While I did not speak with the Election Supervisor himself, I understand that Elections Department staff advised that the Elections Supervisor checked the department's records personally to verify my eligibility, and then the poll workers were told which absentee ballot I should be given.

Mr. Speaker, if a Senior Member of Congress with a long history of voting in each election, and someone who knows how to assert herself, had this type of problem when trying to vote, all of us know the problems that new or infrequent voters, or those voters who speak a different language such as Haitians, are facing.

Mr. Speaker, we can and must do better than this. We need to fund the best election technology available and make it available on an equal basis to all of our communities. Yet, Mr. Speaker, we need more than just new and fancy machines. We need to ensure that our poll workers are properly trained in how to operate those machines, and in election law and procedure. Those workers also must share a commitment to seeing to it that all of our people have an equal chance to vote and to have their vote counted. In short, Mr. Speaker, our elections officials must do more to make real election reform a reality for all of our people.

Mr. Speaker, we must not forget the lessons of the 2000 election, and last week's Florida fiasco. None of us can rest until we ensure that every vote counts and is counted. I urge all of my Colleagues to support the Waters Motion to Instruct Conferees, commend Congresswoman WATERS for offering it, and yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself the remaining time.

Elections are the heart of our democracy. We cannot afford to allow another Federal election to come and go without addressing the myriad problems in our election system. We must complete action on election reform legislation. We must complete it before

we adjourn for the November election. It is time for Congress to assure the American people that every vote will count in the United States of America.

We do this for all of America, but African Americans are particularly sensitive on this subject, because we fought so hard for the right to vote. I can tell my colleagues in that election where we saw a database identifying so-called felons where people who had never been arrested in their lives found themselves on that list, where people could not cast their vote because they could not find their names on the polls, it was reflections of yesteryear by a different name. We have our forefathers and foremothers who were made to pay poll taxes, who were intimidated, who were forced to have to read the Constitution in order to prove their literacy. We cannot afford to have America not fix this election system that is obviously broken and has been demonstrated to be such.

Mr. Speaker, I urge my colleagues to support this motion and tell the conferees to complete their work before October 1.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. WATERS).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, 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 Massachusetts (Mr. FRANK) is recognized for 5 minutes.

(Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A POLITICAL MISTAKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I have for years advocated a moral and constitutional approach to our foreign policy.

This has been done in the sincerest belief that a policy of peace, trade, and friendship with all nations is far superior in all respects to a policy of war, protectionism, and confrontation. But in the Congress I find, with regards to foreign affairs, no interest in following the precepts of the Constitution and the advice of our early Presidents.

Interventionism, internationalism, inflationism, protectionism, jingoism and bellicosity are much more popular in our Nation's capital than a policy of restraint.

I have heard all the arguments on why we must immediately invade and occupy Iraq and have observed that there are only a few hardy souls left in the Congress who are trying to stop this needless, senseless, and dangerous war. They have adequately refuted every one of the excuses for this war of aggression; but, obviously, either no one listens, or the unspoken motives for this invasion silence those tempted to dissent.

But the tragic and most irresponsible excuse for the war rhetoric is now emerging in the political discourse. We now hear rumblings that the vote is all about politics, the November elections, and the control of the U.S. Congress, that is, the main concern is political power.

Can one imagine delaying the declaration of war against Japan after Pearl Harbor for political reasons? Or can one imagine forcing a vote on the issue of war before an election for political gain? Can anyone believe there are those who would foment war rhetoric for political gain at the expense of those who are called to fight and might even die if the war does not go as planned?

I do not want to believe it is possible, but rumors are rampant that looking weak on the war issue is considered to be unpatriotic and a risky political position to take before the November elections. Taking pleasure in the fact that this might place many politicians in a difficult position is a sobering thought indeed.

There is a bit of irony over all of this political posturing on a vote to condone a war of aggression and force some Members into a tough vote. Guess what, contrary to conventional wisdom, war is never politically beneficial to the politicians who promote it.

Presidents Wilson and Roosevelt were reelected by promising to stay out of war. Remember, the party in power during the Korean War was routed in 1952 by a general who promised to stop the bloodshed. Vietnam, which started with overwhelming support and hype and jingoistic fervor, ended President Johnson's political career in disgrace and humiliation. The most significant plight on the short term of President Kennedy was his effort at regime change in Cuba and the fate he met at the Bay of Pigs. Even Persian Gulf War 1, thought at the time to be a tremendous victory, with its aftermath still lingering, did not serve

President Bush, Sr.'s reelection efforts in 1992.

War is not politically beneficial for two reasons: innocent people die, and the economy is always damaged. These two things, after the dust settles from the hype and the propaganda, always make the people unhappy. The euphoria associated with the dreams of grandiose and painless victories is replaced by the stark reality of death, destruction, and economic pain. Instead of euphoria, we end up with heartache as we did after the Bay of Pigs, Korea, Vietnam, Somalia, and Lebanon.

Since no one wants to hear anymore of morality and constitutionality and justice, possibly some will listen to the politics of war, since that is what drives so many. A token victory at the polls this fall by using a vote on the war as a lever will be to little avail. It may not even work in the short run. Surely, history shows that war is never a winner, especially when the people who have to pay, fight, and die for it come to realize that the war was not even necessary and had nothing to do with national security or fighting for freedom, but was promoted by special interests who stood to gain from taking over a sovereign country.

Mr. Speaker, peace is always superior to war; it is a political winner.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

GROWING CONCERN OF CHILD MODELING ON THE INTERNET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today to discuss an issue that is of prime importance, I hope, to many American families and their children; and it is as a member of the Congressional Caucus on Missing and Exploited Children that I rise today, because I have introduced legislation that deals with a growing concern of child modeling on the Internet.

What occurs is that young girls, 10, 12, 13 years old, are encouraged by their parents and aided and abetted by individuals to display themselves on the Internet for viewership, if you will, people who pay a fee, a monthly fee in order to view the site. I am not going to mention the names of the sites, because I do not want to encourage anybody to go, but to understand the gravity of the situation we are facing. The girls initially pose in not very suggestive ways. They may be appearing next to a horse; they may be outside in their bathing suit; they may be holding a tennis racket. As time goes on, they

are encouraged to pose more provocatively for their viewers. They are asked to expose themselves, they are asked to wear things like belly dancing outfits, they are asked to emulate an activity that is highly inappropriate for somebody their age. Many of these parents are deceived into thinking that the person witnessing their child on the Internet is another young person, a young girl or boy who is taking part in this little modeling expedition and encouraging their children or their friend to continue their activities as a child model.

What we found out through investigation at the National Center for Missing and Exploited Children is that often, the people that are paying \$19 a month to view these sites are pedophiles. They are often people who are depraved and who are looking at 11- and 12-year-old girls, and they are e-mailing each other back and forth saying, why do you not do this or pose like this. It is such a serious problem that I have designed legislation that I hope will answer some of the concerns.

Today on John Walsh's show we talked for an hour about this very topic, and Mr. WALSH had on two mothers, two daughters, and two of the promoters of these Web sites in order for us all to hear from them why they thought this was an appropriate and legitimate act for their child to pursue. Oftentimes they said it was to raise money for the child's college, even though one of the girls on the show quit school and was now being home schooled because she said she had asthma and could not conduct the hard work of school because of her condition. Nonetheless, she would find time in her day to be a child model. What we heard was startling, that they would allow their child to come into contact of people of such ill repute.

Now, again, I urge people to listen to what I am saying. I am not suggesting that young girls cannot be models, and I am not suggesting that there is not an appropriate place in commerce for young people to display their talents; but what we are finding on these particular Web sites, and it was first brought to my attention by a local NBC affiliate in Florida, in Miami, WTTB, they had done an investigation on somebody who actually happened to live in my district and they went on to find these cases where the girl was posing. All I want to suggest to people is first, to my colleagues, look at the legislation.

There has been much written about this legislation in the mainstream media. There has been much discussed, in fact, on national radio shows about this very topical issue and the legislation I have sponsored. We hope we can generate the debate in order to have parents hear our voices on what I hope is a clarion call for them to be very, very careful of what they subject their young children to.

If we look at almost every case of abduction, every case of rape, every instance where a child has gone missing,

typically, when they find the suspected person who has committed a crime, when the agents, the police officers raid the house, they often find reams of pornography, reams of material that uses young children in a provocative, nasty, and disturbing way. So there is a cause and effect between the harm caused to these children and their activities or the utilization of this type of material.

Now, not every girl is going to be molested or harmed, and I understand that. But what they have to be aware of is that too much is occurring on the Internet today that should cause parents considerable concern. First and foremost, I urge every parent to make certain that the computer they use is in the family room where they can observe their young children using the computer.

□ 1645

The person that may be chatting with their child may not be the person who purports to be on the other end. They may say they are a fellow student from school. It may turn out to be the neighbor next door who has ill intent on their child. We should warn our children not to be engaged in conversations with adults on the Internet, and certainly warn them never to meet a parent or adult out in a public setting after a chat on the Internet.

I hope my colleagues will look at this legislation very carefully and consider cosponsoring it, because I do think there is an appropriate time now to address some of the growing concerns on this issue. I urge my colleagues to do so.

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

(Mr. SHOWS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

(Mr. LARSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OPPOSING THE PRESIDENT'S EFFORTS TO LAUNCH ILLEGITIMATE FIRST STRIKE AGAINST IRAQ

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, I stand today in opposition to the President's efforts to launch an illegitimate first strike against Iraq. The President's war fervor threatens the lives of thousands of American soldiers and Iraqi civilians, ignores international law, undermines our fight against terrorism, and may make average Americans less safe. Yet, the President presses for an invasion.

It is true that Saddam Hussein is a dictator. He is a bad man, and the world would be better off without him. But the world will also be better off if the United States works within the scope of international institutions instead of launching an unprovoked first strike against Iraq.

America's greatest asset is our moral authority, not our military power. Attacking a sovereign country unprovoked forfeits that authority completely.

It is true that Saddam has repeatedly violated United Nations resolutions, but it is also true that only the United Nations has the authority to enforce those resolutions. Furthermore, none of those resolutions call for regime change in Iraq, an often-stated goal of the President's.

On top of all of that, a first strike invasion of Iraq could actually undermine America's vital interests in the Mideast and around the world. It is unfortunate but true that Iraq's neighbors mistrust the United States even more than they mistrust Saddam Hussein.

Invading Iraq could have drastic repercussions by energizing extremists looking to overthrow governments across the Mideast. Such an outcome is even more likely if Saddam Hussein responds to an invasion by retaliating against Israel. If he succeeds in killing Israelis and polarizing the Mideast, what then?

The President claims Iraq's weapons of mass destruction are more than can be justified for aggression. In America,

we must hold ourselves to a higher standard. Those weapons programs are frightening, but policy must be based on fact, not fear.

It is believed that Saddam's nuclear weapons program was 95 percent destroyed by 1998, when the U.N. inspection teams pulled out. There is no reason to think that a new round of weapons inspectors will not be just as effective. Meanwhile, President Bush has sent a message of his own by backing out of the ABM treaty, refusing to sign the Kyoto treaty, refusing to be a party to the mine ban treaty, withdrawing the U.S.' signature to the International Criminal Court treaty, and embracing the use of mini nukes.

Is it any wonder that other nations hesitate to support a first strike invasion when we in the United States ignore the same international standards that we accuse Saddam Hussein of disregarding? We must take a long, hard look at our own policies to ensure that we do not violate the same rules we expect others to follow.

As a Nation, it is our responsibility to live up to our own democratic ideals. We owe it to our children to exercise the full range of diplomatic options in Iraq so we can prevent a war that will cost thousands of lives while at the same time giving a boost to our real enemies: The terrorists who planned September 11.

War represents a failure of civilization. It is a last resort. America's strength is our commitment to moral action, and a government based on the rule of law. That law must never be silent, and our sensibilities must never be intimidated.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FARR) is recognized for 5 minutes.

(Mr. FARR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

(Ms. SCHAKOWSKY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS addressed the House. (His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. RIVERS) is recognized for 5 minutes.

(Ms. RIVERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

(Mr. DOGGETT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

(Ms. BALDWIN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

UNANSWERED QUESTIONS REGARDING ADMINISTRATION PLANS FOR IRAQ

The SPEAKER pro tempore (Mr. PUTNAM). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today, before the Committee on Armed Services, Secretary Rumsfeld, who has made up his mind, said that the President has not yet made up his mind about a preemptive war and an invasion and occupation of Iraq.

Now, when the Secretary was asked how he reconciled that with the rush to adopt a resolution authorizing the use of force here in the House if the President had not yet made up his mind and could not articulate the case, he really did not answer the question. To tell the truth, I was a bit put off by that, but that is a key question which needs to be answered.

On September 5, I sent the President a letter signed by 17 other Members of the United States House of Representatives. We were pleased that the President had recognized the authority of the Congress, the sole authority of the Congress for declarations of war and use and initiation of force, except in the immediate defense of the United States, as per the Constitution and the War Powers Act; but that we felt that the President had a number of very important questions to answer before Congress should even begin the debate on such a resolution.

I fear they are really putting the cart before the horse here. They want a resolution without making the case. The President gave an eloquent speech at the U.N. last week, but many of the things he talked about, the offenses of Saddam Hussein were in fact things that had happened during the Reagan administration, during the administration of Bush I, in fact, such as the horrible gassing of people within his own country and the U.S. aiding him in his war against Iran before we dropped our friendship and support of his horrible regime. Many of these things took place then.

Then he went on to make the case for the U.N. resolutions which have been violated. We agree there, that this is an odious individual. He is not worthy of leading any nation. He has gassed

and killed his own people, promoted religious and ethnic strife, murdered all his potential political opponents. I wish he could be deported to another planet, but right now, he is in power in his country. Hopefully, some people in his country will find a way to overthrow him and get rid of him.

But the question for us in the United States Congress is, should we authorize the first ever preemptive war in the history of the United States, and what is the immediate and serious nature of the threat that would have us break from all precedents in our history and all the precedents of international law? Those are the questions that are embodied in this letter.

Quite truthfully, thus far in both unclassified and classified briefings, and I cannot talk about what they did talk about in classified briefings, but I can tell Members what they do not talk about in classified briefings. They have not talked about anything in the classified briefings that we have not read in USA Today or heard on CNN, so they have yet to make an effective case that somehow he has been transmogrified from this reprehensible dictator in a mostly impoverished developing or Third World country to this incredible and immediate threat to the integrity of the United States of America.

They can find no links to al Qaeda, who is an immediate threat to the United States of America. In fact, I would say that we are being distracted, as are many of our allies and friends, and not-so-good allies and friends around the world, from the pursuit of al Qaeda and wiping out that threat by propping up suddenly this new threat.

I think a lot of this, unfortunately, is probably left over from his father's administration. Many of the foremost advocates of this preemptive war served in Bush's father's administration, and are aggrieved that they did not then so-called "finish the job."

But the same problems that confronted Colin Powell then confront us now. Probably his military is not that significant; maybe, maybe not. Maybe there will not be a lot of casualties. Maybe this can be done without a lot of civilian casualties. Sure, we can work through all of that. But then what? Then what?

I heard one Senator say that we are going to rule Iraq. We are going to rule Iraq, a country of more than 60 million people with an unbelievably fractious history, in the middle of the most volatile region on Earth, with the problems with the Shi'as and the Sunnis and the Kurds and the Turks and all those other things, and we are going to rule Iraq?

They have to have not only an entrance strategy and a rationale for this war, they need an exit strategy that they have to explain to the American people and this Congress before they should receive any sort of authorization to do anything in that area.

WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, there is probably no issue that this House will deal with of the gravity of the one we are facing. Sending this country to war, putting our young people, men and women, in harm's way is a heavy responsibility. It cannot be done on the basis of misinformation.

Some of us who serve here served in the Vietnam era. I dealt with casualties for 2 years coming back from Vietnam. The young men and young women of the Seventh Fleet came to Long Beach Naval Station, where I was the chief psychiatrist. I saw what happens to people in war, so I do not come out here with an easy heart to say, well, let us go off and do this and do that. I think it has to be thought through very carefully what this country is doing, because if we put our people on the line, they have to know what they are doing.

If we say to the world that we can make a preemptive strike, we do not like what that person is doing, and we are not sure exactly what he is doing, but we are pretty sure we do not like what he is doing so we are going to take him out, when this country moves to that point, we are moving into a very dangerous period.

I want to read a quote. It was not said in this body, it was said on the other side: "I believe that history will record that we have made a great mistake in subverting and circumventing the Constitution of the United States. I believe this resolution to be a historic mistake. I believe that within the next century, future generations will look with dismay and great disappointment upon a Congress which is now about to make such a historic mistake."

Now, we went to war in Vietnam with a voice vote in the House of Representatives.

□ 1700

No recorded votes. In the Senate they had a vote. Two Members spoke against it and voted against it. One of them was this speech I just read by Wayne Morse of Oregon. Another Senator voted for it but asked a question. He said, "I do not want to do this because I think we are going to wind up with 500,000 troops on the ground." They went down and asked President Johnson and President Johnson called Gaylord Nelson and said, "Gaylord, for heaven's sake you know I am not going to do anything like that." He lied to him. He lied to him.

And when people tell me they have facts, that they know that there are weapons out there, there are nuclear weapons, that, oh, the United States is in grave danger, we knew what Saddam Hussein was doing with those weapons

when he turned them on the Iranians. We were encouraging him. We did not like this bunch over in Iran, Ayatollah Khomeini and all that bunch. So we said, Hey, Saddam, go get him and we will give you some weapons, and we knew what he was doing.

When this country decides they are going to take out a leader somewhere, one ought to look at history. There was a country called Iran, and the leader was a guy named Mossadegh. He had been elected by the people. He was the Prime Minister elected in Iran. The United States Government did not like him because his politics were kind of a little bit to the wrong direction, whatever that was. So they decided to take him out and install a king. They brought back the Shah of Iran and put him on the throne. So in 1979 things erupted there. Somebody said to me, Well, gee, Jim, we got away with 25 free years. Is that the kind of foreign policy this country wants to pursue? Do we want to say we are going to go to any country and we are going to take out whatever is there and put in our guy and then we will use him? The reason we did not like Mossadegh, the reason we do not like Saddam Hussein, it all has to do with oil, who has control of the oil. Mossadegh was talking about nationalizing. Saddam did. This is not an issue for us to do a regime change, simply on oil. We must be careful.

SEEKING PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. PUTNAM). Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I think that we all are in agreement that the world and the Iraqi people would be better off if Saddam Hussein were not in power, but I also think we all can agree on the fact that our world would be better off with a peaceful resolution to the current crisis and one which respects the rule of law and the role of the United Nations. That is why I rise tonight, Mr. Speaker, to urge this Congress and our country to renew our commitment to working with the United Nations and our friends and allies to advance peace and security in the Persian Gulf region. We need to act, but we do not have to rush to war. We have alternatives.

We have been told by President Bush and other members of the administration that we have to attack Iraq because our Nation is in imminent danger from Saddam Hussein. However, neither the Congress nor the public have been shown evidence of that or linking Saddam Hussein to 9-11. We have received no proof that Iraq has the means or intent to use weapons of mass destruction against us. We have not been told why the danger is greater today than it was a year or 2 ago or why we must rush to war rather than pursuing other options.

So tomorrow I will introduce a resolution offering a road map to such an alternative. This resolution emphasizes the importance of working through the United Nations to assure Iraq's compliance with U.N. Security Council resolutions and cease-fire agreements and to advance peace and security throughout the region beginning with full unfettered inspections.

During the 1990's, United Nations inspections teams succeeded in destroying tons of weapons in Iraq in spite of Iraq's attempts to obstruct their mission. They were on a search and destroy mission and they accomplished that. Today we need to renew that inspections process in the interest of our own security. We do not know the extent of Iraq's possible development of weapons of mass destruction and thus the extent of risk to us. That is why we need inspections. The President has called on the United Nations to assume its responsibilities. In fact the United Nations was established to deal with just such international crises. So let us work with them to make that happen.

