

extend some of the emergency provisions beyond the initial 10 business days in order to address continued lags in clearance and other areas, as well as to temporarily suspend certain investment company requirements.

While the SEC very effectively used its existing emergency powers after the 2001 terrorist strikes, I believe this authority could be further strengthened. At congressional hearings shortly after the attacks, the SEC expressed similar views about the adequacy of its emergency power. The formal legislative request later submitted by the SEC asked that we provide the agency with additional emergency authority to respond to any further crises both by extending the potential length of the emergency orders and by extending the authority to clearly cover all of the Federal securities laws.

In 2001 the Committee on Financial Services worked with the commission and other interested parties to craft an appropriate framework for any future emergency actions that the SEC may need to take. The Emergency Securities Response Act subsequently passed the House by a voice vote but it did not become law during the 107th Congress. As a result, we must consider this matter anew in the 108th Congress.

The bill before us today makes a number of improvements to current law. For example, it expands the SEC's emergency authority to cover all of the Federal securities laws. The bill further permits the SEC to issue emergency orders for 30 business days, which I believe will give the SEC the flexibility needed to ensure they can respond in a timely and effective manner to any future emergency. The legislation also provides the commission with the authority in limited circumstances to extend emergency orders for an additional 90 days upon the finding that the emergency continues to exist and that an extension of the orders continues to be necessary and in the public interest.

As it became clear after the 2001 terrorist attacks, serious disruptions in communications, computer systems, transportation, and many other systems, as well as the physical damage to facilities, can have profound effects on the securities markets and market participants. This bill will give the SEC an expanded set of tools to address such emergencies throughout the securities markets, no matter what the underlying cause of the emergency may be.

Mr. Speaker, this bill also is a tribute to the leadership of Harvey Pitt when he was chairman of the SEC Commission. And although Mr. Pitt has now left the commission and probably has been criticized for many people for many things, I think the record should reflect that in regard to handling the crises during 2001 and working with the Congress thereafter to provide for orderly markets, no other chairman of the SEC expressed greater powers and controls with greater responsibility than Harvey Pitt.

Mr. Speaker, I urge the adoption of H.R. 657, the Emergency Securities Response Act.

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

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

Mr. KANJORSKI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. KANJORSKI) for his leadership on this important legislation and I thank him for yielding me time.

Mr. Speaker, I rise in strong support of the Emergency Securities Response Act, legislation intended to assist the recovery of the securities markets in the event of another major terrorist attack or emergency.

The terrorist attacks of September 11, 2001 wreaked a tremendous toll on my city of New York, the center of the world financial markets. As we all know, the loss of life, buildings, property, and communications equipment prevented the reopening of the financial markets until September 17. While the stock market went down the day it opened, the most important thing was that it was opened and functioning. This was a major boost in confidence for the economy, for New York City, and for the entire Nation.

For their roles in reopening the markets, the SEC and the other regulators deserve much credit. Without their work, the economic fallout of the attack would have been even more serious and harmed more people. The legislation we are voting on today is intended to give the SEC additional flexibility to deal with just such a situation should we face another terrorist attack, disaster or emergency.

The Emergency Securities Response Act extends the commission's emergency authority from 10 to 30 days and up to 90 days in certain circumstances. This legislation is necessary because we know that our Nation's financial infrastructure is a frontline target in the war against terrorism. The World Trade Center was a symbol of the United States' economy.

I truly want to compliment the leaders of other such symbols of our economy in New York. The New York Stock Exchange and the New York Mercantile Exchange have done an extremely good job not only during that emergency, but since, in their efforts to upgrade security to almost fortress-like levels. I would like to thank the gentleman from Ohio (Mr. OXLEY), the gentleman from Massachusetts (Mr. FRANK), the ranking member, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from New Jersey (Mr. GARRETT) for their work on this issue. And I truly hope we never have to use the powers this legislation grants the SEC. I truly hope we will never have such an emergency again. But I strongly support this legislation.

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

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, H.R. 657, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

—

AUTHORIZING PRESIDENT TO AGREE TO CERTAIN AMENDMENTS TO AGREEMENT ESTABLISHING A BORDER ENVIRONMENT COOPERATION COMMISSION AND A NORTH AMERICAN DEVELOPMENT BANK

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 254) 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.

The Clerk read as follows:

H.R. 254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT.

(a) IN GENERAL.—Part 2 of subtitle D of title V of Public Law 103-182 (22 U.S.C. 290m—290m-3) is amended by adding at the end the following:

“SEC. 545. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT.

“The President may agree to amendments to the Cooperation Agreement that—

“(1) enable the Bank to make grants and nonmarket rate loans out of its paid-in capital resources with the approval of its Board; and

“(2) amend the definition of ‘border region’ to include the area in the United States that is within 100 kilometers of the international boundary between the United States and Mexico, and the area in Mexico that is within 300 kilometers of the international boundary between the United States and Mexico.”.

(b) CLERICAL AMENDMENT.—Section 1(b) of such public law is amended in the table of contents by inserting after the item relating to section 544 the following:

“Sec. 545. Authority to agree to certain amendments to the Border Environment Cooperation Agreement.”.

SEC. 2. ANNUAL REPORT.

The Secretary of the Treasury shall submit annually to the Committee on Financial Services of the House of Representatives and

the Committee on Foreign Relations of the Senate a written report on the North American Development Bank, which addresses the following issues:

(1) The number and description of the projects that the North American Development Bank has approved. The description shall include the level of market-rate loans, non-market-rate loans, and grants used in an approved project, and a description of whether an approved project is located within 100 kilometers of the international boundary between the United States and Mexico or within 300 kilometers of the international boundary between the United States and Mexico.

(2) The number and description of the approved projects in which money has been dispersed.

(3) The number and description of the projects which have been certified by the Border Environment Cooperation Commission, but yet not financed by the North American Development Bank, and the reasons that the projects have not yet been financed.

(4) The total of the paid-in capital, callable capital, and retained earnings of the North American Development Bank, and the uses of such amounts.

(5) A description of any efforts and discussions between the United States and Mexican governments to expand the type of projects which the North American Development Bank finances beyond environmental projects.

(6) A description of any efforts and discussions between the United States and Mexican governments to improve the effectiveness of the North American Development Bank.

(7) The number and description of projects authorized under the Water Conservation Investment Fund of the North American Development Bank.

SEC. 3. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS WHICH FINANCE WATER CONSERVATION FOR TEXAS IRRIGATORS AND AGRICULTURAL PRODUCERS IN THE LOWER RIO GRANDE RIVER VALLEY.

(a) FINDINGS.—The Congress finds that—

(1) Texas irrigators and agricultural producers are suffering enormous hardships in the lower Rio Grande River valley because of Mexico's failure to abide by the 1944 Water Treaty entered into by the United States and Mexico;

(2) over the last 10 years, Mexico has accumulated a 1,500,000-acre fee water debt to the United States which has resulted in a very minimal and inadequate irrigation water supply in Texas;

(3) recent studies by Texas A&M University show that water savings of 30 percent or more can be achieved by improvements in irrigation system infrastructure such as canal lining and metering;

(4) on August 20, 2002, the Board of the North American Development Bank agreed to the creation in the Bank of a Water Conservation Investment Fund, as required by Minute 308 to the 1944 Water Treaty, which was an agreement signed by the United States and Mexico on June 28, 2002; and

(5) the Water Conservation Investment Fund of the North American Development Bank stated that up to \$80,000,000 would be available for grant financing of water conservation projects, which grant funds would be divided equally between the United States and Mexico.

