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No. 67

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. NETHERCUTT).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 7, 2003.

I hereby appoint the Honorable GEORGE R. NETHERCUTT, JR. to act as Speaker pro tempore on this day.

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

### PRAYER

The Reverend Riley P. Green III, Director of Administration, Alabama Baptist Children's Homes & Family Ministries, Birmingham, Alabama, offered the following prayer:

Heavenly Father, I humbly come before You in this sacred Chamber, acknowledging You as the Sovereign Lord of the United States of America.

I pray for the Members of the House of Representatives, that they would seek You first, that each Member would seek to lead this Nation in Your righteousness.

Lord, be with each Member. Give them wisdom as they make decisions and laws that govern our Nation.

I pray that You would help each Member in these complex times to see Your hand in all events. Help each Member know Your love and feel Your presence in their lives. Help each Member to find rest in Your sovereignty.

O Lord, I pray for the men and women of our Armed Forces. Protect them and their families. I humbly ask this prayer in Jesus' name; and, Lord, thank you for Your continued blessings on America. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BALLENGER) come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER 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 a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 42. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore.

### WELCOMING THE REVEREND RILEY P. GREEN III

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

Mr. ADERHOLT. Mr. Speaker, it is an honor for me to rise and introduce our guest chaplain for today, the Rev-

erend Riley P. Green III. Riley Green is an ordained minister and a graduate of Beeson Divinity School, as well as Samford University where he received his master's in theological studies. He is currently working on his doctorate in education. He is a member of Hunter Street Baptist Church and serves as the director of administration of the Alabama Baptist Children's Homes & Family Ministries.

The goal of Alabama Baptist Children's Homes & Family Ministries is to protect, nurture, and restore children and families through Christ-centered services. Over 110 years ago, a Southern Baptist preacher affectionately known as Father Stewart wanted to help widows and orphans. His desire became a reality in 1891 with the establishment of the Louise Short Baptist Widows and Orphans Home in Evergreen in southern Alabama. From that one facility has grown to be Alabama's most diverse child and family care agency.

Riley lives in Birmingham with his wife, Yvonne, and their three sons, who are with him here today. Riley's mom is in the Chamber today as well. He is a friend whom I have known for many years and someone I know has a heart for seeking and doing the will of God. I thank him for his inspiring prayer this morning. We appreciate him taking his time to come and lead this Nation in a time of prayer, especially when our troops are at war.

### ISRAEL INDEPENDENCE DAY

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

Ms. ROS-LEHTINEN. Mr. Speaker, today we commemorate Israel Independence Day. Since its creation in 1948, the State of Israel has faced seemingly insurmountable challenges to its very survival, with conventional military attacks leading the way to suicide

□ 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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bombers who have murdered scores of innocent Israeli men, women, and children.

Through it all, Israel has endured. As the only democracy in the region, it continues to be a beacon of hope and a model for her neighbors. It has been said that the strength of a nation is determined by the caliber of its people. There is perhaps no better example of this truth than the State of Israel and the Israeli people, vivid examples of conviction, courage, and faith; a people who served as an example for us all to emulate, as our own Nation had to come to grips with the horrors of terrorism following the deplorable attacks on our country on September 11. The bond between our nations and our people have never been stronger.

The United States could not ask for a better friend and ally in the region. The Israeli people know they will always be able to depend on the U.S. and the American people. I extend my best wishes and congratulations to the people of the State of Israel on their 55th Independence Day.

#### ASIAN PACIFIC ISLANDER MONTH

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in honor of Asian Pacific Islander Month. This national celebration, which started in 1977, continues to highlight and bring awareness to the many accomplishments and contributions that the Asian-Pacific Americans have made to this country.

The month of May was selected for this very important celebration to commemorate the immigration of the first Japanese immigrants to the United States in 1843. As of the last census, there are an estimated 12.5 million Asian-Pacific Islanders in the United States. Representing the largest Vietnamese population outside of Vietnam, I know firsthand the richness of the culture and beauty that they, along with the rest of the Asian communities, bring to this Nation.

For generations, Asian-Pacific Americans have sacrifice for this country, and they have contributed to our growth and to our prosperity. This national celebration is a great way to honor all of their achievements.

#### JOB CREATION

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

Mr. BALLENGER. Mr. Speaker, I rise today to support the President's leadership on the Job and Growth Tax Act. There are too many Americans still looking for work. As its first order of business, this Congress helped by extending unemployment benefits in January. Now it is time to help American

businesses create the jobs that these Americans need and want. Displaced workers have looked for employment for too long. We need a plan to encourage small business owners to expand and hire new people.

North Carolina's 10th district has been struck hard by the economic downturn. Our Unifour area's unemployment rate almost quadrupled in 2 years' time. Tax relief and fiscal restraint can help turn the tide and restore our economic vitality.

It is wrong for this Congress to play partisan politics with the future of employment of millions of Americans. Relief to American businesses will allow them to grow, providing new job opportunities.

Americans need paychecks, not handouts. The Jobs and Growth Tax Act will get us there.

#### PASS ELDER JUSTICE ACT OF 2003

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

Mr. EMANUEL. Mr. Speaker, we recognize older Americans each May. This May we must address the unpleasant fact that too many of our elders are beaten, neglected, and extorted. Like other family crimes such as child abuse and domestic abuse, elder abuse has existed for too long in the dark shadows of our society. Elder abuse remains underreported, underresearched, and underenforced. As high as 5 million elderly cases of abuse occur in nursing homes, nursing institutions, and private homes each year; but 80 percent never get reported.

In my home State of Illinois, 186 nursing home residents actually died of starvation, dehydration, or infected wounds in 1999 alone.

In response, with the gentleman from New York (Mr. KING), I will introduce the Elder Justice Act which makes elderly abuse a Federal crime, helps law enforcement work hand in hand with our health and social service agencies that have always fought alone against this type of neglect. It is a bipartisan bill. We have a number of Republicans here in the House, and 12 Republicans and 11 Democrats who are also introducing a bill in the Senate.

Mr. Speaker, the most meaningful way to honor our elder Americans this month is to pass the Elder Justice Act.

#### FRENCH VISAS TO THE IRAQI REGIME

(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, right after September 11, France voiced its support in the war on terrorism. Lately, we are hearing a different story. It has been reported that the French Government secretly supplied fleeing Iraqi officials with passports in Syria to allow

them to escape to Europe. The French passports allowed the wanted Iraqis to move freely among 12 European Union countries.

There are also reports which indicate that a French company covertly sold spare military parts to Iraq in the weeks before the war and that a French oil company was working with a Russian oil firm to conclude a deal with Saddam's government in the days before military action began March 19.

All of this has undermined our efforts to root out terrorists in Iraq and capture members of the brutal Iraqi regime. If France wants to be an ally in the war on terrorism, it is time it started to act like one.

#### PASS THE TAX RELIEF PACKAGE NOW

(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, it is written, if you owe taxes, pay taxes. No law-abiding American anywhere would argue the point. But one of my predecessors in this Chamber, Jack Kemp, also famously said, what you tax you get less of, what you subsidize you get more of.

Today in America as our economy continues to list under the strain of overtaxation and overregulation for the past decade, we are taxing capital gains and investment in savings; and eastern Indiana, that I serve here in Washington, is getting less for it.

Families, small businesses and family farms are hurting as jobs evaporate in communities across eastern Indiana. Many in this town are playing politics, demagoguing the President's drive to pass additional tax relief and put Americans back to work; but it is time to set politics aside. We need to bring real tax relief on income inheritance, marriage, savings and investment in America. We need to turn this economy around. Our recovery is stalled. Our Nation is impatient. It is time we heed the President's call for economic renewal and pass the tax relief package now.

#### ADRIATIC TREATY SIGNED

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

Mr. BEREUTER. Mr. Speaker, today I rise to inform the House about the signing of the Adriatic treaty last Friday in the Albanian capital of Tirana. This agreement was signed by Secretary of State Powell and the foreign ministers of Albania, Croatia, and the former Yugoslav Republic of Macedonia, the three currently-remaining NATO aspirant nations.

The Adriatic Charter pledges the United States to support efforts by Albania, Croatia, and Macedonia to join NATO and other Euro-Atlantic institutions. In this agreement, the three aspirant nations commit themselves to

accelerate their democratic reforms, protect human rights, implement market-oriented economic policies, and enhance their mutual cooperation.

Under the Adriatic Charter, the United States and these three countries pledge to consult whenever the security of one of them is threatened, and the aspirant countries promise to continue defense reforms and undertake steps to enhance border security so they can contribute to regional stability.

Mr. Speaker, the Adriatic Charter is one more important step toward President Bush's goal of a Europe whole and free from the Baltic to the Black Sea. I commend and congratulate the people of Albania, Croatia, and Macedonia on the occasion of the signing of the Adriatic Charter.

□ 1015

#### AMBER ALERT

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, today I rise to honor my colleagues in the House who helped to pass the recent Amber Alert legislation. Last week while I was home in Michigan I saw dramatic evidence of the impact this program can actually have.

Saturday afternoon, 3-year-old Jenna Hart was abducted as she sat in the back seat of her grandmother's car. Her grandmother had taken Jenna to the local Toys R Us to buy her precious granddaughter a few new toys. A man approached her in the parking lot and noted that her tire was flat and offered to fix it, which he did. He then got in the car and drove off with Jenna still strapped into her car seat in the back seat. The report of a missing little girl was issued and the Amber Alert system went into action. I saw the report on a local television station which described the make and the color of the car as well as the license plate number and, like everyone else, was keeping my eyes open looking for the suspect vehicle. Twenty-one hours later a man telephoned police and reported a suspect vehicle in the City of Detroit with a child in the back seat. It was Jenna. The little girl was returned to her family safe and sound, a vivid reminder that the actions that we take in this House can have a very positive impact on families across our Nation.

Because of the Amber Alert system and the watchfulness of thousands of interested citizens, little Jenna has been reunited with her family. May God bless her and her family.

#### IN RECOGNITION OF DENTON HIGH SCHOOL CHORALE

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

Mr. BURGESS. Mr. Speaker, we probably should wish the gentlewoman from Michigan a happy birthday.

Mr. Speaker, I rise to recognize students from my district who are part of the Denton High School Chorale. Last week they had the prestigious honor of performing at the Pentagon at the invitation of the Air Force History Office under the award-winning direction of Mrs. Anne Smith. This patriotic group of 40 students sent musical CDs to the Pentagon and to the New York firefighters to thank them for their hard work and sacrifice after the tragedy of September 11, 2001.

Additionally, the Denton High School Chorale wanted to show their appreciation in person by performing a variety of choral pieces, including their favorite, "Homeland." The choir sang to military personnel in the courtyard of the Pentagon for an hour. A goal of this tour, which included a performance at Carnegie Hall in New York City, was to foster in the students a deeper respect for America and why it must be protected. I know that those who heard their concert were touched by their thoughtfulness. One serviceman responded with a note thanking them for helping him to remember what he is fighting to protect every day.

During these extraordinary times, their actions bring honor to Denton High School, to the great State of Texas and to our great Nation.

#### REFORM NEEDED AT UNITED NATIONS

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

Mr. FOSSELLA. Mr. Speaker, as the President of the United States has indicated, the war against terror is far from over. The battle may be won but it is far from over. Therefore, I think it is important that the United Nations step up to the plate and reflect reality and serve in the positive role that it can. That is why I think H.R. 800 is a needed step toward reform at the United Nations. It reduces U.S. funding for United Nations commissions like the Commission on Human Rights which have been hijacked by terrorist nations. The latest outrage is Cuba. The dictatorship is in the midst of a brutal crackdown, having executed three men for trying to escape Cuba and imprisoned dozens of others for daring to speak out. The U.N. said nothing about the crackdown but elected Cuba to another term on the human rights panel. The current chair of that panel is Libya, that beacon of human rights. At the beginning of the year, Iraq was going to head the Conference on Disarmament. Iraq did not take over but remained on the commission. Iran chairs that conference. North Korea and Cuba also sit on the Disarmament Committee. This is all symptomatic of a culture of carelessness at

the U.N. It would not be as grave if not for the fact that the United States pays 22 percent of the United Nations' operating budget. Diplomacy and dialogue are important, but sometimes dollars are the only thing that makes sense.

#### DAANGEROUS 15-PASSENGER VANS

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

Mr. UDALL of Colorado. Mr. Speaker, I would like to draw Members' attention to the dangers of 15passenger vans. These vans have been associated with more than 500 traffic fatalities since 1990. In 2001, the National Highway Traffic Safety Administration found that when these vans are fully loaded they have a rollover risk that is six times higher than when there are only five people in the van. I have become alarmingly aware of the danger of these vans when a church group from my district rolled over 2½ times while driving to a religious retreat. Four passengers died in this tragic accident. Only later did I find out that these vans are infamous for getting out of the control of the driver and rolling over.

My colleagues can see firsthand what can happen when these vehicles lose control. This happened again last year when a van carrying firefighters who were on their way to fight a wildfire raging in Colorado lost control and rolled over more than four times, killing four of the firefighters.

These vans were initially designed to carry freight, not people, but now they are widely used by airports, hotels, and other organizations to transport customers and schoolchildren. I have introduced H.R. 1641, the Passenger Van Safety Act, along with Senator SNOWE, to make sure that these needless tragedies end and that the most precious cargo, our children, get home safe and sound.

I encourage my colleagues to join me and Senator SNOWE in cosponsoring this important safety bill.

#### JOBS AND ECONOMIC GROWTH PACKAGE

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to urge my colleagues in the House to support a real jobs and economic growth package. It is time to bring much-needed stimulus to our economy and to bring renewed hope to American workers. There are currently several million Americans actively looking for work and unable to find it. For those individuals and those families, it is imperative that we do all that we can to put this willing, able and well-qualified workforce to work. We must provide

the means for economic growth and job creation. That is what creates jobs. We need to put more money in the hands of American workers to spend and invest so that jobs can be created. When individuals have more disposable income, they spend it or invest it, and that improves the situation of businesses. When businesses have more money at their disposal, they can expand and hire more people. Tax relief creates jobs. It is that simple. The more people we have working, the more money we will see spent and invested in this country. The more money we see spent and invested in this country, the quicker the economy will rebound. The quicker the economy rebounds, the better off we will all be.

### PRESCRIPTION DRUGS

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

Mrs. CAPITO. Mr. Speaker, I rise today to encourage my colleagues in the House to work together in a bipartisan manner to enact meaningful prescription drug relief for America's seniors. During the first week of the spring district work period, I toured five rural community centers across my district, and I will be continuing that tour, but the thing I heard on the first tour and will hear through the rest of the year is why has Congress not passed prescription drug reform? Guaranteeing all senior citizens the right to choose a voluntary prescription drug plan under Medicare while strengthening Medicare for the future are fundamental building blocks to improving the overall health care system. Congress has risen to meet many challenges in the past and we must meet this one.

Mr. Speaker, it is time to ask ourselves, why have we not passed prescription drug reform? The time has passed for partisan politics. There are too many seniors facing the horrific choice of whether to buy food, pay their mortgage or rent, or purchase the prescriptions that they need.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NETHERCUTT). 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.

Record votes on postponed questions will be taken later today.

### SERVICEMEMBERS CIVIL RELIEF ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 100) to restate,

clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

The Clerk read as follows:

H.R. 100

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

#### SECTION 1. RESTATEMENT OF ACT.

The Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.) is amended to read as follows:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This Act may be cited as the ‘Servicemembers Civil Relief Act’.

“(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Purpose.

#### “TITLE I—GENERAL PROVISIONS

“Sec. 101. Definitions.

“Sec. 102. Jurisdiction and applicability of Act.

“Sec. 103. Protection of persons secondarily liable.

“Sec. 104. Extension of protections to citizens serving with allied forces.

“Sec. 105. Notification of benefits.

“Sec. 106. Extension of rights and protections to Reserves ordered to report for military service and to persons ordered to report for induction.

“Sec. 107. Waiver of rights pursuant to written agreement.

“Sec. 108. Exercise of rights under Act not to affect certain future financial transactions.

“Sec. 109. Legal representatives.

#### “TITLE II—GENERAL RELIEF

“Sec. 201. Protection of servicemembers against default judgments.

“Sec. 202. Stay of proceedings when servicemember defendant has notice.

“Sec. 203. Fines and penalties under contracts.

“Sec. 204. Stay or vacation of execution of judgments, attachments, and garnishments.

“Sec. 205. Duration and term of stays; co-defendants not in service.

“Sec. 206. Statute of limitations.

“Sec. 207. Maximum rate of interest on debts incurred before military service.

#### “TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES.

“Sec. 301. Evictions and distress.

“Sec. 302. Protection under installment contracts for purchase or lease.

“Sec. 303. Mortgages and trust deeds.

“Sec. 304. Settlement of stayed cases relating to personal property.

“Sec. 305. Termination of leases by lessees.

“Sec. 306. Protection of life insurance policy.

“Sec. 307. Enforcement of storage liens.

“Sec. 308. Extension of protections to dependents.

#### “TITLE IV—LIFE INSURANCE

“Sec. 401. Definitions.

“Sec. 402. Insurance rights and protections.

“Sec. 403. Application for insurance protection.

“Sec. 404. Policies entitled to protection and lapse of policies.

“Sec. 405. Policy restrictions.

“Sec. 406. Deduction of unpaid premiums.

“Sec. 407. Premiums and interest guaranteed by United States.

“Sec. 408. Regulations.

“Sec. 409. Review of findings of fact and conclusions of law.

#### “TITLE V—TAXES AND PUBLIC LANDS

“Sec. 501. Taxes respecting personal property, money, credits, and real property.

“Sec. 502. Rights in public lands.

“Sec. 503. Desert-land entries.

“Sec. 504. Mining claims.

“Sec. 505. Mineral permits and leases.

“Sec. 506. Perfection or defense of rights.

“Sec. 507. Distribution of information concerning benefits of title.

“Sec. 508. Land rights of servicemembers.

“Sec. 509. Regulations.

“Sec. 510. Income taxes.

“Sec. 511. Residence for tax purposes.

#### “TITLE VI—ADMINISTRATIVE REMEDIES

“Sec. 601. Inappropriate use of Act.

“Sec. 602. Certificates of service; persons reported missing.

“Sec. 603. Interlocutory orders.

#### “TITLE VII—FURTHER RELIEF

“Sec. 701. Anticipatory relief.

“Sec. 702. Power of attorney.

“Sec. 703. Professional liability protection.

“Sec. 704. Health insurance reinstatement.

“Sec. 705. Guarantee of residency for military personnel.

#### “SEC. 2. PURPOSE.

“The purposes of this Act are—

“(1) to provide for, strengthen, and expedite the national defense through protection extended by this Act to servicemembers of the United States to enable such persons to devote their entire energy to the defense needs of the Nation; and

“(2) to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

#### “TITLE I—GENERAL PROVISIONS

##### “SEC. 101. DEFINITIONS.

“For the purposes of this Act:

“(1) **SERVICEMEMBER.**—The term ‘servicemember’ means a member of the uniformed services, as that term is defined in section 101(a)(5) of title 10, United States Code.

“(2) **MILITARY SERVICE.**—The term ‘military service’ means—

“(A) in the case of a servicemember who is a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard—

“(i) active duty, as defined in section 101(d)(1) of title 10, United States Code, and

“(ii) in the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds; and

“(B) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service.

“(3) **PERIOD OF MILITARY SERVICE.**—The term ‘period of military service’ means the period beginning on the date on which a servicemember enters military service and ending on the date on which the servicemember is released from military service or dies while in military service.

“(4) **DEPENDENT.**—The term ‘dependent’, with respect to a servicemember, means—

“(A) the servicemember’s spouse;

“(B) the servicemember’s child (as defined in section 101(4) of title 38, United States Code); or

“(C) an individual for whom the servicemember provided more than one-half of the individual’s support for 180 days immediately preceding an application for relief under this Act.

“(5) COURT.—The term ‘court’ means a court or an administrative agency of the United States or of any State (including any political subdivision of a State), whether or not a court or administrative agency of record.

“(6) STATE.—The term ‘State’ includes—

“(A) a commonwealth, territory, or possession of the United States; and

“(B) the District of Columbia.

“(7) SECRETARY CONCERNED.—The term ‘Secretary concerned’—

“(A) with respect to a member of the armed forces, has the meaning given that term in section 101(a)(9) of title 10, United States Code;

“(B) with respect to a commissioned officer of the Public Health Service, means the Secretary of Health and Human Services; and

“(C) with respect to a commissioned officer of the National Oceanic and Atmospheric Administration, means the Secretary of Commerce.

**“SEC. 102. JURISDICTION AND APPLICABILITY OF ACT.**

“(a) JURISDICTION.—This Act applies to—

“(1) the United States;

“(2) each of the States, including the political subdivisions thereof; and

“(3) all territory subject to the jurisdiction of the United States.

“(b) APPLICABILITY TO PROCEEDINGS.—This Act applies to any judicial or administrative proceeding commenced in any court or agency in any jurisdiction subject to this Act. This Act does not apply to criminal proceedings.

“(c) COURT IN WHICH APPLICATION MAY BE MADE.—When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court which would otherwise have jurisdiction over the matter.

**“SEC. 103. PROTECTION OF PERSONS SECONDARILY LIABLE.**

“(a) EXTENSION OF PROTECTION WHEN ACTIONS STAYED, POSTPONED, OR SUSPENDED.—Whenever pursuant to this Act a court stays, postpones, or suspends (1) the enforcement of an obligation or liability, (2) the prosecution of a suit or proceeding, (3) the entry or enforcement of an order, writ, judgment, or decree, or (4) the performance of any other act, the court may likewise grant such a stay, postponement, or suspension to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily subject to the obligation or liability the performance or enforcement of which is stayed, postponed, or suspended.

“(b) VACATION OR SET-ASIDE OF JUDGMENTS.—When a judgment or decree is vacated or set aside, in whole or in part, pursuant to this Act, the court may also set aside or vacate, as the case may be, the judgment or decree as to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily liable on the contract or liability for the enforcement of the judgment or decree.

“(c) BAIL BOND NOT TO BE ENFORCED DURING PERIOD OF MILITARY SERVICE.—A court may not enforce a bail bond during the period of military service of the principal on the bond when military service prevents the surety from obtaining the attendance of the principal. The court may discharge the surety and exonerate the bail, in accordance with principles of equity and justice, during or after the period of military service of the principal.

“(d) WAIVER OF RIGHTS.—

“(1) WAIVERS NOT PRECLUDED.—This Act does not prevent a waiver in writing by a

surety, guarantor, endorser, accommodation maker, comaker, or other person (whether primarily or secondarily liable on an obligation or liability) of the protections provided under subsections (a) and (b). Any such waiver is effective only if it is executed as an instrument separate from the obligation or liability with respect to which it applies.

“(2) WAIVER INVALIDATED UPON ENTRANCE TO MILITARY SERVICE.—If a waiver under paragraph (1) is executed by an individual who after the execution of the waiver enters military service, or by a dependent of an individual who after the execution of the waiver enters military service, the waiver is not valid after the beginning of the period of such military service unless the waiver was executed by such individual or dependent during the period specified in section 106.

**“SEC. 104. EXTENSION OF PROTECTIONS TO CITIZENS SERVING WITH ALLIED FORCES.**

“A citizen of the United States who is serving with the forces of a nation with which the United States is allied in the prosecution of a war or military action is entitled to the relief and protections provided under this Act if that service with the allied force is similar to military service as defined in this Act. The relief and protections provided to such citizen shall terminate on the date of discharge or release from such service.

**“SEC. 105. NOTIFICATION OF BENEFITS.**

“The Secretary concerned shall ensure that notice of the benefits accorded by this Act is provided in writing to persons in military service and to persons entering military service.

**“SEC. 106. EXTENSION OF RIGHTS AND PROTECTIONS TO RESERVES ORDERED TO REPORT FOR MILITARY SERVICE AND TO PERSONS ORDERED TO REPORT FOR INDUCTION.**

“(a) RESERVES ORDERED TO REPORT FOR MILITARY SERVICE.—A member of a reserve component who is ordered to report for military service is entitled to the rights and protections of this title and titles II and III during the period beginning on the date of the member's receipt of the order and ending on the date on which the member reports for military service (or, if the order is revoked before the member so reports, or the date on which the order is revoked).

“(b) PERSONS ORDERED TO REPORT FOR INDUCTION.—A person who has been ordered to report for induction under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) is entitled to the rights and protections provided a servicemember under this title and titles II and III during the period beginning on the date of receipt of the order for induction and ending on the date on which the person reports for induction (or, if the order to report for induction is revoked before the date on which the person reports for induction, on the date on which the order is revoked).

**“SEC. 107. WAIVER OF RIGHTS PURSUANT TO WRITTEN AGREEMENT.**

“(a) IN GENERAL.—A servicemember may waive any of the rights and protections provided by this Act. In the case of a waiver that permits an action described in subsection (b), the waiver is effective only if made pursuant to a written agreement of the parties that is executed during or after the servicemember's period of military service. The written agreement shall specify the legal instrument to which the waiver applies and, if the servicemember is not a party to that instrument, the servicemember concerned.

“(b) ACTIONS REQUIRING WAIVERS IN WRITING.—The requirement in subsection (a) for a written waiver applies to the following:

“(1) The modification, termination, or cancellation of—

“(A) a contract, lease, or bailment; or

“(B) an obligation secured by a mortgage, trust, deed, lien, or other security in the nature of a mortgage.

“(2) The repossession, retention, foreclosure, sale, forfeiture, or taking possession of property that—

“(A) is security for any obligation; or

“(B) was purchased or received under a contract, lease, or bailment.

“(c) COVERAGE OF PERIODS AFTER ORDERS RECEIVED.—For the purposes of this section—

“(1) a person to whom section 106 applies shall be considered to be a servicemember; and

“(2) the period with respect to such a person specified in subsection (a) or (b), as the case may be, of section 106 shall be considered to be a period of military service.

**“SEC. 108. EXERCISE OF RIGHTS UNDER ACT NOT TO AFFECT CERTAIN FUTURE FINANCIAL TRANSACTIONS.**

“Application by a servicemember for, or receipt by a servicemember of, a stay, postponement, or suspension pursuant to this Act in the payment of a tax, fine, penalty, insurance premium, or other civil obligation or liability of that servicemember shall not itself (without regard to other considerations) provide the basis for any of the following:

“(1) A determination by a lender or other person that the servicemember is unable to pay the civil obligation or liability in accordance with its terms.

“(2) With respect to a credit transaction between a creditor and the servicemember—

“(A) a denial or revocation of credit by the creditor;

“(B) a change by the creditor in the terms of an existing credit arrangement; or

“(C) a refusal by the creditor to grant credit to the servicemember in substantially the amount or on substantially the terms requested.

“(3) An adverse report relating to the creditworthiness of the servicemember by or to a person engaged in the practice of assembling or evaluating consumer credit information.

“(4) A refusal by an insurer to insure the servicemember.

“(5) An annotation in a servicemember's record by a creditor or a person engaged in the practice of assembling or evaluating consumer credit information, identifying the servicemember as a member of the National Guard or a reserve component.

“(6) A change in the terms offered or conditions required for the issuance of insurance.

**“SEC. 109. LEGAL REPRESENTATIVES.**

“(a) REPRESENTATIVE.—A legal representative of a servicemember for purposes of this Act is either of the following:

“(1) An attorney acting on the behalf of a servicemember.

“(2) An individual possessing a power of attorney.

“(b) APPLICATION.—Whenever the term ‘servicemember’ is used in this Act, such term shall be treated as including a reference to a legal representative of the servicemember.

**“TITLE II—GENERAL RELIEF**

**“SEC. 201. PROTECTION OF SERVICEMEMBERS AGAINST DEFAULT JUDGMENTS.**

“(a) APPLICABILITY OF SECTION.—This section applies to any civil action or proceeding in which the defendant does not make an appearance.

“(b) AFFIDAVIT REQUIREMENT.—

“(1) PLAINTIFF TO FILE AFFIDAVIT.—In any action or proceeding covered by this section, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—

“(A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or

“(B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

“(2) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—If in an action covered by this section it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed under this section to represent a servicemember cannot locate the servicemember, actions by the attorney in the case shall not waive any defense of the servicemember or otherwise bind the servicemember.

“(3) DEFENDANT’S MILITARY STATUS NOT ASCERTAINED BY AFFIDAVIT.—If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this Act.

“(4) SATISFACTION OF REQUIREMENT FOR AFFIDAVIT.—The requirement for an affidavit under paragraph (1) may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.

“(C) PENALTY FOR MAKING OR USING FALSE AFFIDAVIT.—A person who makes or uses an affidavit permitted under subsection (b) (or a statement, declaration, verification, or certificate as authorized under subsection (b)(4)) knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(d) STAY OF PROCEEDINGS.—In an action covered by this section in which the defendant is in military service, the court shall grant a stay of proceedings for a minimum period of 90 days under this subsection upon application of counsel, or on the court’s own motion, if the court determines that—

“(1) there may be a defense to the action and a defense cannot be presented without the presence of the defendant; or

“(2) after due diligence, counsel has been unable to contact the defendant or otherwise determine if a meritorious defense exists.

“(e) INAPPLICABILITY OF SECTION 202 PROCEDURES.—A stay of proceedings under subsection (d) shall not be controlled by procedures or requirements under section 202.

“(f) SECTION 202 PROTECTION.—If a servicemember who is a defendant in an action covered by this section receives actual notice of the action, the servicemember may request a stay of proceeding under section 202.

“(g) VACATION OR SETTING ASIDE OF DEFAULT JUDGMENTS.—

“(1) AUTHORITY FOR COURT TO VACATE OR SET ASIDE JUDGMENT.—If a default judgment is entered in an action covered by this sec-

tion against a servicemember during the servicemember’s period of military service (or within 60 days after termination of or release from such military service), the court entering the judgment shall, upon application by or on behalf of the servicemember, reopen the judgment for the purpose of allowing the servicemember to defend the action if it appears that—

“(A) the servicemember was materially affected by reason of that military service in making a defense to the action; and

“(B) the servicemember has a meritorious or legal defense to the action or some part of it.

“(2) TIME FOR FILING APPLICATION.—An application under this subsection must be filed not later than 90 days after the date of the termination of or release from military service.

“(h) PROTECTION OF BONA FIDE PURCHASER.—If a court vacates, sets aside, or reverses a default judgment against a servicemember and the vacating, setting aside, or reversing is because of a provision of this Act, that action shall not impair a right or title acquired by a bona fide purchaser for value under the default judgment.

**“SEC. 202. STAY OF PROCEEDINGS WHEN SERVICEMEMBER DEFENDANT HAS NOTICE.**

“(a) APPLICABILITY OF SECTION.—This section applies to any civil action or proceeding in which the defendant at the time of filing an application under this section—

“(1) is in military service or is within 90 days after termination of or release from military service; and

“(2) has received notice of the action or proceeding.

“(b) AUTOMATIC STAY.—

“(1) AUTHORITY FOR STAY.—At any stage before final judgment in a civil action or proceeding in which a servicemember described in subsection (a) is a party, the court may on its own motion and shall, upon application by the servicemember, stay the action for a period of not less than 90 days, if the conditions in paragraph (2) are met.

“(2) CONDITIONS FOR STAY.—An application for a stay under paragraph (1) shall include the following:

“(A) A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember’s ability to appear and stating a date when the servicemember will be available to appear.

“(B) A letter or other communication from the servicemember’s commanding officer stating that the servicemember’s current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter.

“(C) APPLICATION NOT A WAIVER OF DEFENSES.—An application for a stay under this section does not constitute an appearance for jurisdictional purposes and does not constitute a waiver of any substantive or procedural defense (including a defense relating to lack of personal jurisdiction).

“(d) ADDITIONAL STAY.—

“(1) APPLICATION.—A servicemember who is granted a stay of a civil action or proceeding under subsection (b) may apply for an additional stay based on continuing material affect of military duty on the servicemember’s ability to appear. Such an application may be made by the servicemember at the time of the initial application under subsection (b) or when it appears that the servicemember is unavailable to prosecute or defend the action. The same information required under subsection (b)(2) shall be included in an application under this subsection.

“(2) APPOINTMENT OF COUNSEL WHEN ADDITIONAL STAY REFUSED.—If the court refuses to grant an additional stay of proceedings

under paragraph (1), the court shall appoint counsel to represent the servicemember in the action or proceeding.

“(e) COORDINATION WITH SECTION 201.—A servicemember who applies for a stay under this section and is unsuccessful may not seek the protections afforded by section 201.

“(f) INAPPLICABILITY TO SECTION 301.—The protections of this section do not apply to section 301.

**“SEC. 203. FINES AND PENALTIES UNDER CONTRACTS.**

“(a) PROHIBITION OF PENALTIES.—When an action for compliance with the terms of a contract is stayed pursuant to this Act, a penalty shall not accrue for failure to comply with the terms of the contract during the period of the stay.

“(b) REDUCTION OR WAIVER OF FINES OR PENALTIES.—If a servicemember fails to perform an obligation arising under a contract and a penalty is incurred arising from that nonperformance, a court may reduce or waive the fine or penalty if—

“(1) the servicemember was in military service at the time the fine or penalty was incurred; and

“(2) the ability of the servicemember to perform the obligation was materially affected by such military service.

**“SEC. 204. STAY OR VACATION OF EXECUTION OF JUDGMENTS, ATTACHMENTS, AND GARNISHMENTS.**

“(a) COURT ACTION UPON MATERIAL AFFECT DETERMINATION.—If a servicemember, in the opinion of the court, is materially affected by reason of military service in complying with a court judgment or order, the court may on its own motion and shall on application by the servicemember—

“(1) stay the execution of any judgment or order entered against the servicemember; and

“(2) vacate or stay an attachment or garnishment of property, money, or debts in the possession of the servicemember or a third party, whether before or after judgment.

“(b) APPLICABILITY.—This section applies to an action or proceeding commenced in a court against a servicemember before or during the period of the servicemember’s military service or within 90 days after such service terminates.

**“SEC. 205. DURATION AND TERM OF STAYS; CO-DEFENDANTS NOT IN SERVICE.**

“(a) PERIOD OF STAY.—A stay of an action, proceeding, attachment, or execution made pursuant to the provisions of this Act by a court may be ordered for the period of military service and 90 days thereafter, or for any part of that period. The court may set the terms and amounts for such installment payments as is considered reasonable by the court.

“(b) CODEFENDANTS.—If the servicemember is a codefendant with others who are not in military service and who are not entitled to the relief and protections provided under this Act, the plaintiff may proceed against those other defendants with the approval of the court.

“(c) INAPPLICABILITY OF SECTION.—This section does not apply to sections 202 and 701.

**“SEC. 206. STATUTE OF LIMITATIONS.**

“(a) TOLLING OF STATUTES OF LIMITATION DURING MILITARY SERVICE.—The period of a servicemember’s military service may not be included in computing any period limited by law, regulation, or order for the bringing of any action or proceeding in a court, or in any board, bureau, commission, department, or other agency of a State (or political subdivision of a State) or the United States by or against the servicemember or the servicemember’s heirs, executors, administrators, or assigns.

“(b) REDEMPTION OF REAL PROPERTY.—A period of military service may not be included in computing any period provided by law for the redemption of real property sold or forfeited to enforce an obligation, tax, or assessment.

“(c) INAPPLICABILITY TO INTERNAL REVENUE LAWS.—This section does not apply to any period of limitation prescribed by or under the internal revenue laws of the United States.

**“SEC. 207. MAXIMUM RATE OF INTEREST ON DEBTS INCURRED BEFORE MILITARY SERVICE.**

“(a) INTEREST RATE LIMITATION.—

“(1) LIMITATION TO 6 PERCENT.—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, before the servicemember enters military service shall not bear interest at a rate in excess of 6 percent per year during the period of military service.

“(2) FORGIVENESS OF INTEREST IN EXCESS OF 6 PERCENT.—Interest at a rate in excess of 6 percent per year that would otherwise be incurred but for the prohibition in paragraph (1) is forgiven.

“(3) PREVENTION OF ACCELERATION OF PRINCIPAL.—The amount of any periodic payment due from a servicemember under the terms of the instrument that created an obligation or liability covered by this section shall be reduced by the amount of the interest forgiven under paragraph (2) that is allocable to the period for which such payment is made.

“(b) IMPLEMENTATION OF LIMITATION.—

“(1) WRITTEN NOTICE TO CREDITOR.—In order for an obligation or liability of a servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service, not later than 180 days after the date of the servicemember's termination or release from military service.

“(2) LIMITATION EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY.—Upon receipt of written notice and a copy of orders calling a servicemember to military service, the creditor shall treat the debt in accordance with subsection (a), effective as of the date on which the servicemember is called to military service.

“(c) CREDITOR PROTECTION.—A court may grant a creditor relief from the limitations of this section if, in the opinion of the court, the ability of the servicemember to pay interest upon the obligation or liability at a rate in excess of 6 percent per year is not materially affected by reason of the servicemember's military service.

“(d) INTEREST.—As used in this section, the term ‘interest’ includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

**“TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES**

**“SEC. 301. EVICTIONS AND DISTRESS.**

“(a) COURT-ORDERED EVICTION.—

“(1) IN GENERAL.—Except by court order, a landlord (or another person with paramount title) may not—

“(A) evict a servicemember, or the dependents of a servicemember, during a period of military service of the servicemember, from premises—

“(i) that are occupied or intended to be occupied primarily as a residence; and

“(ii) for which the monthly rent does not exceed \$1,700, as adjusted under paragraph (2) for years after 2003; or

“(B) subject such premises to a distress during the period of military service.

“(2) HOUSING PRICE INFLATION ADJUSTMENT.—(A) For calendar years beginning with 2004, the amount under subsection (a)(1)(A)(ii) shall be increased by the housing price inflation adjustment for the calendar year involved.

“(B) For purposes of this paragraph—

“(i) The housing price inflation adjustment for any calendar year is the percentage change (if any) by which—

“(I) the CPI housing component for November of the preceding calendar year, exceeds

“(II) the CPI housing component for November of 1984.

“(ii) The term ‘CPI housing component’ means the index published by the Bureau of Labor Statistics of the Department of Labor known as the Consumer Price Index, All Urban Consumers, Rent of Primary Residence, U.S. City Average.”.

“(b) STAY OF EXECUTION.—

“(1) COURT AUTHORITY.—Upon an application for eviction or distress with respect to premises covered by this section, the court may on its own motion and shall, if a request is made by or on behalf of a servicemember whose ability to pay the agreed rent is materially affected by military service—

“(A) stay the proceedings for a period of 90 days, unless in the opinion of the court, justice and equity require a longer or shorter period of time; or

“(B) adjust the obligation under the lease to preserve the interests of all parties.

“(2) RELIEF TO LANDLORD.—If a stay is granted under paragraph (1), the court may grant to the landlord (or other person with paramount title) such relief as equity may require.