But still on the other hand, the administration and others call for a preemptive first strike against Iraq. The cost of such action would be enormous, starting with a grave risk to American servicemen and women and to Iraqi civilians who will be caught in the crossfire. A preemptive first strike would also seriously damage our relationship with friends and allies, all of whom are strongly opposed to an assault. Statesmen such as Kofi Annan and Nelson Mandela have beseeched us to turn away from this disastrous course. Many Middle Eastern countries that supported the United States in the Gulf War will not support this attack and warn of long-term catastrophic consequences.

Such a war carries enormous cost. The Wall Street Journal estimates that it may cost as much as from 100 to \$200 billion. When we have no proof that Iraq was tied to 9-11 and no proof that we are in imminent danger, why would we rush to spend \$200 billion that could be invested in health care, education, housing, domestic security, and other vital needs here at home? Why are we rushing into a war with such a huge price tag for our foreign relations and our own budget when we have viable and many more effective alternatives? Why would we set such a devastating precedent?

There are what, eight known nuclear powers in the world? At least two of them, India and Pakistan, have long been on edge with each another. According to the doctrine of preemption, either of those countries could launch an attack because they are afraid of what the other might do. Is that the kind of world we want to live in? Is that the precedent that we want to take? We will be setting that. We will be setting this new standard.

President Bush laid out an axis of evil consisting of Iran, Iraq, and North Korea. Which dictator will be next?

Where does preemption end? So the resolution that I will introduce tomorrow resolves that the United States should work through the United Nations to seek a peaceful resolution to the crisis in Iraq through mechanisms such as inspections, negotiation, and regional cooperation. We do not have to go to war. We still have alternatives. It is up to us to pursue them.

Mr. Speaker, I urge Members to cosponsor my resolution and join us in taking this message to the American people.

PRESCRIPTION DRUGS FOR AMERICAN SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, there is a lot that is important to the American people that is being lost in the current focus on the situation in Iraq and the administration's plans for regime change and a military invasion. And I want to spend this evening talking about one of those issues that is getting less attention than it deserves.

I am talking about the fact that in my home State of Maine and all across this country, seniors who need prescription drugs in many cases simply cannot afford to buy them. In my office, my district office in Maine, people are coming in all the time, calling on the phone or stepping into the office and basically saying, What can I possibly do? I can no longer afford my prescription drugs.

People who have a Social Security check each month of \$800 to \$1,200 can wind up with \$400, \$500 a month in prescription drug costs, and the math just does not work. They cannot do it. People are, in fact, giving up food in order to buy their medicine or giving up their medicine in order to pay the rent or buy food.

We have been dealing with this problem for years. Back in 1998 I introduced a bill that would provide a 30 percent discount to all Medicare beneficiaries and the cost of all of their prescription drugs at no significant cost to the Federal Government. But the pharmaceutical industry weighed in, lobbied heavily, described the plan as price controls even though it is one that is widely employed by other industrialized nations and nothing has happened on that front.

The Democratic Caucus year after year has proposed a Medicare prescription drug benefit. That is a benefit for Medicare beneficiaries operating in the way that part B of Medicare does, the way doctors, the expenses for physicians is covered, that is, seniors would pay a certain amount per month and get a significant portion of their expenses covered, both by the amount they pay and by contributions from general revenues. Well, that is what we thought ought to appear here.

But tonight I want to spend some time talking about what really goes on here in Washington, what really goes on out in the field, and why we do not have even a discount for Medicare beneficiaries or a Medicare benefit. And we may remember, it has been a long time, but some may remember in one of the debates, one of the Presidential debates in the year 2000, President Bush said, I support a Medicare prescription drug benefit.

I knew what he meant. Lots of people in this Congress knew what he meant. But never in the past 2 years has the administration presented a plan for a Medicare prescription drug benefit. Not one.

Let us look at a little bit of what has been going on in the Congress and why we have not been able to accomplish what we should. Let us look for a moment at the last election cycle, 1999 to 2000. The pharmaceutical industry in that time period, according to the consumer watchdog group Public Citizen, spent \$177 million lobbying Members of Congress and \$20 million in campaign contributions. So that is \$200 million that the pharmaceutical industry spent in those 2 years in order to try to get its way.

At the same time they employed in the year 2000, 625 lobbyists here in Washington. Think about it. There are only 535 Members of the Senate and the House put together, but the pharmaceutical industry hired 625 lobbyists to make sure that their views were well represented in the Congress.

But that is not the end of the story. In the same time period, that election cycle, the pharmaceutical industry was the largest interest group spending money on political ads, so-called issue ads, of any group in the country. They spent \$50 million. And we can be sure, we can be sure based on their advertising so far in this cycle that they will far exceed that number.

Let us take a look at how these groups operate. The pharmaceutical industry not only has legions of professional lobbyists, but it is also funding what they call grass roots groups. A lot of us call this Astroturf lobbying because the grass is manufactured. And I want to call attention to a couple of those groups.

One group is the 60 Plus Association, which not so long ago did an ad in the Houston Chronicle, an ad thanking the majority whip, the gentleman from Texas (Mr. DELAY), for his work on a prescription drug benefit plan. And the advertisement of the 60 Plus Association, we need to know, is funded by the pharmaceutical industry. It sounds like a group just of grass roots seniors, but it is not. It is funded by the pharmaceutical industry. Here is what the ad said. It said: "Results, not politics, for American seniors." And it goes on and on talking about this particular publication.

What we need to know, what people need to know about this industry and this campaign, Mr. Speaker, is that 2

days after the House Republicans unveiled their prescription drug plan back in June, a plan that was backed by the pharmaceutical industry, pharmaceutical companies were among 21 donors paying \$250,000 each for special treatment at a GOP fund-raising gala headed by President Bush.

□ 1715

That same week, a senior House Republican leadership aide was quoted in the newspaper as saying that Republicans are "working hard behind the scenes on behalf of PHARMA," the industry association, "to make sure that the party's prescription drug plan for the elderly suits drug companies."

In fact, the House Committee on Energy and Commerce during markup of the Republican prescription drug bill had to break early that day so that Republican law makers could attend the dinner, and that was reported in the Washington Post on June 19, 2002. At that time, the drug lobby had financed a massive \$4.6 million issue ad campaign in 18 competitive districts, some of them held by Republicans.

This September one ad in the Houston Chronicle praising the gentleman from Texas (Mr. DELAY) for the plan he supports is really a remarkable document. The pharmaceutical industry wrote the bill, wrote the Republican prescription drug bill. It passed by a very narrow majority on essentially a party line vote, and now the pharmaceutical industry goes out running ads thanking the Republicans for passing the bill that the pharmaceutical industry wrote. If people have enough money in this country, they can do a lot to hoodwink the American people.

Let us take a look at this particular ad and just talk about some of the allegations made here. The suggestion is that the Republican prescription drug plan includes a guaranteed drug benefit under Medicare for all seniors, but what the ad does not tell us is that it does not provide a guaranteed defined benefit with a guaranteed premium, and the reason for that is that the plan relied on insurance companies to provide the benefit. It was not a Medicare benefit. It was an Aetna benefit, a CIGNA benefit, a United benefit. It was something, but it was not a benefit, and we can look through that entire bill and look for the number that seniors will have to pay to be part this so-called Medicare prescription drug benefit plan and we cannot find the number anywhere in the bill because it does not exist, because what the bill consists of is a subsidy to insurance companies in the hope that they will turn around and provide stand-alone prescription drug insurance to seniors, a kind of policy that does not exist at all today and probably will never exist but which is the heart and soul, if those are the words, of the Republican bill.

Let me deal with the other four allegations here. The suggestion is that this will reduce out-of-pocket costs by up to 70 percent, but what the ad does

not tell us is that those seniors with drug costs between \$2,000 and \$3,700, within that group, will have to pay 100 percent out-of-pocket if the insurance companies, given the subsidy, offer the plan that is assumed by the Republican prescription drug bill, all of which is highly unlikely.

The third claim is that this plan, the Republican plan, would offer seniors the flexibility to choose the plan that best meets their need, but what the ad does not say is that the plans under the Republican prescription drug bill are not under the Medicare program but private insurance companies and HMOs, and as someone who comes from the State of Maine, it is very clear to me that Maine, another rural State, is going to be one of the last places where insurance companies rush in and say we really want to provide prescription drug insurance to seniors, a group that represents 12 percent of the population but buys 33 percent of all prescription medications.

Then the fourth claim in this ad run by the astroturf organization in favor of the pharmaceutical industry is that it will provide complete protection against catastrophic drug costs, but it does not say that between \$2,000 and \$3,700 a person pays 100 percent out of pocket, and the catastrophic protection assumes that again there will be an insurance company to provide the benefit.

The final claim here is that there is no government bureaucrat between a person and their doctor, but there is someone between them and their doctor, and that will be the private insurance company, the HMO who will decide what drugs will be available under what plans. One of the problems with that is, unlike Medicare, where the benefits are reasonably stable, known in advance, consistent from year to year, where the premium changes only a slight difference from year to year, when it comes to HMOs and private insurance companies, what will happen, as it has in the Medicare+Choice market, is every year people will be laid off if the company is not making money in a particular area. The premium can be changed, the benefits can be changed at will, and despite the fact that in each of the last 4 or 5 years hundreds of thousands of people each year for a total of several million have withdrawn from the Medicare+Choice plans, that is, managed care for Medicare beneficiaries, despite that fact, that is the model that is being relied on under the Republican prescription drug plan.

The bottom line is real simple. Having written the bill for the Republican majority, having watched it pass here in the House, now the pharmaceutical industry is out running ads under the name of other organizations, trying to persuade the American people that Republican Members of Congress who are marching in lockstep with the pharmaceutical industry should be congratulated by seniors, ostensibly for doing what seniors want, but in fact, doing

what the pharmaceutical industry wants.

I notice my colleague from Arkansas, a tireless advocate for seniors, is here, and at this time I would be happy to yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to thank my good friend, the gentleman from Maine (Mr. ALLEN), and not only for his great friendship but for his leadership in this Congress and in the time that we have served together on this issue.

Here we are again, and it is a sad day in America. America is better than this. We can do better. We know how to do better. This issue is not something we do not know how to fix. We know what to do. This Congress is full of good people on both sides of the aisle. We know what to do about this issue. It is just simply not that complicated.

Here we are today, late in the afternoon, the session is over with for the day. No more votes to be taken. We are not going to vote on anything that is going to change anybody's lives or very likely ever become law tomorrow. Nothing is happening on the floor of the United States House this week. Nothing happened last week. Very likely nothing is going to happen next week or the week after that.

Here we are again, another year has passed. The end of the session is approaching, and the senior citizens in this country still do not have any way to even get a fair price on prescription medicine. They do not have a Medicare prescription drug plan, and we can do that. We know how to do it. We can figure out how to pay for it. Like I said, it is not complicated.

Makes me think of a fellow I grew up around who used to get aggravated, used to say it would make him want a dip of snuff. That is how it affects me. Makes me want a dip of snuff. I cannot believe that all the good people in this House that serve their constituents, and they do it with a dedication and determination and in an honorable way, are willing to let another year pass and let the prescription drug companies of this country continue to rob the American people over and over again. It just absolutely astounds me, but nothing is happening. Nothing is happening.

The American people pay three times as much for their medicine as any other Nation in the world. Why would we allow that to go on? Why would we let that happen? Why would this House let that happen? Why would this Congress let that happen?

I just heard my good friend from Maine refer to the last presidential campaign, and the President himself swore that he would do everything he could, he was going to pass a prescription drug bill, he was going to get some relief for our seniors. We passed a bill, an amendment to the agriculture appropriations bill in December 2000, very late in the session, and it made it possible where the President of the United

States, with the stroke of a pen, can allow the American people, not just senior citizens, all Americans to buy their medicines at the world price. That is all he has got to do is say let us do it, and we are still getting robbed.

We are still paying three times as much. Every country in the world gets their medicine cheaper than we do. It is not right, it is not fair, and we can do something about it. We have already passed a law. All we need is for the President to tell the Food and Drug Administration, get it done. Where I come from that is value. We are not interested in folks that have got good excuses. We are interested in folks that get the job done, and that is what this is all about is getting the job done for the American people.

The American people deserve better. We are a better people than this than to let something like this go on and on and on, and I think it is terrible that we are doing that.

In the little town where I live, and it is full of wonderful people, we look after each other. We do not lock the doors or take the keys out of our cars. Somebody has got a little problem, we try to get over there and help them. If we had somebody going around, stealing from senior citizens, taking their money, taking their food, taking advantage of them in any other way, we would do something about it. If nothing else, we would run them out of town. Preferably we would have the law enforcement officials go find them, take them and put them in the State penitentiary and keep them for a while and see if we could not improve their way of making a living.

We are letting that very same thing happen with the prescription drug companies in the United States and the companies that sell products in the United States. We are letting them rob the American people, and we are letting them rob the senior citizens of this country, and it goes on day after day after day, and nobody is willing to do anything about it. The President can do it with the stroke of a pen, and he refuses to do it.

Why, I ask, would anybody sign up on a deal like this? This is corporate greed taken to the most disgusting level I can imagine. Why would we allow giant corporations to make great profits? And I want them to be profitable. They should be profitable. We want them to be successful.

They ran an ad in the Congress Daily this morning, says pray for a miracle, and implied in that ad that generic drugs were bad and that they would never cure any disease. I can tell my colleagues this, no drug will cure a person if they cannot afford to buy it or if they get robbed, if they have to spend all their money for the drug and they cannot buy their food and cannot pay for their place to live and they cannot pay their utility bills because their drug bills are so high and everybody else in the world gets to buy it for a

third of that. We better pray for a miracle if we keep letting these drug companies run over us in this country like they are now.

I think it is an absolute, unmitigated, pitiful shame that we stand in this House of Representatives today and there is nobody else here willing to come down here and do the right thing for the American people. That is not the American way. That is not the reason that these members of this House were elected, and it is time that we do something about it.

Mr. ALLEN. Mr. Speaker, reclaiming my time, there are two words that sum up why we cannot get done here what needs to be done. Greed and money together are the answer.

There was an article in the Wall Street Journal on September 16, just a couple of days ago. Let me just read a couple of paragraphs. The title is this: Drug Industry Steps Up Campaign to Boost Image Ahead of Elections. "Here we go again, the pharmaceutical industry will spend millions of dollars on feel-good ads to boost their image before the election, and in the part of what they are doing, of course, not just boosting their own image but supporting Republican candidates." Let me read these two paragraphs.

□ 1730

"More than \$8 million has been committed to ads in recent months promoting nearly two dozen House candidates favoring industry-backed legislation and encouraging a Senate vote on the same bill, according to Charles Jarvis, chairman and chief executive of United Seniors Association, which is airing the spots. He acknowledged that most of the costs associated with the effort, including an additional \$4 million Internet and direct mail campaign, are supported by a 'general educational grant from PhRMA.' All but a few of the two dozen or so United Seniors ads running this year thank Republican Members of Congress for supporting an industry-backed bill to provide medicine to seniors."

It is money. It is greed. When there is as much money as we have in the pharmaceutical industry, and its obvious willingness to spend unlimited amounts of money on lobbyists, on campaign contributions and on television ads, we have in effect the people's House taken over by one industry group and blocking the steps that need to be taken.

There is an article in the Hill, a local newspaper, and one of the things, and this is a column by Bruce Freed saying basically that the drug industry needs more transparency. On the one hand they will run ads, lobby people in Congress and say it takes \$600-800 million to bring a drug to market, but you cannot find in our figures, we will not show you the accounting, we will not give you enough information about our costs to prove what we are saying. He is saying, look, there is so much lack

of confidence now in large American corporations because of the way they have handled their accounting that this cannot be believed. The industry really needs more transparency.

One pricing expert that he quotes says that prescription drugs are priced to generate the greatest profit to the companies. That is independent of any historical research and development spending on that product or any other product. That is not news to us, but it might be news to the American people because the industry has been so relentless in trying to say we need these profits, these profits that make us year after year the most profitable industry in the country. We need all of those profits in order to do research and development, but the cold, hard truth is they spend more on marketing than they do on research and in many respects they have become marketing companies.

Find a drug, tweak it a little bit, get a new patent and spend millions in television advertising trying to persuade seniors and others that this particular medication is the one that they absolutely have to have. I have heard from doctors saying that more and more people are coming into their offices saying not what should I do for my condition, but saying I want this particular drug that I have seen on television. This is not a healthy development for our seniors and certainly not for this democracy.

Mr. BERRY. Mr. Speaker, I think the gentleman from Maine (Mr. ALLEN) makes an outstanding point. When I think of the Republican drug bill that was passed on this House floor a few months ago, and I think of the memos that were being sent around on the other side of the aisle, and basically what they were saying is that the American people are tired of being robbed by the drug companies, they may not know all of the details, but they know that they are being taken advantage of. They also know that the senior citizens are being put into great disadvantage, and some of them thrown into poverty because of the cost of prescription drugs. So just vote for something. Tell people when you go back home, I voted for a prescription drug bill. It does not amount to a hill of beans, but tell them that is what you did. That so-called prescription drug bill that was passed on this floor, and it was a deceitful thing, but what it makes me think of is a little restaurant which I saw in rural Arkansas. There were two restaurants close together in this community. One of them had been offering an all-you-can-eat special, and he was really making life tough on the fellow down the street. So the fellow down the street decided he would be competitive. He put up a sign that said all you can eat for \$100.

That is about the way that this prescription drug bill that was passed by the Republicans works. Let us just make them think that they are going to get something, do not worry about

the details. Just pass anything, put your name on the board and let us move on. Hope for the best.

What they also do not tell us is that the United States taxpayers pay for the biggest part of the research and development that drug companies do. We want them to do research. Their profits are such that they can do research. There is no problem with that. But everybody ought to know that the American taxpayer pays for the biggest part of it. Why should we give these guys such a special deal? This is absolutely a ridiculous situation.

On the floor of this House just a few weeks ago, we had a very close, highly contentious vote on trade. I believe in trade. I think we ought to trade across borders. The administration came down here and did all of the arm-twisting they could do to get that fast track trade bill passed; but yet when the President himself holds it within his power where the stroke of a pen or instructions from him to the Food and Drug Administration will allow us to fair-trade drugs in this country and get a good price for our people, he refuses to do it. What is good about that? Nothing. This is corporate greed at its most ridiculous level. We should not allow this to go on.

Mr. ALLEN. Mr. Speaker, what the gentleman is really talking about is what we often call reimportation, and that is legislation which has been passed that would allow drugs to be reimported from Canada. Just to give an example, from a recent bus trip up in Maine where a group of seniors went over the border to Canada, got their prescriptions filled by a Canadian physicians, 25 people saved \$1,600 in one bus trip.

Just to give one example of a critical drug, Tamoxifen is a drug for breast cancer, and many women who are going through a fight against breast cancer do not need to be fighting for their pocketbooks as well. Tamoxifen in Maine costs \$112-114 for a month's supply. In Canada, it is about \$13. There is a 10-1 differential for Tamoxifen for fighting breast cancer.

When we look at other countries, the prices are much lower elsewhere. Why? Because the governments in those countries do not allow their seniors to be taken advantage of. All of those governments one way or another set some kind of cap on what the pharmaceutical industry can pay.

We have the anomaly here in the United States, Medicare, 39 million beneficiaries, the largest health care plan in the United States, they do not have prescription drug coverage, they do not have the Federal Government negotiating lower prices for them. They are on their own.

For those of us who are still working and have some sort of health insurance, we get our prescription drug coverage through our health insurer. No matter who our health insurer is, that insurer is negotiating with the pharmaceutical companies to get a reduced

price. How much, we do not always know, but they are getting a reduced price from the pharmaceutical industry. It is a scandal that seniors cannot get the best price in the country. They are part of the largest group. They use the most medications. We ought to have the kind of leverage over price that will give seniors the price that they are leveraged, that their marketing position deserves. But when it comes to developing a Medicare prescription drug plan of any kind down here in the Congress, the first rule is do no harm to the pharmaceutical industry's profits.

So we have seniors dying, not getting the care they want. We have seniors who cannot afford food and paying the rent simply because their prescription drug costs are too high. They simply cannot do it, and the result is that they are in trouble. But the instinct of many down here who receive corporate campaign contributions from the industry is protect the industry first.

We are a long way of being done from campaign contributions in this particular election cycle, but so far, according to the Center for Responsive Politics, nearly \$16 million has been donated to political candidates and parties during this election cycle, 2001-2002, by the pharmaceutical industry, 74 percent of it so far to Republicans. If Members wonder why we are not getting this job done, that is the reason.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY) to explain this particular chart.