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

(1) water conservation projects are eligible for funding from the North American Development Bank under 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

(2) the Board of the North American Development Bank should support qualified water conservation projects which can assist Texas irrigators and agricultural producers in the lower Rio Grande River Valley.

SEC. 4. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS WHICH FINANCE WATER CONSERVATION IN THE SOUTHERN CALIFORNIA AREA.

It is the sense of the Congress that the Board of the North American Development Bank should support—

(1) the development of qualified water conservation projects in southern California and other eligible areas in the 4 United States border States, including the conjunctive use and storage of surface and ground water, delivery system conservation, the re-regulation of reservoirs, improved irrigation practices, wastewater reclamation, regional water management modeling, operational and optimization studies to improve water conservation, and cross-border water exchanges consistent with treaties; and

(2) new water supply research and projects along the Mexico border in southern California and other eligible areas in the 4 United States border States to desalinate ocean seawater and brackish surface and groundwater, and dispose of or manage the brines resulting from desalination.

SEC. 5. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS FOR WHICH FINANCE WATER CONSERVATION FOR IRRIGATORS AND AGRICULTURAL PRODUCERS IN THE SOUTHWEST UNITED STATES.

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

(1) Irrigators and agricultural producers are suffering enormous hardships in the southwest United States. The border States of California, Arizona, New Mexico, and Texas are suffering from one of the worst droughts in history. In Arizona, this is the second driest period in recorded history and the worst since 1904.

(2) In spite of decades of water conservation in the southwest United States, irrigated agriculture uses more than 60 percent of surface and ground water.

(3) The most inadequate water supplies in the United States are in the Southwest, including the lower Colorado River basin and the Great Plains River basins south of the Platte River. In these areas, 70 percent of the water taken from the stream is not returned.

(4) The amount of water being pumped out of groundwater sources in many areas is greater than the amount being replenished, thus depleting the groundwater supply.

(5) On August 20, 2002, the Board of the North American Development Bank agreed to the creation in the bank of a Water Conservation Investment Fund.

(6) The Water Conservation Investment Fund of the North American Development Bank stated that up to \$80,000,000 would be available for grant financing of water conservation projects, which grant funds would be divided equally between the United States and Mexico.

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

(1) water conservation projects are eligible for funding from the North American Development Bank under 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;

(2) the Board of the North American Development Bank should support qualified water conservation projects that can assist irrigators and agricultural producers; and

(3) the Board of the North American Development Bank should take into consideration the needs of all of the border states before approving funding for water projects, and strive to fund water conservation projects in each of the border states.

SEC. 6. ADDITIONAL SENSES OF THE CONGRESS.

(a) It is the sense of the Congress that the Board of the North American Development Bank should support the financing of projects, on both sides of the international boundary between the United States and Mexico, which address coastal issues and the problem of pollution in both countries having an environmental impact along the Pacific Ocean and Gulf of Mexico shores of the United States and Mexico.

(b) It is the sense of the Congress that the Board of the North American Development Bank should support the financing of projects, on both sides of the international boundary between the United States and Mexico, which address air pollution.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Texas (Mr. GONZALEZ) each will control 20 minutes.

□ 1345

Ms. KAPTUR. Mr. Speaker, I would like to claim time in opposition, please.

The SPEAKER pro tempore (Mr. TERRY). Is the gentleman from Texas opposed to the motion?

Mr. GONZALEZ. Mr. Speaker, I am not opposed to H.R. 254. So it is my understanding that my colleague from Ohio would then be controlling the entire 20 minutes in opposition.

The SPEAKER pro tempore. The gentlewoman from Ohio does qualify for the time in opposition.

The gentlewoman from Illinois (Mrs. BIGGERT) is recognized.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 254, a bill that makes critical changes to the operation of the North American Development Bank. I would like to thank the gentleman from Nebraska (Mr. BEREUTER) for his hard work on this piece of legislation and for building broad bipartisan support for the bill.

H.R. 254 was approved by voice vote in the Committee on Financial Services and is identical to legislation approved by the body in the 107th Congress. This bill is supported by the administration and is part of the President's priorities to improve conditions along our border with Mexico.

The NADBank was created through the North American Free Trade Agreement, or NAFTA Accord, of 1994 and was funded equally by the United States and Mexico. The purpose of the NADBank is to respond to concerns that the increase in commerce along the border region would result in a rise in pollution.

This is a commendable goal and the NADBank is well funded to reach this goal. It has over \$450 million in paid-in capital and a total lending capacity of \$2.7 billion; yet over the past several years, the NADBank has only approved the disbursement of \$59 million in funds.

The changes we make today in the NADBank will allow this institution to fulfill its mission of financing environmental infrastructure projects along the U.S.-Mexico border without resulting in any additional cost to the American taxpayer.

H.R. 254 will allow the NADBank to make below-market-rate loans for qualified projects. This is an important change and will permit this institution to truly assist this region by offering its products to the largest number of qualified environmental infrastructure projects.

In addition, H.R. 254 extends the area of operation to 300 kilometers from the border into Mexico. This expansion of the operating area will allow the NADBank to approve more worthy projects.

This bill also contains several important senses of the Congress which were crafted with the input of Members from several border States affected by the NADBank. This section calls for the NADBank to play close attention to water conservation, coastal pollution and air pollution projects. Finally, H.R. 254 will require the Treasury Department to report to Congress annually on the operations of the bank.

This bill will go a long way to help build upon the close relationship between the U.S. and Mexico and will improve the environmental conditions along the border.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, February 26, 2003.

STATEMENT OF ADMINISTRATION POLICY ON
H.R. 254—NORTH AMERICAN DEVELOPMENT
BANK AND BORDER ENVIRONMENT COOPERATION
COMMISSION AUTHORIZATION

The Administration strongly supports passage of H.R. 254, which authorizes key reforms of the North American Development Bank (NADB) and the Border Environment Cooperation Commission (BECC). Since taking office, President Bush has worked closely with Mexico's President Fox to make these institutions more effective in addressing the critical environmental needs of the communities of the U.S.-Mexico border region and, thus, improve the quality of life for the region's 12 million residents. To achieve these goals, the two Presidents agreed on a package of NADB/BECC reforms in March 2002.

H.R. 254 will enable the United States to move forward to implement two of the most important NADB/BECC reforms. The bill would allow the NADB to make its financing

more affordable by allowing it to make grants and non-market rate loans out of its paid-in capital. H.R. 254 also would authorize the geographic expansion of NADB/BECC activity in Mexico, which would allow the institutions to address important environmental issues that may affect communities on both sides of the border, but whose origin may lie outside their currently defined region of operation.

Passage of H.R. 254 will demonstrate the United States' strong bilateral cooperation with Mexico and commitment to environmental protection, and would strengthen the ability of the NADB and the BECC to perform their important environmental mission. The Administration urges its passage.