“(c) PENALTIES.—

“(1) MISDEMEANOR.—Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(2) PRESERVATION OF OTHER REMEDIES AND RIGHTS.—The remedies and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion (or wrongful eviction) otherwise available under the law to the person claiming relief under this section, including any award for consequential and punitive damages.

“(d) RENT ALLOTMENT FROM PAY OF SERVICEMEMBER.—To the extent required by a court order related to property which is the subject of a court action under this section, the Secretary concerned shall make an allotment from the pay of a servicemember to satisfy the terms of such order, except that any such allotment shall be subject to regulations prescribed by the Secretary concerned establishing the maximum amount of pay of servicemembers that may be allotted under this subsection.

“(e) LIMITATION OF APPLICABILITY.—Section 202 is not applicable to this section.

**“SEC. 302. PROTECTION UNDER INSTALLMENT CONTRACTS FOR PURCHASE OR LEASE.**

“(a) PROTECTION UPON BREACH OF CONTRACT.—

“(1) PROTECTION AFTER ENTERING MILITARY SERVICE.—After a servicemember enters military service, a contract by the servicemember for—

“(A) the purchase of real or personal property; or

“(B) the lease or bailment of such property,

may not be rescinded or terminated for a breach of terms of the contract occurring be-

fore or during that person's military service, nor may the property be repossessed for such breach without a court order.

“(2) APPLICABILITY.—This section applies only to a contract for which a deposit or installment has been paid by the servicemember before the servicemember enters military service.

“(b) PENALTIES.—

“(1) MISDEMEANOR.—A person who knowingly resumes possession of property in violation of subsection (a), or in violation of section 107 of this Act, or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(2) PRESERVATION OF OTHER REMEDIES AND RIGHTS.—The remedies and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

“(c) AUTHORITY OF COURT.—In a hearing based on this section, the court—

“(1) may order repayment to the servicemember of all or part of the prior installments or deposits as a condition of terminating the contract and resuming possession of the property;

“(2) may, on its own motion, and shall on application by a servicemember when the servicemember's ability to comply with the contract is materially affected by military service, stay the proceedings for a period of time as, in the opinion of the court, justice and equity require; or

“(3) may make other disposition as is equitable to preserve the interests of all parties.

**“SEC. 303. MORTGAGES AND TRUST DEEDS.**

“(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property owned by a servicemember that—

“(1) originated before the period of the servicemember's military service and for which the servicemember is still obligated; and

“(2) is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

“(b) STAY OF PROCEEDINGS AND ADJUSTMENT OF OBLIGATION.—In an action filed during, or within 90 days after, a servicemember's period of military service to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a servicemember when the servicemember's ability to comply with the obligation is materially affected by military service—

“(1) stay the proceedings for a period of time as justice and equity require, or

“(2) adjust the obligation to preserve the interests of all parties.

“(c) SALE OR FORECLOSURE.—A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid if made during, or within 90 days after, the period of the servicemember's military service except—

“(1) upon a court order granted before such sale, foreclosure, or seizure with a return made and approved by the court; or

“(2) if made pursuant to an agreement as provided in section 107.

“(d) PENALTIES.—

“(1) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(2) PRESERVATION OF OTHER REMEDIES.—The remedies and rights provided under this

section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including consequential and punitive damages.

**“SEC. 304. SETTLEMENT OF STAYED CASES RELATING TO PERSONAL PROPERTY.**

“(a) APPRAISAL OF PROPERTY.—When a stay is granted pursuant to this Act in a proceeding to foreclose a mortgage on or to repossess personal property, or to rescind or terminate a contract for the purchase of personal property, the court may appoint three disinterested parties to appraise the property.

“(b) EQUITY PAYMENT.—Based on the appraisal, and if undue hardship to the servicemember’s dependents will not result, the court may order that the amount of the servicemember’s equity in the property be paid to the servicemember, or the servicemember’s dependents, as a condition of foreclosing the mortgage, repossessing the property, or rescinding or terminating the contract.

**“SEC. 305. TERMINATION OF LEASES BY LESSEES.**

“(a) COVERED LEASES.—This section applies to the lease of premises occupied, or intended to be occupied, by a servicemember or a servicemember’s dependents for a residential, professional, business, agricultural, or similar purpose if—

“(1) the lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service; or

“(2) the servicemember, while in military service, executes a lease and thereafter receives military orders for a permanent change of station or to deploy with a military unit for a period of not less than 90 days.

“(b) NOTICE TO LESSOR.—

“(1) DELIVERY OF NOTICE.—A lease described in subsection (a) is terminated when written notice is delivered by the lessee to the lessor (or the lessor’s grantee) or to the lessor’s agent (or the agent’s grantee).

“(2) TIME FOR NOTICE.—The written notice may be delivered at any time after the lessee’s entry into military service or the date of the military orders for a permanent change of station or to deploy for a period of not less than 90 days.

“(3) NATURE OF NOTICE.—Delivery may be accomplished—

“(A) by hand delivery;

“(B) by private business carrier; or

“(C) by placing the written notice in an envelope with sufficient postage and addressed to the lessor (or the lessor’s grantee) or to the lessor’s agent (or the agent’s grantee) and depositing the written notice in the United States mails.

“(c) EFFECTIVE DATE OF TERMINATION.—

“(1) LEASE WITH MONTHLY RENT.—Termination of a lease providing for monthly payment of rent shall be effective 30 days after the first date on which the next rental payment is due and payable after the date on which the notice is delivered.

“(2) OTHER LEASE.—All other leases terminate on the last day of the month following the month in which the notice is delivered.

“(d) ARREARAGES IN RENT.—Rents unpaid for the period preceding termination shall be paid on a prorated basis.

“(e) RENT PAID IN ADVANCE.—Rents paid in advance for a period succeeding termination shall be refunded to the lessee by the lessor (or the lessor’s assignee or the assignee’s agent).

“(f) RELIEF TO LESSOR.—Upon application by the lessor to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

“(g) PENALTIES.—

“(1) MISDEMEANOR.—Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember’s dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential or punitive damages.

**“SEC. 306. PROTECTION OF LIFE INSURANCE POLICY.**

“(a) ASSIGNMENT OF POLICY PROTECTED.—If a life insurance policy on the life of a servicemember is assigned before military service to secure the payment of an obligation, the assignee of the policy (except the insurer in connection with a policy loan) may not exercise, during a period of military service of the servicemember or within one year thereafter, any right or option obtained under the assignment without a court order.

“(b) EXCEPTION.—The prohibition in subsection (a) shall not apply—

“(1) if the assignee has the written consent of the insured made during the period described in subsection (a)(1);

“(2) when the premiums on the policy are due and unpaid; or

“(3) upon the death of the insured.

“(c) ORDER REFUSED BECAUSE OF MATERIAL AFFECT.—A court which receives an application for an order required under subsection (a) may refuse to grant such order if the court determines the ability of the servicemember to comply with the terms of the obligation is materially affected by military service.

“(d) TREATMENT OF GUARANTEED PREMIUMS.—For purposes of this subsection, premiums guaranteed under the provisions of title IV of this Act shall not be considered due and unpaid.

“(e) PENALTIES.—

“(1) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any consequential or punitive damages.

**“SEC. 307. ENFORCEMENT OF STORAGE LIENS.**

“(a) LIENS.—

“(1) LIMITATION ON FORECLOSURE OR ENFORCEMENT.—A person holding a lien on the property or effects of a servicemember may not, during any period of military service of the servicemember and for 90 days thereafter, foreclose or enforce any lien on such property or effects without a court order granted before foreclosure or enforcement.

“(2) LIEN DEFINED.—For the purposes of paragraph (1), the term ‘lien’ includes a lien for storage, repair, or cleaning of the property or effects of a servicemember or a lien on such property or effects for any other reason.

“(b) STAY OF PROCEEDINGS.—In a proceeding to foreclose or enforce a lien subject to this section, the court may on its own motion, and shall if requested by a servicemember whose ability to comply with the obligation resulting in the proceeding is materially affected by military service—

“(1) stay the proceeding for a period of time as justice and equity require; or

“(2) adjust the obligation to preserve the interests of all parties.

The provisions of this subsection do not affect the scope of section 303.

“(c) PENALTIES.—

“(1) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any consequential or punitive damages.

**“SEC. 308. EXTENSION OF PROTECTIONS TO DEPENDENTS.**

“Upon application to a court, a dependent of a servicemember is entitled to the protections of this title if the dependent’s ability to comply with a lease, contract, bailment, or other obligation is materially affected by reason of the servicemember’s military service.

**“TITLE IV—LIFE INSURANCE**

**“SEC. 401. DEFINITIONS.**

“For the purposes of this title:

“(1) POLICY.—The term ‘policy’ means any contract for whole, endowment, universal, or term life insurance, including any benefit in the nature of such insurance arising out of membership in any fraternal or beneficial association which—

“(A) provides that the insurer may not—

“(i) decrease the amount of coverage or increase the amount of premiums if the insured is in military service; or

“(ii) limit or restrict coverage for any activity required by military service; and

“(B) is in force not less than 180 days before the date of the insured’s entry into military service and at the time of application under this title.

“(2) PREMIUM.—The term ‘premium’ means the amount specified in an insurance policy to be paid to keep the policy in force.

“(3) INSURED.—The term ‘insured’ means a servicemember whose life is insured under a policy.

“(4) INSURER.—The term ‘insurer’ includes any firm, corporation, partnership, association, or business that is chartered or authorized to provide insurance and issue contracts or policies by the laws of a State or the United States.

**“SEC. 402. INSURANCE RIGHTS AND PROTECTIONS.**

“(a) RIGHTS AND PROTECTIONS.—The rights and protections under this title apply to the insured when the insured, the insured’s designee, or the insured’s beneficiary applies in writing for protection under this title, unless the Secretary of Veterans Affairs determines that the insured’s policy is not entitled to protection under this title.

“(b) NOTIFICATION AND APPLICATION.—The Secretary of Veterans Affairs shall notify the Secretary concerned of the procedures to be used to apply for the protections provided under this title. The applicant shall send the original application to the insurer and a copy to the Secretary of Veterans Affairs.

“(c) LIMITATION ON AMOUNT.—The total amount of life insurance coverage protection provided by this title for a servicemember

may not exceed \$250,000, or an amount equal to the Servicemember's Group Life Insurance maximum limit, whichever is greater, regardless of the number of policies submitted.

**"SEC. 403. APPLICATION FOR INSURANCE PROTECTION.**

"(a) APPLICATION PROCEDURE.—An application for protection under this title shall—

"(1) be in writing and signed by the insured, the insured's designee, or the insured's beneficiary, as the case may be;

"(2) identify the policy and the insurer; and

"(3) include an acknowledgement that the insured's rights under the policy are subject to and modified by the provisions of this title.

"(b) ADDITIONAL REQUIREMENTS.—The Secretary of Veterans Affairs may require additional information from the applicant, the insured and the insurer to determine if the policy is entitled to protection under this title.

"(c) NOTICE TO THE SECRETARY BY THE INSURED.—Upon receipt of the application of the insured, the insurer shall furnish a report concerning the policy to the Secretary of Veterans Affairs as required by regulations prescribed by the Secretary.

"(d) POLICY MODIFICATION.—Upon application for protection under this title, the insured and the insurer shall have constructively agreed to any policy modification necessary to give this title full force and effect.

**"SEC. 404. POLICIES ENTITLED TO PROTECTION AND LAPSE OF POLICIES.**

"(a) DETERMINATION.—The Secretary of Veterans Affairs shall determine whether a policy is entitled to protection under this title and shall notify the insured and the insurer of that determination.

"(b) LAPSE PROTECTION.—A policy that the Secretary determines is entitled to protection under this title shall not lapse or otherwise terminate or be forfeited for the nonpayment of a premium, or interest or indebtedness on a premium, after the date of the application for protection.

"(c) TIME APPLICATION.—The protection provided by this title applies during the insured's period of military service and for a period of two years thereafter.

**"SEC. 405. POLICY RESTRICTIONS.**

"(a) DIVIDENDS.—While a policy is protected under this title, a dividend or other monetary benefit under a policy may not be paid to an insured or used to purchase dividend additions without the approval of the Secretary of Veterans Affairs. If such approval is not obtained, the dividends or benefits shall be added to the value of the policy to be used as a credit when final settlement is made with the insurer.

"(b) SPECIFIC RESTRICTIONS.—While a policy is protected under this title, cash value, loan value, withdrawal of dividend accumulation, unearned premiums, or other value of similar character may not be available to the insured without the approval of the Secretary. The right of the insured to change a beneficiary designation or select an optional settlement for a beneficiary shall not be affected by the provisions of this title.

**"SEC. 406. DEDUCTION OF UNPAID PREMIUMS.**

"(a) SETTLEMENT OF PROCEEDS.—If a policy matures as a result of a servicemember's death or otherwise during the period of protection of the policy under this title, the insurer in making settlement shall deduct from the insurance proceeds the amount of the unpaid premiums guaranteed under this title, together with interest due at the rate fixed in the policy for policy loans.

"(b) INTEREST RATE.—If the interest rate is not specifically fixed in the policy, the rate shall be the same as for policy loans in other

policies issued by the insurer at the time the insured's policy was issued.

"(c) REPORTING REQUIREMENT.—The amount deducted under this section, if any, shall be reported by the insurer to the Secretary of Veterans Affairs.

**"SEC. 407. PREMIUMS AND INTEREST GUARANTEED BY UNITED STATES.**

"(a) GUARANTEE OF PREMIUMS AND INTEREST BY THE UNITED STATES.—

"(1) GUARANTEE.—Payment of premiums, and interest on premiums at the rate specified in section 406, which become due on a policy under the protection of this title is guaranteed by the United States. If the amount guaranteed is not paid to the insurer before the period of insurance protection under this title expires, the amount due shall be treated by the insurer as a policy loan on the policy.

"(2) POLICY TERMINATION.—If, at the expiration of insurance protection under this title, the cash surrender value of a policy is less than the amount due to pay premiums and interest on premiums on the policy, the policy shall terminate. Upon such termination, the United States shall pay the insurer the difference between the amount due and the cash surrender value.

"(b) RECOVERY FROM INSURED OF AMOUNTS PAID BY THE UNITED STATES.—

"(1) DEBT PAYABLE TO THE UNITED STATES.—The amount paid by the United States to an insurer under this title shall be a debt payable to the United States by the insured on whose policy payment was made.

"(2) COLLECTION.—Such amount may be collected by the United States, either as an offset from any amount due the insured by the United States or as otherwise authorized by law.

"(3) DEBT NOT DISCHARGEABLE IN BANKRUPTCY.—Such debt payable to the United States is not dischargeable in bankruptcy proceedings.

"(c) CREDITING OF AMOUNTS RECOVERED.—Any amounts received by the United States as repayment of debts incurred by an insured under this title shall be credited to the appropriation for the payment of claims under this title.

**"SEC. 408. REGULATIONS.**

"The Secretary of Veterans Affairs shall prescribe regulations for the implementation of this title.

**"SEC. 409. REVIEW OF FINDINGS OF FACT AND CONCLUSIONS OF LAW.**

"The findings of fact and conclusions of law made by the Secretary of Veterans Affairs in administering this title may be reviewed by the Board of Veterans' Appeals and the United States Court of Appeals for Veterans Claims.

**"TITLE V—TAXES AND PUBLIC LANDS**

**"SEC. 501. TAXES RESPECTING PERSONAL PROPERTY, MONEY, CREDITS, AND REAL PROPERTY.**

"(a) APPLICATION.—This section applies in any case in which a tax or assessment, whether general or special (other than a tax on personal income), falls due and remains unpaid before or during a period of military service with respect to a servicemember's—

"(1) personal property; or

"(2) real property occupied for dwelling, professional, business, or agricultural purposes by a servicemember or the servicemember's dependents or employees—

"(A) before the servicemember's entry into military service; and

"(B) during the time the tax or assessment remains unpaid.

"(b) SALE OF PROPERTY.—

"(1) LIMITATION ON SALE OF PROPERTY TO ENFORCE TAX ASSESSMENT.—Property described in subsection (a) may not be sold to enforce the collection of such tax or assess-

ment except by court order and upon the determination by the court that military service does not materially affect the servicemember's ability to pay the unpaid tax or assessment.

"(2) STAY OF COURT PROCEEDINGS.—A court may stay a proceeding to enforce the collection of such tax or assessment, or sale of such property, during a period of military service of the servicemember and for a period not more than 180 days after the termination of, or release of the servicemember from, military service.

"(c) REDEMPTION.—When property described in subsection (a) is sold or forfeited to enforce the collection of a tax or assessment, a servicemember shall have the right to redeem or commence an action to redeem the servicemember's property during the period of military service or within 180 days after termination of or release from military service. This subsection may not be construed to shorten any period provided by the law of a State (including any political subdivision of a State) for redemption.

"(d) INTEREST ON TAX OR ASSESSMENT.—Whenever a servicemember does not pay a tax or assessment on property described in subsection (a) when due, the amount of the tax or assessment due and unpaid shall bear interest until paid at the rate of 6 percent per year. An additional penalty or interest shall not be incurred by reason of nonpayment. A lien for such unpaid tax or assessment may include interest under this subsection.

"(e) JOINT OWNERSHIP APPLICATION.—This section applies to all forms of property described in subsection (a) owned individually by a servicemember or jointly by a servicemember and a dependent or dependents.

**"SEC. 502. RIGHTS IN PUBLIC LANDS.**

"(a) RIGHTS NOT FORFEITED.—The rights of a servicemember to lands owned or controlled by the United States, and initiated or acquired by the servicemember under the laws of the United States (including the mining and mineral leasing laws) before military service, shall not be forfeited or prejudiced as a result of being absent from the land, or by failing to begin or complete any work or improvements to the land, during the period of military service.

"(b) TEMPORARY SUSPENSION OF PERMITS OR LICENSES.—If a permittee or licensee under the Act of June 28, 1934 (43 U.S.C. 315 et seq.), enters military service, the permittee or licensee may suspend the permit or license for the period of military service and for 180 days after termination of or release from military service.

"(c) REGULATIONS.—Regulations prescribed by the Secretary of the Interior shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during the period of such suspension.

**"SEC. 503. DESERT-LAND ENTRIES.**

"(a) DESERT-LAND RIGHTS NOT FORFEITED.—A desert-land entry made or held under the desert-land laws before the entrance of the entryman or the entryman's successor in interest into military service shall not be subject to contest or cancellation—

"(1) for failure to expend any required amount per acre per year in improvements upon the claim;

"(2) for failure to effect the reclamation of the claim during the period the entryman or the entryman's successor in interest is in the military service, or for 180 days after termination of or release from military service; or

"(3) during any period of hospitalization or rehabilitation due to an injury or disability incurred in the line of duty.

The time within which the entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of the time periods described in paragraphs (2) and (3).

“(b) SERVICE-RELATED DISABILITY.—If an entryman or claimant is honorably discharged and is unable to accomplish reclamation of, and payment for, desert land due to a disability incurred in the line of duty, the entryman or claimant may make proof without further reclamation or payments, under regulations prescribed by the Secretary of the Interior, and receive a patent for the land entered or claimed.

“(c) FILING REQUIREMENT.—In order to obtain the protection of this section, the entryman or claimant shall, within 180 days after entry into military service, cause to be filed in the land office of the district where the claim is situated a notice communicating the fact of military service and the desire to hold the claim under this section.

**“SEC. 504. MINING CLAIMS.**

“(a) REQUIREMENTS SUSPENDED.—The provisions of section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) specified in subsection (b) shall not apply to a servicemember's claims or interests in claims, regularly located and recorded, during a period of military service and 180 days thereafter, or during any period of hospitalization or rehabilitation due to injuries or disabilities incurred in the line of duty.

“(b) REQUIREMENTS.—The provisions in section 2324 of the Revised Statutes that shall not apply under subsection (a) are those which require that on each mining claim located after May 10, 1872, and until a patent has been issued for such claim, not less than \$100 worth of labor shall be performed or improvements made during each year.

“(c) PERIOD OF PROTECTION FROM FORFEITURE.—A mining claim or an interest in a claim owned by a servicemember that has been regularly located and recorded shall not be subject to forfeiture for nonperformance of annual assessments during the period of military service and for 180 days thereafter, or for any period of hospitalization or rehabilitation described in subsection (a).

“(d) FILING REQUIREMENT.—In order to obtain the protections of this section, the claimant of a mining location shall, before the end of the assessment year in which military service is begun or within 60 days after the end of such assessment year, cause to be filed in the office where the location notice or certificate is recorded a notice communicating the fact of military service and the desire to hold the mining claim under this section.

**“SEC. 505. MINERAL PERMITS AND LEASES.**

“(a) SUSPENSION DURING MILITARY SERVICE.—A person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may suspend all operations under the permit or lease for the duration of military service and for 180 days thereafter. The term of the permit or lease shall not run during the period of suspension, nor shall any rental or royalties be charged against the permit or lease during the period of suspension.

“(b) NOTIFICATION.—In order to obtain the protection of this section, the permittee or lessee shall, within 180 days after entry into military service, notify the Secretary of the Interior by registered mail of the fact that military service has begun and of the desire to hold the claim under this section.

“(c) CONTRACT MODIFICATION.—This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

**“SEC. 506. PERFECTION OR DEFENSE OF RIGHTS.**

“(a) RIGHT TO TAKE ACTION NOT AFFECTED.—This title shall not affect the right

of a servicemember to take action during a period of military service that is authorized by law or regulations of the Department of the Interior, for the perfection, defense, or further assertion of rights initiated or acquired before entering military service.

“(b) AFFIDAVITS AND PROOFS.—

“(1) IN GENERAL.—A servicemember during a period of military service may make any affidavit or submit any proof required by law, practice, or regulation of the Department of the Interior in connection with the entry, perfection, defense, or further assertion of rights initiated or acquired before entering military service before an officer authorized to provide notary services under section 1044a of title 10, United States Code, or any superior commissioned officer.

“(2) LEGAL STATUS OF AFFIDAVITS.—Such affidavits shall be binding in law and subject to the same penalties as prescribed by section 1001 of title 18, United States Code.

**“SEC. 507. DISTRIBUTION OF INFORMATION CONCERNING BENEFITS OF TITLE.**

“(a) DISTRIBUTION OF INFORMATION BY SECRETARY CONCERNED.—The Secretary concerned shall issue to servicemembers information explaining the provisions of this title.

“(b) APPLICATION FORMS.—The Secretary concerned shall provide application forms to servicemembers requesting relief under this title.

“(c) INFORMATION FROM SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall furnish to the Secretary concerned information explaining the provisions of this title (other than sections 501, 510, and 511) and related application forms.

**“SEC. 508. LAND RIGHTS OF SERVICEMEMBERS.**

“(a) NO AGE LIMITATIONS.—Any servicemember under the age of 21 in military service shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including mining and mineral leasing laws, as those servicemembers who are 21 years of age.

“(b) RESIDENCY REQUIREMENT.—Any requirement related to the establishment of a residence within a limited time shall be suspended as to entry by a servicemember in military service until 180 days after termination of or release from military service.

“(c) ENTRY APPLICATIONS.—Applications for entry may be verified before a person authorized to administer oaths under section 1044a of title 10, United States Code, or under the laws of the State where the land is situated.

**“SEC. 509. REGULATIONS.**

The Secretary of the Interior may issue regulations necessary to carry out this title (other than sections 501, 510, and 511).

**“SEC. 510. INCOME TAXES.**

“(a) DEFERRAL OF TAX.—Upon notice to the Internal Revenue Service or the tax authority of a State or a political subdivision of a State, the collection of income tax on the income of a servicemember falling due before or during military service shall be deferred for a period not more than 180 days after termination of or release from military service, if a servicemember's ability to pay such income tax is materially affected by military service.

“(b) ACCRUAL OF INTEREST OR PENALTY.—No interest or penalty shall accrue for the period of deferment by reason of nonpayment on any amount of tax deferred under this section.

“(c) STATUTE OF LIMITATIONS.—The running of a statute of limitations against the collection of tax deferred under this section, by seizure or otherwise, shall be suspended for the period of military service of the servicemember and for an additional period of 270 days thereafter.

“(d) APPLICATION LIMITATION.—This section shall not apply to the tax imposed on employees by section 3101 of the Internal Revenue Code of 1986.

**“SEC. 511. RESIDENCE FOR TAX PURPOSES.**

“(a) RESIDENCE OR DOMICILE.—A servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the servicemember by reason of being absent or present in any tax jurisdiction of the United States solely in compliance with military orders.

“(b) MILITARY SERVICE COMPENSATION.—Compensation of a servicemember for military service shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the servicemember is not a resident or domiciliary of the jurisdiction in which the servicemember is serving in compliance with military orders.

“(c) PERSONAL PROPERTY.—

“(1) RELIEF FROM PERSONAL PROPERTY TAXES.—The personal property of a servicemember shall not be deemed to be located or present in, or to have a situs for taxation in, the tax jurisdiction in which the servicemember is serving in compliance with military orders.

“(2) EXCEPTION FOR PROPERTY WITHIN MEMBER'S DOMICILE OR RESIDENCE.—This subsection applies to personal property or its use within any tax jurisdiction other than the servicemember's domicile or residence.

“(3) EXCEPTION FOR PROPERTY USED IN TRADE OR BUSINESS.—This section does not prevent taxation by a tax jurisdiction with respect to personal property used in or arising from a trade or business, if it has jurisdiction.

“(4) RELATIONSHIP TO LAW OF STATE OF DOMICILE.—Eligibility for relief from personal property taxes under this subsection is not contingent on whether or not such taxes are paid to the State of domicile.

“(d) INCREASE OF TAX LIABILITY.—A tax jurisdiction may not use the military compensation of a nonresident servicemember to increase the tax liability imposed on other income earned by the nonresident servicemember or spouse subject to tax by the jurisdiction.

“(e) FEDERAL INDIAN RESERVATIONS.—An Indian servicemember whose legal residence or domicile is a Federal Indian reservation shall be taxed by the laws applicable to Federal Indian reservations and not the State where the reservation is located.

“(f) DEFINITIONS.—For purposes of this section:

“(1) PERSONAL PROPERTY.—The term ‘personal property’ means intangible and tangible property (including motor vehicles).

“(2) TAXATION.—The term ‘taxation’ includes licenses, fees, or excises imposed with respect to motor vehicles and their use, if the license, fee, or excise is paid by the servicemember in the servicemember's State of domicile or residence.

“(3) TAX JURISDICTION.—The term ‘tax jurisdiction’ means a State or a political subdivision of a State.

**“TITLE VI—ADMINISTRATIVE REMEDIES**

**“SEC. 601. INAPPROPRIATE USE OF ACT.**

“If a court determines, in any proceeding to enforce a civil right, that any interest, property, or contract has been transferred or acquired with the intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made concerning such transfer or acquisition.

**“SEC. 602. CERTIFICATES OF SERVICE; PERSONS REPORTED MISSING.**

“(a) PRIMA FACIE EVIDENCE.—In any proceeding under this Act, a certificate signed

by the Secretary concerned is prima facie evidence as to any of the following facts stated in the certificate:

“(1) That a person named is, is not, has been, or has not been in military service.

“(2) The time and the place the person entered military service.

“(3) The person’s residence at the time the person entered military service.

“(4) The rank, branch, and unit of military service of the person upon entry.

“(5) The inclusive dates of the person’s military service.

“(6) The monthly pay received by the person at the date of the certificate’s issuance.

“(7) The time and place of the person’s termination of or release from military service, or the person’s death during military service.

“(b) CERTIFICATES.—The Secretary concerned shall furnish a certificate under subsection (a) upon receipt of an application for such a certificate. A certificate appearing to be signed by the Secretary concerned is prima facie evidence of its contents and of the signer’s authority to issue it.

“(c) TREATMENT OF SERVICEMEMBERS IN MISSING STATUS.—A servicemember who has been reported missing is presumed to continue in service until accounted for. A requirement under this Act that begins or ends with the death of a servicemember does not begin or end until the servicemember’s death is reported to, or determined by, the Secretary concerned or by a court of competent jurisdiction.

**“SEC. 603. INTERLOCUTORY ORDERS.**

“An interlocutory order issued by a court under this Act may be revoked, modified, or extended by that court upon its own motion or otherwise, upon notification to affected parties as required by the court.

**“TITLE VII—FURTHER RELIEF**

**“SEC. 701. ANTICIPATORY RELIEF.**

“(a) APPLICATION FOR RELIEF.—A servicemember may, during military service or within 180 days of termination of or release from military service, apply to a court for relief—

“(1) from any obligation or liability incurred by the servicemember before the servicemember’s military service; or

“(2) from a tax or assessment falling due before or during the servicemember’s military service.

“(b) TAX LIABILITY OR ASSESSMENT.—In a case covered by subsection (a), the court may, if the ability of the servicemember to comply with the terms of such obligation or liability or pay such tax or assessment has been materially affected by reason of military service, after appropriate notice and hearing, grant the following relief:

“(1) STAY OF ENFORCEMENT OF REAL ESTATE CONTRACTS.—

“(A) In the case of an obligation payable in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, the court may grant a stay of the enforcement of the obligation—

“(i) during the servicemember’s period of military service; and

“(ii) from the date of termination of or release from military service, or from the date of application if made after termination of or release from military service.

“(B) Any stay under this paragraph shall be—

“(i) for a period equal to the remaining life of the installment contract or other instrument, plus a period of time equal to the period of military service of the servicemember, or any part of such combined period; and

“(ii) subject to payment of the balance of the principal and accumulated interest due

and unpaid at the date of termination or release from the applicant’s military service or from the date of application in equal installments during the combined period at the rate of interest on the unpaid balance prescribed in the contract or other instrument evidencing the obligation, and subject to other terms as may be equitable.

“(2) STAY OF ENFORCEMENT OF OTHER CONTRACTS.—

“(A) In the case of any other obligation, liability, tax, or assessment, the court may grant a stay of enforcement—

“(i) during the servicemember’s military service; and

“(ii) from the date of termination of or release from military service, or from the date of application if made after termination or release from military service.

“(B) Any stay under this paragraph shall be—

“(i) for a period of time equal to the period of the servicemember’s military service or any part of such period; and

“(ii) subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination or release from military service, or the date of application, in equal periodic installments during this extended period at the rate of interest as may be prescribed for this obligation, liability, tax, or assessment, if paid when due, and subject to other terms as may be equitable.

“(c) AFFECT OF STAY ON FINE OR PENALTY.—When a court grants a stay under this section, a fine or penalty shall not accrue on the obligation, liability, tax, or assessment for the period of compliance with the terms and conditions of the stay.

**“SEC. 702. POWER OF ATTORNEY.**

“(a) AUTOMATIC EXTENSION.—A power of attorney of a servicemember shall be automatically extended for the period the servicemember is in a missing status (as defined in section 551(2) of title 37, United States Code) if the power of attorney—

“(1) was duly executed by the servicemember—

“(A) while in military service; or

“(B) before entry into military service but after the servicemember—

“(i) received a call or order to report for military service; or

“(ii) was notified by an official of the Department of Defense that the person could receive a call or order to report for military service;

“(2) designates the servicemember’s spouse, parent, or other named relative as the servicemember’s attorney in fact for certain, specified, or all purposes; and

“(3) expires by its terms after the servicemember entered a missing status.

“(b) LIMITATION ON POWER OF ATTORNEY EXTENSION.—A power of attorney executed by a servicemember may not be extended under subsection (a) if the document by its terms clearly indicates that the power granted expires on the date specified even though the servicemember, after the date of execution of the document, enters a missing status.

**“SEC. 703. PROFESSIONAL LIABILITY PROTECTION.**

“(a) APPLICABILITY.—This section applies to a servicemember who—

“(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to sections 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12307 of title 10, United States Code, or who is ordered to active duty under section 12301(d) of such title during a period when members are on active duty pursuant to any of the preceding sections; and

“(2) immediately before receiving the order to active duty—

“(A) was engaged in the furnishing of health-care or legal services or other services determined by the Secretary of Defense to be professional services; and

“(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to the servicemember during the period of the servicemember’s active duty unless the premiums are paid for such coverage for such period.

“(b) SUSPENSION OF COVERAGE.—

“(1) SUSPENSION.—Coverage of a servicemember referred to in subsection (a) by a professional liability insurance policy shall be suspended by the insurance carrier in accordance with this subsection upon receipt of a written request from the servicemember, or the servicemember’s legal representative, by the insurance carrier.

“(2) PREMIUMS FOR SUSPENDED CONTRACTS.—A professional liability insurance carrier—

“(A) may not require that premiums be paid by or on behalf of a servicemember for any professional liability insurance coverage suspended pursuant to paragraph (1); and

“(B) shall refund any amount paid for coverage for the period of such suspension or, upon the election of such servicemember, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

“(3) NONLIABILITY OF CARRIER DURING SUSPENSION.—A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a servicemember that occurs during a period of suspension of that servicemember’s professional liability insurance under this subsection.

“(4) CERTAIN CLAIMS CONSIDERED TO ARISE BEFORE SUSPENSION.—For the purposes of paragraph (3), a claim based upon the failure of a professional to make adequate provision for a patient, client, or other person to receive professional services or other assistance during the period of the professional’s active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of the suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

“(c) REINSTATEMENT OF COVERAGE.—

“(1) REINSTATEMENT REQUIRED.—Professional liability insurance coverage suspended in the case of any servicemember pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that servicemember transmits to the insurance carrier a written request for reinstatement.

“(2) TIME AND PREMIUM FOR REINSTATEMENT.—The request of a servicemember for reinstatement shall be effective only if the servicemember transmits the request to the insurance carrier within 30 days after the date on which the servicemember is released from active duty. The insurance carrier shall notify the servicemember of the due date for payment of the premium of such insurance. Such premium shall be paid by the servicemember within 30 days after receipt of that notice.

“(3) PERIOD OF REINSTATED COVERAGE.—The period for which professional liability insurance coverage shall be reinstated for a servicemember under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

“(d) INCREASE IN PREMIUM.—

“(1) LIMITATION ON PREMIUM INCREASES.—An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any servicemember for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the suspension.

“(2) EXCEPTION.—Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

“(e) CONTINUATION OF COVERAGE OF UNAFFECTED PERSONS.—This section does not—

“(1) require a suspension of professional liability insurance protection for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

“(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

“(f) STAY OF CIVIL OR ADMINISTRATIVE ACTIONS.—

“(1) STAY OF ACTIONS.—A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a servicemember whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

“(A) the action was commenced during the period of the suspension;

“(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

“(C) the suspended professional liability insurance would, except for the suspension, on its face cover the alleged professional negligence or other professional liability of the servicemember.

“(2) DATE OF COMMENCEMENT OF ACTION.—Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any servicemember, the action shall have been deemed to have been filed on the date on which the professional liability insurance coverage of the servicemember is reinstated under subsection (c).

“(g) EFFECT OF SUSPENSION UPON LIMITATIONS PERIOD.—In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

“(h) DEATH DURING PERIOD OF SUSPENSION.—If a servicemember whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

“(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such servicemember under subsection (f)(1) shall terminate on the date of the death of such servicemember; and

“(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased servicemember in the same manner and to the same extent as such carrier would be liable if the servicemember had died while covered by such insurance but before the claim was filed.

“(i) DEFINITIONS.—For purposes of this section:

“(1) The term ‘active duty’ has the meaning given that term in section 101(d)(1) of title 10, United States Code.

“(2) The term ‘profession’ includes occupation.

“(3) The term ‘professional’ includes occupational.

“**SEC. 704. HEALTH INSURANCE REINSTATEMENT.**

“(a) REINSTATEMENT OF HEALTH INSURANCE.—A servicemember who, by reason of military service as defined in section 703(a)(1), is entitled to the rights and protections of this Act shall also be entitled upon termination or release from such service to reinstatement of any health insurance that—

“(1) was in effect on the day before such service commenced; and

“(2) was terminated effective on a date during the period of such service.

“(b) NO EXCLUSION OR WAITING PERIOD.—The reinstatement of health care insurance coverage for the health or physical condition of a servicemember described in subsection (a), or any other person who is covered by the insurance by reason of the coverage of the servicemember, shall not be subject to an exclusion or a waiting period, if—

“(1) the condition arose before or during the period of such service;

“(2) an exclusion or a waiting period would not have been imposed for the condition during the period of coverage; and

“(3) if the condition relates to the servicemember, the condition has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

“(c) EXCEPTIONS.—Subsection (a) does not apply to a servicemember entitled to participate in employer-offered insurance benefits pursuant to the provisions of chapter 43 of title 38, United States Code.

“(d) TIME FOR APPLYING FOR REINSTATEMENT.—An application under this section must be filed not later than 120 days after the date of the termination of or release from military service.

“**SEC. 705. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.**

“For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”

“**SEC. 2. CONFORMING AMENDMENTS.**

(a) MILITARY SELECTIVE SERVICE ACT.—Section 14 of the Military Selective Service Act (50 U.S.C. App. 464) is repealed.

(b) TITLE 5, UNITED STATES CODE.—

(1) Section 5520(a)(2)(A) of title 5, United States Code, is amended by striking “Soldiers’ and Sailors’ Civil Relief Act of 1940” and inserting “Servicemembers Civil Relief Act”; and

(2) Section 5569(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “provided by the Soldiers’ and Sailors’ Civil Relief Act of 1940” and all that follows through “of such Act” and inserting “provided by the Servicemembers Civil Relief Act, including the benefits provided by section 702 of such Act but excluding the benefits provided by sections 104, 105, and 106, title IV, and title V (other than sections 501 and 510) of such Act”; and

(B) in paragraph (2)(A), by striking “person in the military service” and inserting “servicemember”.

(c) TITLE 10, UNITED STATES CODE.—Section 1408(b)(1)(D) of title 10, United States Code, is amended by striking “Soldiers’ and Sailors’ Civil Relief Act of 1940” and inserting “Servicemembers Civil Relief Act”.

(d) INTERNAL REVENUE CODE.—Section 7654(d)(1) of the Internal Revenue Code of 1986 is amended by striking “Soldiers’ and Sailors’ Civil Relief Act” and inserting “Servicemembers Civil Relief Act”.

(e) PUBLIC HEALTH SERVICE ACT.—Section 212(e) of the Public Health Service Act (42 U.S.C. 213(e)) is amended by striking “Soldiers’ and Sailors’ Civil Relief Act of 1940” and inserting “Servicemembers Civil Relief Act”.

(f) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 8001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701) is amended by striking “section 514 of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 574)” in the matter preceding paragraph (1) and inserting “section 511 of the Servicemembers Civil Relief Act”.

“**SEC. 3. EFFECTIVE DATE.**

The amendment made by section 1 shall apply to any case that is not final before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on the first day of this session the gentleman from Illinois (Mr. EVANS) and I introduced, along with now more than three dozen of our distinguished colleagues, H.R. 100, the Servicemembers Civil Relief Act, as a top legislative priority of the Committee on Veterans’ Affairs. With the war on terrorism and hundreds of thousands of our servicemembers on active duty in Iraq, Afghanistan and around the world, it is important that we lessen the burdens that they and their loved ones may face at home as a direct result of their service.