Mr. BERRY. Mr. Speaker, this is a copy of an ad that was run in Congress Daily this morning. It is an attempt to convince Members to do everything they can to discourage generic drug use and to help the pharmaceutical manufacturers in this country continue to be able to overcharge and rob the American people.

At first glance Members can see it has, of course, the words at the top, Pray for a Miracle. That is one thing in this ad that I agree with. I think that we should, indeed, pray for a miracle because I think that is what it will take on the floor of this House and in this Congress and with this administration to achieve a situation that will allow us to let the American people buy their medicine at a fair price and to make sure that the senior citizens of this country have the necessary medicine that they need to stay healthy, have a decent lifestyle, and to not have to go to bed hungry at night because they had to spend all of their money on medicine and could not afford to buy any food. That is an idea that I think the American people will be ashamed of. We are a better country than that. We are a better people than that, and we are a better Congress than that because we represent good people.

It is time, and I say that over and over again, I say it because I believe it, it is time for this Congress to present to this administration the opportunity to do the right thing, to do the right

thing and let the American people get a fair deal when they buy their medicine, to let our senior citizens have the same opportunity to have a fulfilling life and not get robbed when they have to go buy their medicine.

I also want to make one point in a very strong way. We need to recognize the community pharmacies in this country. These people have to pay these exorbitant prices, make almost no profit, scramble like crazy to try to stay in business, and sell their products to their customers as cheap as they can, and they do heroic work trying to provide this expensive medicine at the lowest possible price to our senior citizens, and I think they need to be recognized for the great work that they do.

□ 1745

I thank the gentleman for his comments. I might call attention again to that advertisement. It says, "Pray for a miracle because generic drugs will never cure him." It is an ad run by PhRMA, the pharmaceutical industry association or the association for the brand-name prescription drugs.

The reason that ad is being run right now is that the Senate has passed a bill, basically, to encourage more competition and, therefore, lower prices between the generic industry and the brand-name pharmaceutical industry. A lot of important drugs have gone off-patent lately and some more are to follow and the generic companies are providing exactly the same medication, exactly the same medication; but typically once they are in the market, once they are able to compete, the price of the brand-name drops precipitously and prescription drugs go down.

We have the same kind of bill, bipartisan bill, that is here in the House. It is called the Prescription Drug Fair Competition Act, H.R. 5272. But the Republican majority, the Republican leadership is not willing to bring this to the floor. On the Democratic side of the aisle, we are going to start a discharge petition to bring this bill to the floor, to see if we can get enough signatures so we can actually have a vote to do what the Senate did.

Let me just say a couple of things. In recent years, the brand-name companies have really been gaming the whole patent system to keep generics off the market for months and even years beyond the time that it was intended by Congress when it passed legislation in 1984. The bill that we are going to try to get to the floor on the Democratic side here is intended to prevent abuses of the existing law and allow competitive generic drugs to reach the marketplace more quickly. The Congressional Budget Office has looked at this bill and has estimated that this bill, the Prescription Drug Fair Competition Act, would reduce total spending on prescription drugs by \$60 billion, or 1.3 percent, over the next 10 years. That does not include the enormous savings that would accrue if a Medicare prescription drug benefit is enacted.

There have been so many ways that the brand-name pharmaceutical industry has really lifted the cost of prescription drugs. When there is a patent lawsuit going on, and it is easy to get a patent lawsuit going on, then they have been able to basically get repeated delays so that the FDA is not able to approve a generic application for sometimes 30 months; and sometimes they can stack these 30-month periods one after the other and make the delays run for years. This is a bill that would provide early resolution of some patent disputes. It would also prevent these collusive agreements that sometimes the brand-name companies have paid generic companies not to bring a competing drug to market. The result of that is the generic company gets some money, the pharmaceutical company, the brand-name pharmaceutical is able to charge much higher prices for an additional 6 months or longer, and the only people who are really seriously harmed are the consumers, the public.

This legislation would prevent that from happening. This is good legislation. There is some Republican support for this bill. It ought to be something we could do following the lead of the other body. We ought to be able to do this, but right now we are sitting here not doing anything on appropriations bills.

I told people back home during the August recess that when we came back in September we were going to be very busy because we had only passed five of 13 appropriations bills and we would be working hard on that. We are now almost at the end of our third week since we came back, and we have not seen a sign of an appropriations bill anywhere in this Chamber. They are not about to bring up any of the appropriations bills, it looks like. So we are not doing the work we were sent here to do. We are not helping our seniors with prescription drugs. It is a sorry state of affairs. A large part of the reason has to be that the pharmaceutical industry, at least with respect to prescription drugs, a large part of the reason is so much money is being spent on lobbying, on campaign contributions and on ads.

You cannot watch television without seeing ads from the pharmaceutical industry. Now they will not just be feel-good ads with people running through fields of clover, but they will be ads touting particular candidates; and you can be quite sure that if they are praising a candidate, it is probably a Republican in most cases and if they are attacking a candidate, it is probably a Democrat in almost all cases. As a result, the people's will, what people over and over again want in Arkansas and Maine and around this country, a Medicare prescription drug benefit, a discount on their prescription drugs, the right to get medicines from Canada or other countries with lower rates, all of these approaches are being stymied and the will of the people in this country is

being frustrated by a majority that is locked into the pharmaceutical industry and doing the bidding of the pharmaceutical industry. It is a national scandal.

Mr. BERRY. Mr. Speaker, the gentleman from Maine is absolutely right. It is a national scandal. A few months ago, we had these corporate scandals. We were having, it seemed like, one or two a week. We had corporations that had been caught not telling the truth. Apparently we had corporations that had some executives that might have even taken money that did not belong to them. We found out all of a sudden that these companies did not have the assets they said they had. They were not worth what they said they were worth. They could not do what they said they could do.

We just rushed to the floor of this House, we could not get here quick enough, and passed a law that said we are going to punish them some more. And we should have. They deserve to be punished. Every day now you pick up the paper and you see another corporate executive is being charged by the Department of Justice for breaking the law and they are making him a criminal. If they broke the law, they deserve to be treated as criminals, and they deserve whatever comes to them. That is for the law to decide.

But for the prescription drug manufacturers in this country and those that sell their products in this country to continue to rob and cheat the senior citizens of this country should be against the law. It should not be allowed. It is just as wrong as those corporate executives that betrayed their stockholders and betrayed their employees and betrayed people that invested in their companies. It is just as criminal for these drug companies to cheat and take advantage of and rob our senior citizens and the sick people of this country and the working people of this country that cannot do anything about it. This is just as wrong as these corporate scandals that we have. And we rushed to this floor. You could hardly stop folks from coming down here and talking about how bad it was and what a terrible thing. And it was. But these folks are stealing more money than all of those companies stole or misappropriated or misused or lied about or whatever it is they did.

What the drug companies steal from the senior citizens of this country on a daily basis is absolutely overwhelming. The \$16 million that they spend on campaigns, that is not even walking-around money. That is not even soda pop money for these folks. Yet they are doing it day after day after day.

I believe the gentleman from Maine referred to the idea that the drug companies had decided they needed to improve their image. Boy, you are right about that. If there is anybody in this country that ought to improve their image, it would be the prescription drug manufacturers. They have got a sorry image, as far as I am concerned.

I will say once again, America is better than this. The American people are better than this. This Congress is better than this, than to let it keep going on and on.

Mr. ALLEN. I thank the gentleman for his comments. I will make just one final comment. We have been talking a lot about prescription drugs for seniors this evening and what a serious problem it is for Medicare beneficiaries because they do not have a Medicare prescription drug benefit at all. But back home in Maine what we are finding is that the small business community is now getting hit by very steep increases in their health insurance premiums. Small business men and women in my State are seeing health insurance premium increases of 30 percent, 40 percent, sometimes 50 percent; and this is the third successive year in which that is happening. The viability of many small businesses in Maine is really being threatened by rapidly rising prescription drug costs because that is the major component that is driving up their health insurance premiums.

This is a big and complicated issue. The fairness of our health care system, the ability of people to get access to the health care they need is a national issue of enormous importance, and it is one that is being neglected in this House because we are paying far too much attention to the industry itself and not to the people. I want to thank the gentleman from Arkansas for participating in this Special Order tonight.

TARIFF ON STEEL IMPORTS

The SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, I am going to make some comments on the tariff on steel imports. Several companies in my congressional district, the Seventh Congressional District of Michigan, which is roughly the bottom center of Michigan, have come to me as steel users and said that they have got a huge problem. The steel suppliers are saying, We don't care about the contract. We're going to increase the cost of the steel and you have to pay us double what the contract was. The company says, Well, we can go to court. The steel suppliers say, Well, you can do that. We'll probably fight it in court for 3 years, but tomorrow we're not going to deliver the steel that you need to meet your contracts.

What is the solution? President Bush approved the new tariffs on steel imports, I think, to help give the steel industry and our American steelworkers really a chance to make changes so they might compete in the long term. I suspect the President, who as a young man did the hard physical work in the oil fields, wanted to give a chance to save some of the jobs of the people that

do the hard physical work in the steel industry. However, the high tariff restrictions on steel imports have turned out to be a mistake with a potential of losing more jobs than they save.

The price of steel in the United States has risen since last March by 30 to 50 percent. In addition to the large price increases, there has been a reduction in the amount of steel available because of the reduced imports coming in. This has made it impossible for many steel-consuming industries to find the steel that they need on the one hand and they are obligated to pay this new higher price that means that in many cases they are actually losing money filling their particular contracts. Domestic steel producers have in many cases reneged on the long-term contracts now that the steel prices have leaped, with the result that the consuming industries have been forced to pay that higher price than the agreed-on prices or have been forced into the volatile spot market for steel.

The President's action, I think, turns against what he said on free trade and on taxes. First, by definition, free trade implies that it is unencumbered by demands of third parties. When government imposes tariffs on products, it reduces the ease with which they come across borders, either way, back and forth. Second, tariffs are just taxes by another name. Steel tariffs raise the cost of buying products that contain steel, cars, refrigerators, for instance, just as raising the sales tax on those products would. So it means not only are they in trouble, but once they produce the goods to the extent that they are able to pass that increased price on, American consumers pay the cost of that higher tax or tariff.

□ 1800

The new Bush tariff is expected to hike the cost of steel products by 6 to 8 percent in the first 12 months, and in our State of Michigan, Michigan citizens will be hit hardest.

Here is why: One of the most basic propositions of economics is the inverse relationship between price and quantity demanded. When the price of some goods, steel in this case, rises, less of it is going to be demanded, and the result is fewer sales of products containing steel and fewer jobs are going to be available for those industries that use that steel, the steel user industry that are ultimately making those finished goods with steel.

This harms the Michigan workers and it harms the American workers in a number of ways. First, some American producers lose out because they are now competing with foreign companies that have access to cheaper steel. So I have got some companies in my district that say, well, we are considering moving to Mexico, Canada or someplace else, because they are paying a much lower price for steel. They are paying the world market price, where here in the United States, be-

cause we restrict the availability of steel and held out, the competition, the foreign competition, if you will, are paying a much higher price. Their products then become relatively more expensive because the steel in them costs our American producers more.

Second, many American firms have simply had trouble securing sufficient supplies of steel in quantities to keep the factory operating. I have had layoffs in my district because plants have closed for the lack of steel.

The third point I would make: It gives American firms, I think, a powerful incentive to move production out of the United States to foreign plants where steel is available at the lower world market price. This is so they can compete and can survive as a company. So it is hard to blame them, if that is their only recourse to survive.

So that is what we are being threatened with in Michigan, some of these companies moving out of the State, and that is what is happening in many other areas of the United States where steel users are faced with a problem.

A couple of economists, Joseph Francois and Laura Baughman, working on behalf of the Consuming Industries Trade Action Coalition, have estimated the impact of the Bush tariffs on the American economy in terms of their economic benefits and costs. For instance, they found that every State in the Union will suffer net job losses as a result of the tariffs. Ironically, the biggest job losses will occur in the Steel Belt, states such as Pennsylvania, such as Michigan. For every steel job saved as a result of the tariff, eight jobs will be lost in all sectors of the economy.

Another point: The steel-producing industry would save between 4,400 and 4,800 jobs at a cost of about \$439,500 to \$451,000 per steel job saved. Higher prices for steel products and related inefficiencies would decrease U.S. national income someplace around \$500 million, at a time when policymakers are talking about ways to improve the U.S. economy.

Again, back in my State of Michigan, Michigan will suffer from the negative consequences of tariffs, and these economists found that Michigan will lose more jobs in steel-related industries than every State in the Union, save California. Under the most conservative scenario, Mr. Speaker, Michigan will lose almost five jobs in steel-consuming industries for every one job that is saved in Michigan steel-producing industries.

Here is the point: There are 57 workers employed in the steel-using companies, 57 workers employed in the steel-using companies, for every one worker that is employed in the steel-making industry. Steel-using industries account for more than 13 percent of gross domestic product. Steel-using industries account for more than 13 percent of GDP, where the steel industry accounts for only about one-half of 1 percent of GDP. So the result, thus, the steel tariff has threatened many more jobs than it has protected.

The Bush administration, I think, has recognized some of the distress that the steel tariffs are causing, so it has issued rulings that exclude 727 products from the tariff. Of course, this has set off a frenzy of lobbying as some of the steel-using companies angle for exemptions. That is what is happening now. This causes distortions not only in the cost of foreign and domestic producers, but also in Michigan and the United States between competing domestic producers as well.

The timing of the decision to impose the tariff is also a problem. Steel imports into the United States have been declining. Steel imports, after reaching a high of 4 million tons in August of 1998, had declined by 36 percent to 2.6 million tons in November of 2001. Moreover, the market share of foreign steel producers has fallen from 28 percent in 1998 to 21 percent in 2001. This made the imposition of the tariff less pressing, and maybe we could have gone along without it.

The challenge has got to be on the steel industry, and I think on government as well, as we look at how can we help this industry without hurting so many other workers and so many other industries that are steel users.

It has been argued that the real threat to most of the domestic steel industry is not foreign steel at all. Steel is manufactured in the United States at mini-mills and integrated steel mills. It is the integrated mills that are having the greatest difficulty in making a profit right now.

Mini-mills are much more efficient at producing steel than the integrated steel mill and have a 25 percent cost advantage over producing steel than the integrated mills do. As a result of their cost advantage, mini-mills have increased their market share from 10 percent in the 1970s to about 50 percent today. Over the same time period, the share of imports in the United States market has increased by only 10 percent. Therefore, the real threat to the integrated steel mills are not imports, but our own American mini-mills.

Finally, the steel tariff encourages retaliation from our trading partners. If you look at the European Commission, it is now threatening retaliatory tariffs of 100 percent on a 22-page list of goods ranging from rice to grapefruit to shoes to brassieres to nuts to bib overalls to billiard tables to ballpoint pens, and the list goes on. So retaliation could develop into the kind of price war that is going to hurt the United States a great deal.

The Japanese, for example, are also drawing up their steel payback list. Steel-exporting Russia, looking for ways to retaliate, has said we are going to fence out the U.S. chickens that are coming into Russia. Even though Russia does not produce chickens, they need the chickens, but they are looking for ways to retaliate. Hopefully that issue is going to be resolved.

Mr. Speaker, we can ask if the tariff has done that much for the steel indus-

try. I would mention that I was going to mention that Florida is a significant steel-using state, but I see our Speaker has changed. But I will mention that steel-using industries are all over the United States.

Over the past 30 years, the Federal Government has been implementing policies to keep the steel industry in business, despite its inefficiencies. These policies have included voluntary quotas and antidumping, and that is the thing that has got to continue. If some other country is dumping below the cost of production, then we are going to stop that kind of dumping. So that is going to take place and should take place, regardless of whether we lift the current restrictions on imports.

The countervailing duty measures are another. Some of the companies have moved up and are now competitive, but much of the industry, instead of resulting in a stronger manufacturing efficiency, these policies are allowing companies to continue with production methods, with labor contracts, that keep it perpetually at the risk of dissolution and keep it out of reach of real competition with other mills in the United States and the international steel producers.

Standard and Poor, for example, was not optimistic when the President announced the tariff restrictions on steel imports, and they responded to the tariffs by refusing to raise the industry's credit rating.

The steel tariff has turned out to be a mistake that is harming many industries, both in my State of Michigan and across the country. It is having the result of losing American jobs.

We need to repeal this kind of tariff restriction to allow our steel-using companies to again be competitive and keep those companies in the United States. We need to start reviewing the kind of overzealous regulations and overzealous taxation that we put on the steel industry. So let us look at the tax imposition that we put on our steel manufacturing industries compared to what other countries are doing with their steel manufacturing industries.

We need to assist, I think, in research and technology. I am chair of the Subcommittee on Research in the Committee on Science. So we need to continue making sure that our research and our technology is available, and we can look at ways of expanding the technologies that are applicable to that industry to help allow these steel-producing industries to be more competitive in the international market. There are a lot of things we can do without challenging and disrupting the many workers in America that are working in the steel-using industry.

Mr. Speaker, I would like to also make a couple comments on our spending and our budget.

Right now we have got a challenge of where do we go on spending. We are in a war. We are going to be required to make sure that, to the greatest extent possible, we assure the safety of Amer-

ican citizens. We are probably going to waste a lot of effort, a lot of talent, a lot of money, and, in some cases, go further than we really would have needed to go in terms of protecting ourselves against terrorists. But the challenge, of course, for Members of Congress and for the President is making sure that we go far enough in our protections to have the greatest assurance possible.

As we spend a tremendous amount of money in our war against terror, and that is approaching \$90 billion now, I think we have got to remind ourselves that we are in a war and that some of the other traditional spending, some of the maybe less important spending, needs to be held only to a modest increase.

Nobody is suggesting a cut in how we spend money, but we are suggesting that we hold the line and we hold tight to the President's budget suggestions so that discretionary spending is not going to continue to spiral, if you will, out of control.

The 10-year spending history on discretionary spending has gone from a little over \$500 billion to approaching someplace between \$758 billion, is what the President has suggested for discretionary spending, compared to the Senate is now looking at \$770 billion for discretionary spending.

We hear some people suggest, "Well, boy, you should not have had that tax cut. The tax cut is really what has caused all this problem in terms of the budget so that we do not have all this extra money." Let me just point out that the tax cut represents only 13 percent of the problem of overspending.

□ 1815

We are looking at overspending this year that is going to approach \$150 billion. Not good. We recently increased the debt limit; and I think when we do that, we need to make sure that someplace down the road we are going to be able to say to our kids and our grandkids that we are going to start paying this debt down again.

We have paid about \$500 billion down on the debt held by the public over the last half a dozen years. I mean, that is good news. That was good. We said we were not going to spend the surplus coming in from Social Security; but now, with the war on terror, we started spending the surplus on Social Security again, and we have increased the allowable debt limit of this country. And it should be just somehow a strong message from every fiscally responsible individual in Congress and around the United States to say, hey, look, we are in a war, it is time that we held the line on increased spending in other areas.

Let me give my colleagues some quick examples. We have 13 appropriations bills that handle the discretionary spending. The Labor-HHS-Education bill, under the House plan, spending would grow 60.5 percent since 1998. That is almost between five and

six times the inflation rate. So with the problem of a tremendously progressive tax system, we are in a situation where, according to the Heritage Foundation, over 50 percent of the benefits from Federal spending go to individuals who collectively pay less than 1 percent of the income tax. So the old safeguard, if you are going to have more government spending, somebody has to pay for it, we have to now in our collective efforts divide the wealth and try to make sure that there is some good distribution, to make sure that people are not going to go hungry and have a home, and our welfare systems and our food systems and, at the same time, reducing the amount of tax that low-income people pay. We have redistributed wealth to the extent where most, the top 10 percent of taxpayers, pay approximately 90 percent of the total income taxes in this country.

As we look at the challenges of where we go on spending, there are a lot of people in everybody's district that say, well, we would like you to spend a little more on this program or that program; and quite often, these individuals, and that represents maybe 50 percent of the constituency of many of us in Congress, are looking at a situation where it does not cost them very much in their income taxes, so their willingness to call for increased spending is at little or no cost to themselves.