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

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

Mr. Speaker, I rise in opposition to this legislation with mixed feelings, because the need for environmental remediation along the border is extraordinary; and I wish to express my deepest respect for my colleagues, the gentlewoman from Illinois (Mrs. BIGGERT), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Texas (Mr. GONZALEZ), the gentleman from Texas (Mr. HINOJOSA), and those who have worked to bring this matter to the floor.

I rise in opposition because I really do not believe this should come to us under a suspension. I think that the issues concerning us all out of NAFTA, and NADBank in particular, deserve the full engagement of this Congress. And I think Members should pay attention to this legislation that was brought up very quickly and out of a single committee, a committee on which I do not serve, and this is my only way of informing the membership of issues at stake relating to NADBank and adjustment to NAFTA.

As an appropriator in this Congress, I have to express the view that NADBank in and of itself deserves a very, very close look by Congress because if we look back to NADBank's establishment, it had a very curious beginning. It existed only as a side agreement that was tacked on to the original NAFTA trade agreement that was passed by a narrow margin here in Congress in 1993.

NADBank was sort of an afterthought. I can remember the gentleman from California who helped negotiate it, but it never had a separate debate in this Congress. Its functions, its operations have never been separately debated here, and now we are asking for amendments to something we have never had a full debate on in this Congress.

NADBank's shortcomings are vast, and it operates in a most unusual and atypical fashion, outside the normal jurisdictions of our Committee on Appropriations. The gentlewoman from Illinois (Mrs. BIGGERT) mentioned it has a half a billion dollars of capitalization. Some of it came from the general revenues of the United States, the people of our country, and the remainder from the people of Mexico; but even

though it has a half a billion dollars of capitalization, it comes in the form of several pieces that wash through various appropriations subcommittees. It has no real home. Some might say its jurisdiction is segmented. Others might say it truly is haphazard and hard to get your arms around. The American people deserve better.

Indeed, NADBank operationally as a bank is a moving target, looking for a home in the Federal Government. It technically resides in the Department of Treasury. Yet its loan and grant authorities float mysteriously between the U.S. Department of Agriculture, the Small Business Administration, and a growing role for the Environmental Protection Agency, EPA, which all manage to somehow, in ways unknown to Congress, subsidize the activities of NADBank.

What we do not know about NADBank far surpasses what, in fact, any individual Member of Congress might know. I know that Members who live along the border have a horrible environmental problem that they are dealing with. I have seen the cesspools being created by industrial production and agricultural production with no funds for environmental remediation.

We tried to build environmental provisions into the original NAFTA. They were rejected. They were rejected and now, with the billions of dollars of commerce occurring across the border, who is being asked to pay for the environmental remediation? Not the companies creating the damage, but the taxpayers of the United States of America.

This is a chart showing the trade deficit with Mexico. Before NAFTA's signing, we had a positive balance with Mexico, both ways. Since NAFTA's passage, every single year we have moved as a Nation into deeper and deeper trade deficit with the nation of Mexico, as well as Canada. We have lost over three million jobs in this country due to NAFTA; and the people of Mexico have had their wages cut in half, and now 250 million jobs in northern Mexico and those maquiladoras are moving to China where the wages are even cheaper.

We ought to revisit NAFTA. It is 10 years since its passage and millions and millions of people are being harmed. Indeed, the most harmed, in my opinion, are the peasants coming off the ejido system in Mexico who have no voice and no representation, and they deserve it in this highest Chamber of our government.

NADBank should realistically deal with these adjustments and it does not. We should not just have a suspension bill that deals with two or three small provisions. We should deal with the fundamentals of this agreement and the giant holes that are in it.

In the United States, in a State like my own—and here is a current chart of this showing our unemployment—the dark green covers counties in our State with the highest rates of unemployment. One of the five top States in the

Union to lose jobs because of NAFTA, most recently Dixon Ticonderoga Pencil and Crayon Company in Sandusky, Ohio, and also Phillips Electronics, in Ottawa, Ohio, over 2000 more jobs have relocated to Mexico.

We know a lot about NAFTA and its impact, and yet we look at the NADBank regulations and which counties have they helped with all the job loss in Ohio? Well, they picked one here and they picked one here and they picked one here to try to give a minimal amount of assistance. But there is no regularity, frankly no real help. NAFTA's NADBank has no regularity with which it deals with the huge job loss that these trade deficits represent.

The bill that is before us expands the area of eligibility for NADBank, as my colleagues rightly wish to do, by about 200 additional kilometers down into Mexico. But it does absolutely nothing to provide support to the thousands of communities across our Nation that have also lost jobs to Mexico.

My problem is NADBank's reach is not great enough. In fact, the part of the bank with the least staff and support, called CAIP, C-A-I-P, the Community Adjustment and Investment Program, has just experienced the resignation of its director and the Bush Administration has proposed no funding for future grants.

As an appropriator, I want to help the NADBank for all of America. NADBank will not let me help it, and this debate will not let me find an appropriate way in which to pay for the adjustment that is so essential not just in Ohio but in California, in Tennessee, Oregon, south Florida and so many other places that have lost jobs because of NAFTA.

So the problem with NADBank is not the limited area of Mexico where more of our tax dollars will be used to remediate environmental disasters, because NAFTA is silent on the environment, but the fact that NADBank's reach is too limited. It ought to reach to places like Detroit and Sandusky, Ohio, and east Tennessee's and South Carolina's textile belts, in south Florida, in Galesburg, Illinois, where Maytag just announced it is shutting down and moving to Mexico, and south Chicago's loss of Brach's candy and Buffalo, New York, with the loss of Trico corporation.

Indeed, NADBank in the last 2 fiscal years has issued only six direct loans: three in the border area, two in North Carolina, and one in Virginia. Imagine, six loans and thousands of lost companies in this country and millions of lost jobs after 10 years. NADBank has far too little to show for its existence. With half a billion dollars, what has it been doing?

So I would say to my colleagues who have absolutely wholesome and extraordinarily important concerns here today in trying to extend NAFTA's environmental provisions through NADBank to cover a larger proportion of Mexico's to our border countries

problems, look at the fundamentals. I think the administration wants to piecemeal with this suspension bill and find ways to try to fix an agreement that fundamentally needs a broader look.

I would urge my colleagues to vote "no" on this suspension bill today in order that we can have that broader debate. We need so many adjustments in NADBank and NAFTA.

First, we need an agricultural adjustment provision. Part of the illegal immigration coming into our country is because there are no agricultural provisions under NAFTA, and NADBank is absolutely unrealistic in the manner in which it deals with the exodus in the Mexican countryside. NAFTA is a huge continental disaster for them. Indeed, people's lives are being lost every day because we choose to ignore their pain. Let us be voices for the most powerless people on this continent.

We need a continental labor registration system for agricultural labor. It is wrong what happened to those 14 people in that truck in Omaha dying because they were brought up here as bonded workers. We need a continental solution to that travesty.

In terms of the environment, why should the taxpayers of our country be asked to pay for the damage these corporations are doing? The corporations involved in this border trade, they ought to pay, because they are the ones creating the mess. We have done the very same kind of program here in our own country to let those responsible pay for the environmental damage that they are doing.

In terms of NADBank, to help our communities readjust whether they are Illinois, whether they are Ohio, whether they are California, let us look at a NADBank that can function to meet the reality of the job loss across this Nation and harm across our continent.