H.R. 100 will strengthen the rights and protections afforded U.S. military personnel called to active duty so that they are not harmed in civil, financial or legal proceedings. I am pleased that this bipartisan legislation has attracted broad support from veterans groups, military associations and the legal community. H.R. 100 is a complete restatement of the law known as the Soldiers’ and Sailors’ Civil Relief Act of 1940. A “restatement” of a law has long been understood to mean a law that has been updated, clarified and strengthened, including a gathering of the relevant judicial interpretations and a measured casting aside of those few interpretations that do not comport with the author’s understanding of the law’s intent.

This revision of the act has been in the works for a number of years. The Committee on Veterans’ Affairs originally held hearings on a similarly intended measure, H.R. 4763, in the 102nd

Congress. Last year, the Subcommittee on Benefits held 2 days of hearings on an almost identical measure, H.R. 5111.

The need for a Federal law such as the Servicemembers Civil Relief Act goes back to at least the Civil War, and a State law in Louisiana was passed as far back as the War of 1812. The first modern relief law was enacted in 1918. While H.R. 100, the bill before us, retains the time-tested basic rights and protections of the 1940 version of the law and its 1942 amendments, it also reflects the evolution of our legal processes during the past 60 years. The Committee on Veterans' Affairs has filed a bill report which contains a detailed explanation of the restatement. I recommend the bill report to those who seek a more detailed understanding of H.R. 100, as amended.

The current law is potentially applicable to a large number of personal transactions and any civil legal proceeding involving a servicemember. The courts have generally been understanding of the situation of the servicemembers who invoke its protections. They understand that these servicemembers are absent because they are doing the most important work of all, defending our national interests, our freedoms and our way of life.

In explaining the act, countless authors have been quick to remind us that the act is intended to give a temporary reprieve to a servicemember and that it reflects the need to be fair to all parties by relying upon the courts to determine whether the servicemember's ability to protect his or her rights or to meet obligations has been materially affected by military service. Those purposes are faithfully carried forward in this restatement.

Many of the provisions in the act and in H.R. 100 would only be of interest to persons involved in legal proceedings. Let me outline some that apply more generally to all servicemembers. For example, servicemembers would be protected against what amounts to a clever evasion of the prohibition against double taxation of a servicemember's military income when they must live outside the State where they are legal residents. What is happening is that some States where nonresident military personnel are stationed are counting a servicemember's military pay on which income taxes are paid elsewhere for determining the service-member's graduated tax rate on family income earned within the State. This is an outrageous exploitation of servicemembers who cannot even vote against the politicians who are doing it, and H.R. 100 would put a stop to it.

Any servicemember whose military service materially affects his or her ability to pay a debt incurred before entering military service is entitled to have the interest rate on this debt reduced to 6 percent. There has been dispute whether interest in excess of the 6 percent was deferred or forgiven and whether the lender must reduce the

monthly payment. H.R. 100 makes it clear that such interest is forgiven and the monthly payment is reduced in keeping with the act's policy objective of reducing monthly obligations at a time when mobilized National Guard or Reserve members are likely to have a reduced income.

Active duty servicemembers who have permanent change of station orders or who are being deployed for more than 90 days would be allowed to terminate housing leases. Right now, servicemembers can be forced to pay rent for housing they cannot live in because our government sent them somewhere else.

An eviction proceeding against a servicemember could be delayed for at least 90 days if he or she invokes the act.

□ 1030

Eviction protection would be updated to reflect the increase in the cost of rental housing. The current act only applies to leases of less than \$1,200 per month. H.R. 100 would increase that amount to \$1,700 per month, and the amount would increase each year in accordance with a housing rental index.

The act protects against the lapse of life insurance policies when an individual enters military service. The act's life insurance coverage would be raised from \$10,000 to \$250,000, or the SGLI maximum, whichever is greater.

All motor vehicles and other property would be included in the act's installment contract provisions so that in the case of a service member who, for example, has fallen behind on car lease payments, the lessor must obtain a court order before repossessing the car.

The current act does not clearly apply to simple administrative proceedings, which are far more common today than they were in 1940. H.R. 100 would include administrative proceedings, such as license and zoning matters, under the act's rights and protections.

There are, Mr. Speaker, many other provisions which affect particular rights or particular statutes such as Federal mining and reclamation acts. Many of the other changes in language and terms merely reflect the language of the law as it is practiced today.

Mr. Speaker, the actual preparation of this bill was a collaborative effort between our committee counsel, the Office of Legislative Counsel, and, most importantly, representatives of the judge advocates general of the military departments. The JAG officers played a crucial role in relating how the current law is understood by their fellow JAG advisors, who must often counsel servicemembers on their rights and obligations under the law and who have direct experience with the issues and the problems that arise under it.

I want to commend, Mr. Speaker, all of the dedicated and capable members of the various staffs who worked so

hard to prepare this legislation. Beginning with H.R. 4763 back in 1992, the JAG officers who provided the technical services for the very important initial draft of H.R. 4763 were Commander Christopher Gentile, U.S. Naval Reserve; Lieutenant Colonel Amy J. Griese, U.S. Air Force Reserve; Gregory M. Huckabee, U.S. Army; and Major Teresa J. Wright, U.S. Marine Corps.

The JAG officers who provided the excellent technical services for the updated draft for H.R. 5111 were Lieutenant Colonel Patrick W. Lindemann, U.S. Air Force; Major Eugene J. Martin, U.S. Army; Mr. Eric C. Stamets, civilian employee from the U.S. Army. Lieutenant Colonel Griese returned to the restatement effort by providing extensive technical services on the bill report for H.R. 100. Colonel Steven T. Strong, U.S. Army; and Colonel Wanda Good, U.S. Army also provided highly effective services on H.R. 5111 and H.R. 100, the bill before the committee and the Department of the Defense.

The Committee on Veterans Affairs counsel who prepared the hearings in 1992 and 2000 and were the lead staff members on H.R. 4763, 5111, and the bill before us today, H.R. 100, are Patrick Ryan and Kingston Smith. Minority committee counsel also worked very hard in drafting these bills, Mary Ellen McCarthy and Geoffrey Colver. Committee staff assistants who helped with research and proofreading are Summer Larson and Devon Seibert. Also Robert Cover of the Office of Legislative Counsel performed invaluable drafting services on each of these three bills and the final product that is before the body today.

Most especially I want to thank the gentleman from Illinois (Mr. EVANS). My good friend and colleague is the committee's ranking Democrat who has been my active partner on this legislation and many other bills that we have brought before the House and who proposed coverage for the act for certain National Guard members that became part of the law last year.

Although the revision of this law has been in preparation for more than 10 years, I cannot think of a better time for this body to be considering it than today. I urge all Members to support it.

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

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

Mr. Speaker, I rise in support of H.R. 100, the Servicemembers Civil Relief Act, the bill to modernize the Soldiers' and Sailors' Civil Relief Act of 1940.

The chairman of the committee has outlined most of the important provisions and the bipartisan work that went into putting this piece of legislation forward. It is truly a bipartisan effort. I also want to thank the Department of Defense and especially the Air Force for their contributions to the bill. Last year we held two hearings on an earlier version of this bill. I am particularly pleased that the bill allows

for automatic updating of certain provisions such as the ceiling on rents subject to the protections of the act. Legislation which provides automatic links to other laws and criteria avoid becoming quickly outdated.

I have been approached by Members who would like to see additional bills considered to provide protection from civil liabilities. I hope that the committee will hold a hearing on other bills which have been introduced.

With the men and women of our country serving in Iraq, Afghanistan and throughout the world, it is important to provide them with an up-to-date protection act now.

H.R. 100 is a good bill, and I urge my colleagues to show their support for our troops by voting for it.

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

Mr. SMITH of New Jersey. Mr. Speaker, owing to the fact that I have a markup at the Committee on International Relations and I would like to get to it, I ask unanimous consent that the remainder of our time be controlled by the gentleman from the great State of Connecticut (Mr. SIMMONS), the subcommittee chairman.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request by the gentleman from New Jersey?

There was no objection.

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

I simply want to add my support for this legislation. Prior to coming to this body as a Member of Congress, I was in the U.S. Army Reserves for a number of years, over 30 years. I have had the experience, the personal experience, of commanding a unit that received an activation notice; and I have had the personal experience of being involved with not only deployed soldiers but soldiers whose families have been left behind. I have received that phone call from the wife of a deployed soldier saying, I cannot afford to pay the rent. My husband made more money in the civilian sector than he made as a deployed soldier, and I am behind in my rent, and I run the risk of being evicted. And I have had to wrestle with that issue even to the point of offering to pass the hat among those unit members who stayed behind to see if we could help her stay in her home while her husband was overseas defending our Nation, our people, our values, and our interests.

I have had a deployed soldier come back to find that there was no job even though he thought his job was guaranteed. In fact, the job he had as the head of a division of a larger corporation was restructured and reorganized. So the division was no longer there; so the job was no longer there.

It is incumbent upon us as Members of Congress to ensure that these anecdotal, but horrible, stories do not occur again. It is incumbent upon us as Members of the Committee on Veterans Affairs to ensure that the public policy of this Nation treats our veterans, our re-

serves, and our National Guard fairly and equitably when they are called up, activated, and deployed to fight for us in foreign lands around the world, to ensure that their jobs are waiting for them when they return, to ensure that their families are not put under a financial burden as a consequence of their service.

This is not an issue relative to one party or another. This is not a Republican or a Democrat issue. This is an issue which we as Americans must address, and that is what this legislation does. I thank my colleagues in the committee for their bipartisan approach to this issue.

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

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the ranking member for yielding me this time.

I rise in strong support of H.R. 100, the Servicemembers Civil Relief Act. I would like to thank the gentleman from New Jersey (Mr. SMITH), chairman, and the gentleman from Illinois (Mr. EVANS), ranking member, for their leadership on this legislation which re-states, modernizes and improves the Soldiers' and Sailors' Civil Relief Act of 1940.

The Servicemembers Civil Relief Act gives our military personnel the piece of mind they deserve. It allows them to do their military duty for our country and to provide for the national defense without having to worry about their obligations back home. Beyond clarifying and updating, H.R. 100 expands legal and administrative protections for our men and women in uniform. It would increase the rental eviction protection from \$1,200 to \$1,700; allow for termination of property releases if personnel are activated or deployed before living in the property; and provide professional liability protection, health insurance, and guaranteed residency for military purposes.

I am also pleased that this legislation acknowledges the importance of women in military service and is appropriately titled Servicemembers Civil Relief Act. And I am pleased that H.R. 100 includes recognition of the Federal protections recently extended to members of the National Guard who are called upon under title 32 of the U.S. Code. When our men and women risk their lives to protect this country, it should not matter under which law that they are called.

Mr. Speaker, the war on terrorism is not over, and the peace in Iraq is not yet won. Our military personnel are still in harm's way overseas, and they deserve to know that their sacrifices will not have a negative impact on their obligations here at home.

I fully support H.R. 100 and urge my colleagues to do the same. I would also like to take this opportunity to say good-bye and good luck to Michael Durishin, the Democratic staff director

for the Committee on Veterans Affairs. While I have not known Michael for long, I would like to thank him for the years of his dedication and service to this institution and to the people of the United States.

Mr. SIMMONS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MILLER) from the first district, which I understand has more veterans per capita than any other district in this great Nation.

Mr. MILLER of Florida. Mr. Speaker, I thank my colleague for yielding me this time.

I do rise today in support of H.R. 100. This remarkable piece of legislation re-states, clarifies, and strengthens the legal protections afforded the courageous men and women who serve in our Armed Forces. The current Soldiers' and Sailors' Civil Relief Act of 1940 has had only a few minor changes since World War II. The law is in need of a comprehensive updating to reflect the considerable changes that have taken place in the United States over the past 60 years. The Soldiers' and Sailors' Civil Relief Act of 1940 is one of the most far-reaching laws on the books, and its constitutional authority is derived from article 1, section 8 of the Constitution, the War Powers Clause. Its provisions impact all Federal, State, and administrative law.

The process that we come to today of updating this act has been 10 years in the making at the hands of numerous military and government officials and has been a project of the House Committee on Veterans Affairs on which I served for over a year. Each provision has been fully vetted and carefully crafted by experts in the areas of civil law and military affairs. I commend the gentleman from New Jersey (Mr. SMITH), chairman; the attentive Committee on Veterans Affairs staff; and everyone who has had a hand in this particular project over the last decade.

H.R. 100 will bring many major improvements. It will increase coverage in maximum monthly rent of \$1,200 to \$1,700 to prevent evictions from premises occupied by servicemembers and their dependents. It will expand the right to terminate real property leases by allowing lease termination if a servicemember, while serving, executes a lease and then receives orders for a permanent change of station move or a deployment order of 90 days or more, and it requires a court order before a lessor can terminate a servicemember's installment contract for lease of any personal property, which would apply to all automobile leases.

Mr. Speaker, H.R. 100 brings modern relief to our modern Armed Forces and has strong support from the veterans service groups and military associations.

As President Bush said, the peace of a troubled world and the hopes of an oppressed people now depend on the United States Armed Forces. That trust is well placed and our valiant servicemembers deserve to have their

burdens, the ones that they and their loved ones face, reduced as they fight the war on terrorism and the war in Iraq.

Mr. Speaker, in H.R. 100 we are doing our duty to help ease those burdens.

□ 1045

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I rise today to express my strong support for H.R. 100, the Servicemembers Civil Relief Act, introduced by my good friends and colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS).

Hundreds of thousands of our servicemembers are now courageously serving our Nation in Iraq and other dangerous parts of the world. No group of Americans has made or will make as valuable a contribution or as great a sacrifice or will have as much to be proud of as the men and women of our Armed Forces.

The legislation before us today will ensure that these brave men and women serving overseas and defending the ideals of our Nation are not preoccupied with financial security and the well-being of their families at home.

Among the many hazards confronted by men and women in uniform, not all of them are found on the battlefield or on foreign soil or at high seas. Some of their challenges originate here at home, even though they are countless miles away. To make matters worse, these are challenges that not only the men and women who sign up for duty must face, but their family members as well.

Many of these challenges are financial. In various ways, members of the Armed Forces, and in particular members of the National Guard and Reserve who leave jobs, good jobs, homes and families at a moment's notice, face tremendous economic burdens as a result of their willingness to serve. It is at least within our power and the power of this Congress to do something about that, to provide some level of economic security and stability.

I am pleased that measures that I proposed in my bill from the 107th Congress, H.R. 3173, are included in the legislation before us today. One of these provisions is the inclusion of a monthly rental protection increase. Under current law, an activated military member's family with housing payments of \$1,200 or less cannot be evicted for failure to pay rent. H.R. 100 raises the protected rental amount to \$1,700, a figure that will be indexed.

When the members of our Armed Forces trade in the comforts of their home for barracks in a country thousands of miles away, they should have the peace of mind they are not going to be evicted and their families put on the street. I applaud the inclusion of this specific measure.

The Servicemembers Civil Relief Act also makes technical updates and clarifies

the old law that dates back to 1940. I am pleased that changes in H.R. 100 changes the language of the Soldiers and Sailors Act to better reflect the true composition of our military, and the brave and willing women who sacrifice for our Nation are now included. A family's loss of income does not simply occur when a father or husband leaves his regular job for service, but when a mother or wife does the same.

Outdated language, such as the use of the word "wife" to describe dependents eligible for protection while a member is on duty, flies in the face of these brave women honorably serving our Nation. I appreciate that among the technical changes and updates, H.R. 100 replaces such references with gender-neutral language.

I support H.R. 100, and am pleased that so many of my colleagues on both sides of the aisle do as well. I urge a yes vote on this important and timely bill.

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

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

Mr. Speaker, I include for the RECORD copies of letters between our committee and the Committee on Financial Services regarding section 207(d) of H.R. 100, as amended.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON VETERANS' AFFAIRS,  
Washington, DC, May 1, 2003.

Hon. MICHAEL G. OXLEY,  
Chairman, Committee on Financial Services,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding section 207(d) of H.R. 100, as amended, the Servicemembers Civil Relief Act. I understand your concern about the section's definition of the term "interest" and will amend it to reflect the substance of the current provision on interest in section 206 of the current Soldiers' and Sailors' Civil Relief Act.

While the Committee on Veterans' Affairs has jurisdiction over soldiers' and sailors' civil relief under clause 1(r) of rule X of the Rules of the House of Representatives, I appreciate the interest of the Committee on Financial Services in all matters under its jurisdiction including those stated in your letter.

Our letters will be included in the record during floor consideration of H.R. 100, as amended, and you may be assured of my continued consultation on these matters.

Sincerely,

CHRISTOPHER H. SMITH,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, April 30, 2003.

Hon. CHRISTOPHER H. SMITH,  
Chairman, Committee on Veterans' Affairs,  
Washington, DC.

DEAR CHAIRMAN SMITH: On April 30, 2003, the Committee on Veterans' Affairs ordered reported H.R. 100, the Servicemembers Civil Relief Act. As you know, the Committee on Financial Services has jurisdiction over banks and banking, insurance generally, and public and private housing pursuant to clause 1(g) of rule X of the Rules of the House of Representatives for the 108th Congress.

Section 207(d) of the bill as reported would define the term "interest" as used in this

section regarding the maximum rate of interest on debts incurred before military service. As currently drafted, I am concerned that the definition would result in administrative burdens and costs for some financial institutions. Therefore, the provision on interest in the last sentence of current section 206 of the Act should not be changed in substance.

Because of your willingness to amend the bill to correct this problem during floor consideration and your desire to expeditiously consider the legislation, I will not seek a sequential referral of H.R. 100. By agreeing not to seek a referral, the Financial Services Committee does not waive its jurisdiction over the granting of credit by financial institutions, or any other matter involving banks and banking, insurance, and public and private housing. I would ask that you continue to consult with the committee on Financial Services concerning any further changes to these provisions as the bill is further considered.

I request that you include this letter and your response in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Yours truly,

MICHAEL G. OXLEY,  
Chairman.

Mr. Speaker, on behalf of the gentleman from New Jersey (Chairman SMITH) and all of the Republican Members of the Committee on Veterans' Affairs, I would like to observe an impending departure.

After a distinguished career on Capitol Hill, a key staff member of the Committee on Veterans' Affairs is retiring. Michael Durishin has been the committee's Democratic Staff Director since 1997 for our ranking member, the gentleman from Illinois (Mr. EVANS). He was previously Staff Director for the Committee on Veterans' Affairs Subcommittee on Oversight and Investigations from 1987 through 1994, beginning when Mr. EVANS was chairman of that subcommittee. He was Deputy Postmaster for the U.S. Senate during the interim period.

Mike's work in politics began in 1973 when he was Special Assistant and Field Staff Director for former Senator James Abourezk of South Dakota. Prior to joining the committee staff, he was Senior Legislative Assistant for then Congressman TOM DASCHLE, who was a member of the Committee on Veterans' Affairs.

As a very senior staff member, Mike has been a consummate professional who has earned the respect of staff and Members alike on both sides of the aisle. He has been a vigorous advocate for veterans' issues and has helped maintain the commitment to bipartisanship on the committee. His insistence on vigorous oversight of policies and activities at the Department of Veterans Affairs served both its employees and the veterans population very well, particularly when a female VA employee had experienced a situation where they were not treated with respect. In a straightforward and unflappable way, he has had a major influence on virtually every important issue regarding veterans health and

benefits before the committee for the past 6 years.

Mike will truly be missed by all who know him and have been privileged to work with him. He can be proud of all that he has accomplished for veterans, even though he is too modest to claim the credit he deserves.

Mr. Speaker, on behalf of the Committee on Veterans' Affairs and America's veterans, I commend Michael Durishin for a job well done and wish him all the best in his future endeavors.

Mr. Speaker, I urge my colleagues to support the Servicemembers Civil Relief Act.

Mr. BROWN of South Carolina. Mr. Speaker, I am proud to rise today in strong support of H.R. 100, the Servicemembers' Civil Relief Act, of which I am a proud cosponsor.

With our active duty servicemembers and members of the Selected Reserve mobilized abroad, it is especially important to update the Soldiers' and Sailors Civil Relief Act of 1940. H.R. 100 strengthens and clarifies the existing law for today's military by securing for them financial, legal, and civil protections, indeed as our troops have secured freedom for the citizens of Iraq and Afghanistan.

I am especially pleased that this measure maintains the 6 percent interest cap for loans such as mortgages and credit cards, while clarifying that any excess interest is forgiven and does not accrue. I applaud the banking community for forgiving the excess interest in the past; I believe it is important to document the intent of Congress in this respect for the future. Many of our reserve component members take a major pay cut when we as a nation call them up for service. It is crucial that our troops not worry about financial issues at home when they are in harm's way abroad.

I thank Chairman SMITH and Ranking Member EVANS for their leadership on this important legislation and I urge my colleagues to support H.R. 100.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of H.R. 100, the Servicemembers Civil Relief Act. We entrust over one million military personnel on active duty with a large responsibility each year. However, their sacrifice sometimes creates a difficulty in meeting all their responsibilities at home. We should not allow these men and women to be penalized for their service.

The Servicemembers Civil relief Act updates the Soldiers' and Sailors' Civil Relief Act of 1940 to improve the civil and economic protections that the Federal Government provides to our fine men and women on active duty in the military. The bill eliminates interest for a servicemember whose military service "materially affects" his or her ability to repay a debt incurred before entry into military service. The bill also increases the maximum rent for which a servicemember can have an eviction proceeding delayed for 3 months from \$1,200 per month to \$1,700 to reflect the change in costs of rental housing. Another provision in the bill guarantees that the Department of Veterans Affairs will pay premiums for a servicemember's life insurance policy for policies up to \$250,000. This bill also provides servicemembers an automatic 90-day stay for civil court and administrative proceedings, and it requires a lessor to obtain a court order before repossessing a car for which a servicemember has

fallen behind on lease payments. These provisions strengthen the economic protections under current law to better serve the needs of our servicemembers.

The great men and women who serve in our military contribute so much to our Nation. They put themselves in harm's way to defend their families, friends, and fellow Americans. Through their selfless service, these brave men and women defend the liberty, justice, and equality that are the foundation of America. They are the embodiment of the American spirit, and we must continue to protect them and their families while they are away protecting the rest of us.

Mr. BUYER. Mr. Speaker, today, hundreds of thousands of American service personnel serve our Nation proudly around the world in the name of freedom. In Indiana alone, over 4,000 National Guard and Reserve units have been called to active duty in support of operations in Afghanistan and Iraq as well as homeland security.

Over the past several months, many of us have been asked by constituents what they can do to help lessen the burden on our military personnel and their families. Today, by voting in support of H.R. 100, each of us has an opportunity to make a real difference.

This legislation strengthens and expands protections to our service personnel and their families during Presidential call-ups like those in place today.

Specifically, the Servicemembers Civil Relief Act: (1) Provides some protections to the families of our armed forces from eviction due to nonpayment of rent while on active duty—up to certain limits; (2) provides automatic stays on civil court proceedings while on active duty; and (3) provides a ceiling on interest of 6 percent on outstanding loans while they are on active duty.

While this legislation does provide some measures of reprieve, I support Chairman SMITH's efforts in this bill which reflects the need to be fair to all parties involved by imposing on the courts the obligation to determine whether the military service of the individual had a material effect on his/her ability to protect the rights or to meet financial obligations.

This legislation also includes substantive changes I sought to address concerns regarding protections to services members and their families who fall behind on car lease payments while called to active duty.

However, not all my concerns could be addressed. I am working with my colleagues as well as the private sector including the Automobile Alliance to address this matter in another form.

Finally, while this measure provides substantive economic protections to those who serve and their families, those in the private sector should realize that this bill and other federal laws merely set ceilings and not floors. Specifically, we set the ceiling of 6 percent on the amount of interest on loans that were incurred before entering military service.

Those who have answered our President's call to serve are doing so at some financial burden—in some cases at a great financial burden—though they do so willingly and are making this Nation proud. To that end, a grateful Nation comes to them on bended knee in appreciation.

Therefore, I challenge those in the financial services sector to match what some have

done on their own, like the Congressional Federal Credit Union, and lower their interest rate on existing loans to 0 percent while our men and women are carrying out their missions both here and abroad.

I ask my colleagues to support H.R. 100 and for the private sector to meet the challenge I have set forth.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 100, the Servicemembers Civil Relief Act. I would like to thank the sponsors of this legislation, Chairman CHRIS SMITH and Ranking Member LANE EVANS for their work to reintroduce this bill in the 108th Congress and to expeditiously bring it through Committee and to the floor.

H.R. 100 continues to protect American servicemembers from negative economic or professional consequences as a result of their active duty service. Not only does this legislation update and modernize the language of this 53 year-old act, but it strengthens and expands the current protections provided in the Soldiers and Sailors Civil Relief Act for military personnel on active duty. This bill provides protections for debt, eviction, lease payments and other such problems that may occur while they are away from home serving our country.

Mr. Speaker, as you may know, many troops from my district were recently called to duty. I would like to be able to assure them that should they come across certain hardship, we will be able to take care of them. No one should be penalized unfairly because they are out of the country serving our nation and protecting our freedoms.

I am a proud cosponsor of the Servicemembers Civil Relief Act, and I strongly urge my colleagues to support the passage of this bill. Thank you Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 100, as amended.

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. SIMMONS. 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.

#### GENERAL LEAVE

Mr. SIMMONS. 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. 100, as amended.

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

There was no objection.

**AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE**

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 96) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 96

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.**

(a) IN GENERAL.—The National Fraternal Order of Police and its auxiliary (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the 22nd annual National Peace Officers' Memorial Service (in this resolution jointly referred to as the "event"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2002.

(b) DATE OF EVENT.—The event shall be held on May 15, 2003, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

**SEC. 2. TERMS AND CONDITIONS.**

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

**SEC. 3. EVENT PREPARATIONS.**

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

**SEC. 4. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

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

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

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

Mr. Speaker, as an aside, it is a pleasure to be here this morning again and see the House presided over by a cagey veteran from the Fifth District of Washington.

Mr. Speaker, House Concurrent Resolution 96 authorizes the use of the Capitol grounds for the 22nd Annual National Peace Officers' Memorial Service to be held on May 15, 2003. The service will be held on the West Front of the Capitol grounds and is sponsored by the Grand Lodge of the Fraternal Order of Police and its Auxiliary.

The event is open to the public and free of charge, and the sponsor assumes responsibility for all expenses and liabilities related to the event. Additionally, the sponsors of the event must comply with all applicable regulations relating to the use of the Capitol grounds.

This memorial service honors 161 peace officers that have given their lives in the line of duty during the year 2002. Officers gave their lives protecting every State in the Union. This service will honor, and I would like to recognize at this time, four peace officers killed in the line of duty in my home State of Ohio during last year.

Deputy Sheriff Robert Michael Tanner, of the Muskingum County Sheriff's Department, shot and killed on January 8;

Patrolman Eric Bradford Taylor, of the Massillon Police Department, shot and killed on August 9;

Officer Mary Lynn Beall, of the Dayton Police Department, shot and killed on August 25;

And Park Ranger James Pitney of the Muskingum Watershed Conservancy District, killed on December 17.

Each of those officers, Mr. Speaker, was killed while protecting their community.

This memorial service is a very important event. I encourage all of our colleagues to attend this service in honor of our fallen heroes. I support this resolution and urge my colleagues to do the same.

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

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

Mr. Speaker, House Concurrent Resolution 96 authorizes the use of the Capitol grounds for the 22nd Annual National Peace Officers Memorial Service, a most solemn and respectful public event honoring our Nation's brave civil servants.

The event, scheduled for May 15th, will be coordinated with the Office of the Architect of the Capitol and the Capitol Hill police. I strongly urge this tribute to Federal, State and local police officers who gave their lives in the daily work of protecting our families, our homes, our places of work and us.

The names of 377 brave men and women were added to the wall during 2002. On average, one officer is killed in this country every other day, approximately 23,000 are injured every year, and thousands are assaulted going about their daily routines. During 2002, 15 of the fallen officers were women, which is a record high.

Mr. Speaker, the ceremony to be held on May 15th is the 22nd anniversary of this memorial service. Consistent with all Capitol Hill events, the memorial service will be free and open to the public.

I support the resolution, and urge my colleagues to join me in supporting this tribute to our fallen peace officers.

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to offer my full support for House Con-

current Resolution 96, authorizing the use of the Capitol Grounds for the 22nd Annual Peace Officers' Memorial Service.

My own State of Alaska lost a peace officer during 2002 who will be remembered at this ceremony.

On November 19, 2002, while transporting prisoners to Spring Creek Correctional Center, Correctional Officer James Hesterberg was killed when the vehicle he was driving was struck head-on by a tractor trailer on the Seward Highway about 20 miles north of Seward, Alaska. A correctional officer for 19 years, he is survived by his wife and three children.

This service, honoring the 152 men and women who lost their lives while protecting our Nation, is a part of police week, which features events including a "Blue Mass" at St. Patrick's Catholic Church; Law Ride Motorcycle Procession; and a candlelight vigil, which will be held at 8:00 P.M. on Tuesday May 13.

I encourage my colleagues to support these important events, which honor not only the men and women who gave their lives while protecting our country, but the thousands of others that continue to do so.

I support this resolution and encourage my colleagues to give it their full support.

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

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

The SPEAKER pro tempore. 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. 96.

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.

**AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY**

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 53) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby, as amended.

The Clerk read as follows:

H. CON. RES. 53

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.**

*The Greater Washington Soap Box Derby Association (in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 21, 2003, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.*

**SEC. 2. CONDITIONS.**

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

**SEC. 3. STRUCTURES AND EQUIPMENT.**

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

**SEC. 4. ADDITIONAL ARRANGEMENTS.**

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

**SEC. 5. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

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

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

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

Mr. Speaker, House Concurrent Resolution 53 authorizes the use of the Capitol grounds on June 21, 2003, for the 62nd annual Greater Washington Soap Box Derby. This event is open to the public and free of charge. The sponsor of the event assumes all of the responsibilities and liabilities associated with the event. Additionally, the sponsors must comply with all applicable regulations relating to the use of the Capitol grounds.

□ 1100

Children participating in the event range in ages from 9 to 16 and compete in three open divisions depending on their level of experience. The races will occur on Constitution Avenue between Delaware Avenue and Third Street, Northwest.

Winners of the event will go on to represent the Washington Metropolitan Area at the national finals to be held in Akron, Ohio, later in the summer, which are held every year.

I support the resolution, and I urge my colleagues to do the same.

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

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

I am delighted to support, along with the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. WOLF), the gentleman from Virginia (Mr. MORAN), the gentleman from Maryland (Mr. WYNN), and the gen-

tleman from Maryland (Mr. VAN HOLLEN), House Concurrent Resolution 53 and acknowledge the efforts of the gentleman from Maryland (Mr. HOYER), who has been such a great champion for his constituents for this event.

House Concurrent Resolution 53 authorizes the use of the Capitol grounds for the Greater Washington Soap Box Derby. Youngsters ages 9 through 16 construct and operate their own soap box vehicles. On June 22, 2003, youngsters from the greater Washington area will race down Constitution Avenue to test the principles of aerodynamics in hand-designed and -constructed soap box vehicles.

Mr. Speaker, many hundreds of volunteers donate considerable time supporting the event and providing families with a fun-filled day, which is greatly becoming a tradition in the Washington, D.C. area. The event has grown in popularity, and Washington is now known as one of the outstanding race cities in America.

Consistent with all events using the Capitol grounds, this event is open to the public and is free of charge. The organizers will work with the Capitol Hill Police and the Office of the Architect.

Mr. Speaker, I urge passage of House Concurrent Resolution 53.

Mr. Speaker, we are waiting for the gentleman from Maryland (Mr. HOYER), who will be here very soon who will be speaking so, if I could, we would like to delay for just a moment until he gets here.

Mr. Speaker, the Greater Washington Soap Box Derby Association, and this resolution refers to this association, shall be permitted to sponsor a public event, the Soap Box Derby Race on the Capitol grounds on June 22 of 2003, and on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

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

Mr. DAVIS of Tennessee. I yield to the gentleman from Ohio.

Mr. LATOURETTE. Mr. Speaker, I am wondering if the gentleman from Tennessee has ever had the thrill of being present during the running of the Greater Washington Soap Box Derby.

Mr. DAVIS of Tennessee. Mr. Speaker, I have never had that privilege, but I certainly look forward to attending the event this year. As a youngster growing up, living in the rural areas, living in the rural areas, I read about soap box derbies that have been such an inspiration to so many of our young people, and I hope to be able to attend this event.

Mr. LATOURETTE. Mr. Speaker, if the gentleman will continue to yield, I was very fortunate during this last redistricting period to pick up places in Summit County, which is where the city of Akron, Ohio, is located, together with the gentlemen from Ohio (Mr. RYAN) and (Mr. BROWN) from your

side of the aisle, and we now represent the environs in and around the Akron area.

Clearly, Akron, like a lot of the urban centers across America, has been through some tough times. It used to be known as the Rubber Capital of the World. We had Goodyear, Goodrich, and Firestone all located within the environs of Akron, Ohio. But one of the great prides and joys of our north-eastern Ohio area is having the honor of having the national finals of the soap box derby occurring in Akron, Ohio. It is something that is widely attended. It is an experience where these youngsters who are 9 to 16 years of age learn not only the thrill of competing against their peers from all over the country, but they also have the opportunity to actually build the vehicles that they will race here in Washington and also in Akron, Ohio; and they learn craftsmanship as well as teamwork and a tremendous sense of accomplishment.

So I really appreciate the gentleman coming to the floor today and managing the bill on behalf of the minority, and I hope all of our colleagues will support our legislation. I thank the gentleman for yielding.

Mr. DAVIS of Tennessee. Mr. Speaker, I thank the gentleman for his remarks, and certainly I look forward to being at this event.

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

Mr. COSTELLO. Mr. Speaker, I thank the gentleman for yielding me this time.

I just want to commend the chairman of the subcommittee, the gentleman from Ohio (Mr. LATOURETTE), for acting so quickly on this legislation. Let me say, Mr. Speaker, that I rise in strong support of H. Con. Res. 53, authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

This annual event encourages all boys and girls ages 9 through 16 to construct and operate their own soap box vehicles. The principles of aerodynamics are combined with fun and excitement for all participants and their families in the greater Washington area.

Over the past few years, the Washington event has grown in size and has become one of the best-attended events in the country. In the past, the Washington event has produced winners who went on to national finals. As always, the derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure the appropriate rules and regulations are in place.

Mr. Speaker, I especially want to mention the diligence and dedication of the gentleman from Maryland (Mr. HOYER), who is the sponsor of this year's resolution and sponsors the resolution every year. I urge my colleagues to support H. Con. Res. 53.

Mr. Speaker, while I have the floor, I would also like to thank the chairman of the subcommittee, as well as the

ranking member and all of the members of the committee, for the legislation that was just acted on concerning the police officers. As a former police officer, I want my colleagues to know that I appreciate holding this annual event every year to recognize those who have given their dedication and those who have paid the ultimate price in living their lives in the service to their communities and to this country.

So I thank the gentleman from Ohio for his leadership on both of these efforts, as well as the ranking member.

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

The last speaker, the gentleman from Illinois (Mr. COSTELLO), served as the ranking member on this subcommittee during the last Congress; and although we are pleased to have the gentleman from the District of Columbia (Ms. NORTON) as our new ranking member, the service that the gentleman from Illinois (Mr. COSTELLO) provided to the subcommittee was greatly appreciated by those of us on our side of the aisle; and we do miss his guidance and leadership on a number of these important resolutions. It is an honor to serve in the Congress with him.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I understand that we are trying to use some time while we wait for the gentleman from Maryland (Mr. HOYER), and I will say that I have had the privilege a few years ago of attending the soap box derby in Knoxville; and I have seen firsthand the excitement and the interest and, really, the educational value that is given to many young people around the country through this nationwide program.

I have been asked to give this statement on behalf of the gentleman from Alaska (Chairman YOUNG), the chairman of the full committee, and myself. So I will say on behalf of Chairman YOUNG and really speaking, I think, for the full Committee on Transportation and Infrastructure, I rise today to offer my full support for House Concurrent Resolution 53, which authorizes the use of the Capitol grounds for the 62nd Annual Greater Washington Soap Box Derby to be held on June 21, 2003.

This event, which is open to the public and free of charge, gives young people from around the Washington, D.C. metropolitan area an opportunity to not only showcase their talents of building a vehicle that will perform at high levels, but also the opportunity to realize the rewards of a job well done. Participants will compete in three open divisions based on their experience in building their vehicles. This event is currently one of the oldest of its kind in the country, having taken place for over 60 years. The winners of these events will go on to represent the

Washington area at the national competition to be held in Akron, Ohio, later in the summer.

I would like to thank the gentleman from Maryland (Mr. HOYER) for introducing this resolution and all of my colleagues who have spoken previously and for their continued support for this very worthwhile program. I ask my colleagues to join me in supporting this worthy legislation.

Mr. DAVIS of Tennessee. Mr. Speaker, I thank all of my colleagues for the additional time.

The gentleman from Maryland (Mr. HOYER) has been detained and will not be able to speak on the bill that he is sponsoring.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of our time to indicate I am glad we received that announcement because I had run out of soap box derby things to talk about.

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

The SPEAKER pro tempore (Mr. BASS). 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. 53, as amended.

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.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

#### WASTEWATER TREATMENT WORKS SECURITY ACT OF 2003

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 866) to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

The Clerk read as follows:

H.R. 866

*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 "Wastewater Treatment Works Security Act of 2003".

##### SEC. 2. WASTEWATER TREATMENT WORKS SECURITY.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

##### "SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.

"(a) GRANTS FOR VULNERABILITY ASSESSMENTS AND SECURITY ENHANCEMENTS.—The

Administrator may make grants to a State, municipality, or intermunicipal or interstate agency—

"(1) to conduct a vulnerability assessment of a publicly owned treatment works;

"(2) to implement security enhancements listed in subsection (c)(1) to reduce vulnerabilities identified in a vulnerability assessment; and

"(3) to implement additional security enhancements to reduce vulnerabilities identified in a vulnerability assessment.

##### "(b) VULNERABILITY ASSESSMENTS.—

"(1) DEFINITION.—In this section, the term 'vulnerability assessment' means an assessment of the vulnerability of a treatment works to actions intended to—

"(A) substantially disrupt the ability of the treatment works to safely and reliably operate; or

"(B) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.

"(2) IDENTIFICATION OF METHODS TO REDUCE VULNERABILITIES.—A vulnerability assessment includes identification of procedures, countermeasures, and equipment that the treatment works can implement or utilize to reduce the identified vulnerabilities.

"(3) REVIEW.—A vulnerability assessment shall include a review of the vulnerability of the treatment works's—

"(A) facilities, systems, and devices used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes;

"(B) intercepting sewers, outfall sewers, sewage collection systems, and other constructed conveyances;

"(C) electronic, computer, and other automated systems;

"(D) pumping, power, and other equipment;

"(E) use, storage, and handling of various chemicals; and

"(F) operation and maintenance procedures.