We have had a system from the founders of our country, and it was interesting that we went up to New York, the first time this Congress left session in Washington, D.C. in over 200 years and went to the Federal building up in New York where George Washington was first sworn in and where, in 1789, the first Congress presided and we passed the Bill of Rights. We have had a country that sort of has the motivation, the incentive that those that learn, that try, that save and invest end up better off than those that do not. I mean, that has been our motivation. As we keep trying to divide the wealth, where we lose that kind of motivation, we are going to lose some of the incentives that have caused such a great success, I think, in the American economy over the 226-odd years that we have been in existence.

Let me briefly look at some of the other increases in spending, and these dramatic increases in spending have even been during a Republican majority for many of these years. The Interior spending, we are now looking at spending that is going to be 40 percent higher than 1998, or about a 7.1 percent average. So that is maybe 2½ times the rate of inflation that we have grown in the Interior spending. The Treasury and Postal spending has gone up 41 percent since 1998, an average of 7.2 percent per year increase in spending, much higher than inflation.

I have another chart here, this is a so-called spending history; and discretionary spending growth will average at least 7.5 percent each year since we balanced the budget in 1998. So you see,

since 1998 we have just really taken off. What we did was we balanced the budget, we said it is important to balance the budget, and then we have sort of extra money, so everybody came up with ideas of how we could spend that extra money.

What it means is that it is going to be more difficult to face the challenges of a good Medicare program, a good Medicaid program, a solvent Social Security plan. I think it should be another incentive to this body and the body on the other side and the President to hold the line on less important spending as we face the war on terrorism.

Veterans Affairs, HUD, International, it has grown 39 percent since 1998, an 8 percent increase per year. Commerce, Justice and State also has grown with an average of 29 percent, 29 percent since 1998. Defense, not including our extra money that we have spent on terror, has gone up 46 percent, almost four times the rate of inflation. Transportation, it has increased by 52 percent since 1998, 9 percent average per year increase. Agriculture has gone up 21 percent since 1998.

My point is that we are spending a lot of money, and are we doing a proper job of prioritizing that spending? In some areas I think we are, because for example, we have had a 132 percent increase in education spending since 1996. In Health and Human Services, almost a 100 percent increase; in December, a 48 percent increase that does not include the extra money since last September 11, a year ago.

In conclusion, Mr. Speaker, I call on my colleagues, I call on the President to hold the line on spending and resist some of the pressures coming in from all of these special interest lobbyists that are giving millions of dollars toward campaigns for this election on November 5, saying we want more money for our constituency, for our particular clients. And so often, a Member of Congress, when they come up with more spending and new programs, they end up back home cutting a ribbon on some project they have taken back to their district, they get on television and in the newspaper. So the tendency has been for a Member of Congress to increase their chances of being reelected if they spend more money and take more pork barrel projects home to their particular district.

So, Mr. Speaker, it is going to take the President, number one, and it is going to take the American people, number two, to say, look, now is the time to hold the line on spending.

THE CASE FOR PEACE

The SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. KUCINICH) is recognized for 60 minutes.

Mr. KUCINICH. Mr. Speaker, I appreciate this opportunity to address the

House of Representatives. I would first like to say that in this next hour, I and several of my colleagues will discuss the issue which is uppermost in the minds of the American people, the issue of war and peace, the issue of whether our sons and daughters are going to be sent to a distant land to fight in a war which the American people really have not had a chance to talk about in their own communities. So tonight we are going to make the case as to why the United States should not go to war against Iraq. We are going to talk about the various elements which are motivating this effort to go to war against Iraq; and finally, we are going to talk about what people can do who are concerned about what appears to be this effort that has almost seemingly unstoppable momentum towards a war, because this still is the government of the people. That is the beauty of this wonderful forum we are in, the House of Representatives, and we are going to this evening have an opportunity to show how a government of the people works, not only here, but how it works back in the communities which we represent.

So as we begin our discussion, I want to recognize my colleague, the gentlewoman from Ohio (Ms. KAPTUR), who has been a fearless defender of the rights of working people, a defender of the highest principles this country stands for, and someone who is respected and admired across this Nation. I want to thank the gentlewoman for participating in this 1-hour, and at this time I yield to her.

Ms. KAPTUR. Mr. Speaker, I thank the able gentleman from Cleveland, Ohio (Mr. KUCINICH), for bringing us together and exhibiting the leadership role that he has, both within the Congress and outside in our country, in attempting to deliver the messages to the American people that they need to hear about decision-making here in Washington on the important issues of war and peace, and how it affects them in their families, in their communities, and, obviously, in our country.

I know there will be many other Members who will speak, and I want to thank the gentleman from Ohio (Mr. KUCINICH) for also appearing on programs like "Crossfire" and trying to get out the message to the American people, which largely is being blocked here in Washington because of the way we are functioning as a Congress. Here it is the middle of the week, we have had a few votes today, we could not say any of them were very earthshaking, and now votes have been canceled next Monday and Friday. We will not be here this Friday, we were not here this Monday, and our floor time is extraordinarily limited. So it has been very difficult to talk to the American people about this continuing drumbeat toward war because essentially, our institutions and our ability to function as a lawmaking body have been heavily proscribed by the Republican leadership in this Chamber, and it has been hard to get the word out.

I would say that no gentleman has worked harder than the gentleman from Cleveland, Ohio, to talk to the American people and to present the information that is very important. I know this will be an exchange tonight, and we will go back and forth; but it is probably important to put in some context what happened about one year ago, 9-11, 2001 when 17 individuals, international criminals from Saudi Arabia, 17 of 19 created carnage in our country in New York, over Pennsylvania, and here in Washington, from the al Qaeda network, which is a Middle Eastern terrorist network.

Their supposed leader, Osama bin Laden, made the statement at that time that these crimes were being committed against the American people because he wanted Western infidels out of Saudi Arabia. Iraq was not even on the table. Iraq is not an issue. Our major confrontation has been with al Qaeda; and, of course, they took refuge inside of Afghanistan, and so all of us have troops from our districts currently deployed, Navy, Army, Air Force, and Marines, in that region of the world and here at home protecting the American people and defending our freedom. But it is important to remind ourselves that the enemy we are fighting is the terrorist network of al Qaeda. The President came down here to the floor of Congress and said that.

I think it is also important to point out that al Qaeda is an Islamic fundamentalist network. In other words, it is very religious. They have a sacred rage that has turned their views highly political and highly dangerous into the international realm, and they do not have a presence in Iraq, because Iraq is a secular state.

□ 1830

Al Qaeda has not been known to use Iraq as its base. So there is a disconnect between the policies that we are pursuing in order to bring to justice those who have done so much harm globally through al Qaeda, and also there has been an ignorance of Saudi Arabia's role in permitting the Saudis to operate inside Saudi Arabia and then promoting madrassahs outside of Saudi Arabia as well, producing hate-filled young boys who ultimately become terrorists in years hence in places like Pakistan and Afghanistan, in Malaysia, indeed around the world.

So I wanted to just place on the record as we begin who the enemy is in terms of September 11 and subsequently, and all of a sudden emerging then through this summer we begin to hear about war with Iraq, and we ask ourselves the questions and we have gone to all the security briefings here on the Hill, what is the connection? What has Iraq done in the last 4 months different than the prior 4 years? What is anticipated over the next 4 months or 8 months or 1 year different than what happened over the last 5 or 10 years? And no evidence. We have been presented with no photo-

graphs, with no intelligence information to give us any connection between what has happened relative to al Qaeda and the enemy we are fighting and Iraq, and yet there is this tremendous drumbeat toward going to war with Iraq.

The President said at the United Nations last week, and I am very thankful that President Bush went to the United Nations because we still have been engaged as one of 189 nations in the world, the international community, he said that Iraq presented a grave and gathering threat. Not an imminent threat, a grave and gathering threat to the world. So those words I listened to very carefully. I asked myself what is really going on here?

I also want to place on the record tonight an article that was in the Washington Post on Sunday entitled An Iraqi War Scenario, Oil Is Key Issue. I think it is important for the American people to know that even though technically the President wants to go to war with Iraq, today 8 percent of the oil we consume here in the United States is from Iraq. That may sound like a paradox. After Saudi Arabia, Iraq presents the largest oil fields in the world and in fact has proven reserves of 112 billion barrels of crude oil. This article talks about the reshuffling of the world petroleum markets related to any change of regime in Iraq, and I think it is important to follow the business pages which today showed that with the possibility of Iraq's regime changing, oil prices in the world were beginning to actually drop because, as this article states, five permanent members of the Security Council, the United States, Britain, France, Russia, and China, have international oil companies with major stakes in a change of leadership in Baghdad; and without question, it says, the United States would almost certainly be the dominant foreign power in Iraq after the aftermath of Saddam Hussein's fall.

The leader of a group called the Iraqi National Congress, based in London, an umbrella organization of opposition groups backed by our country, among others, the leader of that group, Ahmed Chalabi, says that American oil companies would have a big shot at Iraqi oil. I think it is really important for the American people to distinguish between our war with the al Qaeda terrorist network and Islamic fundamentalist network, with no real home country but with deep roots in Saudi Arabia, and Iraq, which actually had been an ally of the United States prior to the Persian Gulf war, and we should be insisting as a country on the evidence for any invasion.

I know that the gentleman from Ohio (Mr. KUCINICH) would like to add to what I have said and I again thank him so much for his international leadership on this important question.

The article referred to is as follows:

[From the Washington Post, Sept. 15, 2002]

IN IRAQI WAR SCENARIO, OIL IS KEY ISSUE
(By Dan Morgan and David B. Ottaway)

A U.S.-led ouster of Iraqi President Saddam Hussein could open a bonanza for American oil companies long banished from Iraq, scuttling oil deals between Baghdad and Russia, France and other countries, and reshuffling world petroleum markets, according to industry officials and leaders of the Iraqi opposition.

Although senior Bush administration officials say they have not begun to focus on the issues involving oil and Iraq, American and foreign oil companies have already begun maneuvering for a stake in the country's huge proven reserves of 112 billion barrels of crude oil, the largest in the world outside Saudi Arabia.

The importance of Iraq's oil has made it potentially one of the administration's biggest bargaining chips in negotiations to win backing from the U.N. Security Council and Western allies for President Bush's call for tough international action against Hussein. All five permanent members of the Security Council—the United States, Britain, France, Russia and China—have international oil companies with major stakes in a change of leadership in Baghdad.

"It's pretty straightforward," said former CIA director R. James Woolsey, who has been one of the leading advocates of forcing Hussein from power. "France and Russia have oil companies and interests in Iraq. They should be told that if they are assistance in moving Iraq toward decent government, we'll do the best we can to ensure that the new government and American companies work closely with them."

But he added: "If they throw in their lot with Saddam, it will be difficult to the point of impossible to persuade the new Iraqi government to work with them."

Indeed, the mere prospect of a new Iraqi government has fanned concerns by non-American oil companies that they will be excluded by the United States, which almost certainly would be the dominant foreign power in Iraq in the aftermath of Hussein's fall. Representatives of many foreign oil concerns have been meeting with leaders of the Iraqi opposition to make their case for a future stake and to sound them out about their intentions.

Since the Persian Gulf War in 1991, companies from more than a dozen nations, including France, Russia, China, India, Italy, Vietnam and Algeria, have either reached or sought to reach agreements in principle to develop Iraqi oil fields, refurbish existing facilities or explore undeveloped tracts. Most of the deals are on hold until the lifting of U.N. sanctions.

But Iraqi opposition officials made clear in interviews last week that they will not be bound by any of the deals.

"We will review all these agreements, definitely," said Faisal Qaragholi, a petroleum engineer who directs the London office of the Iraqi National Congress (INC), an umbrella organization of opposition groups that is backed by the United States. "Our oil policies should be decided by a government in Iraq elected by the people."

Ahmed Chalabi, the INC leader, went even further, saying he favored the creation of a U.S.-led consortium to develop Iraq's oil fields, which have deteriorated under more than a decade of sanctions. "American companies will have a big shot at Iraqi oil," Chalabi said.

The INC, however, said it has not taken a formal position on the structure of Iraq's oil industry in event of a change of leadership.

While the Bush Administration's campaign against Hussein is presenting vast possibilities for multinational oil giants, it poses

major risks and uncertainties for the global oil markets, according to industry analysts.

Access to Iraqi oil and profits will depend on the nature and intentions of a new government. Whether Iraq remains a member of the Organization of Petroleum Exporting Countries, for example, or seeks an independent role, free of the OPEC cartel's quotas, will have an impact on oil prices and the flow of investments to competitors such as Russia, Venezuela and Angola.

While Russian oil companies such as Lukoil have a major financial interest in developing Iraqi fields, the low prices that could result from a flood of Iraqi oil into world markets could set back Russian government efforts to attract foreign investment in its untapped domestic fields. That is because low world oil prices could make costly ventures to unlock Siberia's oil treasures far less appealing.

Bush and Vice President Cheney have worked in the oil business and have longstanding ties to the industry. But despite the buzz about the future of Iraqi oil among oil companies, the administration, preoccupied with military planning and making the case about Hussein's potential threat, has yet to take up the issue in a substantive way, according to U.S. officials.

The Future of Iraq Group, a task force set up at the State Department, does not have oil on its list of issues, a department spokesman said last week. An official with the National Security Council declined to say whether oil had been discussed during consultations on Iraq that Bush had had over the past several weeks with Russian President Vladimir Putin and Western leaders.

On Friday, a State Department delegation concluded a three-day visit to Moscow in connection with Iraq. In early October, U.S. and Russian officials are to hold an energy summit in Houston at which more than 100 Russian and American energy companies are expected.

Rep. Curt Weldon (R-PA) said Bush is keenly aware of Russia's economic interests in Iraq, stemming from a \$7 billion to \$8 billion debt that Iraq ran up with Moscow before the Gulf War. Weldon, who has cultivated close ties to Putin and Russian parliamentarians, said he believed the Russian leader will support U.S. action in Iraq if he can get private assurances from Bush that Russia "will be made whole" financially.

Officials of the Iraqi National Congress said last week that the INC's Washington director, Entifadh K. Qanbar, met with Russian Embassy officials here last month and urged Moscow to begin a dialogue with opponents of Hussein's government.

But even with such groundwork, the chances of a tidy transition in the oil sector appear highly problematic. Rival ethnic groups in Iraq's north are already squabbling over the giant Kirkuk oil field, which Arabs, Kurds and minority Turkmen tribesmen are eyeing in the event of Hussein's fall.

Although the volumes have dwindled in recent months, the United States was importing nearly 1 million barrels of Iraqi oil a day at the start of the year. Even so, American oil companies have been banished from direct involvement in Iraq since the late 1980s, when relations soured between Washington and Baghdad.

Hussein in the 1990s turned to non-American companies to repair fields damaged in the Gulf War and Iraq's earlier war against Iran, and to tap undeveloped reserves, but U.S. government studies say the results have been disappointing.

While Russia's Lukoil negotiated a \$4 billion deal in 1997 to develop the 15-billion-barrel West Qurna field in southern Iraq, Lukoil had not commenced work because of U.N. sanctions. Iraq has threatened to void the agreement unless work began immediately.

Last October, the Russian oil services company Slavneft reportedly signed a \$52 million service contract to drill at the Tuba field, also in southern Iraq. A proposed \$40 billion Iraqi-Russian economic agreement also reportedly includes opportunities for Russian companies to explore for oil in Iraq's western desert.

The French company Total Fina Elf has negotiated for rights to develop the huge Majnoon field, near the Iranian border, which may contain up to 30 billion barrels of oil. But in July 2001, Iraq announced it would no longer give French firms priority in the award of such contracts because of its decision to abide by the sanctions.

Officials of several major firms said they were taking care to avoid playing any role in the debate in Washington over how to proceed on Iraq. "There's no real upside for American oil companies to take a very aggressive stance at this stage. There'll be plenty of time in the future," said James Lucier, an oil analyst with Prudential Securities.

But with the end of sanctions that likely would come with Hussein's ouster, companies such as ExxonMobil and ChevronTexaco would almost assuredly play a role, industry officials said. "There's not an oil company out there that wouldn't be interested in Iraq," one analyst said.

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) and again repeat what an honor it is to serve with her in this House and I thank her for enabling me to be in this House because she assisted in that effort.

Mr. Speaker, I want to raise this question, and that is why is war with Iraq being presented as inevitable? Is it not time to insist that our leaders suspect this incessant talk of preemptive war, of assumed right to unilateral action, and is it not time for insistence upon preventative diplomacy and our obligations to work with the world community on matters of global security? Why is this war being presented as inevitable?

The headlines from the New York Times of September 12, 2002, read: Bush to Warn UN, Act on Iraq or U.S. Will. He Leads Nation in Mourning at Terror Sites. Mr. Speaker, there is no credible evidence linking Iraq with 9-11. There is no evidence linking Iraq with al Qaeda. There is no evidence linking Iraq with the anthrax attacks on this Nation. There is no credible evidence that Iraq has usable weapons of mass destruction, the ability to deliver those weapons or the intention to do so. When Iraq used such weapons, sad to say, they did it with the knowledge and sometimes with materials from the United States.

During the administration of Ronald Reagan, 60 helicopters were sold to Iraq. Later reports said Iraq used U.S. helicopters to spray Kurds with chemical weapons. We have heard about that. We have heard about the Kurds being attacked by Iraq with chemical weapons, but what we have not heard is that U.S. helicopters were used.

According to the Washington Post, Iraq used mustard gas against Iran with the help of intelligence from the CIA. Now, we heard that Iraq used mus-

tard gas against Iran, but we did not hear that they did it with the help of intelligence from the CIA. Intelligence reports cited the use of nerve gas by Iraq against Iran. What was Iraq's punishment? At that time, the United States reestablished full diplomatic ties, believe it or not, around Thanksgiving of the year 1984, for the fans of George Orwell.

Throughout 1989 and 1990, U.S. companies, with the permission of the administration of the first President Bush, sent the government of Saddam Hussein tons of mustard gas precursors, live cultures for bacteriological research, helped to build a chemical weapons factory, supplied West Nile virus, supplied fuel air explosive technology and computers for weapons technology, and hydrogen cyanide precursors, and computers for weapons research and development, and vacuum pumps and bellows for nuclear weapons plants.

Now, we have to recognize that our country made a mistake in its past dealings with Iraq; that America made a mistake giving biological weapon capability and chemical weapon capability and nuclear weapon capability to Saddam Hussein. That was a mistake.

But we also have to recognize that the Gulf War destroyed most of that capability; that through 7 years of work, Scott Ritter, an arms inspector, determined that 95 percent of what they were able to track down in terms of Iraq's weapons have been eliminated through that weapons inspection process, and anything else was obliterated during the war. So there is a good reason to believe that Iraq does not have any usable weapons of mass destruction.

I want to conclude this part, and then go to the gentlewoman from Texas (Ms. JACKSON-LEE), and then back to the gentlewoman from Ohio (Ms. KAPTUR).

There is a way out of this. We do not have to go to war. It is important that we get those inspectors in there on a timely basis. There is a comprehensive solution to the crisis in Iraq. It appropriately involves the United Nations.

Inspections for weapons of mass destruction should begin immediately, and inspectors should have free and unfettered access to all sites; but, also, we need new negotiations concerning the counterproductive policies of regime change and sanctions. Emergency relief should be expedited; free trade, except in arms, must be permitted; foreign investments must be allowed; and the assets of Iraq abroad must be stored.

So, in conclusion, on this segment, Mr. Speaker, this whole idea about war being inevitable is wrong. War is not inevitable. We do not have to send America's sons and daughters to perish in the streets of Baghdad. We do not have to do that. There is a way out of this, and the American people have a right to expect that we solve this without going to war. They have a right to expect it.

I want to thank my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who has been articulate and passionate and learned in her explanation of this issue, as she is in her explication of all issues; who serves honorably and with great integrity on the Committee on the Judiciary.

I want to say what a pleasure it is to have the participation of the gentlewoman from Texas (Ms. JACKSON-LEE) in this discussion. I thank the gentlewoman for her presence, and I yield to her.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH) and the distinguished gentlewoman from Ohio (Ms. KAPTUR).