□ 1400

Today we are being asked with this suspension to just take the tail on the dog. I am asking the Congress to embrace the dog. This is my only opportunity to do it. On the 10th anniversary of NAFTA, can we not finally be adults and recognize the continental situation that we, as elected officials at the highest levels of our government, have a responsibility to remediate? It is time. It is time.

I realize that the bill that is before us technically is much more narrowly cast, but it is our only vehicle. Give a few more weeks, a few more opportunities for Members to weigh in. I think we could create a measure that truly, on NAFTA's 10th anniversary, would help our continent deal with the pain and suffering of workers in our Nation and continent.

And by the way, the Department of Labor has made the decision not to count the workers in our country who are losing their jobs because of NAFTA today. That has now been stopped. What kind of a system is this? What

kind of government is this? We have a responsibility to displaced workers to certify their communities for eligibility for programs like NADBank we must know where those jobs are being lost. So many pieces of this continental puzzle need to be put together in a tidy package. We are not presented with that package today.

So I would just for the purposes of colloquy end my formal remarks now, in the event some of my colleagues, such as the gentleman from Texas (Mr. GONZALEZ) or the gentleman from Texas (Mr. HINOJOSA) or the gentleman from California (Mr. FILNER) wish to comment at this point. This is just an awfully important question for our continent. We are the people who can make life better. It is our time. It is our watch. We ought to make it better for people who do not have voice in this Chamber.

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

Mrs. BIGGERT. Mr. Speaker, I yield 10 minutes to the gentleman from Texas (Mr. GONZALEZ), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. GONZALEZ) is recognized.

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague from Illinois for this opportunity.

Of course, I rise in strong support for passage of H.R. 254. I have great admiration for my colleague from Ohio who stands in opposition to 254 today, but we do have a fundamental difference of opinion. This piece of legislation was not intended in any way to revisit, reopen, recast, or rescind the North American Free Trade Agreement, the treaty itself; rather, it is to improve an institution that was created to assist in any problems that would be encountered as a result of the treaty itself. And that is where we stand today.

This is a bill to authorize the President to agree to certain amendments to the binational agreement establishing the North American Development Bank. H.R. 254 was passed by the House Committee on Financial Services on February 13 by voice vote. Last October, H.R. 5400, a bill exactly like 254, passed the House by unanimous consent. So I will remind my colleagues, Members of this House, that we are revisiting a piece of legislation that was passed by unanimous consent in the 107th Congress. Unfortunately, the Senate failed to take up H.R. 5400, necessitating its resubmission in this Congress.

This bill is cosponsored by a bipartisan group of 11 Members of Congress, almost all representing districts along the United States/Mexican border. I do wish to express my sincere thanks to the gentleman from Ohio (Mr. OXLEY),

chairman of the Committee on Financial Services; chairman of the Subcommittee on International Monetary Policy and Trade, the gentleman from Nebraska (Mr. BEREUTER); the ranking member, the gentleman from Vermont (Mr. SANDERS); and the gentleman from Massachusetts (Mr. FRANK) on the Subcommittee on Housing and Community Opportunity; as well as to the former ranking member of the full committee, Mr. LaFalce, who retired last session, for their cooperation and hard work in making today a reality and, hopefully, finally, in passing this bill once more and allowing the Senate the opportunity to pass it.

Mr. Speaker, NADBank was created pursuant to NAFTA. It is an investment in water, wastewater, and other public infrastructure along the United States/Mexican border. The bank is headquartered in my district, the 20th Congressional District of Texas, and provides conventional loan financing, below market-rate financing, and grants for communities located near the United States/Mexican border to help fund their water, wastewater, and other infrastructure needs. Additionally, NADBank manages an institutional development program that provides training to local officials on both sides of the border on how to effectively manage public utilities.

Since I arrived in Congress, I have heard so many Members use the phrase "not letting perfect be the enemy of the good." I never thought I would resort to that, but today I will because that is what is happening here. NADBank is the only development bank specifically dedicated to the infrastructure needs of the United States/Mexican border. It meets a specific public financing need that has long been neglected by both Washington and Mexico City. Whether or not one is a supporter of the NAFTA treaty it is hard to argue with the purpose of NADBank, which is to provide critical financing and training for infrastructure improvements in disadvantaged United States and Mexican border communities.

Mr. Speaker, in a minute I will be yielding to my colleague, the gentleman from Texas (Mr. HINOJOSA), whose district borders Mexico. I will agree with my colleague from Ohio that NADBank has not fulfilled its true mission due to certain restrictions that Congress has neglected, or by not having the authority to really have any say with Treasury. Treasury has been in charge. This is the answer. This is the fix. This is the fine-tuning we have been seeking for so long. Never has this been meant to be an instrument to reopen the debate on NAFTA. This is an essential piece of legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I thank the gentleman from Texas (Mr. GONZALEZ) for yielding me this time.

Mr. Speaker, I like and respect my friend and colleague from Ohio. I heard

the gentlewoman from Ohio say that NADBank has too little to show, and my response to her is that those of us who live on the southwest border want to correct what is wrong with the NADBank in the way that it has operated and done so poorly in these last few years.

Mr. Speaker, I rise today in strong support of H.R. 254, the North American Development Bank reauthorization bill. I want to thank the gentleman from Nebraska (Mr. BEREUTER) for all his hard work in shepherding this bill through the legislative process. I also want to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) for their assistance in bringing this bill to the floor for consideration.

As the Congressman from the 15th District of Texas, which includes the U.S./Mexico border region, my constituents are directly affected by the work of the North American Development Bank and are vitally interested in reforms badly needed that will improve the NADBank.

I was born and raised in south Texas between Brownsville and Laredo. This region is the front door to Mexico. I have seen the skyrocketing 48 percent population increase from just 1990 to 2000. I have witnessed the huge export business between Texas and Mexico increase 202 percent from 1993 to 2000, and that increase has reached \$68 million of exports in the year 2000.

NADBank was originally passed in 1994 and enacted in 1995. It was created to gain congressional passage of the North American Free Trade Agreement. The bank was to be a working partner in helping border communities deal with water treatment facilities and environmental problems that would result from the increased trade that was expected. The bank's purpose was to help the border communities cope with the problems created by NAFTA.

Unfortunately, despite large amounts of available capital, the bank has funded only a small number of infrastructure projects along the U.S./Mexico border because it was limited to offering only market-rate loans. The need along this southwest border is too great for the bank to have money sitting idle. H.R. 254 fixes the problem by allowing NADBank to offer low-interest loans and grants to border communities like the ones I represent to fund critical infrastructure projects so that we can have the quantity of water and quality of water that we need for the sustainable growth of our area.

This authorization bill is not perfect. I assure my colleagues that if it improves the NADBank with the corrections that we make here, everyone will be very happy.

In closing, I want to say that the bank has not worked well up until now, but I know that with these reforms it can live up to the promise. I urge my colleagues to support H.R. 254.

Mrs. BIGGERT. Mr. Speaker, I yield 4 minutes to the gentleman from Ne-

braska (Mr. BEREUTER), the sponsor of this legislation.