##### "(c) GRANTS FOR SECURITY ENHANCEMENTS.—

"(1) PREAPPROVED SECURITY ENHANCEMENTS.—Upon certification by an applicant that a vulnerability assessment has been completed for a treatment works and that the security enhancement for which assistance is sought is to reduce vulnerabilities of the treatment works identified in the assessment, the Administrator may make grants to the applicant under subsection (a)(2) for 1 or more of the following:

"(A) Purchase and installation of equipment for access control, intrusion prevention and delay, and detection of intruders and hazardous or dangerous substances, including—

"(i) barriers, fencing, and gates;

"(ii) security lighting and cameras;

"(iii) metal grates, wire mesh, and outfall entry barriers;

"(iv) securing of manhole covers and fill and vent pipes;

"(v) installation and re-keying of doors and locks; and

"(vi) smoke, chemical, and explosive mixture detection systems.

"(B) Security improvements to electronic, computer, or other automated systems and remote security systems, including controlling access to such systems, intrusion detection and prevention, and system backup.

"(C) Participation in training programs and the purchase of training manuals and guidance materials relating to security.

"(D) Security screening of employees or contractor support services.

##### "(2) ADDITIONAL SECURITY ENHANCEMENTS.—

"(A) GRANTS.—The Administrator may make grants under subsection (a)(3) to an applicant for additional security enhancements not listed in paragraph (1).

“(B) ELIGIBILITY.—To be eligible for a grant under this paragraph, an applicant shall submit an application to the Administrator containing such information as the Administrator may request.

“(3) LIMITATIONS.—

“(A) USE OF FUNDS.—Grants under subsections (a)(2) and (a)(3) may not be used for personnel costs or operation or maintenance of facilities, equipment, or systems.

“(B) DISCLOSURE OF VULNERABILITY ASSESSMENT.—As a condition of applying for or receiving a grant under this section, the Administrator may not require an applicant to provide the Administrator with a copy of a vulnerability assessment.

“(d) GRANT AMOUNTS.—

“(1) FEDERAL SHARE.—The Federal share of the cost of activities funded by a grant under subsection (a) may not exceed 75 percent.

“(2) MAXIMUM AMOUNT.—The total amount of grants made under subsections (a)(1) and (a)(2) for one publicly owned treatment works shall not exceed \$150,000.

“(e) TECHNICAL ASSISTANCE FOR SMALL PUBLICLY OWNED TREATMENT WORKS.—

“(1) SECURITY ASSESSMENT AND PLANNING ASSISTANCE.—The Administrator, in coordination with the States, may provide technical guidance and assistance to small publicly owned treatment works on conducting a vulnerability assessment and implementation of security enhancements to reduce vulnerabilities identified in a vulnerability assessment. Such assistance may include technical assistance programs, training, and preliminary engineering evaluations.

“(2) PARTICIPATION BY NONPROFIT ORGANIZATIONS.—The Administrator may make grants to nonprofit organizations to assist in accomplishing the purposes of this subsection.

“(3) SMALL PUBLICLY OWNED TREATMENT WORKS DEFINED.—In this subsection, the term ‘small publicly owned treatment works’ means a publicly owned treatment works that services a population of fewer than 20,000 persons.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator—

“(1) \$200,000,000 for making grants under subsection (a); and

“(2) \$15,000,000 for providing technical assistance under subsection (e).

Such sums shall remain available until expended.”

**SEC. 3. REFINEMENT OF VULNERABILITY ASSESSMENT METHODOLOGY FOR PUBLICLY OWNED TREATMENT WORKS.**

(a) GRANTS.—The Administrator of the Environmental Protection Agency may make grants to a nonprofit organization for the improvement of vulnerability self-assessment methodologies and tools for publicly owned treatment works, including publicly owned treatment works that are part of a combined public wastewater treatment and water supply system.

(b) ELIGIBLE ACTIVITIES.—Grants provided under this section may be used for developing and distributing vulnerability self-assessment methodology software upgrades, improving and enhancing critical technical and user support functions, expanding libraries of information addressing both threats and countermeasures, and implementing user training initiatives. Such services shall be provided at no cost to recipients.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of the fiscal years 2003 through 2007. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Mr. Speaker, I rise in strong support of H.R. 866, The Wastewater Treatment Works Security Act of 2003.

The terrorist attacks on September 11, 2001, made the identification and protection of critical infrastructure a national priority and taught our Nation to take a broader look at our vulnerabilities. A good deal of planning and protection of our Nation's critical infrastructure is now under way as a result of these tragic events. But only limited attention has been given to security issues associated with our Nation's wastewater treatment plants.

Sewer pipes form a vast underground network that could provide a terrorist with access to many public buildings, urban centers, private businesses, residential neighborhoods, military installations, and transportation systems. A wastewater treatment system itself could also be a target of an attack with significant public health and environmental impacts.

H.R. 866 will help communities across the country address these security concerns by authorizing, first, \$200 million for grants to wastewater utilities to conduct vulnerability assessments and implement security enhancements at their facilities; secondly, \$15 million for technical assistance to small wastewater facilities on security measures; and, thirdly, \$5 million for the further development and refinement of vulnerability self-assessment methodologies and tools for use by wastewater facilities.

These authorizations are designed to help wastewater treatment utilities take immediate and very necessary steps to improve security at their facilities and to fill a remaining major security gap within our Nation's critical infrastructure.

These authorizations do not create a new, ongoing infrastructure assistance program or create any new Federal mandates. The Association of Metropolitan sewerage agencies and the National Rural Water Association strongly support this legislation, as do utilities from cities throughout the Nation.

This is the same bill the House passed by voice vote in the last Congress. Unfortunately, the Senate failed to act on it.

I urge all Members to support this very important and very bipartisan bill to improve our Nation's security.

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

□ 1115

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

Mr. Speaker, I rise in strong support of H.R. 866, the Wastewater Treatment Work Security Act of 2003. This legislation, which is virtually the same as legislation that was approved by the 107th Congress by voice vote, would authorize \$200 million in grants from the

Environmental Protection Agency to State and local governmental entities to conduct vulnerability assessments of wastewater treatment facilities and to take steps to reduce identified vulnerabilities.

This legislation is similar to the approach taken for the vulnerability assessments of drinking water facilities in the bioterrorism legislation that was signed into law.

Mr. Speaker, in the wake of September 11 we have learned that the Nation's wastewater treatment plants are potentially vulnerable to terrorist attacks. While most plants have treatment redundancies, many plants have single points of failure, where two or more pipes feed into a common interceptor or have a large common pumping station serving the entire system.

Significant damage to one or more of the Nation's largest wastewater treatment plants or pumping stations would not only cause disruption to the normal community way of life, it would have serious environmental consequences.

While the largest impact might not be the loss of life, the discharge of millions and perhaps billions of gallons of raw sewage into the Nation's rivers and lakes would result in catastrophic environmental damage to the ecosystem and recreational economies, destroy commercial fish and shellfish industries, contaminate drinking water supplies, and lead to long-term public health problems.

In order to alleviate these concerns, under H.R. 866 the EPA would be authorized to provide grants for three purposes: One, to conduct vulnerability assessments at publicly owned treatment works; two, to implement certain preapproved security enhancements that have been identified in vulnerability assessment; and, three, to implement any other security enhancement measures identified in a vulnerability assessment.

This legislation would also authorize \$15 million to provide technical assistance to small communities, those serving fewer than 20,000 individuals, and \$1 million annually for 5 years for development and dissemination of computer software to aid in vulnerability assessment.

Finally, Mr. Speaker, the funding provisions for vulnerability assessments and security enhancements contained in this legislation have been drafted as an amendment to the Clean Water Act with the intent of ensuring that the Davis-Bacon Act would apply to any federally funded work that meets the definition of construction.

This approach was confirmed through staff conversations with representative of the Environmental Protection Agency in the 107th Congress.

Mr. Speaker, I urge my colleagues to support this legislation. I urge passage of this legislation and commend the chairman of the committee for his leadership on this bill.

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

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

Mr. Speaker, I thank the gentleman from Illinois (Mr. COSTELLO) for his work on this legislation. The ranking member, as he said, is a very good friend of mine and he is a pleasure to work with on this subcommittee.

This bill, as I mentioned in my first statement, is strongly supported by wastewater utility systems all over the entire Nation. This Nation has 16,000 wastewater utility systems. These grants would probably be most applicable to the 2,000 larger utilities. There is a \$150,000 cap per grant in this legislation and that is so a small handful of cities cannot gobble up all of this money and so it will be spread very effectively throughout the Nation to do this very important security work.

This bill provides for 75 percent Federal share of this money and then, of course, there would be a local participation for the remainder of the amount, and the total authorization of the bill, as both I and the gentleman from Illinois (Mr. COSTELLO) have noted, is \$220 million, \$15 million of which would go for technical assistance to the smaller utilities.

We have written this legislation so that there is no Davis-Bacon issue or any other controversial issue, and I think this legislation has strong and broad bipartisan support, strong support from both sides of the aisle. It is cosponsored both by the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and myself and the gentleman from Illinois (Mr. COSTELLO). I think it is a measure that deserves and can justify and merit the support of all Members of this body.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 866, "The Wastewater Treatment Works Security Act of 2003." Our nation's wastewater infrastructure consists of: 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers. Taken together, our wastewater infrastructure has a total value of more than \$2 trillion.

Significant damage to our nation's wastewater facilities could result in loss of life, catastrophic environmental damage, contamination of drinking water supplies, long term public health impacts, destruction of fish and shellfish production, and disruption to commerce, the economy, and our nation's way of life.

We need to protect our investment in our wastewater infrastructure and be sure it is not used to harm our people, property, or the environment.

H.R. 866 is aimed at filling a remaining major security gap involving our nation's critical infrastructure:

H.R. 866 provides for assistance to wastewater utilities by authorizing critical resources they need to conduct vulnerability assessments and implement security enhancements at their facilities.

H.R. 866 also provides for technical assistance directed to small communities on enhancing security at their wastewater plants.

For these reasons, I urge all members to support this bill.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 866.

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. DUNCAN. 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.

#### RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2003

Mr. QUINN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 874) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

The Clerk read as follows:

H.R. 874

*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 "Rail Passenger Disaster Family Assistance Act of 2003".

#### SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

##### "§ 1138. Assistance to families of passengers involved in rail passenger accidents

"(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

"(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

"(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

"(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

"(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

"(2) communicating with the families of passengers involved in the accident as to the roles of—

"(A) the organization designated for an accident under subsection (a)(2);

"(B) Government agencies; and

"(C) the rail passenger carrier involved, with respect to the accident and the post-accident activities.

"(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

"(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

"(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

"(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

"(4) To arrange a suitable memorial service, in consultation with the families.

"(d) PASSENGER LISTS.—

"(1) REQUESTS FOR PASSENGER LISTS.—

"(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

"(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

"(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

"(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

"(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

"(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

"(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

"(g) PROHIBITED ACTIONS.—

"(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the

Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

“(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

“(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) RAIL PASSENGER ACCIDENT.—The term ‘rail passenger accident’ means any rail passenger disaster occurring in the provision of—

“(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

“(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

“(2) RAIL PASSENGER CARRIER.—The term ‘rail passenger carrier’ means a rail carrier providing—

“(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

“(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

“(3) PASSENGER.—The term ‘passenger’ includes—

“(A) an employee of a rail passenger carrier aboard a train;

“(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

“(C) any other person injured or killed in the accident.

“(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

“(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

“(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority

is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

“(2) BOARD ASSISTANCE.—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.”.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

“1138. Assistance to families of passengers involved in rail passenger accidents.”.

**SEC. 3. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.**

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

**“CHAPTER 251—FAMILY ASSISTANCE**

“Sec.

“25101. Plans to address needs of families of passengers involved in rail passenger accidents.

**“§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents**

“(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

“(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

“(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

“(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other suitably trained individuals.

“(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

“(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

“(5) An assurance that the family of each passenger will be consulted about the dis-

position of all remains and personal effects of the passenger within the control of the rail passenger carrier.

“(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

“(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

“(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

“(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

“(10) An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

“(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

“(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

“(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

“(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

“(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

“(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

“(d) DEFINITIONS.—In this section—

“(1) the terms ‘rail passenger accident’ and ‘rail passenger carrier’ have the meanings such terms have in section 1138 of this title; and

“(2) the term ‘passenger’ means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.”.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United

States Code, is amended by adding after the item relating to chapter 249 the following new item:

"251. FAMILY ASSISTANCE ..... 25101".

**SEC. 4. ESTABLISHMENT OF TASK FORCE.**

(a) **ESTABLISHMENT.**—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, organizations potentially designated under section 1138(a)(2) of title 49, United States Code, rail passenger carriers, and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of passenger rail carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) **MODEL PLAN AND RECOMMENDATIONS.**—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist passenger rail carriers in responding to passenger rail accidents;

(2) recommendations on methods to improve the timeliness of the notification provided by passenger rail carriers to the families of passengers involved in a passenger rail accident;

(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and

(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. QUINN) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

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

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

Mr. Speaker, the Rail Passenger Disaster Family Assistance Act is a compassionate piece of legislation that deserves to be enacted into law. It has been crafted with the families of rail accident victims in mind.

Members may recall that several years ago after some egregious airplane crashes, the families of the victims of those crashes were poorly treated by the carriers, in some cases the media, and sometimes lawyers. Congress responded in 1996 asking the National Transportation Safety Board to take on an additional role.

At that time we enacted an aviation law that placed the NTSB and a suitable private charitable organization in charge of coordinating the efforts to protect the privacy of crash victims' families and to ensure that they receive the most current information possible from the carrier.

The NTSB has a well-deserved reputation for thoroughness and impartiality in its investigations and in its accident reports. The board's careful work and thoughtful recommendations have contributed significantly to the

safety of the traveling public on our highways, our railroads and airways. By all accounts the NTSB has been equally successful in this new task of helping families cope with the devastating loss of a loved one. Based on this success, the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, the gentlewoman from Florida (Ms. CORRINE BROWN), Subcommittee on Railroads ranking member, and myself have introduced H.R. 874, a bill to ensure the same compassionate treatment for families of railroad accident victims.

This bill essentially mirrors the aviation law, mandating that the NTSB serve a similar role and including the recommended updates.

The bill also includes one feature suggested by the NTSB itself. That new feature is a one-year task force composed of the DOT, the NTSB, charitable organizations and family members of passenger rail accident victims. This task force, when put in place, will examine and report back to the Congress on how to improve the information flow after an accident has happened and how to make family assistance work better in the future.

Our point here, Mr. Speaker, is that after the incident happens we want to continue communication to make certain we do an even better job should a tragic accident occur in the future.

Although versions of this bill passed overwhelmingly in the House during the last Congress, the Senate has yet to act. Thankfully the Rail Passenger Disaster Family Assistance Act is back on the suspension calendar today in our session. I strongly support H.R. 874 and urge its approval by the whole House this afternoon.

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

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

Mr. Speaker, I rise in strong support of this legislation.

I ask unanimous consent that the balance of time on our side be controlled by gentlewoman from Florida (Ms. CORRINE BROWN).

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

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CORRINE BROWN) will control the balance of the time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking the gentleman from New York (Mr. QUINN), the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for all of their efforts to bring this bill to the House floor.

This will be our fourth effort to enact this legislation. Each time it has passed the House, only to die from inaction by the other body. I hope that the fourth time is the charm.

Mr. Speaker, it is difficult to believe that this bill has not been passed by both Houses and signed into law by the President years ago. The bill simply provides intercity rail passengers and their families the same basic assistance and protection that we provide airline passengers and their families.

In the event of a serious accident involving major loss of life, the bill provides that the National Transportation Safety Board provide assistance to the families of the victims. By designating an NTSB employee to be responsible for facilitating and recovering and identification of those killed in the accident, and by designating an independent agency like the Red Cross as primarily responsible for communication with the family members of the victims, we ensure that these delicate tasks are performed by professionals trained to respond to transportation tragedies.

The bill spells out the specific details of what is expected from the NTSB, the independent relief agency, and the railroads, all with the purpose of getting information to the family members as quickly as possible and providing compassionate care for those who have lost loved ones.

Mr. Speaker, these services and protections have been available for airline accident victims and their families since 1996. It is time we treated railroad passengers and their families with the same respect and compassion. I urge all of my colleagues to support this legislation.

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

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

I would only like to mention and thank the ranking member, my partner on the Subcommittee on Railroads, the gentlewoman from Florida (Ms. CORRINE BROWN), for her great work. As usual, the Committee on Transportation and Infrastructure and our subcommittee comes up with great bipartisan legislation and this morning is another example of that.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of this well crafted bipartisan bill. The Committee on Transportation and Infrastructure produced the current aviation law, and subsequent updates, that protects survivors and families of accident victims against ill-treatment after major airline accidents. Today, we are considering a closely parallel measure that would offer the same protections in the wake of any major railroad passenger train accident.

The successful record of the Aviation Family Assistance Law since its enactment in 1996, and the strong track record of the National Transportation Safety Board in administering that law, make me highly confident that this bill, once enacted, will be just as successful.

Fortunately, there have been only a handful of rail passenger accidents involving fatalities in the last several years. Just as with aviation, we hope there are none. But it is only prudent to have in place common sense procedures that can be put into play by the NTSB and the other organizations with which it works, if a major accident happens.

This measure is a completely bipartisan product. With the exception of some technical updates, it is essentially the same legislation that the House has overwhelmingly approved in two previous Congresses. This time, we hope the other body will act, which it has failed to do in the past. But we need to get the process moving now, to get these much needed procedures in place.

I strongly urge approval of this well crafted bipartisan legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. QUINN) that the House suspend the rules and pass the bill, H.R. 874.

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. QUINN. 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.

#### GENERAL LEAVE

Mr. QUINN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the following bills: H.R. 874, H.R. 866, H. Con. Res. 53 and H. Con. Res. 96.

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

There was no objection.

□ 1130

#### TERMINATION OF EMERGENCY WITH RESPECT TO THE ACTIONS AND POLICIES OF UNITA AND REVOCATION OF RELATED EXECUTIVE ORDERS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-69)

The SPEAKER pro tempore (Mr. BASS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Pursuant to section 202 of the International Emergency Economic Powers Act, 50 U.S.C. 1622, I hereby report that I have issued an Executive Order (the "Order"), that terminates the national emergency described and declared in Executive Order 12865 of September 26, 1993, with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA) and revokes that order, Executive Order 13069 of December 12, 1997, and

Executive Order 13098 of August 18, 1998.

The Order will have the effect of lifting the sanctions imposed on UNITA in Executive Orders 12865, 13069, and 13098. These trade and financial sanctions were imposed to support international efforts to force UNITA to abandon armed conflict and return to the peace process outlined in the Lusaka Protocol, as reflected in United Nations Security Council Resolutions 864 (1993), 1127 (1997), and 1173 (1998).

The death of UNITA leader Jonas Savimbi in February 2002 enabled the Angolan government and UNITA to sign the Luena Memorandum of Understanding on April 4, 2002. This agreement established an immediate ceasefire and called for UNITA's return to the peace process laid out in the 1994 Lusaka Protocol. In accordance therewith, UNITA quartered all its military personnel in established reception areas and handed its remaining arms over to the Angolan government. In September 2002, the Angolan government and UNITA reestablished the Lusaka Protocol's Joint Commission to resolve outstanding political issues. On November 21, 2002, the Angolan government and UNITA declared the provisions of the Lusaka Protocol fully implemented and called for the lifting of sanctions on UNITA imposed by the United Nations Security Council.

With the successful implementation of the Lusaka Protocol and the demilitarization of UNITA, the circumstances that led to the declaration of a national emergency on September 26, 1993, have been resolved. The actions and policies of UNITA no longer pose an unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 1448 (2002) lifted the measures imposed pursuant to prior U.N. Security Council resolutions related to UNITA. The continuation of sanctions imposed by Executive Orders 12865, 13069, and 13098 would have a prejudicial effect on the development of UNITA as an opposition political party, and therefore, on democratization in Angola. For these reasons, I have determined that it is necessary to terminate the national emergency with respect to UNITA and to lift the sanctions that have been used to apply economic pressure on UNITA.

I am enclosing a copy of the Executive Order I have issued. This Order is effective at 12:01 a.m. eastern daylight time on May 7, 2003.

GEORGE W. BUSH.

THE WHITE HOUSE, May 6, 2003.

#### EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT PUBLIC SERVICE EMPLOYEES SHOULD BE COMMENDED FOR THEIR DEDICATION AND SERVICE TO THE NATION

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 213) expressing the

sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week.

The Clerk read as follows:

H. RES. 213

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of individuals who meet the needs of the Nation through work at all levels of government;

Whereas over 20,000,000 men and women work in government service in every city, county, and State across the Nation and in hundreds of locations abroad;

Whereas Federal, State, and local officials perform essential services that the Nation relies upon every day;

Whereas the United States is a great and prosperous nation, and public service employees have contributed significantly to its greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public service employees—

(1) help the Nation recover from natural disasters and terrorist attacks,

(2) fight fires and crime,

(3) deliver the mail,

(4) teach and work in our public schools,

(5) deliver Social Security and Medicare benefits,

(6) fight disease and promote better health,

(7) protect the environment and our national parks,

(8) defend and secure critical infrastructure,

(9) improve and secure transportation and the quality and safety of our food and water,

(10) build and maintain our roads and bridges,

(11) provide vital strategic and support functions to our military personnel,

(12) keep the Nation's economy stable,

(13) defend our freedom, and

(14) advance our Nation's interests around the world;

Whereas public service employees at the Federal, State, and local level are our first line of defense in maintaining homeland security;

Whereas public service employees at every level of government are hardworking individuals who are committed to doing a good job, regardless of the circumstances;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas the men and women serving in the Armed Forces of the United States, as well as those Federal employees who provide support for their efforts, contribute greatly to the security of the Nation and of the world;

Whereas May 5 through 11, 2003, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week will be celebrated through job fairs, student activities, and agency exhibits: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends America's Federal, State, and local government employees for their outstanding contributions to our country;

(2) salutes this Nation's public service employees for their unwavering dedication and spirit;

(3) honors those public service employees who have laid down their lives in service to this Nation;

(4) calls upon a new generation of workers to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. MURPHY. Mr. Speaker, I yield myself as much time as I may consume.

The gentleman from Illinois (Mr. DAVIS), my distinguished colleague and ranking member of the Subcommittee on Civil Service and Agency Reorganization, has introduced House Resolution 213, and I am pleased to join with him today in support. This legislation expresses the sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week.

Mr. Speaker, I rise today on behalf of all my colleagues in expressing the House's tremendous gratitude and appreciation for their fine men and women who serve our Nation as government employees. Truly no profession is more critical to our Nation's basic operation than the public service.

This is a very important week that offers the more than 20 million public employees a chance to educate all Americans about the countless ways in which government makes life better for all of us, from our Nation's postal employees who deliver the mail to our educators who teach our children and from our law enforcement officials who protect us to our emergency responders who quickly and thoroughly react to disasters. Government employees serve each and every American in countless capacities each day. Their essential sacrifices comprise the backbone of American society.

Today, this House salutes those men and women who work hard every day to make America great. In addition, I have letters from both the President and the Secretary of the Department of Defense expressing their appreciation for the work of civil servants and I will include them in the RECORD at this point.

THE WHITE HOUSE,  
Washington, April 4, 2003.

I send greetings to those celebrating Public Service Recognition Week.

Public service is vital to the American character. Americans realize that giving something back to our communities strengthens our country and fulfills our obligation to serve a greater cause. Our Nation

is deeply indebted to the men and women who devote themselves to public service through their careers.

Every day across America, government employees at the Federal, State, and local levels carry out countless responsibilities that help protect our homeland, maintain critical services, ensure economic growth, and strengthen our national security. With the creation of the Department of Homeland Security, more than 170,000 dedicated public servants are now tasked with the overriding mission of protecting their fellow Americans from terrorism. These individuals serve our citizens and help make our government more efficient and effective.

Over the last two years, my Administration has taken significant action to encourage public service and civic engagement. Americans have responded with an outpouring of kindness and volunteer service that is transforming our Nation, one heart, one soul at a time. Through the USA Freedom Corps, we continue to mobilize our citizens and provide opportunities for individuals to improve their communities by serving in local schools, libraries, police and fire departments, places of worship, and hospitals. We are grateful for these dedicated citizens and for all public servants who touch lives, inspire others, and help us realize the promise and potential of our great Nation.

Laura joins me in sending our best wishes for a wonderful week.

GEORGE W. BUSH.

THE SECRETARY OF DEFENSE,

THE PENTAGON,

Washington, DC, February 26, 2002.

Subject: Public Service Recognition Week—2002.

Since the September 11th attacks on the Pentagon and World Trade Centers, Americans have had fresh reminders of the importance of public service. Many public servants sacrificed their lives on that day and since in the war on terrorism. Public Service Recognition Week (PSRW) provides an opportunity to highlight the value of public service and a time to honor the accomplishments of the people, both civilians and military, who serve America at all levels of government.

This year, the week of May 6–12, 2002, has been set aside as Public Service Recognition Week. Public observances are planned Nationwide and large-scale displays depicting missions of most Executive Branch agencies will be exhibited on the national Mall in Washington, D.C. The Military Departments and many key Defense Agencies plan to participate.

We are proud of the role played by the Defense Department and are delighted to showcase our national security responsibility.

DONALD RUMSFELD.

Mr. Speaker, House Resolution 213 rightly honors public service employees for their essential service to our great Nation. I hope this resolution will help to encourage a new generation of young Americans to consider entering into a noble career in the public service, and for these reasons I urge all Members to support the adoption of this important resolution.

Again, I thank my distinguished colleague from Illinois for introducing the measure.

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

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

Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. TOM DAVIS), the chairman, and the gentleman from California (Mr. WAXMAN), the ranking member, for not only cosponsoring this resolution but also for expediting its movement to the floor. I also want to thank the Speaker, Speaker's office, and I want to thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for the work that she does on the Subcommittee on Civil Service and Agency Reorganization but also in helping to make sure that this legislation reached the floor in time for its presentation today. I am pleased to join with the gentleman from Pennsylvania and I appreciate his remarks.

Public Service Recognition Week, which has been celebrated the first Monday through Sunday in May since 1985, is an opportunity for us to honor and celebrate the commitment of government employees. Public Service Recognition Week offers all Americans, especially young people, the opportunity to learn and get excited about a career in public service. It also provides the opportunity to thank those who serve us daily for their efforts.

I believe that public service should be valued and respected by all Americans. When we think of public service, we think of people in the Armed Services who protect us, people in law enforcement, people who help the Nation recover from natural disasters, who fight fires and crime, deliver the mail, teach and work in our public schools, deliver Social Security and Medicare benefits, fight disease and promote better health, protect the environment and our national parks, defend and secure critical infrastructure, improve and secure transportation and the quality of safety of our food and water, build and maintain our roads and bridges, provide vital strategic and support functions to our military personnel, keep the Nation's economy stable, defend the freedom and advance the Nation's interests around the world.

There has been some conversation lately about interests in public service declining, and I would hope that as young people decide upon their careers, as they decide what it is that they would like to do that they would take a good look at the opportunity to serve not only themselves but to also serve their fellow citizens. So I would encourage them to look at public careers as a way of leading meaningful and productive lives. It is a great opportunity to be of service.

I belong to an organization that says he who would be first of all would be servant of all, and when we serve the public we are at the peak of service.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the gentlewoman from the District of Columbia (Ms. NORTON), who herself has a tremendous record of public service in this country.

Ms. NORTON. Mr. Speaker, I want to thank the gentleman not only for yielding but for his very astute service as ranking member of the Subcommittee on Civil Service and Agency Reorganization and his leadership on that subcommittee and on the Committee on Government Reform.

I also want to thank my good friends the gentleman from Virginia (Mr. TOM DAVIS), the chairman, and the gentleman from California (Mr. WAXMAN), the ranking member, for bringing this resolution forward, but Mr. Speaker, I am sure when they originally decided to bring it forward they did not have in mind what is about to transpire in the Committee on Government Reform.

How perfectly ironic that we would be celebrating Public Service Recognition Week this week to honor Federal employees when tomorrow the Committee on Government Reform is about to mark up a bill that would strip one-third of the Federal workforce of essentially all of their civil service and collective bargaining rights. Let us have a big celebration for Public Service Week.

This bill that is before us, on not a fast track but on a jet plane for reasons that have yet to be revealed to us because we have not been given a reason for the rush, goes well beyond the homeland security bill that was so terribly controversial in this House and in the Senate, and let me document what I am saying.

The bill that will be before us tomorrow sweeps away most of the rights of the civilian employees of the Department of Defense. Pay for performance would immediately come into now the entire workforce, but no system for measuring performance is in place, according to the GAO, which has said slow this train down.

The Department of Defense employees would be exempt from these executive bargaining rights that are applicable to other agencies.

□ 1145

Mr. Speaker, they are already exempt because the employee representatives testified that they had not been consulted, they simply were called in and told what was going to happen. Consultation as is now required under the law has not taken place. They are already exempt from the collective bargaining rights of the rest of the government.

No appeal or due process rights when you are suspended or demoted, no right to file a sex or race discrimination complaint before the Equal Employment Opportunity Commission.

Mr. Speaker, I am a former Chair of that commission, and the notion that the Congress would ever exempt its own workforce from race and sex discrimination claims is almost unbelievable, but that is what this bill does.

For reductions in workforce, there would be no need to base them on length of service or on efficiency while you were on the job or on performance.

What does that leave, Mr. Speaker? It does leave race and sex since an employee cannot file a complaint at the EEOC. One could file a complaint with their agency, but we know what that means. AT&T has discriminated against me; I will file with AT&T. DOD has discriminated against me; and I will file with DOD, and no right for an independent review of what is found. That is what this bill would do, and a lot more that I do not have time to explain.

Worse, just as we see homeland security spread now to DOD, they mean to spread what has happened in DOD to the rest of the workforce. Except as it spread from homeland security, it got worse than it was in homeland security. So what is the rest of the workforce to expect now?

I want to make it clear that many of us on the Committee on Government Reform were relieved to hear that DOD was finally going to reform itself, particularly after 9/11. Many of us believed that DOD needed a lot of reform before 9/11; but after 9/11, it is imperative and indispensable. The notion that reform means sweeping away the rights of the employees is an oxymoron. There may be greater efficiencies; I believe there are with respect to all of these matters. But the notion of waiving them or sweeping them away in a couple of weeks with no scrutiny is simply unthinkable.

The bill stunned the Committee on Government Reform on both sides of the aisle. It stunned even the Committee on Armed Services, but they are under huge pressure to pass this bill.

Mr. Speaker, I have come to the floor of course to congratulate the employees who have shown how important they are to us, particularly since 9/11 made us understand what perhaps we should have understood all along, but it will not do to celebrate their service while sweeping away their rights.

I implore every Member of the House because most Members have civil servants in their districts to closely look at this bill and help us slow down the jet plane that is flying away with the rights of Federal employees even as we celebrate their service this week.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to honor all of the hard work of civil servants during the Public Service Recognition Week.

As a former Baltimore County executive, I had an opportunity to work directly with men and women who serve on the local government level. Their commitment to excellence continues to be a great source of inspiration. Public service employees have contributed significantly to American greatness and prosperity. It is with pleasure that I support a resolution commending public servants, especially our Federal

workforce, for their dedication and continued service to our Nation.

Public Service Recognition Week represents an opportunity for us to honor and celebrate the commitment of individuals who serve the needs of the Nation through work at all levels of government. It is also a time to call on a new generation to consider public service. Public service civilian employees are critical in demonstrating that the government workforce is a valued component to our country and to our national security. Thanks to all those who serve at the local, State, and Federal level.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for all of his fine work in protecting and enhancing the Federal civil service.

I am glad we have an opportunity to recognize the value of public service. Normally, these resolutions come and go and nobody pays much attention to them, but there is a particular benefit to having this opportunity right now, as the distinguished representative, the gentlewoman from the District of Columbia (Ms. NORTON), explained earlier.

This is a pivotal time in the history of the Federal workforce. It is a time when half of that Federal workforce will be eligible to retire within the next 3 to 5 years. Of the 2.7 million people, half of them may retire. Many people will say, so what. Well, for those who are going to be so blasé about the importance of the Federal workforce, then I would ask them to look at some of the other civil services throughout the world.

They will not find any other civil service that is as incorruptible, that is as productive, that is as responsible, as the Federal workforce. They are not perfect, but the vast majority of them went into the Federal civil service because they wanted to make other people's lives better, and they remain dedicated to that purpose.

But when most of them joined the civil service, it was held in highest esteem. In the 1960s, three-quarters of high school graduates said they thought it would be honorable to work in public service. Now it is about one out of 5. We have diminished the value and the prestige of the Federal civil service, but they have not diminished their output or their commitment.

But this, as I say, is a pivotal time because instead of trying to attract and retain the best people into civil service, what we have done is to come up with disincentives. The Congress has to fight every year to get a pay raise, even equal to the current very low rate of inflation. We have fought to protect civil servants' ability to collectively bargain, to maintain their health benefits, affordable health insurance; and now as the gentlewoman

from the District of Columbia (Ms. NORTON) mentioned, we have perhaps the biggest struggle: about a third of the Federal workforce, those who work for the Department of Defense, may lose their civil service protections.

The Pentagon's desire is to contract them out. In fact, nearly half a million people, 425,000, are targeted throughout the Federal government to have their job contracted out to the private sector. In some cases that is appropriate; but in many cases it is not, and we are not going to find the kind of dedication to public service, even professionalism and willingness to accept in most cases less pay to be able to serve the public.

We find that on average the difference for performing the same function between the private sector and the Federal sector is 32 percent. It is a smaller disparity on the part of lower-paid employees. As we move into management, the gap is wider. In terms of skilled professionals, the gap is widest.

I think we are in danger of losing something that this country has taken for granted. We need to reward Federal civil servants. We need to protect their benefits and enable them to collectively bargain, and in fact take every opportunity, such as this resolution presents us with, to say thank you, Federal civil servants, thank you for making this the strongest, most cohesive, most stable government in the history of mankind. We are proud of you. We want you to stay, we want you to maintain your commitment, and we want you to know that we appreciate what you do.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the former ranking member of the Subcommittee on Civil Service.

Mr. CUMMINGS. Mr. Speaker, I rise today to ask all of my colleagues to support this resolution that honors the more than 20 million Federal, State, and local government employees for their outstanding contributions to our country.

H. Res. 213 salutes policemen, firefighters, postal workers, public school teachers and administrators, and those who work at government agencies for their steadfast dedication. Likewise, the resolution honors our men and women in the armed service who have died in service to our great Nation.

With the attraction of higher salaries and competitive benefit packages, it is not surprising that Federal, State, and local governments are finding it difficult to keep a talented workforce. It is imperative that efforts to recruit recent college graduates and promote training opportunities for current employees are fostered. Public service work can sometimes be difficult; but regardless of the circumstances, these hardworking individuals are committed to doing excellent work and to making a major difference.

The theme for the 2003 Public Service Recognition Week celebration is "Cele-

brating government workers nationwide." Ironically, this week, instead of celebrating government workers nationwide, the Committee on Government Reform is scheduled to push through a Department of Defense proposal later today that creates a new personnel system and could have far-reaching implications to Federal employees not only with DOD, but at other agencies.

The proposal and others like it must be carefully weighed with consultation by all affected parties, including organizations that represent employees. Again, I encourage all Members of the House to support H. Res. 213. It has been said that service to others is the rent you pay for the room you occupy on Earth.

Mr. Speaker, I thank the millions of Americans who have chosen public service careers. Their service makes life better, and their service brings life to life.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank all Members who have spoken, and I thank the gentleman from Pennsylvania. In closing, let me just suggest that we have heard some of the issues surrounding continuation of the civil service. We have heard some of the problems and complexities of working for government. We have heard about some things that we must do if we are to retain the type of workforce that we desire to have.

I want to thank all of those who continue to work, who continue to make our civil service the very best in the country, who each and every day give of themselves for the benefit of others. Again, I thank the gentleman from Pennsylvania (Mr. MURPHY).

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

□ 1200

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

I have no other speakers, but I would like to make a brief comment to include and certainly urge all Members to support this resolution. But as the distinguished gentleman from Illinois (Mr. DAVIS) has said and others have supported, we owe a great deal to our civil servants throughout this Nation in all walks of life. They have helped our Nation in times of trouble and they keep our Nation running smoothly when there are good times. We are grateful for all they do. We want to continue to work to revise and update and work with them to make sure that a government that needs to be fluid and dynamic and adapt to the needs of the time can do so and look forward to their continued input as we support them, as we see what their needs are, as we see what the Nation's needs are in the future.

Again, I thank the gentleman from Illinois for introducing this important legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H. Res. 213, which

expresses the sense of the House that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week.

There was a time when we were taught that "public service is a public trust." That is true, but it is something more as well. In the aftermath of September 11, it is clear that public service is the bedrock of our Republic. Public sector employees, who have always been vital to the efficient, effective running of the government, now find themselves at the heart of our war on terrorism. It is the job they do that not only improves our quality of life, but also keeps us safe from those who would do us harm.

It is fitting that we set aside a week to recognize the indispensable contributions of those in public service. They have chosen public service despite the fact that the private sector could often have offered a more lucrative career. That said, there is no reason we should take their selflessness for granted. They still deserve our best efforts to enhance pay and benefits, provide improved and innovative training opportunities, and to re-examine the cultural barriers that unfortunately persist in government that make life less than ideal for public sector workers. In short, we must show those already in public service that we appreciate the job they do for us. We must also show those contemplating a career in public service that there are many advantages and opportunities to doing so.

Mr. Speaker, only one in six college-educated Americans expresses significant interest in working for the Federal Government. At the same time, half of the Federal workforce will be eligible to retire within the next 5 years. Therefore, it is incumbent upon us in Congress to reinvigorate a culture of public service across the country. We can do so taking the steps I have described above. As Chairman of the Government Reform Committee, I have been working hard to craft initiatives that will allow us to retain those employees we already have, while attracting the best and brightest of our young people to the public sector. I am confident we will be successful.

Mr. Speaker, in closing, I want to take this opportunity to publicly thank those in public service for their dedication and commitment to our great Nation. I also want to reaffirm my commitment to giving them the best professional opportunities and working environment possible.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and agree to the resolution, H. Res. 213.