May I remind those who are here today that this could almost be the debate, if you will, since yesterday was the celebration or commemoration of the signing of the Constitution, we could almost drift back to how seriously the Founding Fathers, though some of the mothers were missing, took the debate in establishing this country.

As I recall, if we would read some of the history books on this, this was not a short-lived debate. The writing of the Constitution was not short-lived. So I want to say to the distinguished gentleman from Ohio (Mr. KUCINICH), my applause to him for being the curdles, if you will, and it sounds like I am saying "kernel" because I have a cold, but curdles in the milk to cause this to rise to the level of hearing of the United States.

I think it is important before I begin my remarks, and I will try to be concise, to let my colleagues who are listening to this debate realize that most of us have been in Iraq meetings all day long, and in fact, all week long.

I think part of our difficulty is to convey to the American people that there is percolating in a broad spectrum of thought across party lines and body lines, House and Senate, there are voices who are raising the thought processes of what we believe the American people would like to us to engage in, raising questions of either skepticism or reason around this very monumental decision.

I do not wish to call colleagues' names who are probably in meetings as we speak, but I remember a meeting this morning where a colleague brought to our attention his service in Vietnam. What rings in my mind is his recounting of 56,000 body bags. This colleague did not mention that to suggest he was fearful of war, or that he would not stand for his Nation again if he was called to do so. But I think he wanted to remind us of the sanctity of our obligation, our moral obligation, as well as the high responsibility that we have as the articulators of foreign policy and the constitutional holders of the responsibility of declaring war.

So I think it is important to know that all around the Congress there are meetings. There are closed-door meet-

ings, there are open meetings, and Members are in discussion about the question of war. It saddens us, of course, that this very active and vigorous questioning does not get shared with the American people.

So this conversation, this debate today, I say to the gentleman from Ohio (Mr. KUCINICH), is so vital. I know we will be making this point clear.

Might I say that part of what we are trying to do, I say to the gentlewoman from Ohio (Ms. KAPTUR), we have gotten some suggestions we are going to take from meetings that we have been in all day long to bring in the American people, to hear from them, by opening up our various web sites.

I think, even though this is sort of an instruction comment I am making, I think that will be very important.

□ 1845

Might I say to you that I will be flying home to hold a citizen forum on Iraq with experts on the issues in the area, in Houston. The question will be simple. Should we go to war? And we will open it up at the University of Houston. We will have the opportunity there to hear presentations with questions and answers.

I only say this publicly because I ask my colleagues as we are in meetings here in Washington, because no one is reporting that we are in meetings, that we are having intense discussions, that we go home and do the same.

Now, getting aside those as my issues, let me turn now very briefly again to why I joined my colleagues in saying we have options. The gentlewoman has already eloquently given us a historical perspective about how we have treated Iraq, what we gave to Iraq as the gentleman has said. Let me bring it forward to suggest two themes.

During our recesses we were hearing something that disturbed many of us, the question of regime change. For the life of me, I could not remember in any way where we had adopted a policy on behalf of the United States that I did not like my neighbor and I would simply knock on their door and say, It is time to get out of your house. We all made the point that we, not a one in this Congress would claim that Saddam Hussein is a friend to any of us including his own people. But the United States has never functioned as an offender, has never functioned as a perpetrator, if you will, of violence. We have always been victorious as a defender.

The times we have stepped over the line, we have questioned that policy. And I raise Vietnam because I remember very clearly the domino theory. That is why we went in allegedly. We were fearful of communism spreading, but in the end we lost 56,000. And I am not sure the final conclusion of that, though we never, never, never in any way condemned the young men and women, the men who lost their lives and the valor of our heroes who served us in Vietnam. I will never undermine their services. They are my heroes.

But I took from that a greater responsibility whenever I made a decision as a Member of this body to go to war. And so the point that should be made is that we have an alternative and there is an alternative voice. I believe that voice is free of politics. I, in fact, believe that there are voices and we have heard voices on both sides of the aisle, Republicans, Democrats, and Independents.

For that reason, I believe a very pronounced statement by one of our distinguished colleagues, one of the ranking members of an important committee, the Committee on International Relations, should be heard, that we should have a special session in order to let everyone have the time to deliberate as the Founding Fathers did, so that the members of this Nation can listen to deliberative thought on what the next step should be.

I believe, further, that we have heard a response and we should claim victory where victory has been gained. One, Congress is now engaged based upon the voices that were raised a few weeks ago; and, of course, I think we as Members raised our voices, many of us, even before the recess; and so it was heard and Congress has now actively engaged.

The second victory is that the President of the United States, who I will give applause to, did go to the United Nations. We gave, if you will, the world body the understanding that we do play on the world stage in a unified manner because we will only stand together or fall together. We must give credibility to that decision where the United Nations joined us in saying to Saddam Hussein, we must have unfettered entry into your country. And then what do we get in the last 24 hours? A response back, yes, you can.

Now, we can always reject the bride, the fiance, I do not know what we wish to call him, on the basis of I have heard this before. But how unfortunate it would be if peace looks us in the eye or some reconciliation looks us in the eye and we do not accept it. I believe it is important that we go with a thousand U.N. inspectors unfettered and immediately respond to Iraq's invitation, get there now and begin to challenge him on his own soil. Let us look.

I do not believe we should spin it, that he is not serious, that this is worthless in terms of his offer and we are now headed towards war. And the reason why I say that, as I try to conclude on some elements of where many of us are thinking, is because another colleague today in a long meeting on Iraq mentioned his constituents who traveled a mighty long way to plead with him of the desperate need of prescription drug benefits through Medicare guarantee, of nursing homes that are closing, of hospitals that may be closing, of Social Security issues that are falling around our knees, of people who have lost millions of dollars in stocks and 401(k)s that we have not responded to, and they asked us to put a

reasonable restraint on going to war because they asked us about the money.

I believe he might have responded, I am not putting words in his mouth, that we are already spending a billion dollars a month in Afghanistan. And then he had to confront the article and the statement from Lawrence Lindsey, Bush economic aid says on September 17 that the cost of the Iraq war may top \$100 billion.

That is why this debate is so vital, and that is why the voice of those who have been in meetings all day long for fear that nobody is reporting the seriousness of these discussions. I have said this two or three times, this is why we have got to be able to get the attention of the American public and as well the President, that we have an action item, U.N. inspectors, and we do not need to take it to the next level of a war.

I believe if we can engage the American people, we will find the respect of the world because there is no doubt of this Nation's military power. We have to make no excuses for what we have the ability to accomplish.

Our greater, our greater results will be our ability to coalesce in the world arena, to be successful in the agenda of ridding Iraq of these weapons of mass destruction in the manner of the world family and the United Nations, and saying to this country, we will send no son and no daughter into harm's way, into the evils of war without deliberative thought and all manner of diplomacy tried, and all efforts of each and every one of us and the administration working together.

Mr. KUCINICH. Mr. Speaker, I want to thank the gentlewoman because when she spoke of sons and daughters, that is what this is really about. This is about the sons and daughters of American people. It is about the sons and daughters of the Iraqi people who have to suffer this dictator, Saddam Hussein; and it is also about future generations. And so I thank the gentlewoman for participating in this discourse and she is welcome to stay if she can.

I want to go back to our good friend and my colleague, the gentlewoman from Ohio (Ms. KAPTUR), who has ended the last discussion. We were talking about the impact on oil as an issue here, and I thought she raised some good points; and I wanted to thank her and if the gentlewoman would continue.

Ms. KAPTUR. Mr. Speaker, it is always a pleasure to join the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), and commend her highly for the forum that will be held in Houston on Iraq and should America go to war. As always she is in the forefront of the leadership in this institution and in our country.

Mr. Speaker, I just wanted to follow up on something that the gentlewoman had stated regarding reasons of war and to point out to those who are lis-

tening that there is in this post-Cold War world that there is a shifting of relationships, and nations are trying to find their way forward with new alliances; and the United States in that context has to be careful in order to not be perceived as, one, a Nation that would commit naked aggression. That is something the United States fought for the entirety of the 20th century. Rather, a Nation that always engages for justified wars, justifiable purposes. And there is a distinction, and we should not abrogate our heritage. It is what has gained us the stature that we do have internally and externally.

Mr. Speaker, I also wanted to follow on something the gentleman from Ohio (Mr. KUCINICH) talked about when we were discussing the internal state of Iraq, their economy and their military. I think it is important to put on the record that two-thirds of Saddam Hussein's forces were leveled in the Persian Gulf War. In other words, the force is one-third of what it used to be.

The American people should not have the illusion that over the 10 years during which we and other countries have maintained the no-fly zone over Iraq that there has not been constant bombing and constant economic sanctions that have made life difficult for people inside that country, and, indeed, children dying, not enough food, extraordinary poverty among so many people. The conditions inside Iraq are abysmal.

In addition to that, Iraq essentially is an oil state. And as I mentioned earlier, it has the largest reserves outside of Saudi Arabia. Prior to the Persian Gulf War, Iraq had been pumping 3.5 million barrels a day. Today she pumps but 1.7 million barrels a day. That says that not only are the sanctions hurting her, but the lack of production is hurting her as well.

And Iraq does not operate in a vacuum. She operates in a part of the world where not everyone is her friend. And certainly she has had historic rivalries with Iran, and we all know about the invasion of Kuwait. Iraq is a secular nation in that part of the world that also has tried to defend herself from fears relating to relations with surrounding countries. So I think it is important to be realistic about what is going on there.

Therefore, we read in the Wall Street Journal, September 17, Lawrence Lindsey, the President's head of the White House National Economic Council, making the following statement, "When there is a regime change in Iraq, you could add 3 million to 5 million barrels of production to world supply each day," Mr. Lindsey estimated. "The successful prosecution of the war would be good for the U.S. economy."

Mr. Speaker, the entire article is as follows:

[From the Wall Street Journal, Sept. 17, 2002]

BUSH ECONOMIC AIDE SAYS COST OF IRAQ WAR
MAY TOP \$100 BILLION
(By Bob Davis)

WASHINGTON.—President Bush's chief economic adviser estimates that the U.S. may

have to spend between \$100 billion and \$200 billion to wage a war in Iraq, but doubts that the hostilities would push the nation into recession or a sustained period of inflation.

Lawrence Lindsey, head of the White House's National Economic Council, projected the "upper bound" of war costs at between 1% and 2% of U.S. gross domestic product. With the U.S. GDP at about \$10 trillion per year, that translates into a one-time cost of \$100 billion to \$200 billion. That is considerably higher than a preliminary, private Pentagon estimate of about \$50 billion.

In an interview in his White House office, Mr. Lindsey dismissed the economic consequences of such spending, saying it wouldn't have an appreciable effect on interest rates or add much to the federal debt, which is already about \$3.6 trillion. "One year" of additional spending? he said. "That's nothing."

At the same time, he doubted that the additional spending would give the economy much of a lift. "Government spending tends not to be that stimulative," he said. "Building weapons and expending them isn't the basis of sustained economic growth."

Administration officials have been unwilling to talk about the specific costs of a war, preferring to discuss the removal of Mr. Hussein in foreign-policy or even moral terms. Discussing the economics of the war could make it seem as if the U.S. were going to war over oil. That could sap support domestically and abroad, especially in the Mideast where critics suspect the U.S. of wanting to seize Arab oil fields.

Mr. Lindsey, who didn't provide a detailed analysis of the costs, drew an analogy between the potential war expenditures with an investment in the removal of a threat to the economy. "It's hard for me to see how we have sustained economic growth in a world where terrorists with weapons of mass destruction are running around," he said. If you weigh the cost of the war against the removal of a "huge drag on global economic growth for a foreseeable time in the future, there's no comparison."

Other administration economists say that their main fear is that an Iraq war could lead to a sustained spike in prices. The past four recessions have been preceded by the price of oil jumping to higher than \$30 a barrel, according to BCA Research.com in Montreal. But the White House believes that removing Iraqi oil from production during a war—which would likely lead to a short-term rise in prices—would be insufficient to tip the economy into recession. What is worrisome, economists say, is if the war widens and another large Middle East supplier stops selling to the U.S., either because of an Iraqi attack or out of solidarity with Saddam Hussein's regime.

Mr. Lindsey said that Mr. Hussein's ouster could actually ease the oil problem by increasing supplies. Iraqi production has been constrained somewhat because of its limited investment and political factors. "When there is a regime change in Iraq, you could add three million to five million barrels of production to world supply" each day, Mr. Lindsey estimated. "The successful prosecution of the war would be good for the economy."

Currently, Iraq produces 1.7 million barrels of oil daily, according to OPEC figures. Before the Gulf War, Iraq produced around 3.5 million barrels a day.

Mr. Lindsey's cost estimate is higher than the \$50 billion number offered privately by the Pentagon in its conversations with Congress. The difference shows the pitfalls of predicting the cost of a military conflict when nobody is sure how difficult or long it will be. Whatever the bottom line, the war's costs would be significant enough to make it

harder for the Bush administration to climb out of the budget-deficit hole it faces because of the economic slowdown and expense of the war on terrorism.

Mr. Lindsey didn't spell out the specifics of the spending and didn't make clear whether he was including in his estimate the cost of rebuilding Iraq or installing a new regime. His estimate is roughly in line with the \$58 billion cost of the Gulf War, which equaled about 1 percent of GDP in 1991. During that war, U.S. allies paid \$48 billion of the cost, says William Hoagland, chief Republican staffer of the Senate Budget Committee.

This time it is far from clear how much of the cost—if any—America's allies would be willing to bear. Most European allies, apart from Britain, have been trying to dissuade Mr. Bush from launching an attack, at least without a United Nations resolution of approval. But if the U.S. decides to invade, it may be able to get the allies to pick up some of the tab if only to help their companies cash in on the bounty from a post-Saddam Iraq.

Toppling Mr. Hussein could be more expensive than the Persian Gulf War if the U.S. has to keep a large number of troops in the country to stabilize it once Mr. Hussein is removed from power. Despite the Bush administration's aversion to nation building, Gen. Tommy Franks, commander of U.S. troops in the Middle East and Central Asia, recently said that the U.S. troops in Afghanistan likely would remain for years to come. The same is almost certain to be true in Iraq. Keeping the peace among Iraq's fractious ethnic groups almost certainly will require a long-term commitment of U.S. troops.

During the Gulf War, the U.S. fielded 500,000 troops. A far smaller force is anticipated in a new attack on Iraq. But the GOP's Mr. Hoagland said the costs could be higher because of the expense of a new generation of smart missiles and bombs. In addition, the nature of the assault this time is expected to be different. During the Gulf War, U.S. troops bombed from above and sent tank-led troops in for a lightning sweep through the Iraqi desert. A new Iraq war could involve prolonged fighting in Baghdad and other Iraqi cities—even including house-to-house combat.

The Gulf War started with the Iraqi invasion of Kuwait in August 1990, which prompted a brief recession. The U.S. started bombing Iraq on Jan. 16, 1991, and called a halt to the ground offensive at the end of February.

With Iraq's invasion, oil prices spiked and consumer confidence in the U.S. plunged. But Mr. Lindsey said the chance of that happening again is "small." U.S. diplomats have been trying to get assurances from Saudi Arabia, Russia and other oil-producing states that they would make up for any lost Iraqi oil production. In addition, Mr. Lindsey said that the pumping equipment at the nation's Strategic Petroleum Reserve has been improved so oil is easier to tap, if necessary. Both the Bush and Clinton administrations, he said, wanted to "make sure you can pump oil out quickly."

On Thursday, Federal Reserve Chairman Alan Greenspan said he doubted a war would lead to recession because of the reduced dependence of the U.S. economy on oil. "I don't think that . . . the effect of oil as it stands at this particular stage, is large enough to impact the economy unless the hostilities are prolonged." Mr. Greenspan told the House Budget Committee. "If we go through a time frame such as the Gulf War, it is unlikely to have a significant impact on us."

The U.S. economy also has become less dependent on oil than it was in 1990, said Mark Zandi, chief economist at Economy.com, an economic consulting group in West Chester,

Pa. A larger percentage of economic activity comes from services, as compared with energy-intensive manufacturers, he said. Many of those manufacturers also use more energy-efficient machinery.

We have to begin to connect the dots here with the President's advisers and with what is really going on, knowing the internals of Iraq, the nations that she relates to, her internal economic situation, and keeping our eye on when the enemy is, who was responsible for the World Trade Center, for the Pentagon and for the disaster over Pennsylvania. It is al Qaeda. They do not have roots in Iraq.

We have persistently asked the administration for any ties that they can see there; and I would just urge, as I know my colleagues are, the American people to distinguish between hearsay and evidence regarding what al Qaeda has done and what Iraq's record might be.

Now, is Iraq a perfect country? I daresay not. It is not my favorite form of government. No repressive state is. But in that part of the world there is not a single democracy or functioning democratic republic. It simply does not exist. This is the challenge for the new generation, to embrace this part of the world in ways that builds more open societies. But, certainly, naked aggression by a superpower with no evidence presented to this Congress is not a way to make friends in that part of the world where, frankly, America needs to make friends.

Mr. Speaker, I would just like to put on the record tonight if there are any officials who may be listening, and I am sure my colleague, the gentleman from Ohio (Mr. KUCINICH), would agree with this, from the government of Iraq. I, as one Member of Congress, and I know some of my colleagues would join me in this, would certainly entertain a request from the government of Iraq from Saddam Hussein to meet with Members of this Congress to negotiate the terms of inspection, respecting the role of the United Nations, having members of the United Nations team join us for that; but to extend an open arm to the people of Iraq as we move into this 21st century, to write a new page in history.

We know we do not have a great deal of trust, but one has to confront one's enemies. One has to be able to talk. Only with that kind of negotiation does one avoid war. Whether it is through third parties first and then we move to that step, as I as one Member of Congress would certainly be open to it. And I think that a number of my colleagues would join me in that effort.

Mr. KUCINICH. Mr. Speaker, the gentlewoman is correct in suggesting that we should open up discussions and negotiations. I mean, is that not our purpose as a Nation to find a way to communicate with other nations and with the community of nations bring about global security? Certainly when any one nation in that community of nations wants to stand apart and threat-

en the safety and the peace of the community of nations, that needs to be regarded. That is why we need arms inspectors in Iraq.

But I want to go back to something I said initially, and that is that Iraq has not been connected to 9-11. There is no connection at all. There is no connection between Iraq and al Qaeda.

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Even the CIA had to admit that. There is no connection between Iraq and the anthrax attacks. Americans are still grieving about 9-11, but I do not think there is a single person in this country who believes that we should attack a Nation as a payback for 9-11 when they did not have anything to do with it, and yet some people in this confusion are turning around and connecting Iraq with 9-11.

We need the inspectors, but we already know from the work that Scott Ritter did that there are not any usable weapons of mass destruction in Iraq. They do not have the ability to deliver such weapons to attack the United States. If Israel thought they had the ability to deliver such weapons to Israel, Israel has the military force to destroy that Iraqi capability if they had it.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I just wanted to mention during the Persian Gulf War when I served here and Iraq was able to launch some SCUD missiles into Israel, at that time, she could have equipped them with chemical weapons, with biological weapons, but it was not done, and why would that be? I think because Saddam Hussein, as military leader in his own country, recognized that he and his Nation would face annihilation if that happened. So there is a rational military mind working there.

Mr. KUCINICH. The gentlewoman is correct, and we go back to this, that there is a way out of this mess that we are in. We need a comprehensive solution to the crisis in Iraq, and that solution appropriately involves the world community through the United Nations.

Those inspections ought to begin immediately, and we should work cooperatively with all nations to rid Iraq of any weapons of mass destruction or any capability they may have if such weapons exist, and we should come up with a comprehensive solution which includes negotiations over sanctions because we know that hundreds of thousands of innocent Iraqi children have perished because of those sanctions, and we should include negotiations over the no-fly zone. We need to create a framework in the region for a zone free of weapons of mass destruction to ensure we do not come back to the situation at another time.

The thing that gets me is we want Iraq to give up weapons of mass destruction if they have them, but why

would Saddam Hussein want to cooperate with the United States if we have a policy of regime change which also includes a policy of wanting to assassinate him? If you have inspectors in your country and they are measuring you for a box, you might think twice about showing them around because sooner or later something might happen to you.