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

Mr. BEREUTER. Mr. Speaker, the gentleman from Texas (Mr. GONZALEZ) has explained very well why this legislation is before us. In fact, we passed it last October in the previous Congress in the same form. He mentioned the cosponsorship of practically everybody whose district is along the border, and I appreciate very much the support of my colleagues on the committee.

Actually, the comments of the gentlewoman from Ohio about NAFTA are not a surprise to us, but practically nothing related to NAFTA is within the jurisdiction of the Committee on Banking and Financial Services, now the Committee on Financial Services. The only thing really that is, is the NADBank, and it was created to take into account some of the concerns with the passage of NAFTA.

During that debate, some Members were concerned about perceived lax enforcement of environmental laws by Mexico that could create a competitive advantage and give U.S. businesses incentive to relocate to Mexico. In fact, the support of some Members of Congress for NAFTA was partially contingent upon identification of a structure to finance border projects.

Now, in order to address the inadequacies of the NADBank, which the other gentleman from Texas has alluded to and given some details on, Presidents Bush and Fox formed a binational working group that held a series of discussions with States, communities, and other stakeholders in the border region with the purpose of generating plans to reform and strengthen the performance of the NADBank and the BECC. As a result of that working group, Presidents Bush and Fox came forth with a joint agreement announced in Monterrey, Mexico, in March of 2002. The recommendations and requirements of agreement are in this legislation.

With respect to the first legislative change, the administrations's rationale about the bank's current financial framework is having a limited impact in regions with high poverty rates, so adjustments were made in that respect. The change in jurisdiction was at the request of the Mexican President, but agreed to as appropriate by President Bush. So what we are doing here is to try to take the reforms that everyone in the region seems to agree are necessary for the NADBank to adequately address the infrastructure problems, particularly environmental infrastructure problems that are created by increased industrialization and population growth in the region.

So, my colleagues, I think, can feel very comfortable in supporting this legislation. It makes the changes the two Presidents requested. It does nothing to disadvantage American firms. In fact, it addresses some of the concerns

that the opponents of NAFTA had in the first place.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentlewoman from Ohio briefly.

Ms. KAPTUR. Mr. Speaker, I really appreciate very much appreciate the gentleman yielding just for a question.

It is my understanding that the Community Adjustment and Investment Fund, CAF, which is within NADBank, is basically zeroed out in this proposal, which means that it will have no money. And this is the portion of the bank that deals with loans and grants to the nonborder regions.

Could someone please clarify for me whether my understanding is correct? And I thank the gentleman for yielding.

Mr. BEREUTER. Reclaiming my time, Mr. Speaker, I believe the gentlewoman's understanding is incorrect as with respect to this legislation. This legislation makes no reductions in that area. If there are reductions, it would be by executive budget, and I am not familiar if that is the case or not.

Mr. Speaker, I would just say that we have passed this legislation before. It is appropriate. It puts in place the agreements of the two Presidents. It has the support of all the border region persons in this room, with the exception of two, and I do not know how they stand, but I have heard no opposition from them to this point. So I urge support and approval of the legislation.

□ 1415

Ms. KAPTUR. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. I thank the gentleman for yielding me this time.

Mr. Speaker, I do represent the entire California-Mexico border, so I am a border Congressman; and I must say, we have some difficulties with the proposed legislation. The gentlewoman from Ohio, and I am sorry that it had to take someone from the hinterlands to explain to us that this whole issue of NAFTA and NADBank need to be discussed by this body in a far more important way than a bill on suspension that gives us 10 minutes to debate. The gentlewoman is entirely correct. And just because it is only the NADBank that falls within the jurisdiction of the Banking Committee is no reason to limit this House from a fuller discussion. The Banking Committee can in fact go in with other committees and have that discussion. The gentlewoman was absolutely right: jobs have been lost, millions, because of NAFTA.

I live in San Diego, California, a community impacted by NAFTA. Did the community adjustment investment fund or NADBank do anything for our community? No. Is it going to do anything with the proposed reforms? I do not know. But I am very wary.

When NAFTA was passed, there was no infrastructure put in place to realize some of its benefits. For example,

in San Diego, California, 3,000 trucks a day now cross the border from Mexico to the United States. There is no highway that takes those 3,000 trucks from the border crossing to the interstate highway system. I have been trying to get it built for the last 10 years. We have a city street that takes those trucks; it is one of the most dangerous roads in America. Has NADBank helped that? No. The environment which NADBank was limited to before these reforms, the maquiladoras which NAFTA brought to the border, hundreds of them, employing thousands of Mexican workers, do not have to abide by any of the environmental rules that we establish. So they end up dumping their toxic materials in the gullies and ravines in Mexico. You know where that ends up? I got 50 million gallons, now millions of gallons in the last few years of raw sewage floating through my district in the Tijuana River to the Pacific Ocean. In Imperial County to the east of San Diego, there are millions of gallons of raw sewage flowing through the New River, then the Alamo River, to the Salton Sea. Did NADBank take care of anything there? Nothing.

Those same maquiladoras brought Mexican workers to the border. What did it pay them? No increase in wages. In fact, wages fell. And do you know what happened when the folks who came to the Maquilas who thought they were going to get high wages and did not? What happened? Illegal immigration to America. Did NADBank do anything to help us with that? Nothing.

Two power plants have just opened up in Mexicali, Mexico, to service the needs of California, power needs. Did they have to follow the environmental rules of our community? No. Can the border patrol stop air pollution? No. Did NADBank help us solve any of that? No.

I agree that the folks who have worked on this, this is a step forward. I do not have any doubts about that. The lower-than-market interest rates which prevented really any loans from being made is absolutely necessary. The expansion of the definition of what projects would be accepted is obviously a very important step forward. But there is a backwards step that you ought to have maybe said something about in your legislation.

As I understand it, the Border Environmental Cooperation Commission, the board of that and the board of NADBank are being merged. BECC was one of the few places where you had any community input, and now we are not going to have any. San Diego and Tijuana had virtually no input. Mexicali and Calexico in Imperial County had no input. El Paso, no input. Brownsville, no input. Where is the community input for the reform bank that you are putting in? We at the border communities, and I will tell you even more the inland communities, if I may say so, need to have input into what is going on with the NADBank. It

is not serving our communities. I do not see any step forward that will change that.

Mr. Speaker, the Secretary of Treasury when I asked him a few years ago, and this was in a previous administration, how was NADBank doing, he had no idea. It has been put in a corner somewhere because of an attempt to get a few votes for NAFTA. It was set up to do nothing, and it fulfilled those expectations. I do not see any reforms really that will make NADBank work for America and American workers. I thank the gentlewoman for allowing us to have this debate.

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

Many of the shortcomings that both my dear friends from Ohio and California have pointed out are actually remedied by this bill. The answer is before us. Is it a complete answer? We never have a complete answer in any one piece of legislation; but this is definitely a start, and it is a meaningful one. My colleague from California poses the question, Where is the input? The input is in H.R. 254 because we as Members of the House of Representatives will finally have a voice. It will not simply be Treasury in the executive branch determining the parameters and the programs and the activities of NADBank. We will finally have something to say about it, so that my colleague from Ohio and my colleague from California will have a voice. That is what this piece of legislation is all about.