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. DAVIS of Illinois. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1609, by the yeas and nays;

H.R. 100, by the yeas and nays;

H. Con. Res. 96, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ADMIRAL DONALD DAVIS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1609.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 1609, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 162]  
YEAS—423

|                |                 |               |
|----------------|-----------------|---------------|
| Abercrombie    | Calvert         | Duncan        |
| Ackerman       | Camp            | Dunn          |
| Aderholt       | Cannon          | Edwards       |
| Akin           | Cantor          | Ehlers        |
| Alexander      | Capito          | Emanuel       |
| Allen          | Capps           | Emerson       |
| Andrews        | Capuano         | Engel         |
| Baca           | Cardin          | English       |
| Bachus         | Cardoza         | Eshoo         |
| Baird          | Carson (OK)     | Etheridge     |
| Baker          | Carter          | Evans         |
| Baldwin        | Case            | Everett       |
| Ballance       | Castle          | Farr          |
| Ballenger      | Chabot          | Fattah        |
| Barrett (SC)   | Chocola         | Feeney        |
| Bartlett (MD)  | Clay            | Ferguson      |
| Barton (TX)    | Clyburn         | Filner        |
| Bass           | Coble           | Flake         |
| Beauprez       | Cole            | Fletcher      |
| Becerra        | Collins         | Foley         |
| Bell           | Combest         | Forbes        |
| Bereuter       | Cooper          | Ford          |
| Berkley        | Costello        | Fossella      |
| Berman         | Cox             | Frank (MA)    |
| Berry          | Cramer          | Franks (AZ)   |
| Biggart        | Crane           | Frelinghuysen |
| Bilirakis      | Crenshaw        | Frost         |
| Bishop (GA)    | Crowley         | Gallegly      |
| Bishop (NY)    | Cubin           | Garrett (NJ)  |
| Bishop (UT)    | Culberson       | Gerlach       |
| Blackburn      | Cummings        | Gibbons       |
| Blumenauer     | Cunningham      | Gilchrest     |
| Boehlert       | Davis (AL)      | Gillmor       |
| Bonilla        | Davis (CA)      | Gingrey       |
| Bonner         | Davis (FL)      | Gonzalez      |
| Bono           | Davis (IL)      | Goode         |
| Boozman        | Davis (TN)      | Goodlatte     |
| Boswell        | Davis, Jo Ann   | Gordon        |
| Boucher        | Davis, Tom      | Goss          |
| Boyd           | Deal (GA)       | Granger       |
| Bradley (NH)   | DeFazio         | Graves        |
| Brady (PA)     | Delahunt        | Green (TX)    |
| Brady (TX)     | DeLauro         | Green (WI)    |
| Brown (OH)     | DeMint          | Greenwood     |
| Brown (SC)     | Deutsch         | Grijalva      |
| Brown, Corrine | Diaz-Balart, L. | Gutierrez     |
| Brown-Waite,   | Diaz-Balart, M. | Gutknecht     |
| Ginny          | Dicks           | Hall          |
| Burgess        | Doggett         | Harman        |
| Burns          | Dooley (CA)     | Harris        |
| Burr           | Doolittle       | Hart          |
| Burton (IN)    | Doyle           | Hastings (FL) |
| Buyer          | Dreier          | Hastings (WA) |

|                |                |
|----------------|----------------|
| Hayes          | McDermott      |
| Hayworth       | McGovern       |
| Hefley         | McHugh         |
| Hensarling     | McInnis        |
| Herger         | McIntyre       |
| Hill           | McKeon         |
| Hinchey        | McNulty        |
| Hinojosa       | Meehan         |
| Hobson         | Meeke (FL)     |
| Hoefel         | Meeks (NY)     |
| Hoekstra       | Menendez       |
| Holden         | Mica           |
| Holt           | Michaud        |
| Honda          | Millender-     |
| Hooley (OR)    | McDonald       |
| Hostettler     | Miller (FL)    |
| Houghton       | Miller (MI)    |
| Hoyer          | Miller (NC)    |
| Hulshof        | Miller, George |
| Hunter         | Mollohan       |
| Inslee         | Moore          |
| Isakson        | Moran (KS)     |
| Israel         | Moran (VA)     |
| Issa           | Murphy         |
| Istook         | Murtha         |
| Jackson (IL)   | Musgrave       |
| Jackson-Lee    | Myrick         |
| (TX)           | Nadler         |
| Janklow        | Napolitano     |
| Jefferson      | Neal (MA)      |
| Jenkins        | Nethercutt     |
| John           | Ney            |
| Johnson (CT)   | Northup        |
| Johnson (IL)   | Norwood        |
| Johnson, E. B. | Nunes          |
| Johnson, Sam   | Nussle         |
| Jones (NC)     | Oberstar       |
| Jones (OH)     | Obey           |
| Kanjorski      | Olver          |
| Kaptur         | Ortiz          |
| Keller         | Osborne        |
| Kelly          | Ose            |
| Kennedy (MN)   | Otter          |
| Kennedy (RI)   | Owens          |
| Kildee         | Oxley          |
| Kilpatrick     | Pallone        |
| Kind           | Pascrell       |
| King (IA)      | Pastor         |
| King (NY)      | Paul           |
| Kingston       | Payne          |
| Kirk           | Pearce         |
| Klecзка        | Pelosi         |
| Kline          | Pence          |
| Knollenberg    | Peterson (MN)  |
| Kolbe          | Peterson (PA)  |
| Kucinich       | Petri          |
| LaHood         | Pickering      |
| Lampson        | Pitts          |
| Langevin       | Platts         |
| Lantos         | Pombo          |
| Larsen (WA)    | Pomeroy        |
| Larson (CT)    | Porter         |
| Latham         | Portman        |
| LaTourette     | Price (NC)     |
| Leach          | Pryce (OH)     |
| Lee            | Putnam         |
| Levin          | Quinn          |
| Lewis (CA)     | Radanovich     |
| Lewis (GA)     | Rahall         |
| Lewis (KY)     | Ramstad        |
| Linder         | Rangel         |
| Lipinski       | Regula         |
| LoBiondo       | Rehberg        |
| Lofgren        | Renzi          |
| Lowey          | Reyes          |
| Lucas (KY)     | Reynolds       |
| Lucas (OK)     | Rodriguez      |
| Lynch          | Rogers (AL)    |
| Majette        | Rogers (KY)    |
| Maloney        | Rogers (MI)    |
| Manzullo       | Rohrabacher    |
| Markey         | Ros-Lehtinen   |
| Marshall       | Ross           |
| Matheson       | Rothman        |
| Matsui         | Roybal-Allard  |
| McCarthy (MO)  | Royce          |
| McCarthy (NY)  | Ruppersberger  |
| McCollum       | Rush           |
| McCotter       | Ryan (OH)      |
| McCreery       | Ryan (WI)      |

|                  |                  |
|------------------|------------------|
| Ryun (KS)        | Sabó             |
| Sanchez, Linda   | T.               |
| Sanchez, Loretta | Sanchez, Loretta |
| Sanders          | Sandlin          |
| Saxton           | Saxton           |
| Schakowsky       | Schiff           |
| Schroock         | Schroock         |
| Scott (GA)       | Scott (GA)       |
| Scott (VA)       | Scott (VA)       |
| Sensenbrenner    | Serrano          |
| Sessions         | Sessions         |
| Shadegg          | Shaw             |
| Shays            | Shays            |
| Sherman          | Sherman          |
| Sherwood         | Sherwood         |
| Shimkus          | Shimkus          |
| Shuster          | Shuster          |
| Simmons          | Simmons          |
| Simpson          | Simpson          |
| Skelton          | Skelton          |
| Slaughter        | Slaughter        |
| Smith (MI)       | Smith (MI)       |
| Smith (NJ)       | Smith (NJ)       |
| Smith (TX)       | Smith (TX)       |
| Smith (WA)       | Smith (WA)       |
| Snyder           | Snyder           |
| Solis            | Solis            |
| Souder           | Souder           |
| Spratt           | Spratt           |
| Stark            | Stark            |
| Stearns          | Stearns          |
| Stenholm         | Stenholm         |
| Strickland       | Strickland       |
| Stupak           | Stupak           |
| Sullivan         | Sullivan         |
| Sweeney          | Sweeney          |
| Tancredo         | Tancredo         |
| Tanner           | Tanner           |
| Tauscher         | Tauscher         |
| Taylor (MS)      | Taylor (MS)      |
| Taylor (NC)      | Taylor (NC)      |
| Terry            | Terry            |
| Thomas           | Thomas           |
| Thompson (CA)    | Thompson (CA)    |
| Thompson (MS)    | Thompson (MS)    |
| Thornberry       | Thornberry       |
| Tiahrt           | Tiahrt           |
| Tiberi           | Tiberi           |
| Tierney          | Tierney          |
| Toomey           | Toomey           |
| Turner           | Turner           |
| Turner (OH)      | Turner (OH)      |
| Turner (TX)      | Turner (TX)      |
| Udall (CO)       | Udall (CO)       |
| Udall (NM)       | Udall (NM)       |
| Upton            | Upton            |
| Van Hollen       | Van Hollen       |
| Velazquez        | Velazquez        |
| Visclosky        | Visclosky        |
| Vitter           | Vitter           |
| Walden (OR)      | Walden (OR)      |
| Walsh            | Walsh            |
| Wamp             | Wamp             |
| Waters           | Waters           |
| Watson           | Watson           |
| Watt             | Watt             |
| Waxman           | Waxman           |
| Weiner           | Weiner           |
| Weldon (FL)      | Weldon (FL)      |
| Weldon (PA)      | Weldon (PA)      |
| Weller           | Weller           |
| Wexler           | Wexler           |
| Whitfield        | Whitfield        |
| Wicker           | Wicker           |
| Wilson (NM)      | Wilson (NM)      |
| Wilson (SC)      | Wilson (SC)      |
| Wolf             | Wolf             |
| Woolsey          | Woolsey          |
| Wu               | Wu               |
| Wynn             | Wynn             |
| Young (AK)       | Young (AK)       |
| Young (FL)       | Young (FL)       |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are advised they have 2 minutes in which to record their votes.

□ 1223

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

SERVICEMEMBERS CIVIL RELIEF ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 100, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 100, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 163]  
YEAS—425

|               |                |                 |
|---------------|----------------|-----------------|
| Abercrombie   | Bradley (NH)   | Cubin           |
| Ackerman      | Brady (PA)     | Culberson       |
| Aderholt      | Brady (TX)     | Cummings        |
| Akin          | Brown (OH)     | Cunningham      |
| Alexander     | Brown (SC)     | Davis (AL)      |
| Allen         | Brown, Corrine | Davis (CA)      |
| Andrews       | Brown-Waite,   | Davis (FL)      |
| Ginny         |                | Davis (IL)      |
| Baca          | Burgess        | Davis (TN)      |
| Bachus        | Burns          | Davis, Jo Ann   |
| Baird         | Burns          | Davis, Tom      |
| Baker         | Burr           | Davis, Tom      |
| Baldwin       | Burton (IN)    | Deal (GA)       |
| Ballance      | Buyer          | DeFazio         |
| Ballenger     | Calvert        | Delahunt        |
| Barrett (SC)  | Camp           | DeLauro         |
| Bartlett (MD) | Cannon         | DeMint          |
| Barton (TX)   | Cantor         | Deutsch         |
| Bass          | Capito         | Diaz-Balart, L. |
| Beauprez      | Capps          | Diaz-Balart, M. |
| Becerra       | Capuano        | Dicks           |
| Bell          | Cardin         | Doggett         |
| Bereuter      | Cardoza        | Dooley (CA)     |
| Berkley       | Carson (OK)    | Doolittle       |
| Berman        | Carter         | Doyle           |
| Berry         | Case           | Dreier          |
| Biggart       | Castle         | Duncan          |
| Bilirakis     | Chabot         | Dunn            |
| Bishop (GA)   | Chocola        | Edwards         |
| Bishop (NY)   | Clay           | Ehlers          |
| Bishop (UT)   | Clyburn        | Emanuel         |
| Blackburn     | Coble          | Emerson         |
| Blumenauer    | Cole           | Engel           |
| Boehlert      | Collins        | English         |
| Bonilla       | Combest        | Eshoo           |
| Bonner        | Conyers        | Etheridge       |
| Bono          | Cooper         | Evans           |
| Boozman       | Costello       | Everett         |
| Boswell       | Cox            | Farr            |
| Boucher       | Cramer         | Fattah          |
| Boyd          | Crane          | Feeney          |
| Ginny         | Crenshaw       | Ferguson        |
| Burgess       | Crowley        | Filner          |

NOT VOTING—11

|             |          |              |
|-------------|----------|--------------|
| Blunt       | DeGette  | Hyde         |
| Boehner     | DeLay    | Miller, Gary |
| Carson (IN) | Dingell  | Tauzin       |
| Conyers     | Gephardt |              |

Flake LaTourette  
 Fletcher Leach  
 Foley Lee  
 Forbes Levin  
 Ford Lewis (CA)  
 Fossella Lewis (GA)  
 Frank (MA) Lewis (KY)  
 Franks (AZ) Linder  
 Frelinghuysen Lipinski  
 Frost LoBiondo  
 Gallegly Lofgren  
 Garrett (NJ) Lowey  
 Gerlach Lucas (KY)  
 Gibbons Lucas (OK)  
 Gilchrest Lynch  
 Gillmor Majette  
 Gingrey Maloney  
 Gonzalez Manzullo  
 Goode Markey  
 Goodlatte Marshall  
 Gordon Matheson  
 Goss Matsui  
 Granger McCarthy (MO)  
 Graves McCarthy (NY)  
 Green (TX) McCollum  
 Green (WI) McCotter  
 Greenwood McCrery  
 Grijalva McDermott  
 Gutierrez McGovern  
 Gutknecht McHugh  
 Hall McInnis  
 Harman McIntyre  
 Harris McKeon  
 Hart McNulty  
 Hastings (FL) Meehan  
 Hastings (WA) Meek (FL)  
 Hayes Meeks (NY)  
 Hayworth Menendez  
 Hefley Mica  
 Hensarling Michaud  
 Hergert Millender  
 Hill McDonald  
 Hinchey Miller (FL)  
 Hinojosa Miller (MI)  
 Hobson Miller (NC)  
 Hoefel Miller, George  
 Hoekstra Mollohan  
 Holden Moore  
 Holt Moran (KS)  
 Honda Moran (VA)  
 Hooley (OR) Murphy  
 Hostettler Murtha  
 Houghton Musgrave  
 Hoyer Myrick  
 Hulshof Nadler  
 Hunter Napolitano  
 Inslee Neal (MA)  
 Isakson Nethercutt  
 Israel Ney  
 Issa Northup  
 Istook Norwood  
 Jackson (IL) Nunes  
 Jackson-Lee Nussle  
 (TX) Oberstar  
 Janklow Obey  
 Jefferson Olver  
 Jenkins Ortiz  
 John Osborne  
 Johnson (CT) Ose  
 Johnson (IL) Otter  
 Johnson, E. B. Owens  
 Johnson, Sam Oxley  
 Jones (NC) Pallone  
 Jones (OH) Pascrell  
 Kanjorski Pastor  
 Kaptur Paul  
 Keller Payne  
 Kelly Pearce  
 Kennedy (MN) Pelosi  
 Kennedy (RI) Pence  
 Kildee Peterson (MN)  
 Kilpatrick Peterson (PA)  
 Kind Petri  
 King (IA) Pickering  
 King (NY) Pitts  
 Kingston Platts  
 Kirk Pombo  
 Kleczka Pomeroy  
 Kline Porter  
 Knollenberg Portman  
 Kolbe Price (NC)  
 Kucinich Pryce (OH)  
 LaHood Putnam  
 Lampson Quinn  
 Langevin Radanovich  
 Lantos Rahall  
 Larsen (WA) Ramstad  
 Larson (CT) Rangel  
 Latham Regula

Rehberg  
 Renzi  
 Reyes  
 Reynolds  
 Rodriguez  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Ross  
 Rothman  
 Roybal-Allard  
 Royce  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Ryan (KS)  
 Sabo  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sanders  
 Sandlin  
 Saxton  
 Schakowsky  
 Schiff  
 Schrock  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson  
 Skelton  
 Slaughter  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Solis  
 Souder  
 Spratt  
 Stark  
 Stearns  
 Stenholm  
 Strickland  
 Stupak  
 Sullivan  
 Sweeney  
 Tancredo  
 Tanner  
 Tauscher  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Akin  
 Alexander  
 Allen  
 Andrews  
 Baca  
 Bachus  
 Baird  
 Baker  
 Baldwin  
 Ballance  
 Ballenger  
 Barrett (SC)  
 Bartlett (MD)  
 Barton (TX)  
 Bass  
 Burgess  
 Burns  
 Burr  
 Burton (IN)  
 Bereuter  
 Berkley  
 Berman  
 Berry  
 Biggert  
 Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Blackburn  
 Blumenauer

Wolf  
 Woolsey  
 Carson (IN)  
 DeGette  
 DeLay  
 Wu  
 Wynn  
 Young (AK)  
 Young (FL)  
 Miller, Gary  
 Tauzin  
 Walsh  
 ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). There are 2 minutes left to vote.

□ 1230

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BONNER. Mr. Speaker, on rollcall Nos. 161, 162, 163, I was unavoidably detained in Alabama due to bad weather and flight delays. Had I been present, I would have voted "yea."

□ 1232

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 96.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. 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. 96, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 164]  
 YEAS—419

Abercrombie  
 Ackerman  
 Aderholt  
 Akin  
 Alexander  
 Allen  
 Andrews  
 Baca  
 Bachus  
 Baird  
 Baker  
 Baldwin  
 Ballance  
 Ballenger  
 Barrett (SC)  
 Bartlett (MD)  
 Barton (TX)  
 Bass  
 Burgess  
 Burns  
 Burr  
 Burton (IN)  
 Bereuter  
 Berkley  
 Berman  
 Berry  
 Biggert  
 Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Blackburn  
 Blumenauer  
 Blunt  
 Boehlert  
 Bonilla  
 Bonner  
 Bono  
 Boozman  
 Boswell  
 Boucher  
 Boyd  
 Bradley (NH)  
 Brady (PA)  
 Brady (TX)  
 Brown (OH)  
 Brown (SC)  
 Brown, Corrine  
 Brown-Waite,  
 Ginny  
 Burgess  
 Burns  
 Burr  
 Burton (IN)  
 Buyer  
 Calvert  
 Camp  
 Cannon  
 Cantor  
 Capito  
 Capps  
 Capuano  
 Bishop (UT)  
 Blackburn  
 Blumenauer  
 Carter  
 Case  
 Castle  
 Chabot  
 Chocola  
 Clay  
 Clyburn  
 Coble  
 Cole  
 Collins  
 Combest  
 Conyers  
 Cooper  
 Costello  
 Cox  
 Cramer  
 Crane  
 Crenshaw  
 Crowley  
 Cubin  
 Culberson  
 Cummings  
 Cunningham  
 Davis (AL)  
 Davis (CA)  
 Davis (FL)  
 Davis (IL)  
 Davis (TN)  
 Davis, Jo Ann  
 Davis, Tom  
 Deal (GA)  
 DeFazio

Delahunt  
 DeLauro  
 DeMint  
 Deutsch  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Doggett  
 Dooley (CA)  
 Doolittle  
 Doyle  
 Dreier  
 Duncan  
 Dunn  
 Edwards  
 Ehlers  
 Emerson  
 Engel  
 English  
 Eshoo  
 Etheridge  
 Evans  
 Everett  
 Farr  
 Fattah  
 Feeney  
 Ferguson  
 Filner  
 Flake  
 Fletcher  
 Foley  
 Forbes  
 Ford  
 Fossella  
 Frank (MA)  
 Franks (AZ)  
 Frelinghuysen  
 Frost  
 Gallegly  
 Garrett (NJ)  
 Gerlach  
 Gibbons  
 Gilchrest  
 Gillmor  
 Gingrey  
 Gonzalez  
 Goode  
 Goodlatte  
 Gordon  
 Goss  
 Granger  
 Graves  
 Green (TX)  
 Green (WI)  
 Greenwood  
 Grijalva  
 Gutierrez  
 Gutknecht  
 Hall  
 Harman  
 Harris  
 Hart  
 Hastings (FL)  
 Hastings (WA)  
 Hayworth  
 Hefley  
 Hensarling  
 Hergert  
 Hill  
 Hinojosa  
 Hobson  
 Hoefel  
 Hoekstra  
 Holden  
 Holt  
 Honda  
 Hooley (OR)  
 Hostettler  
 Houghton  
 Hoyer  
 Hulshof  
 Hunter  
 Inslee  
 Isakson  
 Israel  
 Issa  
 Istook  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Janklow  
 Jefferson  
 Jenkins  
 John  
 Johnson (CT)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones (NC)  
 Jones (OH)  
 Kanjorski  
 Kaptur  
 Keller  
 Kelly  
 Kennedy (MN)  
 Kennedy (RI)  
 Kildee  
 Kilpatrick  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kirk  
 Kleczka  
 Kline  
 Knollenberg  
 Kolbe  
 Kucinich  
 LaHood  
 Lampson  
 Langevin  
 Lantos  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 Jones (OH)  
 Kanjorski  
 Kaptur  
 Keller  
 Kelly  
 Kennedy (MN)  
 Kennedy (RI)  
 Kildee  
 Kilpatrick  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kirk  
 Kleczka  
 Kline  
 Knollenberg  
 Kolbe  
 Kucinich  
 LaHood  
 Lampson  
 Langevin  
 Lantos  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 Pastor  
 Paul  
 Payne  
 Pearce  
 Pelosi  
 Pence  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Platts  
 Pombo  
 Porter  
 Portman  
 Price (NC)  
 Pryce (OH)  
 Putnam  
 Quinn  
 Radanovich  
 Rahall  
 Ramstad  
 Rangel  
 Regula  
 Pastor  
 Paul  
 Payne  
 Pearce  
 Pelosi  
 Pence  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Platts  
 Pombo  
 Porter  
 Portman  
 Price (NC)  
 Pryce (OH)  
 Putnam  
 Quinn  
 Radanovich  
 Rahall  
 Ramstad  
 Rangel  
 Regula  
 Sanchez, Loretta  
 Sanders  
 Sandlin  
 Saxton  
 Schakowsky  
 Schiff  
 Schrock  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Skelton  
 Slaughter  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Solis  
 Souder  
 Spratt  
 Stark  
 Stearns  
 Stenholm  
 Strickland  
 Stupak  
 Sullivan  
 Sweeney  
 Tancredo  
 Tanner  
 Tauscher  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Tierney  
 Toomey  
 Towns  
 Turner (OH)

|             |             |             |
|-------------|-------------|-------------|
| Turner (TX) | Wamp        | Whitfield   |
| Udall (CO)  | Waters      | Wicker      |
| Udall (NM)  | Watson      | Wilson (NM) |
| Upton       | Watt        | Wilson (SC) |
| Van Hollen  | Waxman      | Wolf        |
| Velazquez   | Weiner      | Woolsey     |
| Visclosky   | Weldon (FL) | Wu          |
| Vitter      | Weldon (PA) | Wynn        |
| Walden (OR) | Weller      | Young (AK)  |
| Walsh       | Wexler      | Young (FL)  |

## NOT VOTING—15

|             |          |              |
|-------------|----------|--------------|
| Boehner     | Emanuel  | McKeon       |
| Carson (IN) | Gephardt | Miller, Gary |
| DeGette     | Hayes    | Pomeroy      |
| DeLay       | Hinchee  | Simpson      |
| Dingell     | Hyde     | Tauzin       |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 1½ minutes left to vote.

□ 1238

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EMANUEL. Mr. Speaker, on rollcall No. 164, I was unavoidably detained. Had I been present, I would have voted "yes."

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2.

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

There was no objection.

## NANOTECHNOLOGY RESEARCH AND DEVELOPMENT ACT OF 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 219 ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 219

*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. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. 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 Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chair-

man of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

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 may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 219 provides for the consideration of H.R. 766, the Nanotechnology Research and Development Act. H. Res. 219 provides for one hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule waives all points of order against consideration of the bill and makes in order the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill as an original bill for the purpose of amendment. It further provides that the bill shall be considered for amendment section by section and that each section shall be considered as read. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, H. Res. 219 is an open rule giving all Members of the House the opportunity to offer any germane amendments to H.R. 766. This rule accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. This is to simply encourage Members to take advantage of the option in order to facilitate consideration of amendments on the House floor and to inform Members of the details of any pending amendments.

Mr. Speaker, H.R. 766 is an important, bipartisan bill that will encourage further nanotechnology research. A recent National Academy of Sciences review described nanotechnology as the "relatively new ability to manipulate and characterize matter at the level of single atoms and small groups of atoms. This capability has led to the astonishing discovery that clusters of small numbers of atoms or molecules often have properties, such as strength, electrical resistivity, electrical con-

ductivity, and optical absorption, that are significantly different from the properties of the same matter at either the single molecule scale or the bulk scale."

Beyond this technical description, nanotechnology has the potential to have a significant impact on our lives in the coming years. Testimony before the Committee on Science, chaired by the gentleman from New York (Chairman BOEHLERT), indicated that in the future the American people could see great advances in medicine, manufacturing, materials, construction, computing and telecommunications as a result of this research. Yesterday in the Committee on Rules the gentleman from New York (Chairman BOEHLERT) and the ranking member, the gentleman from Texas (Mr. HALL) identified potential homeland security advantages as well, including information technology and sensor advances to assist us in our efforts to identify threats.

President Bush has recognized the benefits of these innovations in terms of practical applications to the American people and also to our Nation's economic growth. The National Science Foundation has predicted that the nanotechnology market could reach \$1 trillion by the year 2015. But we should recognize that there will be competitors in this arena from abroad.

In an effort to ensure the benefits of this research for our citizens and for future job growth, President Bush has asked Congress to expand the nanotechnology initiative and increase funding for this emerging technology, providing grants to researchers and establishing research centers and advanced technology user facilities.

The Associate Director for Technology in the Office of Science and Technology Policy stated that the administration's commitment to furthering nanotechnology research and development has never been stronger.

I applaud the President for focusing on this potential link to future economic growth. I thank the gentleman from New York (Chairman BOEHLERT), the gentleman from California (Mr. HONDA) and the Committee on Science for forwarding a bill that will result in better planning and coordination in this area of research.

This is a very fair rule. I urge my colleagues to support the rule so we may begin on any amendments that Members may have to offer before the House today.

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

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

I thank the gentleman from Georgia for yielding me the time, and I would also alert my friend from Georgia, as I understand it now, we have but one speaker, so we are prepared to move forward.

Mr. Speaker, I rise today in support of this bill and the open rule under which it is being considered.

□ 1245

When I think back to all of the times my friends on the other side of the aisle allowed an open rule this year, I do not have to think far, since it has only occurred once before during the 108th Congress. Therefore, Mr. Speaker, I am thankful for this full and open debate; and hopefully, this is a sign of what is to come.

Mr. Speaker, as I said, I rise today in support of the rule and H.R. 766, a bill to provide for a National Nanotechnology Research and Development program.

As my colleagues may know, nanotechnology is an emerging science that involves the engineering of extremely small materials, devices, and systems at the atomic, molecular, and macromolecular level. The science and technology of precisely controlling the structure of matter at the molecular level is widely viewed as the most significant technological frontier currently being explored.

This legislation is significant because it ensures continued U.S. leadership in nanotechnology research and coordination of nanotechnology research across Federal agencies and the private sector. This measure will provide grants to investigators, establish interdisciplinary research centers and advanced technology user facilities. It shall expand education and training of undergraduate and graduate students and establish a research program to identify societal and ethical concerns related to nanotechnology.

Additionally, this bill assembles a team of advisory and governing committees to work cooperatively with each of the national Federal science offices to achieve the goals and priorities set forth by this legislation and the Federal Government. Through the national nanotechnology research and development program, our Nation can and will continue to make advancements in virtually every industry and public endeavor, including health, electronics, transportation, the environment, and national security.

Moreover, this bill supports the National Nanotechnology Initiative outlined in 1999 by allowing us to reach beyond our natural size limitation and work directly with the building blocks of matter. It holds the promise for a new renaissance in our understanding of nature. It holds the promise, in addition, for means for improving human performance and a new industrial revolution in coming decades.

Mr. Speaker, I support H.R. 766 and this second open rule of the year. Perhaps that came about because of nanoseconds.

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

Mr. LINDER. 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 resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 219 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. 766.

The Chair designates the gentleman from Nebraska (Mr. TERRY) as chairman of the Committee of the Whole and requests the gentleman from Texas (Mr. CULBERSON) to assume the chair temporarily.

□ 1250

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. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes, with Mr. CULBERSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

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

GENERAL LEAVE

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 766.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of H.R. 766, the National Nanotechnology Research and Development Act. As is the practice of the Committee on Science, this is a bipartisan piece of legislation that reflects the important contributions of both majority and minority members of the committee.

I am going to keep my remarks brief today because nanotechnology is a subject on which there is already broad agreement on both sides of the aisle, in the administration and, indeed, in the country at large.

Nanotechnology can be a key to future economic prosperity and might improve our lives, and the Federal Government has an important role to play in supporting the basic research that will make this possible.

Nanotechnology is the science of manipulating and characterizing matter at the atomic and molecular level. It is one of the most promising and exciting fields of science today, involving a

multitude of science and engineering disciplines with widespread applications in electronics, advanced materials, medicine, and information technology. Nanotechnology represents the future of information processing and storage. Other future applications include new sensors to detect biological agents, stronger and lighter building materials, new cancer treatments, and more environmentally friendly chemical processes. Some have estimated that a \$1 trillion global market for nanotechnology will develop in little over a decade.

With this in mind, I introduced H.R. 766 with the gentleman from California (Mr. HONDA) and with senior members of the Committee on Science on both sides of the aisle as cosponsors. The committee held two hearings on the bill, one on nanotechnology research programs and commercialization efforts, and one on societal and ethical concerns related to nanotechnology. The academic and industrial research communities were articulate in their support of this legislation and on the need to consider the societal, environmental, ethical, and economic questions that will arise as new nanotechnology applications are developed and enter the marketplace.

H.R. 766 authorizes the President's National Nanotechnology Initiative and supports and improves the Federal Government's nanotechnology efforts in a number of ways. It emphasizes interdisciplinary research, it strengthens interagency coordination, it supports increased research on societal consequences of nanotechnology, it encourages commercialization of nanotechnology applications, it requires outside reviews of the program, and it provides incentives for Americans to pursue degrees in science and engineering.

H.R. 766 builds on the excellent budgets that have been put forward by the administration for nanotechnology. It has been endorsed by leading industry groups, and that is very important. A companion bill, S. 189 sponsored by Senators WYDEN and ALLEN, is moving forward in the Senate; and I am optimistic that this bill will be sent to the President's desk in the near future.

In closing, I want to thank the gentleman from California (Mr. HONDA) and the gentleman from Texas (Mr. HALL) for their able leadership on this important piece of legislation. It has been a pleasure working with them, and their contributions have made this bill a better bill.

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

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. Chairman, of course I rise in support of this act. It authorizes an interagency research program that will

have enormous consequences for the future of our Nation. It is bipartisan legislation introduced in the Committee on Science by the gentleman from New York (Chairman BOEHLERT) and the gentleman from California (Mr. HONDA), who took the lead on it. It is cosponsored, of course, by Members from both sides of the aisle. This bill, which was ordered reported by a unanimous vote of the committee, will authorize the National Nanotechnology Initiative that is part of the President's budget request.

I want to acknowledge the leadership of the gentleman from New York (Chairman BOEHLERT), and I thank him for his leadership, and the gentleman from California (Mr. HONDA) in developing this legislation. I want to thank Chairman BOEHLERT for working very cooperatively with Democratic leaders and Members and moving the bill through the committee. I also want to thank the gentleman from California (Mr. HONDA) for his hard work on the bill. His efforts have led to a strengthening of the outside advisory mechanism for the research program and to a process to help facilitate the transfer of research innovations to commercial applications.

Mr. Chairman, the advancement of civilization has been tied to human capabilities to manipulate and fashion materials. For example, the Stone Age gave way to the Bronze Age, which, in turn, gave way to the Iron Age. The trend has been a better understanding of material properties at a smaller and more detailed level.

We know now that we stand at the threshold of an age in which materials can be fashioned atom by atom. As a result, new materials can be designed with specified characteristics to satisfy any of those specific purposes.

The word "revolutionary" has become a cliché, but nanotechnology truly is revolutionary. In the words of a report from the National Research Council: "The ability to control and manipulate atoms, to observe and simulate collective phenomena, to treat complex materials systems, and to span length scales from atoms to everyday experience, provides opportunities that were not even imagined a decade ago."

Nanotechnology will have enormous consequences for the information industry, for manufacturing, for medicine, and for health. Indeed, the scope of this technology is so broad as to leave virtually no product untouched.

The potential reach and impact of nanotechnology argues for careful attention to how it may affect society and, in particular, attention to particular downsides of the technology. While some concerns have already been raised that seem more in the realm of science fiction, there are also very real issues with the potential health and environmental effect of nanosized particles.

I believe it is important for the successful development of nanotechnology

that potential problems be addressed from the very beginning in a straightforward and in an open manner. We know too well that negative public perceptions about the safety of a technology can have serious consequences for its acceptance and use. This has been the case with such technologies as nuclear power, genetically modified foods, and stem cell therapies.

Research is needed to provide understanding of potential problems arising from nanotechnology applications in order to allow informed judgments to be made by risks and cost-benefit trade-offs for specific implementations of the technology. Efforts must be made by the research community to open lines of communication with the public to make clear potential safety risks are being explored and not ignored.

We cannot once again go down the path where the research community simply issues a statement to the public: "Trust us, it is safe." I am confident that this bill will help accomplish this goal.

My colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), will offer an amendment at the appropriate point to further strengthen this aspect of the bill.

Mr. Chairman, H.R. 766 authorizes \$2.4 billion over 3 years for nanotechnology research and development at five agencies: the National Science Foundation, the Department of Energy, NASA, the National Institute of Standards and Technology, and EPA. In addition to setting funding goals, this bill puts in place mechanisms for planning and coordinating and implementation of interagency research programs.

The bill also includes provisions for outside expert advice to help guide the research program and ensure its relevance to emerging technological opportunities and to industry. The advisory committee required by the bill is charged to review the goals, the content, the implementation, and administration of the nanotechnology initiative. The bill provides the administration with the flexibility either to designate an existing advisory panel or to establish a new panel to carry out its role. It is important, I think, whatever approach is used, that the advisory committee encompass a range of expertise needed to assess the technological content of the initiative as well as the education, technology transfer, commercial application, and societal and ethical research aspects of this program.

□ 1300

Equally important, the advisory committee must focus sustained attention on the Nanotechnology Initiative over its lifetime in order to meet the comprehensive assessments required and the requirements specified by this legislation.

So I am pleased that H.R. 766 has identified the need for research to pro-

vide understanding of potential problems arising from nanotechnology applications. Annual reporting requirements, added by an amendment in committee by the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. BELL), will allow Congress to track the agencies' activities that are related to societal and ethical concerns.

A problem that was identified in the Committee on Science's hearings on the bill is the difficulty that can arise in transitioning results from nanotechnology research into actual products and commercial applications. The gentleman from California (Mr. HONDA) successfully proposed an amendment in committee that will help address the problem through greater use of the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program.

Finally, Mr. Chairman, as is clear from the hearing record for H.R. 766, this bill enjoys widespread support from the research community and from industry. This is an important bill. It will help ensure the Nation maintains a vigorous research effort in a technology area that is emerging as increasingly important for the economy and for national security.

Mr. Chairman, I urge my colleagues to support its final passage.

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

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH), the distinguished chairman of the Subcommittee on Research.

Mr. SMITH of Michigan. Mr. Chairman, what is nanotechnology? I think it is amazing. The chairman did not use a hair off of his head as an example, but nanotechnology is 1/100,000th the size of a normal human hair.

What we are talking about has a tremendous potential for industry, for science, for the health of this Nation. So it is the beginning, if you will, of a new revolution. It involves 13 Federal agencies in this new National Nanotechnology Initiative. This technology is still very much in its early stages.

Only a handful of nanotechnology products and applications have been commercialized today. Most Americans have probably yet to even hear about this exciting new era of science. So what exactly is this technology that will likely make such a profound impact on our lives and the lives of our kids and our grandkids?

The bill before us today defines nanotechnology as science and engineering at the atomic and molecular level. More specifically, it is the manipulation, if you will, of materials with structural features that are so tiny that it involves chemistry to develop some of the machines that we saw in our Subcommittee on Research that can even manipulate and transport a dust mite. In our hearings on the

future of medical technology, they estimate that within 30 years the life span of the average American could be 120 years old, partially because of the potential of nanotechnology, putting small rockets in one's bloodstream to hunt out certain discrepancies in the human body.

The National Science Foundation has estimated that nanotechnology has the potential to be a \$1 trillion industry within just the next 10 years. This will take shape in the form of revolutionary new applications in materials, in science, in manufacturing, energy production, information technology, medicine, defense, homeland security. Imagine the benefits of just one example of a future nanoscale tool, tiny machines that can detect cancer clusters.

But like biotechnology or information technology 10 to 15 years ago, nanotechnology has reached a critical growth stage. For these emerging innovations to come to fruition, it is important for us in Congress to work, proactively to provide support and guide the industry, and that is what this bill does.

We found that we will need to intensify our support for research and experimentation in the nanosciences, specifically fundamental, novel research.

Mr. Chairman, I urge my colleagues to vote for this legislation.

If the information technology revolution is any guide, the coming nanotechnology revolution will not only improve our lives through the development of many exciting new products, but its contribution to productivity gains will also help brighten future economic situations. As the Semiconductor Industry Association has pointed out, the Congressional Budget Office (CBO) estimation of the \$1.3 trillion projected deficit for fiscal years 2004–2013 would actually be \$247 billion higher if it were not for CBO's assumption of continued improvements in productivity due to computers. If we succeed in our effort to harness the potential of nanotechnology, we will see productivity and revenue gains of a similar magnitude.

I am proud that my home State of Michigan is poised to one of the leaders in this effort. As the state struggles to cope with job losses in manufacturing industries, we have been working to establish a high-tech corridor to attract companies in emerging industries such as nanotechnology. In fact, *Small Times* magazines recently ranked Michigan as one of the top ten states for nanotechnology businesses in the country. This is the kind of foresight that will help our State recover from the dramatic losses in the manufacturing sector.

I also want to mention that, as Chairman of the Research Subcommittee, which maintains oversight of the National Science Foundation, I am particularly excited about NSF's contribution to the nanotech initiative. NSF is the largest federal supporter of non-medical basic research conducted at universities, and has a long history of supporting research that has led to a myriad of discoveries now part of our everyday lives. At a support level of \$221 million for FY 2003, NSF is funding the cutting-edge, fundamental research at our nation's universities that will help to accelerate application and commercialization of nanotechnology products by the private sector. The goals and

priorities for the NNI established in H.R. 766 will be an important aspect of this process.

To conclude, that is a strong, well-thought out piece of legislation. It received unanimous bi-partisan support from the Science Committee, is supported by the pertinent industry organization that have an interest in nanotechnology, and finally, is the top science and technology priority of the President. I commend Chairman Boehlert for his leadership in crafting this bipartisan bill, and urge all members to support the legislation.