So if we truly want to get rid of weapons of mass destruction, we should set aside the regime change policy which defeats the goal of assuring compliance. We should rescind our policy which permits assassination of foreign leaders. I think there is a comprehensive solution which can avoid the war, and if the administration truly desires a solution without war, it must explain how that squares with its stated policy of regime change.

The goal of the United Nations is weapons inspections with these competing goals of, on one hand, weapons inspections and then regime change is going to make it very difficult to have peaceful resolution. I think that war is not inevitable here. Except if the administration's goal, if the irreducible goal is the overthrow of the Iraqi government, then we are going to have difficulty completing the inspections in which we place so much hope.

So one of the things that we have been told over the last few weeks is that Iraq presents an imminent threat. A number of us have had discussions across the country, and we have talked to people who are really learned on these arms issues, and they say Iraq really is not an imminent threat. So what is the rush to war? In my district, which is similar to the gentlewoman from Ohio's (Ms. KAPTUR), in Toledo, in Cleveland, people talk about an imminent threat, but they do not talk about Iraq. They talk about the threat of not having health insurance. There are 41 million people in this country without health insurance. That is imminent threat. Senior citizens talk about not having access to a plan which can reduce the cost of prescription drugs for them. The high cost of prescription drugs, that is an imminent threat to the American people.

The corruption in Wall Street which took hundreds of billions of dollars away from investors over a period of time, that is an imminent threat. So many people lost their 401(k)s. That is imminent threat.

People in our manufacturing industries losing their job, that is imminent threat to the American people and a long-term threat to our economy. I get calls in my office in Cleveland from people who are right on the edge of losing their homes. They have an imminent threat of losing their homes. People who need a job, retirees who lost their health insurance because their company went bankrupt, they are an imminent threat because they cannot get decent health care and they are in their senior years, not yet eligible for Medicare, though.

American people have a right to expect that we do something about these issues that affect their domestic economy, but because of all this war talk, because of this talk of an imminent threat from Iraq, which does not have usable weapons of mass destruction, which does not have the ability to deliver those weapons, which has not indicated an intent to do so, which did not have anything to do with 9-11, which did not have anything to do with al Qaeda, which did not have anything to do with the anthrax attacks, because of this imminent threat by Iraq, we somehow are supposed to forget all of the concerns of the American people who are suffering in this economy and an economy which is slowing down. We are supposed to forget all that because Iraq is an imminent threat.

Iraq is not an imminent threat, but the destruction of the American economy, the destruction of people's 401(k)s, the destruction of a family when someone has a serious illness and they cannot pay for it, that is an imminent threat, and we in this country have an obligation. We should demand that this country start focusing on the real problems which affect the daily lives of the American people. I did not come here to have to cast a vote on a bogus war against Iraq to let the real human concerns of my people in my district go wanting.

As the gentlewoman from Texas (Ms. JACKSON-LEE) said, \$100 billion and more will be spent on this war and my senior citizens in my district are splitting their pills so they can make their prescriptions last because they cannot afford the cost of a prescription drug.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for his passionate statement and the people of the Cleveland area are indeed fortunate to have him here.

I would only add, when the gentleman talks about imminent threat, that if one looks at why we are in the current recession and what triggered it, it was rising oil prices, as happened during the 1970s, when the Arab oil embargo twice delivered body blows to this economy and we had prices skyrocket. The price of oil doubled per barrel until the OPEC nations said, gosh, this is not so good if we make America fall to its knees because of imported oil. Then it started to control prices from places like Iraq, Saudi Arabia, Kuwait, United Arab Emirates, all those countries, and then we moved into the Persian Gulf War in the early 1990s when Iraq invaded Kuwait, and again, why? Because of the threat to the world economy, especially our own, and the instability inherent in these oil economies.

Then just 2 years ago next month, the suicide bombing of the USS Cole in Yemen harbor, our destroyer. What was she doing there? Guarding the lanes of commerce as those oil tankers come out of the Persian Gulf into the West here, unload, and then it is refined here. Now, with Iraq and all these

statements being made by the Bush administration, which has enormous ties to oil, it is no secret that Kenneth Lay and Enron were the largest contributors to the Bush campaign, we have this drumbeat for more U.S. involvement in that part of the world where oil props up every single one of those countries, whether it is Saudi Arabia, whether it is Iraq, whether it is Kuwait.

We really start looking around and saying, oh, and even Afghanistan, where the pipeline has to run from the Caspian Sea through Afghanistan in order for that crude oil to reach its destination, one of the imminent threats to the United States where over half of our oil is now imported, 25 percent of it from that part of the world, about 28 percent actually, we have to become energy self-sufficient here at home.

So I would say to the gentleman from Ohio (Mr. KUCINICH) thanks for all the efforts he has made with us to move into renewable energy supplies from a hydrocarbon economy to a carbohydrate, a photovoltaic economy, moving into fuel cells and new forms of power for this country so we can cut the umbilical cord to so many of these places in the world that have undemocratic regimes, and every time a consumer in our country goes to the gas pump, half the money they pay for that fuel goes to Saudi Arabia, Iraq. It goes to Venezuela, Nigeria. Not a single democratic republic among them.

Mr. KUCINICH. Mr. Speaker, I have a report here that was done by Miriam Pemberton, who is with the Institute for Policy Studies. She delivered this to a congressional briefing. She said that fears that the U.S. might go ahead with an attack on Iraq have already begun to affect oil prices. When people are going around to the pumps, just the talk of war is starting to affect oil prices. Oil is already trading close to an 18-month high of \$30 a barrel. Ten months ago, according to this report, we forget, but 10 months ago, the price was half that. So within 10 months, oil has doubled in the price per barrel.

As the war fever keeps going, in effect what we have, the war fever has created a premium. So the oil companies are making more money on the war talk, and each time a U.S. official comes out and says something, she says in this report, that suggests an attack is actually imminent or is likely to happen, oil prices spike.

Vice President CHENEY made the first of two such speeches on August 26, for example, and by the end of the day the price of each barrel sold on the U.S. market had jumped 65 cents. Think about that, what war talk does.

What does a real war do? The last invasion of Iraq, right after it, oil prices doubled. They stayed high, according to this report, for the better part of a year. A repeat would create ripple effects throughout our economy. Miriam Pemberton says that estimates by Wall Street analysts indicate that a \$10 per

barrel rise in oil prices, that would be half the amount of the last Gulf War, would over a year's time reduce U.S. GDP growth by about half a percent and add nearly 1 percent to inflation.

She goes on to say the economic drag from this oil price shock is being felt most strongly across the transportation sectors, and she also says that most analysts expect that a U.S. attack on Iraq would send the price of oil beyond \$50 a barrel. In other words, more than three times what it was 10 months ago.

So I think that we need to understand that the cost of war is not only in our tax dollars, not only in this horrible cost of the lives of the young men and women we send over there, but also when we combine it with the tax cuts and the large increases in military spending, we are looking at a disaster for our economy. Slower growth, a recession. So we should be very concerned about the economic impact, the immediate impact of this war, and we should be concerned about the long-term economic impact of this war.

This is still about the economy, and remember, all of these debates get swept aside with the war talk. Each time the administration stands up and talks about war, we pay for it at the gas pump.

□ 1915

If we go to war, the prices are going to go up three times what they were 10 months ago. These are the concerns I have.

Mr. Speaker, in the closing few minutes I would like to, with my colleague, the gentlewoman from Ohio (Ms. KAPTUR), talk about what I am hearing from my constituents in Cleveland. When they ask me what can we do, what can anyone do about this rush towards war, talk about a few things that are possible. I hear from the people in my district; they do not want a war. They expect us to solve this without going to war. They expect that we have the talent and the ability to solve these very difficult problems with other nations, particularly with a nation that used to be a good friend over in the gulf and to whom we sold chemical and biological and nuclear weapons capabilities; and if we could do that a few years ago, why not solve this. Look at the battlefields of World War II. We were at war with Japan and Germany, and they are our good friends now.

We need to work with the international community now. Let us suppose this effort, despite all of our work, just keeps moving along. What can people do, they ask me. Here is what can be done. There needs to be meetings all over this Nation in city councils, town halls, in labor halls and community centers. People need to come together, and they need to talk about how they feel about this. They need to organize.

When I was elected to city council in Cleveland many years ago, I got elected by knocking on doors. I did not have

any money. I just went door to door and talked to people. We need to talk to each other again. We need an up-lifting of our civic consciousness. We need to recreate our civic soul in this country. We need to recreate our national sense of conscience; and we do it by talking to each other, by organizing door to door. Go to your neighbors, create a place for a meeting. Take the information door to door about the meeting. Let people know where they can come to talk about it and then talk about gathering more and more people. Gather by the thousands in your town squares. This is what I tell my constituents.

We need a national revival of this concept of government of the people. Government of the people works because people stay involved. Lincoln's prayer, the prayer that he gave at Gettysburg, a government of the people, by the people, and for the people, the way it is realized is when people get involved. So knock on doors. Put a piece of literature in people's hands, I tell my constituents. Tell them how they can come to a meeting. Tell them that they are needed. Bring people together, set an agenda, invite your Member of Congress or other government officials. Invite church leaders to moderate it. We need it talk to each other about this. We can avoid this war. It is not inevitable. We need to connect again with each other.

Each of us is an architect of the world, and our thoughts and words and our deeds are part of that structure of the world. We can recreate the world right now. War is not inevitable. Peace is inevitable if we begin talking to each other and organize at a community level.

There are polling lists available. You can go to a board of elections and find out who the voters are in your precinct, and you can get a list of phone numbers and call people and go back to contacting people, hold those meetings and hold those rallies. I believe, as I tell my constituents about this, that we can turn this around, that we are not stuck with war; but we need to hear from the American people. And my constituents, I tell them, if you talk to your neighbors about it, we can catalyze a change in this country. And I know that the gentlewoman from Ohio (Ms. KAPTUR) works closely with her constituents and tells them how they can make a difference.

Ms. KAPTUR. Mr. Speaker, some of the best forums that we have involved a combination of universities, church leaders, community activists, citizens, just inviting ordinary citizens to learn. Many people feel powerless. They feel this is foreign policy, what can I do about that. I think they underestimate their own power.

Mr. KUCINICH. Mr. Speaker, I think the gentlewoman is right. Today we have this new structure of the Web. They say I do not know how to use it. I say ask your kids. They have computers. They can get you on a site and you can start to talk to people.

We need to use the available technology that we have; but the best technology in a democracy is the human heart because across this country people can feel in their hearts that this war is wrong. Across this country, people know that America has a higher destiny, that it is not our destiny to be the policeman of the world. It is not our destiny to choose who should be the ruler or leader of another nation. It is our destiny to fulfill the democracy here and to defend freedom when we must.

I want to thank the gentlewoman from Ohio (Ms. KAPTUR) and the gentlewoman from Texas (Ms. JACKSON-LEE) for participating here and for starting this discussion that war is not inevitable, that Iraq was not connected to 9-11, that there is a chance that we can move forward with our intelligence, that we can some day evolve to a place where what President Franklin Roosevelt called the science of human relationships can be used to resolve our problems, not weapons technology which destroy, but our own capability to evolve in heart and soul, to become more than we are so we fulfill this dream of our founders of a government which is enlightened and a government which has a special connection to its people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PLATTS). The Chair would remind Members to direct their remarks to the Chair and not to the television audience.

IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I want to address the House tonight on an issue of importance, I think, to the Nation in terms of what we are facing in the area of domestic policy decision, which I think is an extremely important one for the country. Not surprisingly, I am going to be talking about immigration and immigration reform and a number of related issues this evening.

Mr. Speaker, recently in the Colorado newspapers there have been a series of stories and editorials about an incident that occurred some time ago that was brought to the attention of the public as a result of a story published in the Denver Post maybe a month ago, perhaps a little more than that. The story was one that identified a particular individual in Colorado, actually a particular family in Colorado who were illegal immigrants to the United States.

According to the news reports, even the Denver Post went to the Mexican consul in Denver or the Mexican consul

went to the Post, I am not sure which way it happened, but somehow or other they got together and decided to write a story about a family, the Apodaca family. They decided to highlight a particular individual, a young man that is the oldest son of the family, I believe, who is graduating from a school in Aurora, Colorado, in my district, who has evidently been a model student with very good grades who is now faced with a dilemma. The dilemma is what to do about going to college; how is he going to pay for it.

Mr. Speaker, across the country there are several attempts being made to change State laws with regard to illegal immigrants' access to higher education. I believe several States have actually changed their laws that will allow in-state tuition for kids who are themselves illegal or parents of illegal immigrants. This is a major push on the part of the Mexican Government through the Mexican consuls throughout the United States, and it is a major push by immigration advocates all over the country and groups like La Raza and others who want a variety of things, including free K-12 education which they already have, free or taxpayer-subsidized public education, which they do not now have, and driver's licenses and welfare and a number of other things that would add up to citizenship. That is really the point of all of this.

The attempt is being made to erase anything that would be a distinction of someone being here illegally. Because after all, if you can come to the United States illegally, put your kids into school, which you can today under Supreme Court rules, have them educated at taxpayer expense, if you can eventually get taxpayers to subsidize their higher education, if you can get taxpayers to subsidize welfare, to pay for welfare for illegal immigrants into the country, if you can get State legislatures to change their laws to provide driver's licenses to people who are here illegally, then what happens, after a while there is nothing that separates you from anyone who is here legally.

If you are present, if you are physically present in the country that we call the United States, you will have all of the benefits of being a citizen, and it does not matter how you got here. This is the desire. This is the hope; this is the plan. To some extent it has been successful, as I say, in several State legislatures. I think California is one, perhaps Utah is another. But the same thing is going on in Colorado.

So there was this plan, if you will, to begin a lobbying process to change our laws in Colorado to allow people who are here, who are in the country and in Colorado in this particular case illegally, to have access to higher education. So the Mexican consul provided the names of a family, the Apodaca family, to the Denver Post. This was a particularly sympathetic case because

apparently these folks came here 7 or 8 years ago, by their own admission illegally, but have so far lived the lives of model citizens. They send their kids to school. They are employed, or at least the husband is employed; and so they now are in this precarious position. They are trying to figure out what to do about the problem they face. How do you send your kids to higher ed, to the University of Colorado?

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So about a month ago, as I say, the Denver Post highlighted these people. They in fact put them on the front page of the Denver Post, this family, put in a picture and ran this very, very long story about the family and said, gee, these people, yes, they are here illegally, but they are not concerned about that. They are, as I say, giving their names and locales to the paper and we should in fact now be, of course, cognizant of and sympathetic to their plight.

I read this story as did hundreds of thousands of other people in Colorado and thought, is it not interesting that we are now at the point where people who are here illegally can be so brazen as to make that known publicly without the slightest fear of any sort of negative ramifications? Is it not amazing, I thought, that the Mexican consul would be so audacious as to become involved in domestic politics in the United States? And, more importantly, is it not an affront to every single person who has come to this country legally? Is it not a slap in the face to every single person in this country who has gone through the brain damage and the expense of coming here through the legal process?

Mr. Speaker, I have been able to go up to Commerce City, Colorado, where we have had and where they still have ceremonies to recognize people who are now taking their oath of citizenship to the country. They are becoming new citizens. I have gone there and I have spoken to these groups and I have said, first of all, I want to welcome you to the United States. Secondly, I want to thank you for doing it the right way, for going through the process, for spending the time, the money, for being inconvenienced as I know you are, for trying to learn the language as you are supposed to do. I want to thank you for all of that, because you are acting as good citizens. And every time that we do things like provide amnesty for people who come here illegally, it is a slap in the face to all those who have done it the right way.

Mr. Speaker, I have in my office as I know you do and every Member of this Congress, we have lists of people who have applied for some sort of change in their immigration status and they have asked us to help. And we have. Well over 100 I saw at last count in our office alone. I know that in certain other districts, certain other congressional districts, the numbers are higher; but in mine, a relatively suburban

district, 100, that is quite a few for us. We have actually two people assigned to helping those folks come into the United States or if they are here, to get their status adjusted under the law. That is a resource allocation that I think is unique. I do not believe I have two people among my staff who have a single responsibility or at least have some partial responsibility for a single issue. But that is the load we have, and that is the dedication I have to trying to help.

I thought to myself when I read this story on the front page of the Denver Post that it is amazing that we are so blatant, so fearless about the fact that you do not have to go through that process; that, in fact, you are suckers if you do; that you are being naive if you try to abide by the laws; that you will become celebrities. You will be on the front page of the Denver Post. You will be characterized as heroes because you have lived a good life and you have done what is expected of you in America, you have had a job and you send your kids to school; and therefore because you are an "A" student, we should ignore the fact that you are here illegally and tell everyone in America who is here because they came the right way that they have been suckers.

It also tells everybody in the world who is waiting for the opportunity to come to the United States legally that they should probably simply ignore the bureaucracy, which can be daunting in terms of the obstacles it sets up, and they should simply go to the head of the line. They should simply pass by everybody waiting and enter the gate. That is what amnesty does and that is what we tell people when we showcase them for being here illegally.

Mr. Speaker, I do not know the Apodacas. From everything I have read, they seem to be very fine people who have, as I say, tried to come to the United States for the same reasons that my grandparents, perhaps yours, came here, looking for a better life. I do not blame them for wanting it. But I must admit to you that when the decision was made by the Denver Post and the family and the Mexican consul to showcase these people, they put those folks in jeopardy. Because somebody is going to say, Is this right that you can violate the laws of the Nation with such impunity? Is it right that all those who have attempted to do it the right way should be so insulted? I certainly did not think so when I read the story.

So I waited about 3 weeks or more and finally I called the INS office in Denver and I said, can I please speak to the head of the agency? It was a gentleman by the name of Mr. Comfort. Again, a very nice fellow whom I have met with in the past. I asked him in the beginning of our conversation, I have a hypothetical situation to present to you and that is this: today, Mr. Comfort, you as the head of the regional office for the INS, if you walked

out of the office and were heading over to lunch at a restaurant across the street and somebody came up to you on the street and said, I want to tell you something if you don't mind. I am a person who is a good citizen. I have a job. I have never been in trouble with the law. I send my kids to school. I'm trying to get them an education, but I have this one problem. I am here illegally. What would you do under those circumstances?

He said, Well, of course I would have to take them into custody. Those were his exact words. I would have to take them into custody at that point, and I would have to then put them through the judicial process. They would have a hearing. It would be determined by an immigration law judge as to whether or not they should be deported.

I said, That is interesting to me, because I am wondering what you did about the family that told you that, told not you that, but told the entire State of Colorado that 3 or 4 weeks ago. They said they were here illegally. They were looking for someone to help support their son's higher education goals and expenses.

He said, Yeah, we saw that; we looked into it, but we're not going to do anything about it.

I said, How come? I just asked you what you would do if this happened to you on the street.

He said, It's a resource thing. I don't have the resources to actually go after these people.

I said, I'm not asking you to send in a SWAT team. I'm not asking you to devote any resources to this issue that would jeopardize the major tasks you have in terms of felons who are here illegally and potential terrorists and all that sort of thing. I don't want you to do that. I'm just asking you what you do when somebody tells you this, as these people did and as the Denver Post and as the Mexican consul did.

He said, I really don't know what to say. We don't have the resources. He kept saying, We don't have the resources.

I said, again, What does it take? Would you send a letter? Would you at least send a letter to the folks and ask them to please come in and talk to you about the fact that they have stated publicly that they are here illegally? He said, yes, that they would do that.

Shortly thereafter, I received a call from the Denver Post wanting a follow-up interview to the original story about these folks. I told the Denver Post, it was amazingly coincidental, but I had just talked to the INS and I told them this story. The next day the Denver Post wrote a story, it appeared again on the front page and it was entitled something like "Tancredo Demands the Deportation of this 'A' Student." Forget about the fact that that was an interesting spin that they put on it because I never even mentioned the student in my conversations with the INS. I was talking about the family who had made this statement to the

Post. But, regardless, that was the story. It has been amazing in terms of the reaction to it.