If someone sees this as an opportunity to reauthorize NAFTA, I cannot do anything about that; but that is not what it does. It does not attempt to do that in any shape or form. But this is the answer that those that speak today in opposition are seeking. We all are in agreement. If this bill does not pass, it is only the House of Representatives that remains irrelevant to NAFTA and to the NADBank. That will be the end result.

I ask again, please consider this piece of legislation carefully, understand its merits, and you will vote for it. I ask each and every one of my colleagues to join us, all of us along the border, all of us from the border States that are so heavily impacted, to do something about the consequences of NAFTA but in a positive and constructive manner.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding. I just wanted to assure the gentlewoman from Ohio, there is nothing that deauthorizes a program in our legislation and nothing that specifically authorizes additional funds. And to the gentleman from California, this legislation does not merge the two entities that concerns him.

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

Mrs. BIGGERT. Mr. Speaker, may I inquire how much time remains for the majority and the party in opposition.

The SPEAKER pro tempore (Mr. FLAKE). The gentlewoman from Illinois (Mrs. BIGGERT) has 3½ minutes remaining and the gentlewoman from Ohio (Ms. KAPTUR) has 3 minutes remaining.

Mrs. BIGGERT. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentlewoman for yielding me this time.

Mr. Speaker, this is a well-crafted bill that helps the North American Development Bank to accomplish its stated goal of improving the wastewater treatment, solid waste management and potable water supply in America's Mexico border region more efficiently. In California over the last 2 decades, the population has grown by more than 30 percent while the water supply has increased by only 2 percent. But as California's thirst for water increases, the number of available sources for drinking water is shrinking. This is why I support the North American Development Bank's mission of providing clean and safe water to all of America's southern border areas, particularly to the already overtaxed southern California area.

I was able to contribute to this legislation by adding a provision that directs the North American Development Bank's support for qualified water conservation projects in southern California which will help to reduce the overall burden on a State whose water resources are already stretched dangerously thin. California currently leads the country in desalination, conjunctive use, recycling and water conservation efforts so the money invested in our part of the country gets an excellent return on investment.

I urge support for this broad, non-partisan initiative to recognize that qualified water conservation and supply projects are important to southern California and deserve the support of the North American Development Bank.

Ms. KAPTUR. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from California (Mr. FILNER), who is such an expert on this.

Mr. FILNER. I thank the gentlewoman for yielding time.

Mr. Speaker, just quickly, the fact that this legislation does not say anything about the merged boards of BECC and NADBank, you could have said something about it. Just because you did not, do not criticize the fact that this is a backwards step. If you want to move forward, then change that, too. And we need to have the support of the Chair and those who are supporting this bill for some money for the community adjustment investment fund. It has been zeroed out by the administration.

So, yes, there are some reforms here. The question is how much money are we going to give it and how much community input are we going to allow. A report to Congress on a yearly basis does not allow the community input that this board needs.

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

I thank my colleagues, particularly those along the border, for engaging in this debate today. I would just like to place on the RECORD information from the Community Adjustment and Investment Program headed in San Antonio, Texas, from NADBank that says Congress has zeroed out future funding for the Community Adjustment and Investment Program. The Bush budget contains no money, no appropriated dollars for the program to help in the nonborder areas of the United States.

I would beg my colleagues who are supporting this, please look beyond just the border and even for the border, recognize who is making the pollution and who should pay for it. But please do not disenfranchise communities across our country that are losing jobs.

I will end with this story. One of the companies that has just left my district in Sandusky, Ohio, Dixon Ticonderoga, one of the workers just committed suicide. The head of that company called me and said, Congresswoman, we're going to leave you a building, an empty hulk. I said, well, sir, all I've got is NADBank. So I called NADBank about 2 weeks ago and I said, they're leaving us an empty hulk. What can we do with a loan or grant program to create something, some type of economic activity inside that building? And the answer was, We have no funds. So we are talking here about only one square on a very large board.

I urge my colleagues to please withdraw this bill today. Let us work together and put language in there that helps all of the United States and all of North America, all of North America that has been so badly harmed by NAFTA, including agricultural adjustment provisions, so that no Mexican worker will die in this country because there is not a labor registration system across this continent that gives them the dignity of a work card where they cannot be bonded and sold by those coyotes all across this continent. There are huge problems that NADBank could be the vehicle to solve. Please vote "no," or withdraw this bill today in order that we bring something back to this Congress that can help us perfect an agreement that is badly flawed.

Mrs. BIGGERT. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. OSE), another member of the Committee on Financial Services.

Mr. OSE. I thank the gentlewoman for yielding me this time, and I rise in support of the bill. In California, as in many of the other border States, we are working with our friends to the south to try and address many things. One of the things in this bill that I was so pleased to be part of with the gentleman from Texas (Mr. GONZALEZ), the gentleman from Texas (Mr. HINOJOSA), and the gentleman from Nebraska (Mr. BEREUTER) was trying to give some direction to NADBank about expanding the things that they could invest in.

Specifically, we have a problem in California where discharge of wastewater and the like from some of the facilities south of the border flows into the Pacific Ocean, then by virtue of currents and tides goes north on the beach and eventually gets to the point where it spoils our beaches. There are many in this body who would argue that we need to delay and defer and not take action on this. However, frankly, one of our greatest assets in California is our beaches. It is my intention, and I am grateful for the support from other parts of the country, to try and do something to frankly address the issue of pollution hitting the beach in California. The language that we proposed and that my colleagues supported and that is now in the bill directs the NADBank to take this issue seriously and to address it when considering future projects.

Secondly, my friend, the gentleman from California (Mr. ROYCE), talked about water issues being a key element for California's success. The provision that he has placed in the bill directs NADBank to incorporate water development issues in their deliberations. I am pleased by that because, as he said, we have had population growth there of around 30 percent, but water supply growth of only about 2. I ask support of the bill.

□ 1430

Mrs. BIGGERT. Mr. Speaker, I urge my colleagues to support these changes to the NADBank and join me in voting to approve H.R. 254.

Mr. ORTIZ. Mr. Speaker, I rise to offer some context for our debate today surrounding the NADBank as it relates to my district in South Texas.

I support NADBank and believe it is an important part of border development, particularly the small rural communities like San Benito and La Feria in South Texas. Hopefully, NADBank will continue to work with these municipalities to maximize their infrastructure.

But NADBank's recent decision to offer grants and resources in terms that are twice as favorable to Mexico, over injured South Texas farmers, is very troubling to me. Very briefly, it was Mexico's non-compliance—for over a decade—with a 1944 treaty that apportioned the waters of the Rio Grande that bankrupted hundreds of South Texas farmers and precipitated the need for NADBank to offer assistance—however late—to those injured by Mexico's action.

Here's what has troubled me about this; there are 2 primary reasons:

First, NADBank is offering up to 50 percent of the cost of irrigation projects to South Texas farmers in grants and the balance in low-interest loans, while making the same assistance available to Mexican agricultural interests at 100 percent grants. Since the actions of Mexico were the instigation of the injury to South Texas farmers, it is galling that NADBank is giving Mexican farmers 100 percent of the cost of their projects in grant funding, while South Texans are getting half that.