Mr. HALL of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from the Silicon Valley of California (Mr. HONDA). I have already explained his importance to this legislation, his background and his ability to lead the development of nanotechnology. I am glad to recognize him as one of authors of this bill.

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

Mr. HONDA. Mr. Chairman, I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act of 2003. I would like to thank very, very much the distinguished leaders of the Committee on Science, the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Texas (Mr. HALL), for working with me on this bipartisan bill which was approved unanimously by our committee.

Most people have probably never heard of the term nanotechnology but they will surely see its impact in the future. Nanotechnology refers to the ability of scientists and engineers to manipulate matter at the level of single atoms and molecules.

It has been said just previously that the size is 1/100,000th of the width of a hair or, if you can imagine, one-billionth of a meter. Nanotechnology has the potential to be the making of a revolution because it can be an enabling technology, fundamentally changing the way many items are designed and manufactured. This may lead to advances in almost every conceivable technological discipline, including medicine, energy supplies, the food we eat, and the power of our computers.

The National Science Foundation predicts the worldwide market for nanotechnology products and services to be somewhere in the neighborhoods of \$1 trillion by the year 2015. In today's business climate, the demand for short-term returns prevents companies from investing in long-term, high-risk work, which advancing nanotechnology will require.

Therefore, the Federal Government is one of the few investors that can take a long-term view and make the sustained investments that are required to bring the field to maturity.

Our bill continues to follow the positive trend of Federal investment in nanotechnology R&D begun by President Clinton, who created the National Nanotechnology Initiative, and President Bush, who has continued to support the program.

Under the NNI, 13 Federal agencies work together on nanotechnology, but each continues to run its own research program. A National Research Council study found that this approach leads to problems with coordination between agencies. Our bill addresses this concern by establishing an interagency committee on nanotechnology R&D and establishing a National Nanotechnology Coordination Office.

The study also found that the current structure of NNI provides little chance for voices outside the Federal agencies to be heard in the agenda setting process. Our bill addresses this by establishing an advisory committee that will draw upon members of the academic and industrial communities.

I am confident that the qualifications established in the bill and accompanying report will ensure that the advisers have the technical expertise in nanotechnology necessary to perform this job.

Nanotechnology's interdisciplinary nature presents another challenge, since the field transcends traditional areas of expertise. Our bill supports the establishment of interdisciplinary research centers, ensures that grant programs encourage interdisciplinary research and will expand education and training in interdisciplinary nanoscience and engineering.

In addition, nanotechnology will likely give rise to a host of novel social, ethical, philosophical and legal issues. We have a unique opportunity to think about those possible issues that might arise before they become problems, and I feel it is our duty to do so.

Similar opportunities were missed in the fields of molecular genetics and the development of the Internet, and now we wrestle with issues such as genetic screening, privacy and intellectual property.

Our bill addresses this duty in two ways: First, it establishes a research program to identify societal and ethical concerns and ensures that the results of this research are widely disseminated.

Second, it charges the nanotechnology advisory committee with the responsibilities of assessing whether this program is adequately addressing the issues and providing advice on these issues.

One of our hearing witnesses reminded us that it is not enough to focus only on basic research, but also that the Federal Government should take steps to promote the commercialization of nanotechnology.

I am pleased that at the markup the committee adopted my amendment to develop a plan for commercializing nanotechnology using the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program. These programs represent significant Federal investment in technology development and commercialization by small firms, exactly the type of entrepreneurial firms

where most nanotechnology is occurring.

This is an excellent bill. I am proud to have had the chance to work on it. I urge my colleagues to support it. Mr. Chairman, I want to thank the leadership again, the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Texas (Mr. HALL), on this wonderful bill.

Mr. BOEHLERT. Mr. Chairman, I have additional requests for time, but those requesting the time are not yet here.

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

Mr. HALL of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. SHERMAN), a very valuable member of our committee.

Mr. SHERMAN. Mr. Chairman. I thank the gentleman for yielding me time. I will try to drag out my speech as long as necessary so that the chairman's speakers will have time to arrive on this floor.

Mr. Chairman, small is big. Nanotechnology is very small, roughly the size of a molecule, and very small is going to be very big. Nanotechnology really encompasses virtually all of the cutting edge science that will pretty much determine our future this century, because it includes what is being done in genetic engineering, what is likely to be done in computer engineering, and it includes the molecular manufacturing dealing with a host of new products created molecule by molecule.

Nanotechnology offers the possibility, I think the probability, of solving most of the problems that we wrestle with here on the floor such as energy and health care. But if it is able to do that, it will also create even more challenging problems.

Nanotechnology will operate below the surface for quite some time until the basic technological and scientific challenges are met. But once we are able to manipulate matter at the molecular level, there will be an explosive impact on our society.

The last such explosion was the development of nuclear power and nuclear weapons. Einstein and others wrote to President Roosevelt in 1939, describing the possibility of nuclear fission, and in less than a decade we as a species had to deal with the realities of nuclear weapons not only in the hands of America but other countries as well. That is why it is so important that this bill includes not only scientific research, but also every possible effort to deal with the societal implications that arise from this technology.

I want to commend the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL), the ranking member, for the bipartisan approach and the very reasoned approach taken during the markup of this bill to make sure the bill includes mechanisms to examine the societal impacts.

I bring just one of those impacts to your attention, and that is the creation of new levels of intelligence, whether

that is done through what is sometimes referred to as wet nanotechnology, that is to say, genetic engineering; or whether it is done through what is sometimes called dry nanotechnology, computer engineering. Either of those two approaches may well create levels of intelligence that may be our protector, may be our competitor, or may simply regarded us as pets, or it may change our definition of what it is to be a human being.

□ 1315

Before we confront questions of that type, it is important that this bill, as it does, provides mechanisms for us to get input from a wide range of society because while these issues will not confront us this decade, it will take us more than a decade to see how we can deal with them.

I see that other speakers have arrived so my effort to stall has been successful, and I want to yield back my time just after I make one comment, and that is I understand that there are four amendments that will be offered today. I do not know if they will all be offered, but each of them is designed to enhance the bill further by having us take a look at the societal implications of nanotechnology, and I would hope that each such amendment would be perhaps accepted without a rollcall vote so that this bill can move over to the other body in the best possible form.

Mr. HALL. Mr. Chairman, I yield 3 minutes to the gentleman from Dallas County, Texas (Ms. EDDIE BERNICE JOHNSON), my neighbor.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of this bill and feel that it is really our next step for scientific discovery, and I want to thank our chairman and ranking member for the open and bipartisan manner in which this committee operates.

We do have potential for enormous consequences, and most of the real breakthrough research has come under the leadership of this committee throughout the last 2 or 3 decades. This bill could cause a great deal of brightness for the future in terms of studying the small particles and determining how it might lead us to another breakthrough.

I do value the public input, and I will be offering an amendment later, but I feel that the public should have some way to have some involvement. More and more we have more people getting involved in the public debate, asking questions and attempting to clarify what is going on, and often good scientific procedures interrupt it because we have an uninformed public and people who feel they have been left out; and because of that, I feel very strongly that we should have some type of offering for the general public to have input, to listen to the witnesses when there is a hearing, so that they can feel a part of this.

This is going to be publicly financed, and we are hoping that this would

eliminate some of the suspicion and paranoia that often comes from very honest and interested people simply because they do not know what is going on.

I think that it would add a valuable asset to this legislation. I am going to support it whether or not the amendment is adopted, but I do feel that that is the one thing we have left out, that it can be of great value to this legislation and, more importantly, to the process of this research.

The area from which I have come will be a leader in some of this research, and I am from a pretty highly educated, involved community that will be asking these questions, and we have a lot of demonstrators that will be marching to find out what is going on. I think we can eliminate much of this with a simple amendment that allows for some type of public input as we move along into this new area of broadening of the activity in this new area of nanotechnology.

I thank the leadership of the committee and the Members for working so closely together.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Illinois (Mrs. BIGGERT), the distinguished Chair of the Subcommittee on Energy.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, as an original cosponsor of H.R. 766, the Nanotechnology Research and Development Act, I rise today to express my strong support for this bill. I want to commend the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science; and my committee colleague, the gentleman from California (Mr. HONDA), for developing such a comprehensive and forward-looking piece of legislation.

Unlike so many other complex scientific concepts, nanotechnology is actually something we all should be able to grasp. Most Americans learn in grade school and high school that atoms are the building blocks of nature. In the years since I was in school, incredible machines have allowed us even to see every one of those items. The challenge now is to develop the tools, the equipment and expertise to manipulate those atoms and build new materials and new machines one molecule at a time.

This bill takes up that challenge, ensuring coordination and collaboration among the many Federal agencies engaged in nanotech research. Unlike other research efforts, some of which are undertaken for the sake of science and our understanding of it, the broad and practical application of nanotechnology and its benefits can be described in laymen's terms. Here are just a few benefits:

Sensing the presence of unwanted pathogens in blood; improving the efficiency of electricity distribution; dispensing medication; cleaning polluted soil and water; or building the next

generation of spacecraft one molecule at a time.

I do not think I am being overly optimistic. Just consider how far we have come since the creation of the first microchip. Sixty percent of Americans now own a personal computer or a laptop, and 90 percent of them use the Internet. The public, private and non-profit sectors invested in research that reduces the size of the microchip while increasing its speed exponentially. This investment was made because the applications were many and the possibilities endless. After all, microchips are now found in cars, pacemakers, watches, sewing machines, and just about every household appliance.

With all its potential applications, nanotechnology could have an equal, if not greater, impact than the microchip on our lives, our wealth, our health and safety, our environment and our security at home and abroad. All levels of government, academia, and industry recognize the potential of nanotechnology, as well as the benefits of collaborating to realize that potential. Nanotechnology could very well be the catalyst for national competitiveness for the next 50 years. In countless ways, our lives will be better as a result of coordinated investment in nanoscience research and development.

I urge my colleagues to join me in supporting H.R. 766, the Nanotechnology Research and Development Act.

Ms. HART. Mr. Chairman, I rise today in support of H.R. 766, the Nanotechnology Research and Development Act of 2003. This bill, which passed by voice vote out of the full committee, would authorize a national nanotechnology research initiative that coordinates research across agencies and emphasizes interdisciplinary research between academic institutions and national laboratories or other partners, which may include States and industry. The bill also authorizes \$2.36 billion over 3 years for nanotechnology research and development programs at the National Science Foundation, the Department of Energy, the Department of Commerce, NASA, and the Environmental Protection Agency.

Western Pennsylvania is blessed with two major universities, University of Pittsburgh and Carnegie Mellon University, which are doing great work in the field of nanotechnology. The University of Pittsburgh has established the Institute of NanoScience and Engineering, which is a multidisciplinary organization that brings coherence to the University's research efforts and resources in the fields of nanoscale science and engineering. At the institute work is ongoing in the areas of: nanotube and nanorod self-assembly; hydrogen storage in carbon nanotubes; semiconductor nanostructures; and many other interesting areas.

Carnegie Mellon University also has a nanotechnology center, the Center for Interdisciplinary Nanotechnology Research. This center was established because various types of research were ongoing throughout the university, and could be a focal point and gateway for the distribution of nanotechnology information. Their efforts include: nanowires; magnetic nanocrystals and noncomposites; and non-porous materials.

Mr. Speaker, this legislation will provide Federal dollars to continue this necessary research and development into this expanding area of science, and provide the necessary coordination to ensure that this information is brought to the market.

Mr. SMITH of Texas. Mr. Chairman, I support H.R. 766, which authorizes a national nanotechnology research initiative. This bill funds more research into this "small science" that does big things.

As a science, nanotechnology is crucial to the future of information technology. As a benefit for the average person, nanotechnology has already led to applications that can be used on a daily basis, such as hard transparent coating for eyewear, nano-enhanced computer chips, and drugs more easily absorbed by the human body. Each innovation serves as a building block for new directions and applications. The possibilities are as endless as the human imagination.

Continued research plays an important role in the further development of nanotechnology. This science is still in its infancy and it will take many years of sustained investment and investigation for this field to achieve maturity.

Nanotechnology has evolved from advances in chemical, physical, biological, engineering, medical, and materials research. It will continue to contribute to the science and technology workforce for years to come.

The National Science Foundation predicts nanotechnology will represent \$1 trillion in global goods and services in little over a decade. According to a study of international nanotechnology research efforts sponsored by the National Science and Technology Council, the United States is at risk of falling behind its international competitors, including Japan, South Korea, and Europe, if it fails to sustain broad based interests in nanotechnology.

H.R. 766 authorizes \$2.36 billion in research and development funding. This legislation establishes new technology goals and research directions, coordinates nanotechnology programs through federal agencies, universities across the country, and high-tech companies, to assure America's continued ability to lead the global exploration of nanotechnology.

Mr. CASTLE. Mr. Chairman, it is with great pride that I rise today to support H.R. 766, the Nanotechnology Research and Development Act of 2003, and to express my excitement for the groundbreaking research that is taking place at the University of Delaware. In October of 2002, the National Science Foundation awarded the University a \$2.5 million grant to study manmade microscopic particles and structures and their possible uses.

Widely acclaimed as the wave of the future, nanotechnology is the ability to manipulate and control materials at the atomic and molecular levels to design new applications that create and use structures, devices, and systems which possess novel properties and functions due to their small and/or intermediate size. This technology will allow us to create a device that carries medicine to exactly where it is needed in the body, methods to detect cancerous tumors only a few cells in size, or satellites so light, costs are drastically reduced for NASA. This is truly the technology of tomorrow.

The State of Delaware has the opportunity to play a pivotal role in the exciting development of this cutting-edge research. This legislation and federal funding award will allow the

university to continue to be in the forefront of this field, and will assure that Delaware is actively involved in the advancement of tomorrow's technology.

Mr. McNULTY. Mr. Chairman, I thank and compliment my friend and neighbor from New York, Mr. BOEHLERT, on his leadership and foresight in shepherding this landmark legislation to the floor today.

I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act of 2003. I urge my colleagues to support it as well.

The science of nanotechnology—the study of materials at the scale of a single molecule—is still in its earliest stages, but its promise and potential are already well known and well documented.

I am confident that further research and development in the science of nanotechnology will continue to bring about new products and processes that will benefit our lives and society for generations to come.

I am also confident that passing H.R. 766 and reaffirming our commitment to nanotechnology will create jobs and help stimulate the economy. Mr. Speaker, we're talking about an industry that could reach \$1 trillion annually in market size by the year 2015.

I am pleased to report that the State of New York has become a hub of hi-tech industry, particularly nanotechnology. I am proud of the commitment we've put forth—and the results that have been achieved—in the 17-county region in the eastern third of New York State known as, "Tech Valley."

In 2001, as part of the National Nanotechnology Initiative, the National Science Foundation established six nanoscale science and engineering centers at research and learning institutions of the highest caliber. Mr. Speaker, three of these centers are located in New York State—at Columbia University, Cornell University, and at the Nation's oldest engineering university, Rensselaer Polytechnic Institute, located in Troy, and in New York's Tech Valley.

In fact, New York's Capital Region is home to not one, but two state-of-the-art nanotechnology research and development facilities.

On the opposite side of the Hudson River from PRI's Nanotechnology Center sits Albany NanoTech, on the campus of the University at Albany, part of the State University of New York.

Like the RPI facility, Albany NanoTech is a global research, development, technology and education resource supporting commercial applications in advanced nanotechnology.

Together, Albany NanoTech and the Rensselaer Nanotech Center at RPI have Federal, State and private investments totaling nearly \$1 billion. They have established relationships with hundreds of industrial partners from all around the world. They will play integral roles in major Tech Valley initiatives such as Sematech North, the IBM Partnership and the Tokyo Electron Partnership.

I'm most pleased to report that both of these stellar facilities are located in my congressional district.

Mr. Chairman, the work being undertaken at these two world-class facilities is nothing short of amazing. I'd like to offer the following sample of cutting-edge nanotechnology research projects underway at the Rensselaer Nanotechnology Center and at Albany NanoTech.

Researchers are adding ceramic nanoparticles—particles 100 times smaller than a human hair—to existing plastic materials, modifying their chemical and physical properties in an effort to make them exponentially stronger, and make them insulators, rather than conductors, of electricity. These adaptations dramatically increase the commercial value and viability of the resulting nanocomposite materials, which will be used to develop products such as scratch-resistant medical imaging film coatings and energy-efficient insulation for electrical power distribution cables.

Scientists at the Rensselaer Center have used nanotechnology to incorporate enzymes into surfaces to produce coatings that protect things such as the hulls of ships, implanted medical devices, even personal protection equipment—helping to safeguard individuals against chemical and biological agents.

Research in nanotechnology is also leading to significant breakthroughs in biomedicine. For example, nanostructured materials have been found to mimic natural bone, causing a specific response in living cells to enhance bone growth and regeneration in humans.

The final project I will mention developed a relatively simple assembly of carbon nanotubes—which are basically rolled up layers of carbon that can be used like chopsticks or placed in a row—to discover methods of filtration that can efficiently purify water in a manner that could help solve many of the world's potable water problems.

And this is just the tip of the iceberg.

Mr. Chairman, we are entering an exciting new era of technology. H.R. 766, the Nanotechnology Research and Development Act, is essential to provide further momentum to the breakthroughs brought about in the past 4 years by the National Nanotechnology Initiative.

I am truly excited that New York's 21st Congressional District, the heart of New York's Tech Valley, is already one of the world's primary centers for nanotechnology and other hi-tech industry. These industries will continue to spur economic growth and development not only in New York's Capital Region, but also all across the United States in the years to come.

Mr. Chairman, let us continue to lead the world in this important endeavor. I urge my colleagues to support H.R. 766.

Mr. WU. Mr. Chairman, I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act. I believe this piece of legislation is extremely important to our Nation's future scientific research efforts and urge my colleagues to support H.R. 766.

For the past decade, Oregon has been growing as a progressive and growing area for technological research. In the Portland metropolitan area, we have two major research universities and a large number of high technology companies. As their representative in Congress, I believe H.R. 766 would strengthen our Nation's nanotechnology research efforts and help translate today's research efforts into future technology that will benefit all Americans.

This piece of legislation establishes grants for a national nanotechnology research and development effort. The interdisciplinary research centers authorized by H.R. 766 will serve as major centers of excellence and innovation. As an example, I would like to mention one of the public institutions in my district, the Portland State University's Center for

Nanoscience and Nanotechnology. The center conducts particularly interesting nanotechnology research and will help transition today's research efforts into real benefits for future American consumers.

During Science Committee consideration of H.R. 766, one of the amendments I jointly offered with Mr. SMITH of Michigan, Ms. HART of Pennsylvania, and Mr. MATHESON of Utah, would facilitate public and private partnership on research efforts and help utilize regional assets in the development of technology. I strongly hope that future research efforts will be collaborative in nature and take into consideration the many regional scientific and research expertise we have throughout the country.

Mr. AKIN. Mr. Chairman, I rise today in support of H.R. 766, the Nanotechnology Research and Development Act of 2003.

The promise of nanotechnology is great. As research in nanotechnology continues, we will seek breakthrough advances affecting a broad field of scientific and commercial endeavor.

In my own State of Missouri, several academic institutions are engaged in nanotechnology research. At the University of Missouri-Rolla, a large group of faculty members from diverse fields are actively researching several aspects of nanoscience and engineering that primarily focus on micropower, nanostructured materials and nanosensors. Since the early 90s, the chemistry and physics departments at Washington University in St. Louis have collaborated in making various nanowires and nanotubes that might ultimately be incorporated into nanoelectronic devices.

Nanotechnology research has the potential to create revolutionary products in the field of electronics, pharmaceuticals and military defense. It is an important investment in the future of America's economy, and I applaud Chairman BOEHLERT and the professional staff of the Science Committee for bringing this important legislation to the floor today.

Mr. FERGUSON. Mr. Chairman, we stand at the dawn of a new era, one that holds the promise to revolutionize life as we know it by developing new cures for diseases as debilitating as cancer and creating powerful new computers the size of a wristwatch. It is critically important for this country to seize this opportunity and harness this potential. That is why our efforts here today, while only the first step, are so important to ensure our country serves as the world's proving ground for this revolutionary advance in science.

H.R. 766 serves as a bridge to this bright future. This legislation meets the promise of broadening our economic future. The President's commitment to nanotechnology mirrors the commitment President Kennedy made to the space program, and I believe the research we support today will reap benefits to mankind beyond any of our wildest dreams.

Nanotechnology is the next scientific frontier, the future of computer science and medicine and yet, nanotechnology is rooted in today—the here and now.

In Murray Hill, New Jersey, in my district, Lucent Technologies, Bell Laboratories serves as the hub for the New Jersey Nanotechnology Consortium, which will manage the New Jersey Nanotechnology Laboratory. Our State, like many others, is ready to partner with the Federal Government to make these research initiatives a reality.

Here in the Congress we have a responsibility and obligation to support ways to stimu-

late economic growth. The promise of nanotechnology is also about job creation and the National Science Foundation has predicted that the worldwide nanotechnology market could reach \$1 trillion in approximately 12 years, which could translate into as many as 7 million new jobs.

What we do today and in the future in this House, in regards to nanotechnology, may stand as the legacy to the 108th Congress.

Mr. MATHESON. Mr. Chairman, nanotechnology presents incredible opportunities, not just for pure science, but for a host of interdisciplinary areas. The wide range of potential applications of this research is one of the best reasons why we, as a nation, should commit to long-term support of nanotechnology. Many of the most exciting ideas are still years from completion and even the current success stories are products of long-term research, study, and dedication.

It is also important to realize that, due to the expense of establishing top-level research infrastructure, facility sharing must also be a priority. We have an opportunity to promote relevant, needed research and every effort should be made to best utilize limited resources. I look to the national laboratories at Sandia National Laboratories, Oak Ridge National Laboratory, and at other sites to avail themselves of the scientific talent within this nation.

Finally, there exists a tremendous opportunity for today's research commitment to become tomorrow's commercial success. We need partnership between federally funded research facilities and private industry in order to generate the ideas that will drive business in the future. I thank the Committee for its interest in this area of science and look forward to contributing to the national discourse on nanotechnology.

Mr. COSTELLO. Mr. Chairman, I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act of 2003. H.R. 766 authorizes \$2.36 billion over three years for nanotechnology research and development programs at the National Science Foundation, the Department of Energy, the Department of Commerce, NASA, and the Environmental Protection Agency. In addition, this legislation establishes a research program to address societal and ethical concerns.

Nanotechnology can best be considered as a "catch-all" description of activities at the level of atoms and molecules that have application in the real world. A variety of nanotechnology products are already in development or on the market, including stain-resistant, wrinkle free pants and ultraviolet-light blocking sunscreens.

A unique feature of nanotechnology is that it is the one area of research and development that is truly multidisciplinary. Research is unified by the need to share knowledge on tools and techniques, as well as information on the physics affecting atomic and molecular interactions in this new realm. Materials scientists, mechanical and electronic engineers and medical researchers are now forming teams with biologists, physicists and chemists.

Illinois is among the leaders in nanotechnology. During the last few years, success in the areas of nanotechnology at Southern Illinois University-Carbondale (SIUC) has included patented technology for conversion of

carbon dioxide into methanol and sensors to detect corrosion and stress in highway bridges. SIUC has also developed industrial partnerships and collaborations with IBM, Proctor & Gamble, and Argonne National labs to further research and development at the atomic and molecular scale.

Increased understanding of nanotechnology promises to underlie revolutionary advances that will contribute to improvements in medicine, manufacturing, high-performance materials, information technology, and environmental technologies. I strongly support this legislation and urge my colleagues to do the same.

Ms. ESHOO. Ms. Chairman, I rise in strong support of H.R. 766 and I thank the Chairman of the Science Committee Mr. BOEHLERT and my Silicon Valley colleagues Reps. HONDA and LOFGREN for their work in bringing this important bill to the floor of the House.

Recent history indicates that the investments in research and development made by the federal government have benefited our nation considerably. The federal government provided seed money for the research that led to the development of the Internet, the web browser, and cracking the genetic code, these investments have spawned a decade of economic prosperity and promise, increased productivity, and hundreds of thousands of American jobs.

In fact the federal government has served as a venture capitalist by making investments in nascent technologies that have generated companies who maintain our national technological and scientific predominance.

This legislation builds on that tradition by authorizing over \$2.3 billion dollars in federal funding for nanotechnology, the science of creating and manipulating objects at molecular levels.

In Silicon Valley nanotechnology is already being used to develop new types of semiconductors, medical devices, and sensors that detect environmental and other types of hazards.

Progress in this field has been hampered by a lack of trained scientists which is why this bill and the investment we make today is absolutely essential. This funding will help to produce the next generation of great American scientists.

The NSF has estimated that the market in products that carry nanocomponents could reach \$1 trillion by the next decade.

The seed money we provide today will go a long way to ensuring that the nanotechnology market, which is poised to be the next big thing in the technology industry, will also be the next big AMERICAN thing.

I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would first just like to thank you and Ranking Member HALL for bringing this excellent bill to us today. I would also like to comment our colleague from California, Mr. HONDA for his great leadership on the issue of nanotechnology. I was pleased to be a co-sponsor of his bill HR 5669 to make a Nanoscience advisory board in the last Congress, and this one today.

Nanotechnology holds great promise for bringing about substantive improvements in quality of life for people in America and around the world. It is critical that as this field emerges, that American research and America industry remain at the cutting edge and in

prime position to take advantage of market opportunities. We also must ensure that as new technologies and products—in healthcare, in communications, in energy—come about that they impact on all of the American population.

In Science Committee markup last week, I offered two amendments that I believe will help make that happen. One amendment will capitalize on the great expertise and skills of our nation's Historically Black Colleges and Universities, and Universities serving large numbers of Hispanics, Asian-Pacific Islanders and other under-represented minorities. It is critical that the research initiative we are designing takes advantage of schools like Texas Southern University, in my District in Houston, and their excellent College of Science and Technology. We must also harness the productivity of collaborative efforts like that in South Carolina, where seventeen teams of scientists and engineers from around the state are working together on research projects including treatments to cancer and materials for solar-powered space exploration. That Collaborative Research Program provides an opportunity for research faculty at Clemson and USC to collaborate with faculty from the state's four-year and Historically Black Colleges and Universities (HBCU) to take nanotechnology to the next level.

This amendment will also help make sure the next generation of leaders in this important field, in academics and industry, will reflect the diversity of America.

My other amendment from Science Committee will help ensure that nanotechnology advances bring about real improvements in quality of life for all the American people, not just the select few. It was a small wording change that makes a profound statement of commitment to the well-being of all Americans.

As we go forward today, I hope we make this bill all it can be: maximizing the efficiency and effectiveness of federal investments, spurring on this exciting field, and ensuring the promise that it will produce good for all people. There are excellent amendments to be considered from some of my Democratic Colleagues on the Science Committee, especially those from my fellow Texans.

One of the Bell amendments will make this federal program much more proactive by addressing the potential toxicity of nanoparticles, to protect the health of Americans. The other will make it more likely that advances in nanotechnology improve our nation's energy security.

The Johnson amendment will create citizen panels to discuss societal/ethical implications of nanotechnology and to inform the research agenda, so that research reflects the concerns of the American people—not only academics and scientists.

I will offer an amendment that creates a Center for Societal, Ethical, Educational, Workforce, Environmental, and Legal Issues Related to Nanotechnology. That will give that important research a home at the NSF, so that integrated research in the field will be better disseminated and accessible to all interested people.

I urge my colleagues to support these amendments.

Mr. DEFAZIO. Mr. Chairman, the University of Oregon has a well-established nanotechnology program that along with its partners at Oregon State University occupies a special niche in the field of nanoscience research.

The University of Oregon is working closely with Oregon State University to put nanotechnology to work in real micro systems with applications in sensors for human safety, reactors for reduced environmental impact, more efficient energy sources, life saving medical devices, and integrated circuits for the next generation of computers and communications systems. The legislation speaks to the need to apply nanoscale research to microscale devices and will strengthen national research policy in support of such work.

Beyond that, the University of Oregon is pioneering research into inherently safer materials and manufacturing or "green nanoscience". Through deliberate design at the molecular or nanoscale level, University of Oregon researchers aim to produce products and processes that pose dramatically less risk to human health than traditional manufacturing methods. The potential impact of nanotechnology derives from the fact that unprecedented material properties are being discovered in nanoscale materials. These properties can be harnessed to invent entirely new products and processes. UO researchers have already discovered new phenomena in nanoscience such as thermoelectric materials that present energy efficient, refrigerant-free cooling solutions and biomolecular lithography, a possible candidate for the ultimate miniaturization of electronic circuits and computers.

If nanotechnology is the both a path to the next industrial revolution and a source of concern about societal and ethical issues involving nanoscale research, then federal agencies should be proactive in funding research that seeks ways to develop materials and manufacturing methods that are inherently safer—less wasteful in their use of materials and energy, less harmful to human health and safety, and just as economical to produce.

Mr. STUPAK. Mr. Chairman, I rise in support of the Nanotechnology Research and Development Act of 2003. Science has revealed the far-reaching benefits of nanotechnology in recent years and I recognize the need for a more cooperative and focused approach.

I thank Science Committee Chairman BOEHLERT and Ranking Member HONDA for their efforts to advance nanotechnology applications and to call for today's authorization of important nanotechnology research and development, ethical oversight, and expert advisory.

In my northern Michigan district, we have been proud witness to nanosystems research at internationally renowned Michigan Technological University. Located in Houghton, Michigan, Michigan Tech hosts one of the nation's foremost nanotechnology research centers, the Center for Mico- and Nanosystems Technology.

Michigan Tech has long distinguished itself as a leader in science and engineering projects and now steams ahead in the development of nanostructure and lightweight materials. They have shown particular success with metal hydrides, to provide safer and more efficient storage of hydrogen for clean-burning hydrogen-powered vehicles—both civilian and military. These lightweight, durable nanotech materials could prove additionally valuable to NASA spacecraft construction.

Michigan tech has also engaged in research to enable miniature medical implant devices and other nano-sized health care products which will improve the quality and reduce the

cost of health care and lead to overall economic growth as additional breakthroughs are made in this vital area.

With continued funding and bolstered federal resources, Michigan Tech has all the tools in place for promising technological advances in a diversity of nanotechnology applications.

I will continue to urge Congressional appropriators to remember smaller universities when it comes to doling out the federal funds and research contracts we provide in this authorization today and in the future. Michigan Tech, while only enrolling a total student body of 6300, is consistently ranked second in the nation—to only Georgia Tech—as the premier public technological university.

I pleased with the opportunity to recognize Michigan Tech for their contribution to our national research efforts and to support this important science legislation.

Mr. HALL. Mr. Chairman, we yield back the balance of our time.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule. The amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

*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 "Nanotechnology Research and Development Act of 2003".

The CHAIRMAN. Are there any amendments to section 1?

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

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

#### SEC. 2. DEFINITIONS.

*In this Act—*

(1) the term "advanced technology user facility" means a nanotechnology research and development facility supported, in whole or in part, by Federal funds that is open to all United States researchers on a competitive, merit-reviewed basis;

(2) the term "Advisory Committee" means the advisory committee established or designated under section 5;

(3) the term "Director" means the Director of the Office of Science and Technology Policy;

(4) the term "Interagency Committee" means the interagency committee established under section 3(c);

(5) the term "nanotechnology" means science and engineering aimed at creating materials, devices, and systems at the atomic and molecular level;

(6) the term "Program" means the National Nanotechnology Research and Development Program described in section 3; and

(7) the term "program component area" means a major subject area established under section 3(c)(2) under which is grouped related individual projects and activities carried out under the Program.

#### SEC. 3. NATIONAL NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The President shall implement a National Nanotechnology Research and Development Program to promote Federal nanotechnology research, development, demonstration, education, technology transfer, and commercial application activities as necessary to ensure continued United States leadership in nanotechnology research and development and to ensure effective coordination of nanotechnology research and development across Federal agencies.

(b) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

(1) provide sustained support for nanotechnology research and development through—

(A) grants to individual investigators and interdisciplinary teams of investigators;

(B) establishment of advanced technology user facilities; and

(C) establishment of interdisciplinary research centers, which shall—

(i) network with each other to foster the exchange of technical information and best practices;

(ii) involve academic institutions or national laboratories and other partners, which may include States and industry;

(iii) make use of existing expertise in nanotechnology in their regions and nationally;

(iv) make use of ongoing research and development at the micrometer scale to support their work in nanotechnology; and

(v) be capable of accelerating the commercial application of nanotechnology innovations in the private sector;

(2) ensure that solicitation and evaluation of proposals under the Program encourage interdisciplinary research;

(3) expand education and training of undergraduate and graduate students in interdisciplinary nanotechnology science and engineering;

(4) accelerate the commercial application of nanotechnology innovations in the private sector;

(5) ensure that societal and ethical concerns, including environmental concerns and the potential implications of human performance enhancement and the possible development of nonhuman intelligence, will be addressed as the technology is developed by—

(A) establishing a research program to identify societal and ethical concerns related to nanotechnology, and ensuring that the results of such research are widely disseminated;

(B) insofar as possible, integrating research on societal and ethical concerns with nanotechnology research and development, and ensuring that advances in nanotechnology bring about improvements in quality of life for all Americans; and

(C) requiring that interdisciplinary research centers under paragraph (1)(C) include activities that address societal and ethical concerns; and

(6) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations.

(c) INTERAGENCY COMMITTEE.—The President shall establish or designate an interagency committee on nanotechnology research and development, which shall include representatives from the Office of Science and Technology Policy, the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Institute of Standards and Technology, the Environmental Protection Agency, and any other agency that the President may designate. The Director shall select a chairperson from among the members of the Interagency Committee. The Interagency Committee, which shall also include a representative from the Office of Management and Budget, shall oversee the planning, management, and coordination of the Program. The Interagency Committee shall—

(1) establish goals and priorities for the Program;

(2) establish program component areas, with specific priorities and technical goals, that reflect the goals and priorities established for the Program;

(3) develop, within 6 months after the date of enactment of this Act, and update annually, a strategic plan to meet the goals and priorities established under paragraph (1) and to guide the activities of the program component areas established under paragraph (2);

(4) propose a coordinated interagency budget for the Program that will ensure the maintenance of a balanced nanotechnology research portfolio and ensure that each agency and each program component area is allocated the level of funding required to meet the goals and priorities established for the Program;

(5) develop a plan to utilize Federal programs, such as the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program, in support of the goal stated in subsection (b)(4); and

(6) in carrying out its responsibilities under paragraphs (1) through (5), take into consideration the recommendations of the Advisory Committee and the views of academic, State, industry, and other appropriate groups conducting research on and using nanotechnology.

#### SEC. 4. ANNUAL REPORT.

The chairperson of the Interagency Committee shall prepare an annual report, to be submitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request to Congress, that includes—

(1) the Program budget, for the current fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to section 3(b)(5);

(2) the proposed Program budget, for the next fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to section 3(b)(5);

(3) an analysis of the progress made toward achieving the goals and priorities established for the Program;

(4) an analysis of the extent to which the Program has incorporated the recommendations of the Advisory Committee; and

(5) an assessment of how Federal agencies are implementing the plan described in section 3(c)(5), and a description of the amount of Small Business Innovative Research and Small Business Technology Transfer Research funds supporting the plan.

#### SEC. 5. ADVISORY COMMITTEE.

(a) IN GENERAL.—The President shall establish or designate an advisory committee on nanotechnology consisting of non-Federal members, including representatives of research and

academic institutions and industry, who are qualified to provide advice and information on nanotechnology research, development, demonstration, education, technology transfer, commercial application, and societal and ethical concerns. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the Program.

(b) ASSESSMENT.—The Advisory Committee shall assess—

(1) trends and developments in nanotechnology science and engineering;

(2) progress made in implementing the Program;

(3) the need to revise the Program;

(4) the balance among the components of the Program, including funding levels for the program component areas;

(5) whether the program component areas, priorities, and technical goals developed by the Interagency Committee are helping to maintain United States leadership in nanotechnology;

(6) the management, coordination, implementation, and activities of the Program; and

(7) whether societal and ethical concerns are adequately addressed by the Program.

(c) REPORTS.—The Advisory Committee shall report not less frequently than once every 2 fiscal years to the President on its findings of the assessment carried out under subsection (b), its recommendations for ways to improve the Program, and the concerns assessed under subsection (b)(7). The first report shall be due within 1 year after the date of enactment of this Act.

(d) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

#### SEC. 6. NATIONAL NANOTECHNOLOGY COORDINATION OFFICE.

The President shall establish a National Nanotechnology Coordination Office, with full-time staff, which shall—

(1) provide technical and administrative support to the Interagency Committee and the Advisory Committee;

(2) serve as a point of contact on Federal nanotechnology activities for government organizations, academia, industry, professional societies, and others to exchange technical and programmatic information; and

(3) conduct public outreach, including dissemination of findings and recommendations of the Interagency Committee and the Advisory Committee, as appropriate.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(1) \$350,000,000 for fiscal year 2004;

(2) \$385,000,000 for fiscal year 2005; and

(3) \$424,000,000 for fiscal year 2006.

(b) DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary of Energy for carrying out this Act—

(1) \$265,000,000 for fiscal year 2004;

(2) \$292,000,000 for fiscal year 2005; and

(3) \$322,000,000 for fiscal year 2006.

(c) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—There are authorized to be appropriated to the National Aeronautics and Space Administration for carrying out this Act—

(1) \$31,000,000 for fiscal year 2004;

(2) \$34,000,000 for fiscal year 2005; and

(3) \$37,000,000 for fiscal year 2006.

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) \$62,000,000 for fiscal year 2004;

(2) \$68,000,000 for fiscal year 2005; and

(3) \$75,000,000 for fiscal year 2006.

(e) ENVIRONMENTAL PROTECTION AGENCY.—There are authorized to be appropriated to the Environmental Protection Agency for carrying out this Act—

(1) \$5,000,000 for fiscal year 2004;

(2) \$5,500,000 for fiscal year 2005; and

(3) \$6,000,000 for fiscal year 2006.

#### SEC. 8. EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall enter into an agreement with the National Academy of Sciences to conduct periodic reviews of the Program. The reviews shall be conducted once every 3 years during the 10-year period following the enactment of this Act. The reviews shall include—

(1) an evaluation of the technical achievements of the Program;

(2) recommendations for changes in the Program;

(3) an evaluation of the relative position of the United States with respect to other nations in nanotechnology research and development;

(4) an evaluation of the Program's success in transferring technology to the private sector;

(5) an evaluation of whether the Program has been successful in fostering interdisciplinary research and development; and

(6) an evaluation of the extent to which the Program has adequately considered societal and ethical concerns.

(b) STUDY ON MOLECULAR MANUFACTURING.—Not later than 3 years after the date of enactment of this Act a review shall be conducted in accordance with subsection (a) that includes a study to determine the technical feasibility of the manufacture of materials and devices at the molecular scale. The study shall—

(1) examine the current state of the technology for enabling molecular manufacturing;

(2) determine the key scientific and technical barriers to achieving molecular manufacturing;

(3) review current and planned research activities that are relevant to advancing the prospects for molecular manufacturing; and

(4) develop, insofar as possible, a consensus on whether molecular manufacturing is technically feasible, and if found to be feasible—

(A) the estimated timeframe in which molecular manufacturing may be possible on a commercial scale; and

(B) recommendations for a research agenda necessary to achieve this result.