I have had literally thousands of e-mail and telephone calls and letters about this into my office. Overwhelmingly, I should say that the letters and e-mails are supportive. But the Denver Post is very upset about the fact that I did this. I have tried to explain to them that really what I did was what hundreds of other citizens I know have tried to do and that is to talk to the INS, get them to look into the situation, the situation that individuals may feel exists out there in terms of illegals being here and that the INS routinely ignores those inquiries and/or reports from John Q. Citizen. In this case because I was able to get the head of the INS on the phone and speak to him directly, they were perhaps less able to ignore my request to them to look into the issue.

I did not demand, I should say, anyone's deportation, not Jesus Apodaca who was the young man that was identified in this story as being the "A" student who is looking for a college education, or anyone else. I simply said, Would you look into this, would you simply send a letter and ask these people to come in and talk to you? But the press has portrayed this in a way, as you might imagine, to make it appear as though I have taken it upon myself to become the head of the INS and "bully." I think is the word they use most often, and "mean-spirited," another one that they throw in there.

Then yesterday we got a call from the same reporter who had done this story, and he said, we have found out because of good reporting that Congressman TANCREDO has hired people to work in his home, in his home, in this case to finish a basement, and they were illegal, they were here illegally, and they wanted to know whether we had a response. My response was, I in fact did hire a company, a very reputable company to finish my basement and to put in a home theater for a Christmas present to my family. It was truly an expensive one, but it is one that we were able to pay for by refinancing my home, which is what we did. I went to a company in Denver, I purchased the equipment, and I asked if they also installed. They said yes. I said I also need the basement to be finished for this. They said they could do that. A part of their company was also a construction company.

□ 1945

I hired them for this purpose. They were expensive, it is true, but we checked out their references and they were good. And we felt because they had promised me to get it done by Christmas last year, that we would go ahead and pay the extra money that we thought we were paying compared to other estimates to get this job done. So we hired them.

Now, Mr. Speaker, frankly, as you know, we are not home often, espe-

cially if you live as far away from Washington as I do. We are home sometimes on the weekend and during break. But we put a lockbox on our door and we gave the key to the lockbox to the construction company. And they were absolutely efficient and they did a great job, and I can say nothing but good things about the experience. They finished exactly when they said they were going to finish. The job is a great job. I have nothing to complain about whatsoever. Now, I have no idea who they hired, where they came from or anything else.

But, anyway, the Denver Post tomorrow is going to run a story, we are told, they called us tonight to tell us they are going to run a story tomorrow that states what I have just told you, that we have had people working in our home who were in fact illegal immigrants.

Somehow, of course, I know they are going to try and tie this to me, that I either knew, or, I do not know exactly what the point of it is, but I know they are very upset about the fact that we have called them on this issue of highlighting the Apodaca family. So, as a "result of good reporting," they have uncovered some more illegal aliens who are in Colorado, and they are going to publish a story tomorrow about that.

Now, I have to tell you, Mr. Speaker, that I have been called a bully, I have been called mean-spirited, because I called the INS and asked them to look into the Apodaca story, which had been printed in the paper serial several weeks before. But, Mr. Speaker, I have to also tell you that I do not seek out people who are here illegally. I do not ask people who may be serving me at a restaurant, who may be doing my lawn work or putting on the roof of my house, or, in this case, the laborers of a company that I hired to put in a home theater system and finish my basement, I do not ask them to show me proof of the fact that the people, I do not say, you know, the waiter that you sent me last night could not speak English very well, or the cab driver that I got when I came over here could not speak English very well, so I would like to see whether or not they are here illegally. I do not do that. I think that would be sort of mean-spirited, frankly, I do not do that.

I only got into this issue, became even acquainted with the Apodaca family, because the Post and Mexican Consul and the family themselves choose to make themselves known to me and to the rest of the people in Colorado, the entire citizenry.

So, I do not know, Mr. Speaker, frankly, I have not the foggiest idea of whether or not the people who were employed by the company that I hired were illegal. I know they were good workers and did a great job. That is all I know. But if the Denver Post continues to press this, if they identify people and companies, then, of course, I would tell the INS the same thing:

“Look, the Denver Post is once again pointing out people who are here illegally. Are you going to do something about it?”

But I want to try to just make people understand the nature of this debate. I know that I suffer the slings and arrows. I know that I am going to be vilified in the paper. Tomorrow I am sure that the article that the Denver Post writes about me will not be complimentary. But, you know, I guess I am really thinking aloud here with you tonight, and that is, who is really the bully? Who is really mean-spirited here?

I hope that we will enforce our immigration laws in this country. I hope that we will stiffen those laws. I hope that we will in fact even put military troops on the border to help enforce immigration laws. But I will tell you, Mr. Speaker, quite honestly, that if this Nation decides that it does not wish to enforce immigration laws, that if we do not wish to have a border that requires somebody to get permission to cross, that is okay with me. It is not okay, I would be a no vote on that bill, but let us assume for a moment that this House and the Senate, the other body, I should say, and the President agree that we should abandon this whole concept of border security and immigration policy. If it is the will of the majority, I would live by it.

The idea that we can have a law in place that says you cannot enter the country illegally, but, on the other hand, if you do, and if you are a nice guy and if you have got a kid who is an A student, I do not know, if he is a B student, I am not sure we would cut him this slack, or C or D or F, or maybe if he does not go to school at all, maybe then we should try to deport him. So maybe we should make an immigration policy that depends upon someone's grade point average, or whether or not they have simply been in the country a while and kept a job and stayed out of trouble.

You know, whatever we do, whatever this Congress and the Senate decide to do, the other body decides to do, and the President agrees to, that is the law of the land and I certainly would abide by it. But if we, unfortunately for the Apodacas, have a law that says if you come into the country illegally you are subject to deportation, even if your child is an A student, even if you have lived in the country as model citizens, you do not have the right to citizenship, as long as that is the law of the land, then let me ask you, is it being a bully to ask the INS to enforce the law?

Now, again, Mr. Speaker, I want to say we know there are between 9 million and 13 million people who are here illegally. That is true. I have not the foggiest idea how many people I may have hired in the past as taxi drivers, as waiters, waitresses, home improvement people. I have not the foggiest idea how many of those people may have been here illegally, and it is not

my job to ask them. In fact, Mr. Speaker, it is against the law to do so. You could be sued under the Civil Rights Act if you go out and ask people that have been hired by somebody else if they are here illegally or not. I do not do that. I do not inquire.

If you go to the Denver Post or any other newspaper and you say, “I am here illegally and here is the benefits that I want,” then, of course, I think it is a different situation, and the Denver Post and the Mexican Consul and this family have to take some responsibility for making the choice to become prominently displayed on the front page of a major newspaper.

Now, I know that this is a very controversial and very emotional issue. I know that, and I do not relish the idea of being here and discussing it. Frankly, there are other things that are also important to me, other issues; the tax policy of the country, the war, the potential war with Iraq, there are a whole bunch of things that weigh on my conscience very heavily and weigh on my mind, as I know they do on yours, Mr. Speaker, and every other Member of this body.

But I must admit to you that what is happening here by attempts in this case by the Mexican Consul and sympathetic news media, the attempts to characterize illegal immigration as benign, that is wrong and it is dangerous. The Apodaca family, certainly from all accounts I have read, anyway, are no danger to the United States. They pose no danger. They seem like good people, people I would be happy to have as neighbors and friends. But it is irrelevant to the issue as to whether or not they have broken the law to come into the country.

What is the most discouraging or disconcerting aspect of this whole thing is that when trying to characterize and personify the illegal immigration issue by using the Apodacas, what you do is ignore another face of illegal immigration that is much, much uglier, much nastier. That is the face of illegal immigration that you confront on the borders of this country, both the Canadian border and the Mexican border. It is the face of murder, it is the face of infiltration into the country of people who are coming to do us great harm, it is the face of drug smuggling. It is the face of rape and robbery, because coyotes who often bring these people, in this case from Mexico, into the United States, they charge them sometimes \$1,000 or \$1,500 to bring them into the United States illegally, and when they get to the borders they rape the women, they steal the money, they force the people into the United States into some of the most inhospitable parts of the country in terms of the desert, and they die out there. This is an ugly thing.

It is the face of murder, where a little over a month and a half ago a young man by the name of Kris Eggle, who was a Park Service employee, he was a Park Ranger in the Organ Pipe

Cactus National Monument in Arizona, and Chris, who was 28 years old, along with a colleague in the Border Patrol, stopped two Mexicans who had come across the border after having murdered four people in Mexico in some sort of drug deal type of thing that went awry, or they were hit men for some cartel, I do not know all of the details. But they came into the United States. They were stopped by this young man, 28 years old, and when he got out of the car, he was killed. They opened up on him with automatic weapons and killed him.

I went to his funeral in Ajo, Arizona, where I saw his mother and his father, I saw all of his colleagues from the Border Patrol, from the Park Service, from the Customs agency, all of them coming to pay their respects. But I saw no one else from the government. I saw no members of the media to talk about that face of illegal immigration into the country.

I have not heard a thing about the fact that a short time ago, maybe less than a week ago, two FBI agents on the border near El Paso, I believe, were abducted, dragged across the line and beaten almost to death. They are both in the hospital in Texas in critical condition. I have seen nothing about that face of illegal immigration.

I have seen nothing about the fact that hundreds and hundreds of thousands of pounds of illegal narcotics are confiscated on our borders with both Canada and Mexico every year, and I have seen nothing about the fact that agents are routinely placed in harm's way, Border Patrol agents, U.S. Forest Service personnel, are placed in harm's way and injured and in fact killed in defense of the Nation's immigration policy, so-called immigration policy.

□ 2000

I have seen nothing about that in the Denver Post.

I have seen nothing about the fact that I received the following message from someone who will remain anonymous, but here is what he says: “Sir: Until about 5 months ago I was a U.S. Border Patrol agent. I was recently informed by a friend who is still with the U.S. Border Patrol of another Ramirez-type incident that Border Patrol agents had been ordered not to talk about and that the Border Patrol is desperately trying to keep away from the media. A Catholic nun was recently raped and murdered in Oregon by a Mexican illegal alien who was apprehended earlier by U.S. Border Patrol agents in Deming, New Mexico. The IDENT/ENFORCE system worked and the system alerted the agent that the alien was a violent criminal. The subject was released back into Mexico where he promptly made his way back into the United States, traveled to Oregon and raped two nuns, one of which was also murdered. The Border Patrol has put the word out to its agents that this information is not to be divulged to anyone outside the U.S. Border Patrol. The patrol agent in charge of the

Deming, New Mexico station has been relieved and temporarily assigned to the sector headquarters in El Paso, Texas. The killing of the nun made the news, but the fact that the killer is an illegal alien recently captured and released by the U.S. Border Patrol did not. Hopefully, you can change that. Keep up the good work."

Well, thank you, sir, for your courage in telling me and telling, therefore, the country about this. Because I can assure my colleagues, Mr. Speaker, that this will not be on the front page of the Denver Post tomorrow. The fact that I hired a company that purportedly hired illegal aliens to work on my basement, according to what we were told tonight by the Post, but this will not, although the story has certainly made news earlier, they said it was news in Oregon, it will not be there, because this is not the face of illegal immigration that the press wants to present to the American public. However, this is the face of illegal immigration on our borders.

Mr. Speaker, I have come to this floor many times. I have no doubt that my concerns about illegal immigration, about the immigration issue have made me a number of very powerful enemies. I have no doubt that they will from this point on hound me, dog me, find out who delivers the milk to my house, who cuts our lawn. I mean, I have no idea to what extent they will go to try and vilify me for bringing the message. I guess, of course, it is an intimidating thing, but I also know that, because I have to ask myself and my own conscience, is this the right thing to do. I have to search my own conscience, Mr. Speaker, about why I do it. Is it out of some sort of animosity or animus that I have? I truly do not believe that is the case. I know that I would be doing essentially the same thing, as millions of others who are seeking a better life in the United States, I would be looking for a way into the country.

I do not necessarily blame the people who come here illegally. I blame our own government for encouraging it on the one hand by refusing to actually secure our borders, and periodically giving amnesty so as to tell people all over the world that the message is, by the way, to come into the United States, and for not cracking down on people who hire illegal aliens. If they knowingly hire somebody who is here illegally, then, of course, there is a price to pay. And I only suggest that if we want to have an immigration policy that establishes what the borders of the United States are and that one must ask permission to come across them, as we must do going to either Canada or Mexico, that the law, and that those borders, ought to be actually upheld.

It is amazing to me and incredibly ironic in a way that the Mexican consul has been so actively involved with trying to change our immigration status. It is amazing to me that the Mexi-

can consul and advocates for immigration policies, for liberal immigration policies continually ignore the laws that are in place in our neighboring countries, Canada and Mexico. I have yet to see in the Mexican press or the Canadian press negative stories about the fact that in these countries if you enter illegally, you can be prosecuted for that. I have yet to see a story in the press about the fact that neither Canada nor Mexico, nor any other country of which I am aware, will allow you to go to school at their expense, at the taxpayers' expense of that country, go on to higher education at the taxpayers' expense of that country, if you are not a citizen of that country.

I have never seen an article written attacking any country for their mean-spirited immigration policy. I have never seen the Mexican consul speak out in the United States, and certainly I would be amazed if they did, of course, against the repressive actions taken by the Mexican Government against Guatemalans who periodically come into the country of Mexico illegally. Often, the Mexican Government will send troops to that southern border, to their southern border and they will also, by the way, round up, and I mean that in the ugliest sense of the words, round up illegal Guatemalans, illegal aliens into Mexico from Guatemala, they will round them up, send them back, they will incarcerate them.

Mr. Speaker, I have actually been in detention facilities in Mexico for people who have entered their country illegally. They are not nice places. I assure my colleagues that the detention facilities that we have in the United States are more like Hilton hotels than in comparison to the detention facility for illegal entrance into Mexico. But there has not been a word of concern about that, has there? Have I missed it? Has any paper in the United States attacked the Mexican Government for their attitude about illegal immigrants into Mexico? Has any media outlet in this country suggested that Mexico should begin educating all children who go to Mexico, regardless of where they are from, at the expense of the Mexican taxpayer? We do that. We do that because the Supreme Court has ruled that if you are here, even if you are illegal, we need to give you a K-12 education.

Now, so far they have not ruled that we have to give you a higher education at taxpayers' expense, but that is what they are seeking. That is what the people that support a liberalized immigration policy, that is what they are seeking. I have never heard anybody else, any other country chastised because they do not do what they are demanding of us. So is it mean-spirited, truly, for me to suggest that if we have an immigration policy, we should uphold it; if we do not wish to do so, we should abandon it?

I assure my colleagues, Mr. Speaker, and I have said this on the floor many times, that I wish there was someone

with the courage to introduce a bill into this House that says we will abandon our borders, there is no need for them, we want the free flow of goods, services, and people. And if it passes, over my "no" vote, if it passes and if it passes the other body, and if it is signed by the President, that is the law of the land, and I walk away from the issue. But if, on the other hand, we pretend that we have borders and that for some reason that is important, which I think it is, then should we not do everything possible to uphold the law about those borders, especially, especially, Mr. Speaker, in times like these, in times that present the United States with the potential for catastrophic terrorist activity, catastrophic events that could be perpetrated by people who have come across our borders illegally? Should we not try to defend those borders? Should we not try?

When we go to the American public, either the administration or the Congress goes to the American public and says, we are trying to do everything we can, we are doing everything we can to protect you, can we be truthful in that, Mr. Speaker? Do we believe that we are doing everything we can to protect America? If that is the case, then why is it still possible for, say, one mile on either side of any port of entry in the country, you can walk across and no one is going to stop you? Is that really doing everything that we can to protect the United States of America? Should we not be as interested in defending our own borders as we are in defending the borders of Korea or Kosovo? Should we not be as concerned about our own safety in this country as we are about perhaps deposing Saddam Hussein and, therefore, removing a threat to the United States, which I happen to agree with? I mean, I agree that he is a threat and that we should depose him. But is it not just as important for us to defend our own country at the closest point of vulnerability, and that point is the northern, the southern, eastern and western borders of the United States? I cannot for the life of me understand why we do not pursue that as aggressively as we do a war with Iraq.

If we go to war with Iraq, does anyone not believe that the danger to the United States increases exponentially, that the danger will not come on the battlefields of Iraq necessarily, although that is certainly a dangerous place, but it will also come as a result of increased infiltration into the United States of fundamentalist Islamic cells designed and with the purpose, I should say, of doing us great harm? Would that not be only logical to assume as a possibility? And should any country not do the rational thing and try to actually defend those borders, even if it means preventing the flow of illegal immigrants into the country who are not coming to harm us?

But, Mr. Speaker, we cannot set up a sieve that distinguishes that. We cannot really expect people on the border to go, I see you coming across here, you look to me to be someone who is just coming across for a job and a better education for your kids, so I am going to let you come by. But you, you look like someone who might be coming across to do us great harm. No, of course, we cannot do that. I mean, even if we tried, the ACLU would go crazy and call it racial profiling or something. So we cannot do that. We either defend our borders or we do not.

□ 2015

Either walk away from this and stop putting our Border Patrol, or Forest Service people, our Park Service employees, our Customs agents, stop putting them in jeopardy of their lives for a principle one is not willing to uphold. One or the other, Mr. President and Mr. Speaker, one or the other. Uphold the law or abandon the law, repeal the law. Those are our choices. But this half-baked approach is the worst possible way to deal with it.

And I will suffer the slings and arrows of an angry media and of angry constituents and of angry members of the Hispanic and immigrant communities in the United States, although I must say, Mr. Speaker, that we get many, many supportive e-mails and calls and letters from Hispanic Americans who consider themselves to be Americans only, Americans. No hyphenated part in there, and they are worried about this country's survival, and they are worried about the effects of massive immigration, legal and illegal, and they support this position. It has got nothing to do with ethnicity. I said this a thousand times if I said it once. It has got nothing to do with the countries of origin. We are talking about whether or not we are in fact a sovereign State or whether we are not, and if we choose not to be, if we choose to go the route of the European Union and begin the process of eliminating borders, creating common currency and all that, that is okay as long as it is done as a result of a legal process. It is called this body. We vote on it. We make a decision on behalf of our constituents. That is the way it should be done. It should not be done in a de facto way, just having it happen and then 10 years from now we say, "Gee, how did this occur? Remember when there used to be an actual border between Canada and the United States and Mexico and the United States? Remember when we used to ask people flying in for visas and things like that? I wonder why we do not do that any more. What has happened to the whole American experiment?"

So I guess I will continue to raise my voice in defense of the American experiment, in defense of the people who have come here over the last 250-odd years, who have come here seeking a better life, who have come here legally. I speak in defense of them. I speak in

defense of all those folks who do not have the money to plead their case, I suppose, with the INS, but they are in line, they are following the rules, they are hoping that we will let them in and they will have a shot at the good life. God bless them, I say. God bless them. They are doing it the right way. And every time we slap them in the face, all I can say is I am sorry. It is rude, it is mean-spirited and it is ugly. Again, I tell them thank you for doing it the right way, for coming to the United States legally, welcome to the United States to everyone in this Nation who has come here the right way.

I hope, Mr. Speaker, that this issue eventually resolves itself so that our Nation is defended and that the idea of sovereignty is upheld and the hopes and dreams of millions of people seeking to come here will be fulfilled, seeking to come here legally.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATERS) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.
 Ms. NORTON, for 5 minutes, today.
 Mr. DEFAZIO, for 5 minutes, today.
 Mr. FILNER, for 5 minutes, today.
 Mr. SHOWS, for 5 minutes, today.
 Mr. BLUMENAUER, for 5 minutes, today.
 Mr. LARSON of Connecticut, for 5 minutes, today.
 Mr. BROWN of Ohio, for 5 minutes, today.
 Ms. KAPTUR, for 5 minutes, today.
 Mr. HINCHEY, for 5 minutes, today.
 Ms. WOOLSEY, for 5 minutes, today.
 Ms. LEE, for 5 minutes, today.
 Mr. FARR of California, for 5 minutes, today.
 Ms. SCHAKOWSKY, for 5 minutes, today.
 Mr. SANDERS, for 5 minutes, today.
 Ms. RIVERS, for 5 minutes, today.
 Mr. DOGGETT, for 5 minutes, today.
 Mr. MCDERMOTT, for 5 minutes, today.
 Ms. BALDWIN, for 5 minutes, today.
 Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.
 Mr. FOLEY, for 5 minutes, today and September 19.