Secondly, the entire reason NADBank has a package offering relief to farmers for irrigation needs is the enormous, permanent injury to

South Texas farmers directly due to Mexico's violation of the 1944 treaty. I have been perplexed as to the reason that all four border states have access to the relief package. If the injury was to South Texas farmers, then that is who should be the target of the relief.

Of note, this bill does recognize several important things for the first time: Mexico is in default of the 1944 Water Treaty; Mexico has accumulated 1.5 million acre feet of water debt to the U.S.; and the NADBank Board should support projects in the lower Rio Grande Valley.

While NADBank is an important part of border development, the decision to give South Texas farmers—injured by Mexico's deliberate action—half what they are offering to Mexican farmers is a step in the wrong direction. Part of the problem with this policy is that it was formulated in Washington and dictated to San Antonio by officials in the Departments of Treasury, State, and the Environmental Protection Agency. When Washington dictates decisions to states and local governments without their input, those decisions are more likely to inspire anger and resentment than gratitude.

I ask my colleagues to remember this action and to encourage NADBank to re-think the wisdom of how they are distributing funds under this program.

Mr. REYES. Mr. Speaker, I am proud to join my colleagues in support of H.R. 254, which will amend the law that established the North American Development Bank. The needs along the U.S.-Mexico border are ever increasing. Population growth is rapid, estimated at more than 100 percent in the next 20 years. Today about 11 to 12 million people live along the border. By 2020, 22 million people will reside in the region. On the U.S. side of the border, the per capita income is 79 percent of the national average. Four of the ten poorest counties in the United States are along the U.S.-Mexico border.

In October of 1993, the United States and Mexico agreed to a new institutional structure to promote border environmental cleanup. The North American Free Trade Agreement (NAFTA) authorized the establishment of the North American Development Bank (NADBank) and the Border Environment Cooperation Commission (BECC) which work jointly to address some of the many environmental problems caused by free trade between Mexico and the United States. The primary focus of these two organizations has been to address the water and waste water needs of communities in the border region. And appropriately so: it is estimated that \$8 billion would be required to address needs for sewage treatment, drinking water, and municipal solid waste infrastructure projects along the border over the next decade. The BECC is directed to help border states and communities coordinate and design environmental infrastructure projects, and to certify projects for financing, while the NADBank evaluates the financial feasibility of projects certified by the BECC and provides financing as appropriate.

Despite the creation of the NADBank to provide loans to finance border environmental infrastructure projects, grants from the Environmental Protection Agency (EPA) have accounted for the vast majority of funding provided through the NADBank thus far.

As I expressed to the House Financial Services Committee last May, the financing pro-

vided by NADBank is often at too high of an interest rate to be affordable by many impoverished communities. I am pleased that enough of my colleagues recognized this problem, which led to the introduction of this legislation in the 107th Congress and its re-introduction this year.

This bill will allow for the NADBank to come closer towards reaching its full potential by allowing for non-market rate loans and grants to be made towards water and waste management infrastructure.

In order to expand the capacity of both institutions to address important binational environmental needs, this bill will expand the geographic scope for BECC and NADBank operations in Mexico from 100 kilometers to 300 km from the border. The geographic limit in the United States will remain unchanged at 100 km from the border. There is no doubt that the area encompassed within 100 km from the border is the area with the most dire needs. However, infusing additional funds within 300 km of the border on the Mexican side makes sense in helping build infrastructure and expanding the economy on Mexico's northern border. Assisting Mexico with infrastructure development needs in its northern border region will eventually relieve some of the pressure on the U.S. side of the border by providing opportunities for Mexican residents in Mexico.

The welcome changes this bill brings to the NADBank are a first step towards expanding the NADBank's role in financing infrastructure improvements along the U.S.-Mexico Border. In the future, I hope that the NADBank will be further authorized to finance any public infrastructure need along the border that can not be financed by conventional means. For example, in addition to needing water and sewage infrastructure, colonias are in desperate need of paved roads and a reliable energy supply. These communities suffer from a host of dire living conditions which should not be tolerated in our country.

I would like to thank my colleagues in the House Financial Services Committee for their work in moving this important piece of legislation to the floor so quickly in this Congress and look forward to working with them in the future to bring additional needed assistance to the U.S.-Mexico border region. I urge all my colleagues to vote in favor of H.R. 254.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 254, an important piece of legislation which makes changes to the operation of the North American Development Bank. These changes were negotiated by the United States and Mexico after President Bush and Mexican President Fox met to discuss ways to improve border conditions between our countries. The NADBank has been in operation for nearly 10 years, and is equally capitalized by both the U.S. and Mexico. However, in this time period the NADBank has made only a few loans while having over \$450 million in paid-in capital and a total lending capacity of \$2.7 billion.

I would like to commend my colleague, Mr. BEREUTER, for crafting this bill with input from both sides of the aisle and from Members representing each of the Border States. H.R. 254 contains the key changes requested by the Administration which will result in more NADBank programs without any increased costs to the taxpayers. The changes will allow the NADBank to finance projects further into

Mexico from the U.S. border and will permit below-market rate loans and grants to be used for projects on either side of the border. Additionally, the bill contains a requirement for the Treasury Department to report annually to Congress on the operations and disbursements of the NADBank. Several sections express the sense of Congress as to what types of projects the NADBank should pursue. These include water conservation, coastal conservation and air pollution projects. This bill is identical to H.R. 5400 which was approved by the House in the 107th Congress.

The NADBank is an important tool for financing environmental infrastructure projects on the border between the U.S. and Mexico. The changes we consider today will increase the ability of the NADBank to fulfill its mission and improve the environmental conditions along the border region while making it a stronger and more effective institution.

It is critical that the U.S. and Mexico work in close cooperation to improve environmental conditions along the border region. This institution and the changes we consider today will do just that. This bill has been requested by the President, negotiated by the Administration, and approved by voice vote in the Financial Services Committee. I strongly urge my colleagues to support these changes to the NADBank and join me in voting to approve H.R. 524.

Mr. BONILLA. Mr. Speaker, I rise in support of H.R. 254. This legislation will reauthorize the North American Development Bank (NADBank) and allow NADBank to make grants and loans to improve water supplies and the environment along the border at more flexible rates. As I travel my district, which includes approximately 800 miles of the U.S.-Mexico border, I am repeatedly reminded of the tremendous need for potable water, wastewater treatment, and municipal solid waste management.

Many towns in my district have directly benefited from the investment brought by NADBank over the years. In Del Rio, the construction of a potable water treatment plant, the replacement of water pumping facilities and a potable water ground storage tank was recently completed with the help of NADBank financing. In Eagle Pass, NADBank is currently financing the replacement of two water treatment plants and the construction of a new wastewater treatment plant. Thanks to NADBank investment, water distribution lines and wastewater collection lines will be installed and water storage facilities built to serve 15 colonias surrounding Laredo in the near future. Uvalde recently benefitted from NADBank financing of landfill expansion and equipment purchases for efficient operation.

Many of these important projects would not have been possible were it not for NADBank investment. Thanks to this investment, environmental conditions and living standards along the border have been dramatically improved.

I urge the House to pass this legislation so that these communities and other like them may continue to reap the benefits of NADBank investment.

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

The SPEAKER pro tempore (Mr. FLAKE). The question is on the motion

offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 254.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMERICAN 5-CENT COIN DESIGN CONTINUITY ACT OF 2003

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 258) to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes, as amended.