(c) STUDY ON SAFE NANOTECHNOLOGY.—Not later than 6 years after the date of enactment of this Act a review shall be conducted in accordance with subsection (a) that includes a study to assess the need for standards, guidelines, or strategies for ensuring the development of safe nanotechnology, including those applicable to—

(1) self-replicating nanoscale machines or devices;

(2) the release of such machines or devices in natural environments;

(3) distribution of molecular manufacturing development;

(4) encryption;

(5) the development of defensive technologies;

(6) the use of nanotechnology as human brain extenders; and

(7) the use of nanotechnology in developing artificial intelligence.

#### SEC. 9. SCIENCE AND TECHNOLOGY GRADUATE SCHOLARSHIP PROGRAMS.

(a) ESTABLISHMENT OF PROGRAMS.—

(1) IN GENERAL.—The agency heads shall each establish within their respective departments and agencies a Science and Technology Graduate Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Federal Government that require engineering, scientific, and technical training.

(2) COMPETITIVE PROCESS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engi-

neering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(3) SERVICE AGREEMENTS.—To carry out the Programs the agency heads shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Federal Government, for the period described in subsection (f)(1), in positions needed by the Federal Government and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) SCHOLARSHIP ELIGIBILITY.—In order to be eligible to participate in a Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic field or discipline described in a list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be a Federal employee as defined in section 2105 of title 5 of the United States Code.

(c) APPLICATION REQUIRED.—An individual seeking a scholarship under this section shall submit an application to an agency head at such time, in such manner, and containing such information, agreements, or assurances as the agency head may require.

(d) ELIGIBLE ACADEMIC PROGRAMS.—The agency heads shall each make publicly available a list of academic programs and fields of study for which scholarships under their department's or agency's Program may be utilized, and shall update the list as necessary.

(e) SCHOLARSHIP REQUIREMENT.—

(1) IN GENERAL.—Agency heads may provide scholarships under their department's or agency's Program for an academic year if the individual applying for the scholarship has submitted to the agency head, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on a list made available under subsection (d).

(2) DURATION OF ELIGIBILITY.—An individual may not receive a scholarship under this section for more than 4 academic years, unless an agency head grants a waiver.

(3) SCHOLARSHIP AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the agency heads, but shall in no case exceed the cost of attendance.

(4) AUTHORIZED USES.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the agency heads by regulation.

(5) CONTRACTS REGARDING DIRECT PAYMENTS TO INSTITUTIONS.—Each agency head may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f) PERIOD OF OBLIGATED SERVICE.—

(1) DURATION OF SERVICE.—The period of service for which an individual shall be obligated to serve as an employee of the Federal Government is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2) SCHEDULE FOR SERVICE.—(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) An agency head may defer the obligation of an individual to provide a period of service under paragraph (1) if the agency head determines that such a deferral is appropriate. The agency head shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g) *PENALTIES FOR BREACH OF SCHOLARSHIP AGREEMENT.*—

(1) *FAILURE TO COMPLETE ACADEMIC TRAINING.*—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the appropriate agency head by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the agency head when determined to be necessary, as established by regulation.

(2) *FAILURE TO BEGIN OR COMPLETE THE SERVICE OBLIGATION OR MEET THE TERMS AND CONDITIONS OF DEFERMENT.*—Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the appropriate agency head pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

(h) *WAIVER OR SUSPENSION OF OBLIGATION.*—

(1) *DEATH OF INDIVIDUAL.*—Any obligation of an individual incurred under a Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) *IMPOSSIBILITY OR EXTREME HARDSHIP.*—The agency heads shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under their department's or agency's Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) *DEFINITIONS.*—In this section the following definitions apply:

(1) *AGENCY HEAD.*—The term "agency head" means the Director of the National Science Foundation, the Secretary of Energy, the Administrator of the National Aeronautics and Space Administration, the Director of the National Institute of Standards and Technology, or the Administrator of the Environmental Protection Agency.

(2) *COST OF ATTENDANCE.*—The term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 10871l).

(3) *INSTITUTION OF HIGHER EDUCATION.*—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) *PROGRAM.*—The term "Program" means a Science and Technology Graduate Scholarship Program established under this section.

AMENDMENT NO. 1 OFFERED BY MR. BELL

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

The CHAIRMAN. The Clerk will designate the amendment:

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BELL:

In section 3(b)(5), strike "environmental concerns" and insert "toxicological studies, environmental impact studies,".

Mr. BELL. Mr. Chairman, the traditional approach on environmental and health concerns for new technologies is to simply wait until there is a problem.

Instead of reacting down the line in response to environmental or health problems that may arise in the development of nanotechnology, we have the opportunity through this amendment to understand the risk involved as we move forward in our research now.

One common, often fair, criticism of government is that we are slow and reactive. Here is a chance for all of us to be proactive.

This amendment will ensure that the environmental and toxicological impacts of nanotech applications are studied during the developmental process so that problems can be spotted early on and fixed before any damage is done. Prevention is better and cheaper than cleanup. I think everybody would agree with that.

History has many examples of promising technologies whose hidden costs and risks were only determined after widespread adoption. These include nuclear power, which continues to generate an enormous amount of toxic waste; DDT, which wiped out malarial mosquitoes in the U.S. but was harmful to animal life; semiconductor manufacturing, which ushered in the computer revolution but resulted in environmental contamination.

There are other examples of science moving forward but then looking at the implications after the fact. Probably the best most recent example is stem cell research; and regardless of where one lines up in that debate, I think everyone can agree that it would have been smarter for us to look at some of the societal concerns while the research was being developed instead of after the fact.

We have a responsibility to quantify the risks ahead of time. We have a responsibility to minimize the unintended consequences. Currently, the toxicological impacts of nanotechnology are not being studied because no funding has been allocated to make it happen. Ultrafine particles, particles larger than nanoparticles, such as asbestos and ultrafine quartz particles, have been known to cause damage to the lungs.

We would like to know the toxic effects of nanoparticles. To date, only one comprehensive study has been performed to examine the possible toxicity of nanoparticles. A group of researchers recently discovered that mice and rats develop scar tissue in their lungs after exposure to carbon nanotubes. This was the first preliminary study that examines the possible toxicological risks of nanotechnology. I would submit that these studies must continue.

What is the impact on the human body? The answer is that we do not know, but that is a question that we must be able to answer. These very preliminary studies show us that further research is needed. There are issues of risks associated with every new technology. Concerns about nanoparticles' toxicity must be addressed while the field is still young and exposure is limited.

We in this body have the responsibility to ensure that the necessary research is being performed to ensure the continued safety of our communities in the face of this exciting new technology.

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. BELL) because I think it overspecifies the issues that should be addressed by research directed towards societal and ethical concerns. I also want to point out that the administration, which is championing this initiative and who were of the same mind, opposes this amendment.

H.R. 766 already makes it clear both in the bill and in the accompanying report language that societal and ethical concerns include concerns related to potential societal and environmental consequences associated with nanotechnology development. The language is general in order to permit the broadest range of research on the societal and environmental implications of nanotechnology.

We spent a great deal of time on this very issue during our committee's markup of the bill last week. The committee took particular care as to how societal and ethical concerns were described in the bill and how the national nanotechnology research and development program is required to address them.

We need to have broad authority to ensure that this research can focus on questions that may not seem important to us today but emerge as the science matures. This amendment takes us in the wrong direction by limiting the research on environmental concerns authorized in the bipartisan committee bill to toxicological and environmental impact statements.

The administration opposes the amendment. I do, too. I urge my colleagues to vote "no."

Mr. SHERMAN. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. It is my understanding that the amendment does not limit the societal impact that is going to be evaluated, but simply specifies that among the things to be looked at are the toxicological and the environmental.

I do not know whether the gentleman from Texas would want me to yield to him so that he could further explain whether his amendment would limit or perhaps just identify certain areas for such review.

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

Mr. SHERMAN. I yield to the gentleman from Texas.

Mr. BELL. Mr. Chairman, I thank the gentleman from California for yielding.

In no way would it limit, and that is why we specifically used language that said "including toxicological and environmental concerns." Researchers in this area would still be free to study a wide range of societal and ethical concerns associated with nanotechnology. We just want to make sure that included in that research will be research going toward toxicological and environmental concerns as well.

□ 1330

Mr. Chairman, the distinguished Chair of the Committee on Science and I happen to disagree on what could possibly lead to arbitrariness as this research concerning nanotechnology goes forward. It is my fear if we do not set forth some of the areas in particular that we would like to see studied, they could be overlooked. But it is in no way limiting the scope of the research that will be conducted regarding societal and ethical concerns associated with nanotechnology.

Mr. SHERMAN. Mr. Chairman, reclaiming my time, I think the bill does a good job of dealing with the societal impacts. This amendment would make it better.

I just returned from spending 2 days at the conference of the Foresight Institute in Palo Alto devoted exclusively to looking at the societal impacts of nanotechnology. There I had extensive discussions with Eric Drexler who coined the term "nanotechnology," and got to meet the people from the Singularity Institute who are focusing on the implications of artificial intelligence.

One good aspect of this bill that I should point out is Michael Creighton's book "Prey" is identified with nanotechnology; and, in fact, whether or not what he describes in that book is possible, the bill already identifies six standards to be included in the safety standards for the research done in this technology. Following even some of those standards would be enough to put "Prey" to rest.

So the bill does have some excellent aspects to it. I think it could be enhanced by the amendment from the gentleman from Texas. I would also point out that the bill calls for societal impacts to be reviewed as part and parcel of scientific research so that when it is practical to fund scientific research, that the societal impacts are reviewed.

The bill also, and I think this is important, would allow us to look at the societal impact separately and prior to the time when it is appropriate to fund practical scientific studies. So it may be that we are not funding a particular type of technology because it is not ripe, but we do need to look at the soci-

etal impacts of that technology even before it is ripe to develop it.

Mr. Chairman, I look forward to being part of the process as this bill moves to the other body. I think it is a bill that covers the societal impacts, and the amendment would only make it better.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have a great bill. We think that this amendment would help it. I support the bill whether we put the amendment on or not; but it seems to me that this just adds toxicological studies, which simply means in plain American language is we want to add health effects to it. In subsection 5, page 4, line 23, they point and ensure that societal and ethical concerns, including environmental concerns and potential implications of human performance enhancement and the possible development of nonhuman intelligence will be addressed. This simply adds health to it.

I think it aids the bill substantially. It brings some common sense to it, and I urge adoption of the amendment.

Mr. MILLER of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise also in support of the Bell amendment. The potential benefit of nanotechnology is truly astounding, but there are also potential harmful consequences.

I come from a part of the country where a century ago we imported an ornamental Japanese groundcover, kudzu. It was thought to help prevent soil erosion. Now 7 million acres of the South is covered with kudzu. It covers crops, forests, houses, barns. Many of us suspect that we have lost slow-moving relatives to the kudzu.

We are now talking about manipulating matter at the atomic and molecular level. I want to make sure we are not turning loose upon the world a molecular, atomic kudzu. We do not know how manipulated particles, atoms and molecules, will interact with the environment, particularly human tissue. And we do not know if self-replicating molecules and atoms will know when to stop replicating.

Mr. Chairman, I hope that all of these concerns will prove to be overblown, and we will look back in 30 years and think of this the way we now think about the concerns about the astronauts bringing back Moon germs from the Moon.

But we certainly have plenty of examples of things that we should have worried about and we did not worry about. It includes concerns about toxicity, the toxicity of manipulated molecules and atoms, and the effects on the environment. I want to make sure that our societal and ethical concerns about nanotechnology is not limited to philosophers and theologians wondering if we are playing God, but rather if we are creating matter that is going to be harmful to human tissue and will harm the environment. I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BELL).

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

Mr. BELL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. BELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BELL:

In section 3(b)(1), insert "including research on the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy," after "nanotechnology research and development".

Mr. BELL. Mr. Chairman, just after being sworn in as a Member of Congress, I had the privilege of listening to Dr. Richard Smalley, who is a Nobel Laureate who now teaches at Rice University and is recognized as a leader in the area of nanotechnology.

During the course of his speech, many of his remarks were directed towards the impact that photoresearch and the area of nanotechnology could have in the area of energy. He pointed out to the crowd assembled that evening how in this particular area regarding energy, nanotechnology could very much change the world in which we live. I am not a scientist, but when people start talking about how something could change the world in a very beneficial manner, those words get my attention.

The purpose of the amendment that we present here today is to single out energy, along with the other important areas for research that are already set forth within the bill.

Nanotechnology holds the promise to make energy production cheap and relatively pollution-free by reducing the cost of solar and fuel cell technology anywhere from 10 to 100 fold. Nanotech lighting technology could replace incandescent and fluorescent lights with enormous energy cost savings across every sector of the economy.

If we look at what is going on in the United States today regarding the cost of energy, the price of gasoline skyrocketing all across the country, the cost of natural gas rising so high that plants are threatening to close and move overseas on an almost daily basis, I think all of us can understand the need for looking for low-cost alternative energy sources, especially when it could be a clean source of energy.

Mr. Chairman, nanotechnology holds the promise of tomorrow because it

truly is the technology of the future. Its application will be felt across the spectrum of scientific research. I hope my colleagues will join me in supporting the development of this exciting field and pinpoint energy as an area that is very much deserving of further study.

Mr. Chairman, I urge support for this amendment.

Mrs. BIGGERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the Bell amendment to H.R. 766, the Nanotechnology Research and Development Act. As the chairman of the Subcommittee on Energy of the Committee on Science and someone who is very passionate about energy research, I certainly am one who would be inclined to elevate energy applications above all other applications in just about any research area, including nanotechnology research.

However, the purpose of this bill is to ensure coordination and collaboration of nanotechnology research by all Federal science agencies, including the Department of Energy. I believe that this bill in its current form already includes the kind of research the Bell amendment is attempting to advocate or emphasize. It does so by authorizing a significant amount of funding for research at the Department of Energy, the Federal agency with the central mission and responsibility to encourage the development of clean, inexpensive energy.

As a result, the bill will revolutionize energy production and use. Key enabling technologies such as catalysts, membranes, and filters all operate at the nanoscale. A better understanding of the nanoscale and the development of nanotechnologies will enable dramatic cost reductions in hydrogen production, carbon sequestration, and a host of other energy applications.

I do not think that specifying research development in the statute adds anything new and will only tie the administration's hands and the Federal agencies' hands. I urge my colleagues to support the bill as reported by the committee and oppose the Bell amendment.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it makes sense, and the gentleman who offers the amendment is from Houston, Texas, which is a salient part of the energy thrust. And Texas being one of the 10 States that produces energy for the other 40 States thinks this is important. I think it is important to add it. It is simple. It simply adds including research on the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy. I think it helps, and I think it is consistent with the rest of the bill.

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

Mr. HALL. I yield to the gentleman from Texas.

Mr. BELL. Mr. Chairman, I would just point out if we can get a group of Texans excited about looking for a clean, inexpensive form of energy, the House of Representatives should not balk at that opportunity.

This is an extraordinary opportunity in many respects. We are not trying to limit the research, just as I pointed out previously in regard to the earlier amendment.

This is simply to include a provision in the bill that will lead researchers to look at energy technology and provide funding for energy technology down the line so we can study this. This is not an area that is widely discussed when people talk about nanotechnology. But given what some of the leaders in this area of research have pointed out, there is tremendous optimism that it could lead to a sustainable, clean-burning, inexpensive source of energy; and we should not miss the opportunity to look at that as we are studying nanotechnology.

Mr. HALL. Mr. Chairman, Texans cannot only think big, we can think little, too; and that is what we are doing.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, who can be against clean, inexpensive energy? I am not, but does it make sense to pick out this one laudable goal and hold it up above all others, including medical advances, homeland security, technology that can drive faster economic growth? Yes, energy is important and this bill recognizes it.

□ 1345

It is an important part of H.R. 766 and it is demonstrated by the portion of the bill that authorizes \$265 million for nanotechnology research at the Department of Energy next year alone. That is significant. But energy is not more important than many of the other things that nanotechnology will do. Would you say it is more important than finding a cure for cancer? Or more important than protecting our borders in our fight for homeland security? These are all important, laudable goals, and the bill covers them all.

Once again, we are not just throwing petty cash at this subject. We are devoting \$265 million to it. The administration opposes this amendment, and so do I because it is too prescriptive. Therefore, I would urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BELL).

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

Mr. BELL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON of Texas

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

In section 5(b), after paragraph (7), insert the following:

In carrying out the assessment required under paragraph (7), the Advisory Committee shall consider the findings and recommendations from citizen panels described in section 6(b).

In section 6, insert "(A) IN GENERAL.—" before "The President shall".

In section 6, insert the following new subsection at the end:

(b) CITIZEN PANELS.—(1) The National Nanotechnology Coordination Office shall convene citizen panels, with membership composed of nonscientific and nontechnical experts, in different geographic regions of the Nation, to consider societal and ethical concerns arising from the development and application of nanotechnology. The Coordination Office shall develop guidelines and procedures governing the functioning of the citizen panels under this subsection in consultation with the Director of the National Science Foundation.

(2) The first citizen panel shall meet within 18 months after the date of enactment of this Act, and subsequent panels shall meet on a schedule established by the Coordination Office, but not less frequently than at 18-month intervals.

(3) Citizen panels shall prepare reports containing the panels' findings and recommendations, and the Coordination Office shall ensure the wide dissemination of the reports.

(4) Of the amounts authorized under section 7(a), such sums as may be necessary shall be made available to carry out this subsection.

Ms. EDDIE BERNICE JOHNSON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the amendment that I have for H.R. 766. It has to do with adding under the auspices of the National Science Foundation a citizens advisory committee. There is nothing sinister about my desire to do this. I want to do this because I feel that more and more citizen input is demanded by citizens. This research will be paid for by citizens. And to have someone to sit and listen and get an understanding simply creates a more positive attitude throughout society, I feel, with the research.

This is going to be research that people do not understand very well. Even the researchers will not understand it too well until they start to do the research. It could provide revolutionary advances in health care and dramatically increase our life-span. But people need to know this. They need to know that this is not going to be perhaps research on stem cells or whatever, so

that the fears can be allayed, the anxieties can be eliminated because of this. This powerful and pervasive technology, while promising great benefits, has its downsides.

While I support the bill, I do have that one concern, that the views of the general public who will bear the brunt of the consequences, both good and bad, have no input in the planning and execution of the research program and no input as to asking questions and getting answers as the research goes on. As I indicated, taxpayers are paying for the development of this technology and they have a right to have a voice in this research agenda.

My amendment goes to the heart of this problem. It provides for small panels of ordinary citizens to be assembled to examine important societal issues about nanotechnology. Panelists would be selected across the socioeconomic spectrum, ordinary, practical Americans. These citizen panels would hear expert testimony from those doing the research, listen to arguments about the applications and consequences presented by all sides and develop an agenda of major public issues to address. These John Q. Public panels will provide agencies carrying out the nanotechnology R&D program and the broader public of the common ground among the cross-section of Americans on the goals and directions of this R&D program.

The bill does provide support for experts to address the societal and ethical concerns of nanotechnology. However, that is the problem when only the experts are involved. These are the same type of experts that did not provide effective guidance on how to address societal and ethical concerns on genetically modified foods, and now we still have a question about whether or not they are safe to eat, human stem cell research and cloning. As a witness pointed out during a hearing on nanotechnology, social and ethical expert panels frequently become captive to the technology they are supposed to be providing oversight on. I believe that there is evidence that expert panels are not by themselves sufficient to address broad public concerns. That is why my amendment explicitly calls for citizen panels.

Members may ask, why is this important? Just think about the public backlash and debate on genetically modified organisms, think Frankenfoods, human stem cell research, and cloning to name a few. When the public was asked to accept the results of these technologies and asked simple, commonsensical questions, the research community said trust us, the fatalists said the world would come to an end, and no one really required the science community to sit down with the public and discuss the benefits and possible costs of these technologies. As a result, the full potential of these technologies have not been realized. Citizen panels promise to avoid this logjam by allowing the public's voice

to be heard during the development period of the technology, not after it is introduced.

Today I ask my colleagues to support this amendment to put in place a proven approach to help increase public understanding of nanotechnology and provide an avenue for ordinary Americans to influence the direction of this R&D initiative.

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

Mr. Chairman, I urge opposition to the Johnson amendment. First off, the administration opposes this amendment. The bill that is under consideration already provides a forum for citizen involvement. By statute, the meetings and proceedings of the Advisory Committee on Nanotechnology must be open to the public. Weighing down the National Coordination Office for Nanotechnology with citizens' panels would be unnecessarily costly as well as prescriptive. The Danish model embodied in the Johnson amendment has not worked well here. A scholarly review of the Danish-type citizens' panel process convened to study telecommunications and democracy judged the process to be ineffective.

I would, however, add my support to H.R. 766, the Nanotechnology Research and Development Act of 2003. I want to commend Chairman BOEHLERT for his firm leadership on this issue and I am pleased that I had the opportunity to work in a bipartisan fashion with my colleagues on the Committee on Science. Nanotechnology is an exciting new field of scientific study and promises to provide humankind with unimaginable advances in manufacturing, materials, medicine, construction, computing and telecommunications.

As we have learned in committee from the testimony of Dr. James Roberto, we are truly moving from atomic scale characterization to atomic scale control, from miniaturization to self-assembly. As a physician I am especially excited about nanotechnology applications in medicine. Most diseases and illnesses occur at the cellular level and the surgical tools of tomorrow will have a level of precision that is unimaginable today. Nanotechnology advancements in medicine will soon be able to inexpensively fabricate essentially any structure that is consistent with chemical and physical laws and specified in molecular detail.

As we also learned in committee, recently the University of Michigan used nanoprobes to image chemical activity inside cells. Today this provides information about metabolic processes inside cells, but tomorrow we may be able to modify these processes. We will truly move from an era of nanodiagnostics to nanotherapy. The ramifications that this technology could have on cancer treatment, trauma surgery or organ transplantation would be literally life-changing. In order to improve the health of Americans, a coordinated approach to nanotechnology research and develop-

ment will be necessary in order to reorient how we practice medicine. H.R. 766 will do that and much more.

The National Nanotechnology Research and Development Program established under this bill would promote research and development into this promising new science as well as facilitate commercial applications for new developments. H.R. 766 will also establish formal interagency cooperation, reducing government waste and duplication on nanotechnology projects. By streamlining national efforts in regard to nanotechnology, commercial applications of the technology will come sooner rather than later. And perhaps one of the greatest impacts this bill will have will be the impact on our economy. This new technology will be an engine of growth for our economy and has the potential to create millions of new jobs in several sectors of the United States and the global economies. Nanotechnology will change the way our lives are lived by improving our health, our environment and the ways in which we live and work.

Mr. Chairman, I urge support for this bipartisan legislation, H.R. 766.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have heard a couple of times that the amendment was opposed because the administration did not want it. Could you tell me the objection of the administration? How did they find little old me with this little old amendment to object to it?

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from New York.

Mr. BOEHLERT. Let me state at the outset that I support and the administration supports broader public participation. We have been assured by the administration that every meeting will have a set-aside period for public participation, the type of participation that the gentlewoman wants and is a cherished part of our system. So I applaud the gentlewoman's objective but the fact of the matter is we do not need a whole bunch of new panels.

Let me point out, if you want me to use some additional time, this is modeled after the Danish system. I was told that research puts that into question, that sort of formalized structure. A scholarly study on the impact of just such a citizens panel in the United States, not in Denmark, here, concluded that not even those engaged in organizing the U.S. citizens panel thought it had any actual impact. Let me quote from their report: "The single greatest area of consensus among the respondents was that the Citizens Panel on Telecommunications and the

Future of Democracy had no actual impact. No respondent, not even those government members of the steering committee or expert cohort, identified any actual impact."

Having said that, does that mean that I agree that we do not need any citizen input? Not at all. I agree with the gentlewoman that we do need citizen input. I applaud her effort, but I have to oppose this particular amendment to be so prescriptive and just to set in motion just who has to do what and when.

Ms. EDDIE BERNICE JOHNSON of Texas. If the gentlewoman will continue to yield, there was other language that had been attempted as substitute language. Would the gentleman accept that as an amendment? I have it prepared to submit it.

Mr. BOEHLERT. My staff tells me we tried very hard, because we talked in committee about this and I offered to work with the gentlewoman to strengthen the requirements for public participation in the underlying legislation. The staff have had conversations back and forth and apparently we could not bridge the differences. But let me assure the gentlewoman that she is absolutely right in calling for public participation. I want public participation. So does the administration. I just do not think we have to be so prescriptive in this bill as to set the parameters for that public participation.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Johnson amendment which calls for citizen panels to examine the societal issues and effects that could emerge from nanotechnology, effects and issues that may not be able to be detected and imagined with this imaginable science but for the untrained eye, the naive person that may not know what this is supposed to do may actually see what could come up and could get in the way of this being a straightforward technology. But this is a straightforward amendment. It adds more common sense to an already good underlying bill.

The Johnson amendment taps into the unscientific expertise that our neighbors, our colleagues, our family members, our friends could offer to the exciting development of nanotechnology.

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As with any new technology, Mr. Chairman, any new technological endeavor, some of the issues and consequences we might be able to anticipate from the very beginning; but others may not emerge for a time to come. More effort is needed. More effort is needed to increase public understandings of nanotechnology in the first place in order to avoid the backlash that has plagued other new technologies such as genetically modified foods, corn and the Monarch butterfly, for example.

Mr. Chairman, I rise in support of the Johnson amendment to H.R. 766, the Nanotechnology Research and Development Act.

The Johnson amendment, calls for citizen panels to examine the societal issues and effects that could emerge from nanotechnology, that may be imaginable to the scientist, but not the untrained eye. It is a straight forward amendment that adds more common sense to a good underlying bill.

We all know that local citizens often have the best insight for what is coming straight at us. The Johnson amendment taps into the unscientific expertise that our neighbors, colleagues, family members or friends could offer to the exciting development of nanotechnology.

During committee consideration of H.R. 766 we had a spirited debate about the potential societal and ethical issues that nanotechnology could mean for us down the road. As with any new technological endeavor, some of the issues and consequences we might be able to anticipate from the beginning . . . but others may not emerge for a time to come.

At our committee's nanotechnology hearings, we also had several witnesses who indicated that more effort is needed to increase public understanding of nanotechnology in order to avoid the backlash that has plagued other new technologies, such as genetically modified foods, corn and the Monarch Butterfly, for example.

In the past, too often the scientific or technological experts have told the public "trust us"—this won't have any adverse consequences.

But we know that's not always the case, no matter how much the experts tell us otherwise.

Whether we're talking about the early questions that surrounded biotechnology, corn and the Monarch Butterfly or what nanotechnology might mean for increasing the human life span, there's certainly a demonstrated usefulness to having a commonsense voice be part of the research agenda.

Now is the time to incorporate those common sense voices into the research agenda. Now, while we're at the starting gate, not when we might already be involved in public controversy.

The Johnson amendment is the answer to this need for public involvement by calling on ordinary Americans to be a stakeholder in the nanotechnology research agenda. Ordinary Americans certainly have a stake in what nanotechnology can deliver, so we should make sure they have a voice in how nanotechnology may deliver it.

I urge my colleagues to support the Johnson amendment.

Mr. HONDA. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have a question to ask the chairman of the committee. Since there is objection to the details of this citizens panel, there was a suggestion after much dialogue with the chairman and staff to recommend a more watered-down version of it. I would rather have the watered-down version than to not have a citizens panel because I think it is just going to

prevent a great deal of turmoil later. I do not know how long it will take us to convince people that genetically modified foods are safe; but I think that if the education had started right along with the research, we would not be dealing with that problem.

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

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

Mr. BOEHLERT. Mr. Chairman, the staff is busy discussing, as we always do as a committee on bipartisan basis, a way to accommodate our mutual interest.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment and wait for the details to be worked out.

The CHAIRMAN pro tempore (Mr. OTTER). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I simply hope that we can

work out this concept of citizen panels because I do believe there is a mutual benefit to having the citizenry having their input into very fine technical and very precise technology that really is going to be a job generator. It is going to be an enhancement for a better quality of life, and I would hope that in the course of deliberating that we would find an opportunity to support just a simple concept, Mr. Chairman, having citizen panels to address the question of the quality of this kind of technology.

Mr. Chairman, first I would like to commend Chairman BOEHLERT and Ranking Member HALL on the Science Committee for their hard work and bipartisan spirit in crafting this bill. We and our staffs have been working very closely together to ensure that this Bill ensures a bright, productive, and lucrative future for the field of nanotechnology in the United States. I would also like to commend my colleague from California, Mr. HONDA for his leadership in the exciting field of nanotechnology. I am pleased to be a co-sponsor of this bill and look forward to seeing it signed into law.

My amendment today will create a Center for exploration of ethical/societal/environmental and education issues related to Nanotechnology. It represents a compromise between those in the Science Committee who wanted to elevate this kind of research, and those who were reluctant to micromanage the administration by assigning dollar values to such programs. If we disagree on some of the fine details here today, it should not detract from the excellent collaboration we have engaged in so far.

Nanotechnology is one of the most exciting fields of science today, involving a multitude of science and engineering disciplines, with widespread applications in electronics, advanced

materials, medicine, and information technology. The promise of nanotechnology to accelerate technological change has prompted some to advise caution about pursuing such rapid innovation without first developing a deep understanding of where it might lead us.

Advances in stem cell research, cloning, and genetically modified organisms, have left us scrambling to make smart decisions that will harness the great potential of these fields, but also avoid potential pitfalls or ethical disasters. As nanotechnology emerges, I hope we can be more proactive in guiding smart policies and appropriate research.

Nano-machined particles or biotech products could have potentially devastating health or geopolitical consequences if released into the atmosphere either unintentionally, or as a new class of weapons. Manipulations of biological systems could produce germs or species that could jeopardize our ecosystem.

Furthermore, there are even risks to society that may stem from the good outcomes of nanotechnology research. Over the past decades we have seen a troubling development, with the "have-nots" in our society finding themselves on the wrong end of a "technological divide." As the internet, and other technologies, are making many of our lives so much easier and more productive, change has not reached all of our communities.

Too many are missing out on the tech revolution. These people are already fighting to keep up and compete in school, or in the workforce, and the technological divide makes that fight even harder. I do not want H.R. 766 to lead to a nanotechnology divide that will further handicap hard-working, tax-paying Americans.

Numerous experts from academics, think tanks, industry, as well as the NSF and the National Academy of Sciences, have come to the Science Committee strongly encouraging us to incorporate research on societal and ethical implications of nanotechnology, into any nanotech research initiative. They have also spoken of the importance of ensuring that nanotechnology research is guided by an understanding of health and environmental sciences.

We must ensure that as new technologies and products come about—in healthcare, in communications, in energy—that they have a positive impact on all of the American people, and on our planet.

I am pleased that the underlying bill includes provisions to provide for research into the societal and ethical concerns related to nanotechnology. The authors of the bill have recognized the importance of having that research integrated into the bench science research programs, so that there will be a constant dialogue between nanotech scientists, ethicists, and social scientists. I agree that such integration is necessary. My amendment preserves all of the language in the existing bill relating to that critical integrated research.

However, I am concerned that as this field progresses—as results start to translate into lucrative products, it becomes more competitive to get the hottest cutting edge research into journals, as researchers find it necessary to "push the envelope" in labs in order to get tenure—that the ethical/societal issues could become lost.

That is why, in addition to the integrated research program, my amendment adds a provision requiring the National Science Foundation

to establish a Center for Societal, Ethical, Educational, Environmental, Legal, and Workforce Issues Related to Nanotechnology.

It will thus elevate and draw focus to the important research in these areas, without "prescribing" an exact dollar value for the program. The center will compile and enhance research from the integrated programs on societal and ethical implications. In addition, it will also add studies on environmental, legal, educational, and workforce issues.

Nanotechnology lies at the intersection of several scientific disciplines including biology, chemistry, physics, and materials science—and will thus demand a diverse and properly educated workforce. Proper workforce training needs to occur at all levels, from K-12 through university, to ensure that all are able to enjoy the social, economic and technical benefits that nanotechnology promises. This Center will help make that happen.

The center will serve as a conduit for transfer of papers and data and information, between researchers in the field, social scientists and outside special interest groups. It will communicate findings and recommendations to the National Academy of Science and to the Interagency Committee on Nanotechnology, to help them with their annual reports.

This amendment does NOT replace the integrated societal/ethical research programs, as some have suggested. Instead, it protects that research by giving it a home at NSF. It demonstrates to concerned citizens, that these issues are being addressed. And, it ensures that results from "embedded" social scientists, integrated into research centers, are widely disseminated and discussed.

A similar provision was widely accepted in the Senate and included in their bill. It has been supported by many of my colleagues in the Science Committee.

I believe this amendment will complement the underlying bill well, and urge my colleagues to support it.

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

The gentleman from Texas (Mr. BURGESS) was correct when he pointed out that the amendment directs NSF to provide assistance to the National Nanotechnology Initiative in setting up and running the citizens panels, and I think that has to be in there because otherwise how would they know how to run the citizens panels if they do not hear from the citizens?

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

Mr. HALL. I yield to the gentleman from New York. And I think the gentleman is being cooperative in trying to help. I recognize that.

Mr. BOEHLERT. Mr. Chairman, we are working this out. So the gentleman has kindly withdrawn her amendment from consideration; and during this interim period, the gentleman from Texas (Ms. JACKSON-LEE) will be up next with her staff. Staffs are trying to work out language that assures both sides that we get what we want, active citizen participation.

Mr. HALL. Mr. Chairman, I will wait to see the fruits of the gentleman's labors, and I thank the chairman for this extra work he is going into.

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

I wish to speak on the general merits of the bill. Nanotechnology is an extremely important scientific development, one in which we are just beginning to scratch the surface. Few people in this country realize the tremendous potential that this has. At the same time, as a scientist, I have to say if someone asked me what are we going to get out of this, I have to simply say I am not sure. And that is the nature of basic research. In 1931 when theorists first started investigating stimulated emission of radiation, if one asked the question what is this going to come to, they would have said I do not know. And when Charles Townes first developed the hydrogen MASAR, microwave amplification by stimulated emission of radiation, and someone asked what is this going to come to, he probably said it would be a time standard, but was not certain of any development beyond that. And yet that research led to the development of the laser, and the development of the laser led to a multitude of applications in business, commerce, medicine and the military. The laser today is ubiquitous. Back then it was a precious, expensive discovery, but today we use tiny, inexpensive lasers just to point at slides on a screen. It has been amazing progress. And we will find the same thing with nanotechnology. It is a very promising field, but we do not know where it is going to lead.

Some of the promise of nanotechnology could be incredibly strong, light materials which could create a revolution in space travel and in ordinary airplane travel. Other uses for it could be in the medical arena, being able to entrap health-enhancing molecules within a nanoscale shell so that the medicine can be directly applied to the site we are trying to reach. For example, we might treat cancer in a very direct way by having a mechanism of transporting the chemotherapy molecules directly to the cancer cells and not to other cells. That would also be a marvelous development, but we really do not know if it will work out.

The point is simply that this is a very new technology, and already we know enough about it to know that it is a major breakthrough. It is absolutely essential that we pursue this research in a thoughtful manner and that we, as a Nation, commit ourselves to development of nanotechnology and research in nanoscience.

I am very much a supporter of the bill, and I appreciate the chairman of the Committee on Science and the ranking member for bringing this bill forward. It is a good step forward for our country. Frankly, we are going to need much more in the future in terms of guidance for how this new discovery is supposed to be used, including some of the ethical and societal concerns; but the first thing to do is to promote research on nanotechnology, find out exactly what promise it has, what may become of it, and then pursue those avenues of research.

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

I rise in support of this amendment. I think getting all of the citizen input possible is called for. I know that it has been discussed that perhaps the citizen panels on telecommunications did not create sufficient community interest. I for one found Tauzin-Dingell to be boring. I am not sure that my constituents found telecommunications to be a reason to drive long distances to participate in citizen panels. I think the issues that nanotechnology brings before us are simply going to create more citizen involvement and that the citizen panels here will be quite important.

Among the questions that this technology will raise, when I took the CPA test, they would not let me bring a calculator. A decade from now, chips will be implanted in people's brains. Can they take the CPA test? Do we have to disable the chip? I do not know. Today Shaquille O'Neil is the most dominating force on the basketball court, but what if parents decide that they want genes moved this way and that way so that their son or daughter could be even taller, even bigger? Will this person be eligible to participate in the NBA, and if so, will the Lakers get to draft that person? I do not know, but it strikes me as more interesting than much of telecommunications, and I know there are Members of this body very interested in telecommunications, and I praise them for that involvement.

The entire issue of artificial intelligence and what happens when a computer first asks us for the minimum wage, I do not know how we are going to react; but I think that these are questions we are going to confront in the next few decades. They are questions that should involve all of society. They involve the very issue of what it means to be a human being. They will arouse a level of theological debate that we did not face in telecommunications; and for those reasons I think that even if panels were not successful on that issue, they will be quite interesting on it. Before we change what it is to be human, we ought to ask humans what they think about.

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

Mr. SHERMAN. I yield to the chairman.

Mr. BOEHLERT. Mr. Chairman, during the time that the gentleman has been speaking so eloquently, the majority and minority have reached an agreement on the gentleman from Texas's (Ms. EDDIE BERNICE JOHNSON) amendment which has been withdrawn, and now she is willing to offer a compromise amendment that we are prepared to accept. So I thank the gentleman for his input, and I anxiously await the words of the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON).

Mr. SHERMAN. Mr. Chairman, reclaiming my time, this shows the kind of bipartisanship and camaraderie that has been achieved under the chairman and ranking member on the Committee on Science, and I salute it.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

In section 3(b)(5)—

(1) strike "and" at the end of subparagraph (B); and

(2) after subparagraph (C), insert the following new subparagraph:

(D) ensure, through the National Nanotechnology Coordination Office established under section 6 and through the agencies and departments that participate in the Program that public input and outreach to the public are both integrated into Nanotechnology research and Development and research on societal and ethical concerns by the convening of regular and ongoing public discussion, through mechanisms such as citizen panels, consensus conferences, and educational events, as appropriate; and

In section 3(c)(6), insert ", suggestions or recommendations developed pursuant to section 3(b)(5)(D)," after "Advisory Committee".

In section 5(b)(7), insert ", including concerns identified pursuant to section 3(b)(5)(D)," after "societal and ethical concerns".

Ms. EDDIE BERNICE JOHNSON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, this substitute amendment which I am offering now does essentially the same thing except that it is very voluntary; and if that is acceptable to the Chair and to the majority, then I will accept this amendment. So I would move its adoption.