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. 210. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by In-

dian tribal governments, and for other purposes; to the Committee on Resources; in addition to the Committee on 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.

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. 3880. An act to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, 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. 2810. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, September 19, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9206. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Lactic acid, ethyl ester and Lactic acid, n-butyl ester; Exemptions from the Requirement of a Tolerance [OPP-2002-0217; FRL-7196-6] received Septemehr 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9207. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cypermethrin and an Isomer Zeta-cypermethrin; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0227; FRL-7197-7] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9208. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Daniel J. Petrosky, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9209. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

9210. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7272-1] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9211. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Radionuclide Emissions from Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H; Final Amendment [FRL-7271-3] (RIN: 2060-A190) received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9212. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Reasonably Available Control Technology for Nitrogen Oxides [ME056-1-7005a; FRL-7269-6] received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9213. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions from Nonroad Large Spark-ignition Engines, and Recreational Engines (Marine and Land-based) [AMS-FRL-7380-2] (RIN: 2060-A111) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9214. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the "Status of the State Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBTCP) for the Reporting Period, January-December 2002"; to the Committee on Energy and Commerce.

9215. A letter from the Chairman, Federal Communications Commission, transmitting a report on Auction Expenditures for FY 2001; to the Committee on Energy and Commerce.

9216. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to France (Transmittal No. 13-02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9217. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Army's proposed lease of defense articles to India (Transmittal No. 14-02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9218. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Army's proposed lease of defense articles to Spain (Transmittal No. 12-02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9219. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 212-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9220. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a

contract to Greece [Transmittal No. DTC 205-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9221. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Algeria [Transmittal No. DTC 211-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9222. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 117-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9223. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 175-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9224. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 119-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9225. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 206-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 168-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9227. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 171-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9228. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 118-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 120-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9230. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 179-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9231. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report entitled, "Imposition of Foreign Policy Controls on Certain "Space Qualified Items"; to the Committee on International Relations.

9232. A letter from the Secretary, Department of Commerce, transmitting the semi-annual report on the activities of the Inspector General for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9233. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's Annual Report on grants streamlining and standardization, pursuant to Public Law 106—107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

9234. A letter from the Chief Financial Officer, Department of Education, transmitting the Department's Annual Report on Grants Streamlining, pursuant to Public Law 106—107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

9235. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual Report on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106—107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

9236. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Elections to Contribute to the Thrift Savings Plan, Participants' Choices of Investment Funds, Vesting, Uniformed Services Accounts, Correction of Administrative Errors, Lost Earnings Attributable to Employing Agency Errors, Participant Statements, Calculation of Share Prices, Methods of Withdrawing Funds from the Thrift Savings Plan, Death Benefits, Domestic Relations Orders Affecting Thrift Savings Plan Accounts, Loans, Miscellaneous — received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9237. A letter from the Acting Chief of Staff, National Indian Gaming Commission, transmitting the Commission's final rule — Minimum Internal Control Standards (RIN: 3141-AA24) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9238. A letter from the Commissioner, Social Security Administration, transmitting the report of Continuing Disability Reviews for the FY 2001, pursuant to Public Law 104—121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

9239. A letter from the Secretary, Department of Labor, transmitting the Department's report submitted in accordance with the provisions of section 286(s)(6) of the Immigration and Nationality Act; jointly to the Committees on Education and the Workforce and the Judiciary.

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. HANSEN: Committee on Resources. H.R. 2748. A bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; with an amendment (Rept. 107—662 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. EHLERS (for himself, Mr. GILCHREST, Mr. KIRK, Mr. MCHUGH, Mr. KILDEE, Mr. STUPAK, Mr. BAIRD, Ms. KILPATRICK, Mr. CAMP, Ms. SLAUGHTER, Mr. BALDACCIO, Mr. BARCIA, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. BONIOR, Ms. BALDWIN, Ms. KAPTUR, Mr. ENGLISH, Mr. LATOURETTE, Mr. FARR of California, Mrs. MORELLA, Mr. EHRlich, Mr. CUMMINGS, Mr. LEVIN, Mr. SCOTT, Ms. BROWN of Florida, Mr. CARDIN, Mr. KIND, Mr. KUCINICH, Mr. DICKS, Mrs. BIGGERT, Mr. GREENWOOD, Ms. RIVERS, Mr. ALLEN, Mr. PALLONE, Mr. BLUMENAUER, Mr. UNDERWOOD, Mrs. MALONEY of New York, Mr. WELDON of Pennsylvania, Mr. UPTON, Mr. ORTIZ, and Ms. MCCOLLUM):

H.R. 5395. A bill to establish marine and freshwater research, development, and demonstration programs to support efforts to prevent, control, and eradicate invasive species, as well as to educate citizens and stakeholders and restore ecosystems; to the Committee on Science, and in addition to the Committees on Transportation and Infrastructure, Resources, and House Administration, 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. GILCHREST (for himself, Mr. EHLERS, Mr. BAIRD, Mr. HOEKSTRA, Mr. SCOTT, Mr. KIRK, Mr. BALDACCIO, Mr. ALLEN, Ms. BALDWIN, Mr. BARCIA, Mr. BONIOR, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAMP, Mr. CARDIN, Mr. CUMMINGS, Mr. DICKS, Mr. EHRlich, Mr. ENGLISH, Mr. FARR of California, Mr. GREENWOOD, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LATOURETTE, Mr. LEVIN, Mr. MCHUGH, Mrs. MORELLA, Ms. RIVERS, Mr. ROGERS of Michigan, Ms. SLAUGHTER, Mr. STUPAK, Mrs. BIGGERT, Mr. PALLONE, Mr. BLUMENAUER, Mr. UNDERWOOD, Mrs. MALONEY of New York, Mr. ORTIZ, Mr. UPTON, and Ms. MCCOLLUM):

H.R. 5396. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, 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. FOLEY (for himself, Mr. LAMPSON, and Mr. REGULA):

H.R. 5397. A bill to protect our children from violence; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NEAL of Massachusetts, Mr. HERGER, and Mr. MATSUI):

H.R. 5398. A bill to amend the Internal Revenue Code of 1986 to allow a minimum credit against the alternative minimum tax where stock acquired pursuant to an incentive stock option is sold or exchanged at a loss; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. GALLEGLY):

H.R. 5399. A bill to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District; to the Committee on Resources.

By Mr. BEREUTER (for himself, Mr. OSE, Mr. GONZALEZ, and Mr. HINOJOSA):

H.R. 5400. A bill to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes; to the Committee on Financial Services.

By Mr. HILL (for himself, Mrs. NORTHUP, and Mr. SOUDER):

H.R. 5401. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail; to the Committee on Resources.

By Mr. ISRAEL:

H.R. 5402. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on the deduction for interest on education loans and to make the deduction, as amended, permanent; to the Committee on Ways and Means.

By Mr. JEFF MILLER of Florida (for himself, Mr. WELDON of Florida, Mr. PETRI, Mr. SHOWS, Mr. MCINTYRE, Mr. GEORGE MILLER of California, Mr. FOLEY, Mr. SAXTON, Mr. PICKERING, Mr. ADERHOLT, Mr. ALLEN, Mr. BACA, Mr. BAKER, Ms. BALDWIN, Mr. BARR of Georgia, Ms. BERKLEY, Mr. BILIRAKIS, Mr. BLAGOJEVICH, Mr. BLUNT, Mr. BONILLA, Mr. BOSWELL, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CALVERT, Mr. CANTOR, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CLYBURN, Mr. COMBEST, Mr. COYNE, Mr. CRENSHAW, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEAL of Georgia, Mr. AKIN, Mr. ANDREWS, Mr. BAIRD, Mr. BALDACCIO, Mr. BARCIA, Mr. BENTSEN, Mr. BERRY, Mr. BISHOP, Mr. BLUMENAUER, Mr. BOEHNER, Mr. BONIOR, Mr. BOYD, Mr. BROWN of South Carolina, Mr. BRYANT, Mr. CANNON, Mr. CARSON of Oklahoma, Mr. CLAY, Mr. CLEMENT, Mr. COLLINS, Mr. COOKSEY, Mr. CRAMER, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. DEFAZIO, Ms. DELAURIO, Mr. DEUTSCH, Mr. DOYLE, Ms. DUNN, Mr. EHRlich, Mr. ENGEL, Mr. FLETCHER, Mr. FORBES, Mr. FROST, Mr. GILLMOR, Mr. GOODE, Mr. GORDON, Mr. GREEN of Texas, Mr. HALL of Texas, Ms. HARMAN, Mr. HAYES, Mr. HEFFLEY, Mr. HOEFFEL, Mr. HOLT, Mr. HORN, Mr. INSLEE, Mr. ISRAEL, Mr. JEFFERSON, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mr. KELLER, Mr. KERNS, Mr. KING, Mr. KIRK, Mr. LAHOOD, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LEWIS of Kentucky, Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, Mr. MCCRERY, Mr. MCGOVERN, Mr. DEMINT, Mr. DIAZ-BALART, Mr. DUNCAN, Mr. EDWARDS, Mrs. EMERSON, Mr. FILNER, Mr. FRANK, Mr. GIBBONS, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GRAHAM, Mr. GRUCCI, Mr. HANSEN, Ms. HART, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. ISAKSON, Mr. ISTOOK, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KILDEE, Mr. KINGSTON, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LUCAS of Kentucky, Mr. MASCARA, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCINNIS, Ms. MCKINNEY, Mr. McNULTY, Mr. DAN MILLER of Florida, Mrs. MINK of Hawaii, Mr. MOORE, Mrs. MORELLA, Mr.

OSE, Mr. PASTOR, Ms. PELOSI, Mr. PLATTS, Mr. PUTNAM, Mr. REHBERG, Mr. ROGERS of Kentucky, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SCHAFFER, Mr. SCHROCK, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. TANCREDO, Mr. TERRY, Mr. TIBERI, Mr. TURNER, Mr. UDALL of New Mexico, Mr. WALDEN of Oregon, Mr. WAXMAN, Mr. WEXLER, Mr. WICKER, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. YOUNG of Alaska, Mr. MANZULLO, Mr. KENNEDY of Rhode Island, Mr. BOOZMAN, Mr. MICA, Mr. MOLLOHAN, Mr. MORAN of Virginia, Mr. OLVER, Mr. OTTER, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RODRIGUEZ, Ms. ROSLEHTINEN, Mrs. ROUKEMA, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. SOUDER, Mr. SPRATT, Mr. STUPAK, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. VITTER, Mr. WATTS of Oklahoma, Mr. WHITFIELD, Mrs. WILSON of New Mexico, Mr. WOLF, and Mr. WU):

H.R. 5403. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes; to the Committee on Armed Services.

By Mr. PLATTS (for himself, Mr. GILMAN, Mr. PAUL, and Mr. PETERSON of Pennsylvania):

H.R. 5404. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and to increase the lump sum death payment to reflect changes in the cost of living; to the Committee on Ways and Means.

By Mr. SHERWOOD:

H.R. 5405. A bill to authorize the Secretary of the Army to carry out a program for ecosystem restoration in Appalachia and the Northeast Region; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, 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. TAUSCHER:

H. Con. Res. 471. Concurrent resolution congratulating the Lawrence Livermore National Laboratory, its staff, and former employees, on the occasion of the 50th anniversary of the founding of the Laboratory, for its outstanding contributions to national security and science in service to our Nation; to the Committee on Armed Services, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. LANTOS, Mr. ROHRBACHER, and Mr. FALBOMAVAEGA):

H. Res. 533. A resolution welcoming Madame Chen Wu Sue-jen, the first lady of Taiwan, to Washington, D.C.; to the Committee on International Relations.

By Mr. BACA:

H. Res. 534. A resolution congratulating Arnold Palmer for his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Government Reform.

By Mr. BACA:

H. Res. 535. A resolution recognizing Tiger Woods for his service to the Nation in promoting excellence and good sportsmanship,

and in breaking barriers with grace and dignity by showing that golf is a sport for all people; to the Committee on Government Reform.

By Mr. FILNER:

H. Res. 536. A resolution commending the staffs of members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax in Senator Daschle's office; to the Committee on House Administration.

By Mr. SHAYS (for himself and Mrs. MCCARTHY of New York):

H. Res. 537. A resolution expressing the sense of the House of Representatives that the President of the United States should establish a nonpartisan Presidential Commission on Terrorist Attacks Upon the United States; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII,

363. The SPEAKER presented a memorial of the General Assembly of the State of Iowa, relative to House Resolution No. 128 memorializing the United States Congress that a federal tax credit be enacted in the event that the United States Environmental Protection Agency imposes new regulations requiring the installation of new manure control practices; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TURNER:

H.R. 5406. A bill to provide for the liquidation or reliquidation of certain entries of polytetrafluoroethylene; to the Committee on Ways and Means.

By Mr. TURNER:

H.R. 5407. A bill to provide for the liquidation or reliquidation of certain entries of polytetrafluoroethylene; to the Committee on Ways and Means.

By Mr. TURNER:

H.R. 5408. A bill to provide for the liquidation or reliquidation of certain entries of polytetrafluoroethylene; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 31: Mr. MICA.
 H.R. 36: Mr. SHIMKUS.
 H.R. 68: Ms. SANCHEZ.
 H.R. 122: Mr. SULLIVAN.
 H.R. 218: Ms. ROYBAL-ALLARD.
 H.R. 348: Ms. SCHAKOWSKY.
 H.R. 1172: Mr. LARSEN of Washington.
 H.R. 1265: Ms. DEGETTE.
 H.R. 1312: Mr. FROST.
 H.R. 1368: Mr. SHIMKUS.
 H.R. 1470: Mr. SNYDER.
 H.R. 1724: Mr. BROWN of Ohio and Ms. DELAURO.
 H.R. 1786: Mr. PETRI and Mr. BALDACCI.
 H.R. 1927: Mr. KNOLLENBERG.
 H.R. 2041: Mr. SCHAFFER.
 H.R. 2096: Mr. SULLIVAN.
 H.R. 2379: Mr. ALLEN.
 H.R. 2527: Mr. EHRlich.
 H.R. 2578: Mr. ABERCROMBIE and Mr. STARK.
 H.R. 2610: Mr. EHRlich.
 H.R. 2691: Mr. SANDERS.
 H.R. 2706: Mr. OTTER.
 H.R. 2953: Mr. FOSSELLA.
 H.R. 3413: Ms. NORTON.
 H.R. 3782: Mr. PUTNAM and Mr. DOYLE.
 H.R. 3794: Mr. TOM DAVIS of Virginia.
 H.R. 3932: Mr. INSLEE.
 H.R. 4043: Mr. BALLENGER.
 H.R. 4483: Mr. FLETCHER.
 H.R. 4676: Mr. CAPUANO, Ms. HARMAN, and Mr. RUSH.
 H.R. 4706: Mr. COLLINS.
 H.R. 4763: Mr. FERGUSON, Mr. KILDEE, Ms. ROYBAL-ALLARD, Mrs. MORELLA, Mr. WILSON of South Carolina, Mr. GREEN of Wisconsin, and Mr. PHELPS.
 H.R. 4803: Mr. OLVER, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. BLUMENAUER, and Ms. WOOLSEY.
 H.R. 4832: Mr. GEORGE MILLER of California.
 H.R. 4868: Mr. OWENS, Mr. TOWNS, Ms. LOFGREN, Mr. FROST, and Mr. KUCINICH.
 H.R. 4887: Mr. LUTHER, Mr. JEFFERSON, Mr. DEFAZIO, and Mr. STUPAK.
 H.R. 4963: Mr. DEMINT, Mr. COOKSEY, Mr. ISSA, Mr. KELLER, Mr. CHAMBLISS, Mr. NETHERCUTT, Mr. WHITFIELD, Mr. SWEENEY, Mr. LATOURETTE, Mr. WALSH, Mr. BOOZMAN, Mr. NEY, Mr. FRELINGHUYSEN, Mr. ADERHOLT, Mr. JONES of North Carolina, Mr. ENGLISH, Mr. BARTLETT of Maryland, Mr. TIAHRT, Ms. GRANGER, Mr. LEACH, Mr. BACHUS, Mrs. MYRICK, Mrs. EMERSON, Ms. HART, Mr. DELAHUNT, Mr. GILCHREST, Mr. HASTINGS of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 5002: Mr. BAKER, Mr. BEREUTER, Mr. GUTKNECHT, and Mr. MCINNIS.
 H.R. 5076: Mr. KUCINICH and Mr. GEORGE MILLER of California.

H.R. 5078: Mr. FRANK, Mr. ALLEN, Mr. EVANS, and Ms. ESHOO.

H.R. 5173: Ms. BROWN of Florida.

H.R. 5194: Mr. HOEFFEL, Ms. RIVERS, Mr. KUCINICH, Mr. KILDEE, Mr. BROWN of Ohio, Mr. SANDERS, Ms. BALDWIN, Ms. NORTON, Mr. BONIOR, Mr. RANGEL, Ms. MCCOLLUM, and Mr. PASCRELL.

H.R. 5251: Mr. MORAN of Virginia.

H.R. 5270: Mr. SIMMONS, Mr. TOM DAVIS of Virginia, Mr. MCHUGH, Mr. ISSA, Ms. HARMAN, Mr. ALLEN, Mr. DEUTSCH, Mr. LIPINSKI, Mr. PRICE of North Carolina, Mr. QUINN, Mrs. JO ANN DAVIS of Virginia, Mr. FRANK, Ms. SCHAKOWSKY, Mr. OTTER, Mr. DOOLITTLE, Mr. BOUCHER, Mr. FILNER, Mr. WELLER, Mr. LEACH, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BAKER, Mr. CUNNINGHAM, Mrs. DAVIS of California, and Mr. ISRAEL.

H.R. 5317: Mr. SMITH of Washington.

H.R. 5329: Mr. SIMPSON and Mr. STENHOLM.

H.R. 5340: Mr. GEORGE MILLER of California, Mr. HORN, Mr. HUNTER, Mr. DOOLEY of California, and Mr. DOOLITTLE.

H.R. 5348: Mr. BALDACCI.

H.R. 5352: Mr. KUCINICH and Mr. GEORGE MILLER of California.

H.R. 5359: Mr. FROST, Mr. LYNCH, Mr. ORTIZ, and Mr. KLECZKA.

H.R. 5381: Mr. INSLEE.

H.R. 5387: Ms. WOOLSEY.

H.J. Res. 6: Mr. MALONEY of Connecticut.

H.J. Res. 59: Mr. SHAYS.

H.J. Res. 93: Mr. SCHAFFER.

H. Con. Res. 245: Mr. BOEHLERT.

H. Con. Res. 382: Mr. MCGOVERN.

H. Con. Res. 406: Mr. SCHAFFER.

H. Con. Res. 409: Mr. DAN MILLER of Florida.

H. Con. Res. 459: Mr. SHUSTER, Mr. OBERSTAR, Mr. COYNE, Mr. NEY, Mr. GEKAS, Mr. MCGOVERN, Mr. SHERWOOD, Mr. SKELTON, Mr. FROST, Ms. HART, Mr. MASCARA, Mr. SCHIFF, Ms. DELAURO, Mr. PETERSON of Pennsylvania, Mr. PLATTS, Mr. RANGEL, Ms. KILPATRICK, Mr. ENGLISH, Mr. HOEFFEL, Mr. CANTOR, and Mr. DOYLE.

H. Con. Res. 462: Mr. THOMPSON of Mississippi, Ms. KAPTUR, Mr. BOYD, Mr. MCNULTY, Mr. JOHNSON of Illinois, and Mr. OBERSTAR.

H. Res. 467: Mr. MEEKS of New York, Mr. CANTOR, Mr. PAYNE, Mr. TANCREDO, and Mr. LAMPSON.

H. Res. 499: Mr. FROST.

H. Res. 505: Mr. WILSON of South Carolina, Mr. BERMAN, Mr. KERNS, Mr. WELDON of Florida, Mr. STEARNS, Mr. SCHAFFER, Mr. WATT of North Carolina, and Mr. GIBBONS.

H. Res. 524: Mr. DELAY, Mr. REYNOLDS, Mr. LEWIS of Kentucky, Mr. PICKERING, Mr. THOMAS, and Mr. GOODE.

H. Res. 525: Mr. GOODE and Mr. THOMAS.