The Clerk read as follows:

H.R. 258

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 "American 5-Cent Coin Design Continuity Act of 2003".

TITLE I—U.S. 5-CENT COIN DESIGN CONTINUITY

SEC. 101. DESIGNS ON THE 5-CENT COIN.

(a) IN GENERAL.—Subject to subsection (b) and after consulting with the Citizens Coinage Advisory Committee and the Commission of Fine Arts, the Secretary of the Treasury may change the design on the obverse and the reverse of the 5-cent coin for coins issued in 2003, 2004, and 2005 in recognition of the bicentennial of the Louisiana Purchase and the expedition of Meriwether Lewis and William Clark.

(b) DESIGN SPECIFICATIONS.—

(1) OVERSE.—If the Secretary of the Treasury elects to change the obverse of 5-cent coins issued during 2003, 2004, and 2005, the design shall depict a likeness of President Thomas Jefferson, different from the likeness that appeared on the obverse of the 5-cent coins issued during 2002, in recognition of his role with respect to the Louisiana Purchase and the commissioning of the Lewis and Clark expedition.

(2) REVERSE.—If the Secretary of the Treasury elects to change the reverse of the 5-cent coins issued during 2003, 2004, and 2005, the design selected shall depict images that are emblematic of the Louisiana Purchase or the expedition of Meriwether Lewis and William Clark.

(3) OTHER INSCRIPTIONS.—5-cent coins issued during 2003, 2004, and 2005 shall continue to meet all other requirements for inscriptions and designations applicable to circulating coins under section 5112(d)(1) of title 31, United States Code.

SEC. 102. DESIGNS ON THE 5-CENT COIN SUBSEQUENT TO THE RECOGNITION OF THE BICENTENNIAL OF THE LOUISIANA PURCHASE AND THE LEWIS AND CLARK EXPEDITION.

(a) IN GENERAL.—Section 5112(d)(1) of title 31, United States Code, is amended by inserting after the 4th sentence the following new sentence: "Subject to other provisions of this subsection, the obverse of any 5-cent coin issued after December 31, 2005, shall bear the likeness of Thomas Jefferson and the reverse of any such 5-cent coin shall bear an image of the home of Thomas Jefferson at Monticello."

(b) DESIGN CONSULTATION.—The 2d sentence of section 5112(d)(2) of title 31, United States Code, is amended by inserting ", after consulting with the Citizens Coinage Advi-

sory Committee and the Commission of Fine Arts," after "The Secretary may".

SEC. 103. CITIZENS COINAGE ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 5135 of title 31, United States Code, is amended to read as follows:

"§ 5135. Citizens Coinage Advisory Committee

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is hereby established the Citizens Coinage Advisory Committee (in this section referred to as the 'Advisory Committee') to advise the Secretary of the Treasury on the selection of themes and designs for coins.

"(2) OVERSIGHT OF ADVISORY COMMITTEE.—The Advisory Committee shall be subject to the authority of the Secretary of the Treasury (hereafter in this section referred to as the 'Secretary').

"(b) MEMBERSHIP.—

"(1) APPOINTMENT.—The Advisory Committee shall consist of 11 members appointed by the Secretary as follows:

"(A) 7 persons appointed by the Secretary—

"(i) 1 of whom shall be appointed from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience as a nationally or internationally recognized curator in the United States of a numismatic collection;

"(ii) 1 of whom shall be appointed from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their experience in the medallic arts or sculpture;

"(iii) 1 of whom shall be appointed from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience in American history;

"(iv) 1 of whom shall be appointed from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience in numismatics; and

"(v) 3 of whom shall be appointed from among individuals who can represent the interests of the general public in the coinage of the United States.

"(B) 4 persons appointed by the Secretary on the basis of the recommendations of the following officials who shall make the selection for such recommendation from among citizens who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience:

"(i) 1 person recommended by the Speaker of the House of Representatives.

"(ii) 1 person recommended by the minority leader of the House of Representatives.

"(iii) 1 person recommended by the majority leader of the Senate.

"(iv) 1 person recommended by the minority leader of the Senate.

"(2) TERMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Advisory Committee shall be appointed for a term of 4 years.

"(B) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed—

"(i) 4 of the members appointed under paragraph (1)(A) shall be appointed for a term of 4 years;

"(ii) the 4 members appointed under paragraph (1)(B) shall be appointed for a term of 3 years; and

"(iii) 3 of the members appointed under paragraph (1)(A) shall be appointed for a term of 2 years.

"(3) PRESERVATION OF PUBLIC ADVISORY STATUS.—No individual may be appointed to

the Advisory Committee while serving as an officer or employee of the Federal Government.

"(4) CONTINUATION OF SERVICE.—Each appointed member may continue to serve for up to 6 months after the expiration of the term of office to which such member was appointed until a successor has been appointed.

"(5) VACANCY AND REMOVAL.—

"(A) IN GENERAL.—Any vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made.

"(B) REMOVAL.—Advisory Committee members shall serve at the discretion of the Secretary and may be removed at any time for good cause.

"(6) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be appointed for a term of 1 year by the Secretary from among the members of the Advisory Committee.

"(7) PAY AND EXPENSES.—Members of the Advisory Committee shall serve without pay for such service but each member of the Advisory Committee shall be reimbursed from the United States Mint Public Enterprise Fund for travel, lodging, meals, and incidental expenses incurred in connection with attendance of such members at meetings of the Advisory Committee in the same amounts and under the same conditions as employees of the United States Mint who engage in official travel, as determined by the Secretary.

"(8) MEETINGS.—

"(A) IN GENERAL.—The Advisory Committee shall meet at the call of the Secretary, the chairperson, or a majority of the members, but not less frequently than twice annually.

"(B) OPEN MEETINGS.—Each meeting of the Advisory Committee shall be open to the public.

"(C) PRIOR NOTICE OF MEETINGS.—Timely notice of each meeting of the Advisory Committee shall be published in the Federal Register, and timely notice of each meeting shall be made to trade publications and publications of general circulation.

"(9) QUORUM.—7 members of the Advisory Committee shall constitute a quorum.

"(c) DUTIES OF THE ADVISORY COMMITTEE.—The duties of the Advisory Committee are as follows:

"(1) Advising the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, congressional gold medals and national and other medals produced by the Secretary of the Treasury in accordance with section 5111 of title 31, United States Code.

"(2) Advising the Secretary of the Treasury with regard to—

"(A) the events, persons, or places that the Advisory Committee recommends be commemorated by the issuance of commemorative coins in each of the 5 calendar years succeeding the year in which a commemorative coin designation is made;

"(B) the mintage level for any commemorative coin recommended under subparagraph (A); and

"(C) the proposed designs for commemorative coins.

"(d) EXPENSES.—The expenses of the Advisory Committee that the Secretary of the Treasury determines to be reasonable and appropriate shall be paid by the Secretary from the United States Mint Public Enterprise Fund.

"(e) ADMINISTRATIVE SUPPORT, TECHNICAL SERVICES, AND ADVICE.—Upon the request of the Advisory Committee, or as necessary for the Advisory Committee to carry out the responsibilities of the Advisory Committee under this section, the Director of the