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

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I think we worked out a very fine compromise that ensures the citizen input, and the majority is pleased to accept the gentleman's amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

In section 3, add at the end the following new subsection:

(d) CENTER FOR SOCIETAL, ETHICAL, EDUCATIONAL, ENVIRONMENTAL, LEGAL, AND WORKFORCE ISSUES RELATED TO NANOTECHNOLOGY.—The National Science Foundation shall establish a Center for Societal, Ethical, Educational, Environmental, Legal, and Workforce Issues Related to Nanotechnology to encourage, conduct, coordinate, commis-

sion, collect, and disseminate research on the societal, ethical, educational, environmental, legal, and workforce issues related to nanotechnology, including research under subsection (b)(5)(A). The Center shall also conduct studies and provide input and assistance to the chairperson of the Interagency Committee in completing the annual report required under section 4 and to the National Academy of Sciences for conducting reviews under section 8.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the word is very large, but it is an extremely humbling science and approach that we are attempting to take with respect to nanotechnology. As I listened to the previous debate and my good friend from California who acknowledged that previously in other instances citizen panels may not have drawn the great enthusiasm that we would have liked them to draw, I am hoping that as we resolve the matter on a very good amendment by my colleague that I could work with the ranking member and the gentleman from New York (Chairman BOEHLERT) to work on what I think is a very important amendment as well.

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I would like to thank both of the gentlemen for the work on this particular legislation. As I said, the word is large, but the science and the concept is humbling. It deals with enhanced quality of life by the particular type of science and dealing with cutting edge technology to help improve our life and our lifestyle in America and around the world.

We have worked with our staffs very closely to ensure that this bill ensures a bright, productive and lucrative future for the field of nanotechnology in the United States.

I would also like to commend my colleague from California (Mr. HONDA) for his leadership in the exciting field of nanotechnology, and I am pleased to be a cosponsor of this bill and look forward to seeing it being signed into law.

My amendment today will create a Center for Exploration of Ethical, Societal, Environmental and Educational Issues Relating to Nanotechnology. And forgive me as I speak directly to the chairman. With that simple sentence, I believe we can find a wonderful way to project that and allow for this bill to make its way through this body and finally to passage.

The amendment represents a compromise between those in the Committee on Science who want to elevate this kind of research and those who are reluctant to micro-manage the administration by assigning dollar values to such programs.

If we disagree on some of the fine details here today, it should not detract from the excellent collaboration we have engaged in. Nanotechnology is one of the most exciting fields of science today, involving a multitude of science and engineering disciplines with widespread applications in electronics, advanced materials, medicine and information technology.

I am waiting for the ranking member to speak only because I know that he knows how to bring just the right humor along with the right type of technology and science. The ranking member, the gentleman from Texas (Mr. HALL), has been a vital resource for helping us forge these bipartisan efforts, but, more importantly, get good bills to the floor and get them passed.

I realize that this center has that capability of drawing a compromise. The promise of nanotechnology to accelerate technological change has prompted some to advise caution while pursuing such rapid innovation without first developing deep understanding of where it might lead us. Advances in stem cell research, cloning and genetically-modified organisms have left us scrambling to make smart decisions that will harness the great potential of these fields, but also avoid potential pitfalls or ethical disasters.

Mr. Chairman, we have discussed these issues in the Committee on Science. I can assure you there is unanimity on the issue of cloning amongst the Committee on Science and I know amongst this body. We do not want human cloning, but there are ethical questions being raised. This is what I speak of, the need to have a body that deals with these ethical considerations in an important, smart, effective and far-reaching way.

As nanotechnology emerges, I hope we can be more proactive in guiding smart policies and appropriate research. Nanomachine particles or biotech products can have potentially devastating health or geopolitical consequences if released into the atmosphere, either unintentionally or as a new class of weapons. Manipulations of biological systems can produce germs or species that could jeopardize our ecosystem.

Furthermore, there are even risks to society that may stem from the good outcomes of nanotechnology research. Over the past decades we have seen a troubling development with the havens in our society finding themselves on the wrong end of a technological divide. As the Internet and other technologies are making many of our lives so much easier and more productive, change has not reached all of our communities. There lies the need for such a center.

Too many are missing out on the tech revolution. These people are already fighting to keep up and compete in school or in the workforce, and the technological divide makes that fight even harder. I do not want this next step, nanotechnology, to divide us even

further and to disadvantage hard-working, taxpaying Americans.

So there are numerous experts, think tanks, the National Science Foundation, the National Academy of Sciences, that have all come together, the Committee on Science, to ensure we are moving forward.

I think it is important to have such a center, Mr. Chairman, and I believe that my colleagues, we can work together to move this concept of my amendment along, a center that will bring all these forces together and ensure that nanotechnology works for all of America.

Mr. BOEHLERT. Mr. Chairman, I rise in reluctant opposition to the amendment.

Mr. Chairman, I share the commitment of the gentlewoman from Texas (Ms. JACKSON-LEE) to ensuring that research is conducted on the social and ethical issues relating to nanotechnology, but believe that this amendment does not take the preferred approach.

Our committee has given this issue a great deal of consideration, and we decided rather than going to just one center, but to fully integrate research on the social, environmental and ethical issues into the research being conducted under the entire National Nanotechnology Initiative. This ensures that social, ethical and environmental implications research will be fully grounded in the science of nanotechnology and that scientists conducting nanotechnology research will be aware of and be active participants in research on the social and societal implications of their work.

The provisions were further strengthened in committee by amendments offered by the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. BELL).

The Jackson-Lee amendment is derived from a provision contained in the Senate bill that takes us in the opposite direction. It creates a stand-alone research center financed by the National Science Foundation. Based on our experience with the Human Genome Program, this will undermine our effort to ensure that social, ethical and environmental issues are part of the fabric of each nanotechnology center grant, and nearly guarantees that research on important societal and ethical concerns will not be relevant to or influence the research actually being conducted.

So rather than just focusing on one center, we wanted to build it, weave it, into the entire fabric.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the chairman's concern about the amendment, but let me make it perfectly clear that the amendment does not replace the integrated social-ethical research programs, as some have suggested. Instead, it protects that research by giv-

ing it a home at NSF and demonstrates to concerned citizens that these issues are being addressed. So it compliments what the gentleman is trying to do.

Mr. Chairman, I understand the gentleman's perspective of micromanaging. The amendment ensures that results from embedded social sciences integrated into research centers are widely disseminated and discussed.

While the gentleman was engaged in the very collaborative effort on the previous amendment, I too ask can we draw some language that would at least give us a place setting that talks about, encourages, the need for such a center, and then we can proceed with the collaborative work of the agencies as it proceeds through these bodies to know that there is a place for such a vehicle.

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, no, I am not prepared to go that far, and I usually go very far in trying to accommodate the wishes of all the members of my committee, regardless of affiliation or position on the dais.

But the fact of the matter is we have made a conscious determination that rather than focusing on one center we are going to weave this into the entire fabric of the whole nanotechnology initiative. For that reason, I think we better address the issue.

Therefore, while I am reluctant to oppose, I do oppose the gentlewoman's amendment.

Mr. HALL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will paraphrase Will Rogers, who said he never met a man he didn't like. I think it is pretty obvious that Ms. JACKSON-LEE, who is one of the hardest workers that I know in this Congress, never met an amendment or a bill she could not upgrade and she could not talk about and could not suggest on. I think she stresses the protection of societal and ethical issues.

As I said in my opening statement, I think it is important for the successful development of nanotechnology that potential problems be addressed from the beginning in a straightforward and open manner, and I think that is exactly what the gentlewoman has done. This is the amendment she requested, and this is the time I think to look at this amendment.

We are not going to burn the barn down and run the cattle off if we do not get every amendment we want. The chairman has worked with us and tried to help us. If there is any way to work this out to something less than the request she made, this is the time to do it.

Mr. Chairman, I would like to yield to the chairman to get his feelings about whether or not that can be done or whether or not we have to simply put it to a vote of the Congress.

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

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

Mr. BOEHLERT. Was it Will Rogers that said I do not belong to an organization? No, never mind, I will not go into that one.

The fact of the matter is we are in general agreement on societal and ethical concerns and we have to pay a lot of attention to it, as we should. But I am unwilling to say that we have to devote an entire center to that one subject area, when in fact we are addressing that need by asking all of the centers or all of the research engaged under the National Nanotechnology Initiative to take into consideration societal and ethical concerns.

So I think we are actually broadening it in a way, without being so prescriptive that says we have to have brick and mortar in one location in America, and that is the solution to the problem.

I do not think that is the solution to the problem. I think it is to energize every single person who is operating under a research grant under this National Nanotechnology Initiative to be ever-mindful of the societal and ethical concerns.

Mr. HALL. Mr. Chairman, reclaiming my time, I thank the chairman for that, and I yield back to the author to make an answer.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member. If I could, I would like to engage the ranking member.

First of all, I think it is important that we have had good debate. As I said, the word is a big word, nanotechnology, so some of our constituents' eyes may be glazed over. But it truly is the kind of science that will impact their day-to-day life.

This center deals with the questions of workplace environment and educational issues, and so it is not narrowly focused. As we start moving quickly toward this whole idea of nanotechnology taking wings, and we begin to translate these into lucrative products and it becomes more competitive to get the hottest, cutting-edge research into journals as researchers find it necessary to push the envelope in labs in order to get tenure, the ethical-societal issues could become lost.

We know the thing, I think it is called the thing, but the new roller, the "it" that has been discovered, where you can move yourself around, these are the kinds of technology I am talking about.

If I might say to the gentleman from Texas (Mr. HALL), we will go to conference, and I would like to entertain the idea of the gentleman's support for this amendment and working with this idea in conference, and I believe that we can be successful.

So I see the other gentleman is looking to strike the last word. What I am going to do is engage with him in a moment, but if I could discuss that a little bit more after the gentleman from California (Mr. HONDA) speaks, then I will come to the floor if the gentleman from California (Mr. HONDA) would yield me some time after he speaks.

Mr. HONDA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this process of policy making is very interesting. My background is teaching, and listening to the rationale and arguments back and forth has been very enlightening for me. I think this is probably the best way to create policy, having this kind of an open debate. Quite frankly, I want to thank the chairman and the ranking member for this opportunity in this very, very important policy that we are establishing here that the President wants. I think that is what is exciting about this whole thing.

In the development of this vast arena of nanoscale technology, we know that its pervasiveness and ubiquitousness, its impact, is going to be greater than the debate over Y2K, because we know it will even create a greater umbrella because of this kind of technology.

It seems to be very, very logical at this point that we have one place where people who are involved in all aspects of nanoscale technology, from medicine to the hard sciences, gather together and gather information, think about this, so that they can provide information, educate the public, utilizing the current structure that is being developed right now through this bill.

So I would like to respectfully add my voice in support for this amendment in that we are expanding actually the whole world in this very important bill, and that we do this carefully and cautiously, but with some forethought that this debate is creating.

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

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

Mr. BOEHLERT. Mr. Chairman, let me observe here that I am not unwilling to spend the taxpayers' money for a good reason, to support a wide range of programs that provide for a better lifestyle and improvement in our society.

□ 1430

But one of the reasons why our government is so big and so all-pervasive is that we have a bill like this and we say, now, we want everybody involved in a national nanotechnology initiative to be concerned about societal and ethical concerns; and we want all of these grants, and we want the grantees to pay attention to that. Then we say, in addition to that, we are going to build this new center over here, and I do not think we need the new center.

If we were silent on this very important subject area in the rest of the bill, then I would probably be jumping up and down in support of the Jackson-Lee amendment, but we are not silent. We have had the whole history of our committee deliberations, the whole history of this floor debate, and congressional intent is very important and it is clear in our intent: we want to address societal and ethical concerns. But there are going to be a whole bunch of

people financed by the Federal Government saying that we do not need a brand-new center to do it.

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

Mr. HONDA. I yield to the gentleman from Texas.

Mr. HALL. Mr. Chairman, I would say to the gentleman that I have assured the gentlewoman from Texas (Ms. JACKSON-LEE) that we will give her representation at conference, and I have the greatest belief that the chairman will give us his ear during that time and as much support as he feels is justified at the time and under the circumstances. I am happy to do that for the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the ranking member who indicated that he would address this question on behalf of this amendment in conference. It is an important concept. So I would like to, at this time, Mr. Chairman, emphasize that ethics must be part of science and technology; and to ensure that happens, I ask unanimous consent to withdraw this amendment at this time so that we can pursue this in conference and have the opportunity to do this on behalf of the American people in the right way so that science comes out the right way and that we protect this kind of science with the ethical and societal and educational concerns.

The CHAIRMAN pro tempore (Mr. OTTER). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

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

Mr. Chairman, I support the Nanotechnology Research and Development Act and applaud the gentleman from California (Mr. HONDA), the gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. HALL), and the committee for bringing this up.

This bill goes a long way with its scholarship programs, with its multi-departmental authorization, with an increase in the authorized amount to promote this really very important area of research and development.

Now, it is curious that the floor schedule here has tomorrow and Friday reserved for discussion of the economic stimulus plan. Let me suggest that they are off by at least a day. The real piece of economic stimulus legislation that will be considered this week, that will really stimulate the economy, is right here before us today.

Now, make no mistake, that investment in research and development is the single most effective way to provide for economic growth. Now, economists will argue about the amount of return on investment in research and development. They will say maybe it is 40 percent; maybe it is 60 percent. Whatever it is, it is very good. We have

all heard the figures, that half of the U.S. economic growth over the past 5 decades has been due to advances in technology. Nearly two-thirds of the papers cited in recent patents were published by researchers at organizations supported by Federal funds, and that makes the point that there really is a Federal role here; and that is why we should be doing legislation such as the nanotechnology act.

Investment in R&D has proved to be one of the very best returns that we can get on taxpayers' money. And although it is difficult to quantify the returns, we know it is good. A small investment, in this case in small technology, will lead to very big payoffs.

And nanotechnology cuts across traditional academic disciplines. That is one of the great appeals of this kind of research. Providing for a next generation of imaging devices, for sensors, for biological and chemical work, including biological and chemicals weapons work, to detect pathogens, to detect weapons that might be used against us; and smart materials that will be used in everything from the Space Shuttle to the bicycle.

In New Jersey we have recognized this, and the State and industry are making a significant investment in our nanotechnology centers which have been associated with Lucent and Bell Labs. And this bill before us today in Congress will help train the next generation of skilled workers to keep the U.S. in the forefront of technology and help stem the flow of research and development centers to overseas locations.

So as we debate this week the best way to have a strong economy, let me say this will go a lot farther than any of the tax cuts that have been proposed. This will provide real growth, growth in productivity, growth in education. This is where we should be putting our money, and I am pleased to see the committee give its support to this important technology. I think the nanotechnology bill will lead to innovation, to education, and to economic growth. We should all get behind it.

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 Texas (Mr. BELL) and amendment No. 2 offered by the gentleman from Texas (Mr. BELL.)

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Texas (Mr. BELL) 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 209, noes 214, not voting 11, as follows:

[Roll No. 165]

AYES—209

Abercrombie Hastings (FL) Oberstar  
Ackerman Hefley Oby  
Alexander Hill Olver  
Allen Hinchey Ortiz  
Andrews Hinojosa Owens  
Baca Hoeffel Pallone  
Baird Holden Pascrell  
Baldwin Holt Pastor  
Ballance Honda Payne  
Becerra Hooley (OR) Pelosi  
Bell Houghton Peterson (MN)  
Bereuter Hoyer Porteroy  
Berkley Inslee Porter  
Berman Israel Price (NC)  
Berry Jackson (IL) Rahall  
Bishop (GA) Jackson-Lee Ramstad  
Bishop (NY) (TX) Rangel  
Blumenauer Jefferson Reyes  
Boswell John Rodriguez  
Boucher Johnson, E. B. Ross  
Boyd Jones (OH) Rothman  
Brady (PA) Kanjorski Roybal-Allard  
Brown (OH) Kaptur Ruppertsberger  
Brown, Corrine Kennedy (RI) Rush  
Capps Kildee Ryan (OH)  
Capuano Kilpatrick Sabo  
Cardin Kind Sanchez, Linda  
Cardoza Kleczka T.  
Carson (OK) Kucinich Sanchez, Loretta  
Case Lampson Sanders  
Clay Langevin Sandlin  
Clyburn Lantos Schakowsky  
Conyers Larsen (WA) Schiff  
Cooper Larson (CT) Scott (GA)  
Costello Lee Scott (VA)  
Cramer Levin Serrano  
Crowley Lewis (GA) Sherman  
Cummings Lipinski Skelton  
Davis (AL) Lofgren Slaughter  
Davis (CA) Lowey Smith (WA)  
Davis (FL) Lucas (KY) Snyder  
Davis (IL) Lynch Solis  
Davis (TN) Majette Spratt  
DeFazio Maloney Stark  
DeGette Markey Stenholm  
DeLahunt Marshall Strickland  
DeLauro Matheson Stupak  
Deutsch Matsui Sweeney  
Dicks McCarthy (MO) Tanner  
Doggett McCarthy (NY) Tauscher  
Dooley Dooley McCollum  
Doyle McDermott Taylor (MS)  
Edwards McGovern Thompson (CA)  
Emanuel McIntyre Thompson (MS)  
Engel McNulty Tierney  
Eshoo Meehan Towns  
Etheridge Meeke (FL) Turner (TX)  
Evans Meeks (NY) Udall (CO)  
Farr Menendez Udall (NM)  
Fattah Michaud Van Hollen  
Filner Millender Velazquez  
Ford McDonald Visclosky  
Frank (MA) Miller (NC) Waters  
Frost Miller, George Watson  
Gonzalez Mollohan Watt  
Gordon Moore Waxman  
Green (TX) Moran (VA) Weiner  
Grijalva Murtha Wexler  
Gutierrez Nadler Woolsey  
Hall Napolitano Wu  
Harman Neal (MA) Wynn

NOES—214

Aderholt Bilirakis Brady (TX)  
Akin Bishop (UT) Brown (SC)  
Bachus Blackburn Brown-Waite,  
Baker Blunt Ginny  
Ballenger Boehlert Burgess  
Barrett (SC) Boehner Burns  
Bartlett (MD) Bonilla Burr  
Barton (TX) Bonner Burton (IN)  
Bass Bono Buyer  
Beauprez Boozman Calvert  
Biggart Bradley (NH) Camp

Cannon Herger Pickering  
Cantor Hobson Pitts  
Capito Hoekstra Platts  
Carter Hostettler Pombo  
Castle Hulshof Portman  
Chabot Hunter Pryce (OH)  
Chocola Isakson Putnam  
Coble Istook Quinn  
Cole Janklow Radanovich  
Collins Jenkins Regula  
Combest Johnson (CT) Rehberg  
Cox Johnson (IL) Renzi  
Crane Johnson, Sam Rogers (AL)  
Crenshaw Jones (NC) Rogers (KY)  
Cubin Keller Rohrabacher  
Culberson Kelly Ros-Lehtinen  
Cunningham Kennedy (MN) Royce  
Davis, Jo Ann King (IA) Ryan (WI)  
Davis, Tom King (NY) Ryun (KS)  
Deal (GA) Kingston Saxton  
DeMint Kirk Schrock  
Diaz-Balart, L. Kline Sensenbrenner  
Diaz-Balart, M. Knollenberg Sessions  
Doolittle Kolbe Shadegg  
Dreier LaHood Shaw  
Duncan Latham Shays  
Dunn LaTourette Sherwood  
Ehlers Leach Shimkus  
Emerson Lewis (CA) Shuster  
English Lewis (KY) Simmons  
Everett Linder Simpson  
Feeney LoBiondo Smith (MI)  
Ferguson Lucas (OK) Smith (NJ)  
Flake Manzullo Smith (TX)  
Flake Manzullo Souder  
Fletcher McCotter Stearns  
Foley McCrery Sullivan  
Forbes McHugh Tancredo  
Fossella McInnis Taylor (NC)  
Franks (AZ) McKeon Terry  
Frelinghuysen Mica Thomas  
Gallegly Miller (FL) Thornberry  
Garrett (NJ) Miller (MI) Tiahrt  
Gerlach Moran (KS) Tiberi  
Gibbons Murphy Toomey  
Gilchrest Musgrave Turner (OH)  
Gillmor Myrick Upton  
Gingrey Nethercutt Vitter  
Goode Ney Walden (OR)  
Goodlatte Northrup Walsh  
Goss Norwood Wamp  
Granger Nunes Weldon (FL)  
Graves Nussle Weldon (PA)  
Green (WI) Osborne Weller  
Greenwood Ose Whitfield  
Gutknecht Otter Wicker  
Harris Oxley Wilson (NM)  
Hart Paul Wilson (SC)  
Hastings (WA) Pearce Wolf  
Hayes Pence Young (AK)  
Hayworth Peterson (PA)  
Hensarling Petri

NOT VOTING—11

Carson (IN) Hyde Rogers (MI)  
DeLay Issa Tauzin  
Dingell Miller, Gary Young (FL)  
Gephardt Reynolds

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

the CHAIRMAN pro tempore (Mr. OTTER)(during the vote). The Chair will announce there are 2 minutes remaining in this vote.

□ 1458

Messrs. MURPHY, EVERETT, TANCREDO, QUINN, WHITFIELD, BAKER, BONILLA, GARRETT, BALLENGER and THOMAS and Mrs. CUBIN and Mrs. KELLY changed their vote from "aye" to "no."

Mr. JOHN, Ms. ROYBAL-ALLARD, and Mr. MOLLOHAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. BELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas

(Mr. BELL) 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 207, noes 217, not voting 10, as follows:

[Roll No. 166]

AYES—207

|                |                |                  |
|----------------|----------------|------------------|
| Abercrombie    | Harman         | Oberstar         |
| Ackerman       | Hastings (FL)  | Obey             |
| Alexander      | Hill           | Olver            |
| Allen          | Hinchey        | Ortiz            |
| Andrews        | Hinojosa       | Owens            |
| Baca           | Hoeffel        | Pallone          |
| Baird          | Holden         | Pascrell         |
| Baldwin        | Holt           | Pastor           |
| Balance        | Honda          | Payne            |
| Becerra        | Hooley (OR)    | Pelosi           |
| Bell           | Hoyer          | Peterson (MN)    |
| Berkley        | Inslee         | Pomeroy          |
| Berman         | Israel         | Porter           |
| Berry          | Jackson (IL)   | Price (NC)       |
| Bishop (GA)    | Jackson-Lee    | Rahall           |
| Bishop (NY)    | (TX)           | Ramstad          |
| Blumenauer     | Jefferson      | Rangel           |
| Boswell        | John           | Reyes            |
| Boucher        | Johnson, E. B. | Rodriguez        |
| Boyd           | Jones (OH)     | Ross             |
| Brady (PA)     | Kanjorski      | Rothman          |
| Brown (OH)     | Kaptur         | Royal-Allard     |
| Brown, Corrine | Kennedy (RI)   | Ruppersberger    |
| Capps          | Kildee         | Rush             |
| Capuano        | Kilpatrick     | Ryan (OH)        |
| Cardin         | Kind           | Sabo             |
| Cardoza        | Kleczka        | Sanchez, Linda   |
| Carson (OK)    | Kucinich       | T.               |
| Case           | Lampson        | Sanchez, Loretta |
| Clay           | Langevin       | Sanders          |
| Clyburn        | Lantos         | Sandlin          |
| Cole           | Larsen (WA)    | Schakowsky       |
| Conyers        | Larson (CT)    | Schiff           |
| Cooper         | Lee            | Scott (GA)       |
| Costello       | Levin          | Scott (VA)       |
| Cramer         | Lewis (GA)     | Serrano          |
| Crowley        | Lipinski       | Sherman          |
| Cummings       | Lofgren        | Skelton          |
| Davis (AL)     | Lowery         | Slaughter        |
| Davis (CA)     | Lucas (KY)     | Smith (WA)       |
| Davis (FL)     | Lynch          | Snyder           |
| Davis (IL)     | Majette        | Solis            |
| Davis (TN)     | Maloney        | Spratt           |
| DeFazio        | Markey         | Stark            |
| DeGette        | Marshall       | Stenholm         |
| Delahunt       | Matheson       | Strickland       |
| DeLauro        | Matsui         | Stupak           |
| Deutsch        | McCarthy (MO)  | Tancredo         |
| Dicks          | McCarthy (NY)  | Tanner           |
| Doggett        | McCollum       | Tauscher         |
| Dooley (CA)    | McDermott      | Taylor (MS)      |
| Doyle          | McGovern       | Thompson (CA)    |
| Edwards        | McIntyre       | Thompson (MS)    |
| Emanuel        | McNulty        | Tierney          |
| Engel          | Meehan         | Towns            |
| Eshoo          | Meek (FL)      | Turner (TX)      |
| Etheridge      | Meeks (NY)     | Udall (CO)       |
| Evans          | Menendez       | Udall (NM)       |
| Farr           | Michaud        | Van Hollen       |
| Fattah         | Millender-     | Velazquez        |
| Filner         | McDonald       | Visclosky        |
| Ford           | Miller (NC)    | Waters           |
| Frank (MA)     | Miller, George | Watson           |
| Frost          | Mollohan       | Watt             |
| Gonzalez       | Moore          | Waxman           |
| Gordon         | Moran (VA)     | Weiner           |
| Green (TX)     | Murtha         | Wexler           |
| Grijalva       | Nadler         | Woolsey          |
| Gutierrez      | Napolitano     | Wu               |
| Hall           | Neal (MA)      | Wynn             |

NOES—217

|          |              |               |
|----------|--------------|---------------|
| Aderholt | Baker        | Bartlett (MD) |
| Akin     | Ballenger    | Barton (TX)   |
| Bachus   | Barrett (SC) | Bass          |

|                 |               |               |
|-----------------|---------------|---------------|
| Beauprez        | Gingrey       | Osborne       |
| Bereuter        | Goode         | Ose           |
| Biggert         | Goodlatte     | Otter         |
| Bilirakis       | Goss          | Oxley         |
| Bishop (UT)     | Granger       | Paul          |
| Blackburn       | Graves        | Pearce        |
| Blunt           | Green (WI)    | Pence         |
| Boehler         | Greenwood     | Peterson (PA) |
| Boehner         | Gutknecht     | Petri         |
| Bonilla         | Harris        | Pickering     |
| Bonner          | Hart          | Pitts         |
| Bono            | Hastings (WA) | Platts        |
| Boozman         | Hayes         | Pombo         |
| Bradley (NH)    | Hayworth      | Portman       |
| Brady (TX)      | Hefley        | Pryce (OH)    |
| Brown (SC)      | Hensarling    | Putnam        |
| Brown-Waite,    | Herger        | Quinn         |
| Ginny           | Hobson        | Radanovich    |
| Burgess         | Hoekstra      | Regula        |
| Burns           | Hostettler    | Rehberg       |
| Burr            | Houghton      | Renzi         |
| Burton (IN)     | Hulshof       | Rogers (AL)   |
| Buyer           | Hunter        | Rogers (KY)   |
| Calvert         | Isakson       | Rohrabacher   |
| Camp            | Issa          | Ros-Lehtinen  |
| Cannon          | Istook        | Royce         |
| Cantor          | Janklow       | Ryan (WI)     |
| Capito          | Jenkins       | Ryun (KS)     |
| Carter          | Johnson (CT)  | Saxton        |
| Castle          | Johnson (IL)  | Schrock       |
| Chabot          | Johnson, Sam  | Sensenbrenner |
| Chocola         | Jones (NC)    | Sessions      |
| Coble           | Keller        | Shadegg       |
| Collins         | Kelly         | Shaw          |
| Combest         | Kennedy (MN)  | Shays         |
| Cox             | King (IA)     | Sherwood      |
| Crane           | King (NY)     | Shimkus       |
| Crenshaw        | Kingston      | Shuster       |
| Cubin           | Kirk          | Simmons       |
| Culberson       | Kline         | Simpson       |
| Cunningham      | Knollenberg   | Smith (MI)    |
| Davis, Jo Ann   | Kolbe         | Smith (NJ)    |
| Davis, Tom      | LaHood        | Smith (TX)    |
| Deal (GA)       | Latham        | Souder        |
| DeMint          | LaTourrette   | Stearns       |
| Diaz-Balart, L. | Leach         | Sullivan      |
| Diaz-Balart, M. | Lewis (CA)    | Sweeney       |
| Doolittle       | Lewis (KY)    | Taylor (NC)   |
| Dreier          | Linder        | Terry         |
| Duncan          | LoBiondo      | Thomas        |
| Dunn            | Lucas (OK)    | Thornberry    |
| Ehlers          | Manzullo      | Tiahrt        |
| Emerson         | McCotter      | Tiberi        |
| English         | McCrery       | Toomey        |
| Everett         | McHugh        | Turner (OH)   |
| Feeney          | McInnis       | Upton         |
| Ferguson        | McKeon        | Vitter        |
| Flake           | Mica          | Walden (OR)   |
| Fletcher        | Miller (FL)   | Walsh         |
| Foley           | Miller (MI)   | Wamp          |
| Forbes          | Moran (KS)    | Weldon (FL)   |
| Fossella        | Murphy        | Weldon (PA)   |
| Franks (AZ)     | Musgrave      | Weller        |
| Frelinghuysen   | Myrick        | Whitfield     |
| Galleghy        | Nethercutt    | Wicker        |
| Garrett (NJ)    | Ney           | Wilson (NM)   |
| Gerlach         | Northup       | Wilson (SC)   |
| Gibbons         | Norwood       | Wolf          |
| Gilchrist       | Nunes         | Young (AK)    |
| Gillmor         | Nussle        |               |

NOT VOTING—10

|             |              |            |
|-------------|--------------|------------|
| Carson (IN) | Hyde         | Tauzin     |
| DeLay       | Miller, Gary | Young (FL) |
| Dingell     | Reynolds     |            |
| Gephardt    | Rogers (MI)  |            |

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. OTTER) (during the vote). The Chair would advise there are 2 minutes left in this vote.

□ 1505

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there any other amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. OTTER, 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. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes, pursuant to House Resolution 219, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. BOEHLERT. 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, this 15-minute vote will be followed by a series of two 5-minute votes on motions to suspend the rules postponed earlier this afternoon.

The vote was taken by electronic device, and there were—yeas 405, nays 19, not voting 10, as follows:

[Roll No. 167]

YEAS—405

|               |                |               |
|---------------|----------------|---------------|
| Abercrombie   | Blackburn      | Capuano       |
| Ackerman      | Blumenauer     | Cardin        |
| Aderholt      | Blunt          | Cardoza       |
| Akin          | Boehler        | Carson (OK)   |
| Alexander     | Boehner        | Carter        |
| Allen         | Bonilla        | Case          |
| Andrews       | Bonner         | Castle        |
| Baca          | Bono           | Chabot        |
| Bachus        | Boozman        | Chocola       |
| Baird         | Boswell        | Clay          |
| Baker         | Boucher        | Clyburn       |
| Baldwin       | Boyd           | Cole          |
| Balance       | Bradley (NH)   | Combest       |
| Ballenger     | Brady (PA)     | Conyers       |
| Barrett (SC)  | Brady (TX)     | Cooper        |
| Bartlett (MD) | Brown (OH)     | Costello      |
| Barton (TX)   | Brown (SC)     | Cox           |
| Bass          | Brown, Corrine | Cramer        |
| Beauprez      | Brown-Waite,   | Crane         |
| Becerra       | Ginny          | Crenshaw      |
| Bell          | Burgess        | Crowley       |
| Bereuter      | Burns          | Culberson     |
| Berkley       | Burr           | Cummings      |
| Berman        | Burton (IN)    | Cunningham    |
| Berry         | Buyer          | Davis (AL)    |
| Biggert       | Calvert        | Davis (CA)    |
| Bilirakis     | Camp           | Davis (FL)    |
| Bishop (GA)   | Cantor         | Davis (IL)    |
| Bishop (NY)   | Capito         | Davis (TN)    |
| Bishop (UT)   | Capps          | Davis, Jo Ann |

Davis, Tom  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeMint  
Deutsch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Doggett  
Dooley (CA)  
Doolittle  
Doyle  
Dreier  
Dunn  
Edwards  
Ehlers  
Emanuel  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Frank (MA)  
Frelinghuysen  
Frost  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grijalva  
Gutierrez  
Gutknecht  
Hall  
Harman  
Harris  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hensarling  
Herger  
Hill  
Hinchev  
Hinojosa  
Hobson  
Hoefel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley (OR)  
Houghton  
Hoyer  
Hulshof  
Hunter  
Inslee  
Isakson  
Israel  
Issa  
Istook  
Jackson (IL)  
Janklow  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski

Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kleczka  
Kline  
Knollenberg  
Kolbe  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Lynch  
Majette  
Maloney  
Manzullo  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCotter  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Michaud  
Millender-  
McDonald  
Miller (MI)  
Miller (NC)  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Murphy  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal (MA)  
Nethercutt  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Osborne  
Ose  
Otter  
Owens  
Oxley  
Pallone  
Pascrell  
Pastor  
Payne  
Pearce  
Pelosi

Pence  
Peterson (MN)  
Peterson (PA)  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Renzi  
Reyes  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Ryuan (KS)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Schrock  
Scott (GA)  
Scott (VA)  
Serrano  
Sessions  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Stenholm  
Strickland  
Stupak  
Sullivan  
Sweeney  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Toomey  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velazquez  
Visclosky  
Vitter

Walden (OR)  
Walsh  
Wamp  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker

NAYS—19

Cannon  
Coble  
Collins  
Cubin  
Deal (GA)  
Duncan  
Everett  
Flake  
Franks (AZ)  
Hefley  
Hostettler  
Miller (FL)  
Musgrave  
Paul

NOT VOTING—10

Carson (IN)  
DeLay  
Dingell  
Gephardt  
Hyde  
Jackson-Lee (TX)  
Miller, Gary  
Petri  
Royce  
Sensenbrenner  
Shadegg  
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1523

Mr. TANCREDO changed his vote from "yea" to "nay."  
So the bill was passed.  
The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.  
Votes will be taken in the following order:  
H. Con. Res. 53, as amended, by the yeas and nays; and  
H.R. 866, by the yeas and nays.  
Postponed votes on H.R. 874 and House Resolution 213 will be taken tomorrow. The following votes will be conducted as 5-minute votes.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 53, as amended.  
The Clerk read the title of the concurrent resolution.  
The SPEAKER pro tempore. 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. 53, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.  
The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 168]

YEAS—422

Abercrombie  
Ackerman  
Aderholt  
Akin  
Alexander  
Allen  
Andrews  
Baca  
Bachus

Baird  
Baker  
Baldwin  
Ballance  
Ballenger  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Bass  
Beauprez  
Becerra  
Bell  
Bereuter  
Berkley  
Berman  
Berry  
Biggart  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boswell  
Boucher  
Boyd  
Bradley (NH)  
Brady (PA)  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Burgess  
Burns  
Burr  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (OK)  
Carter  
Case  
Castle  
Chabot  
Chocola  
Clay  
Clyburn  
Coble  
Cole  
Collins  
Combust  
Conyers  
Cooper  
Costello  
Cox  
Cramer  
Crane  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeMint  
Deutsch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Doggett  
Dooley (CA)  
Doolittle

Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emanuel  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Flake  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Frost  
Goodlatte  
Gordon  
Goss  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grijalva  
Gutierrez  
Gutknecht  
Hall  
Harman  
Harris  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hensarling  
Herger  
Hill  
Hinchev  
Hinojosa  
Hobson  
Hoefel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley (OR)  
Houghton  
Hoyer  
Hulshof  
Hunter  
Inslee  
Isakson  
Israel  
Issa  
Istook  
Jackson (IL)  
Janklow  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski

King (IA)  
King (NY)  
Kingston  
Kirk  
Kleczka  
Kline  
Knollenberg  
Kolbe  
Kucinich  
LaHood  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lucas (KY)  
Lucas (OK)  
Lynch  
Majette  
Maloney  
Manzullo  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCotter  
McCrery  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Michaud  
Millender-  
McDonald  
Miller (MI)  
Miller (NC)  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Murphy  
Murtha  
Musgrave  
Myrick  
Nadler  
Napolitano  
Neal (MA)  
Nethercutt  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Osborne  
Ose  
Otter  
Owens  
Oxley  
Pallone  
Pascrell  
Pastor  
Payne  
Pearce  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts

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

## NOT VOTING—12

|             |              |                |
|-------------|--------------|----------------|
| Carson (IN) | Jackson-Lee  | Miller, George |
| DeLay       | (TX)         | Reynolds       |
| Dingell     | Kennedy (RI) | Young (FL)     |
| Gephardt    | McDermott    |                |
| Hyde        | Miller, Gary |                |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1532

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## WASTEWATER TREATMENT WORKS SECURITY ACT OF 2003

The SPEAKER pro tempore (Mr. QUINN). The pending business is the question of suspending the rules and passing the bill, H.R. 866.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 866, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 2, not voting 19, as follows:

[Roll No. 169]

YEAS—413

|             |         |               |
|-------------|---------|---------------|
| Abercrombie | Andrews | Ballance      |
| Ackerman    | Baca    | Ballenger     |
| Aderholt    | Bachus  | Barrett (SC)  |
| Akin        | Baird   | Bartlett (MD) |
| Alexander   | Baker   | Barton (TX)   |
| Allen       | Baldwin | Bass          |

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

## NAYS—2

Flake

Paul

## NOT VOTING—19

|             |               |                |
|-------------|---------------|----------------|
| Carson (IN) | Hyde          | Miller, George |
| Conyers     | Jackson-Lee   | Norwood        |
| DeLay       | (TX)          | Reynolds       |
| Dingell     | Kennedy (RI)  | Sandlin        |
| Gephardt    | McCarthy (MO) | Shadegg        |
| Hooley (OR) | McDermott     | Young (FL)     |
| Hunter      | Miller, Gary  |                |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1539

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 898

Mr. CARSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 898.

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

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## IN HONOR OF EDWARD LAGE,

Mr. WALDEN of Oregon. Mr. Speaker, I rise this afternoon to recognize an outstanding Oregonian and public servant on the occasion of the 50th anniversary of his service to the Pine Grove Fire Department. Friends and colleagues of Edward Riddell Lage, Jr. will soon observe the passage of the half-century milestone in which he has helped protect the lives and property of his fellow citizens. Like each of them, I stand in awe of Eddie's remarkable dedication to others. I take great pride in adding my voice to the chorus of Oregonians who have expressed gratitude for his many contributions to his community.

Mr. Speaker, Eddie Lage is a fourth-generation farmer who was born July 28, 1936, into a well-respected Oregon farm family. As a young man, he joined the all-volunteer Pine Grove Fire Department on May 12, 1953, beginning what would come to be a lifetime spent in community service. Eddie's fellow volunteers describe him as a tireless and faithful firefighter with a near perfect record of attendance at drills and other meetings. This commitment would ultimately be rewarded with Eddie's appointment as fire chief as well as to a position on the department's board of directors. He remains a fixture among the community's volunteer firefighters, inspiring them with his selfless dedication to others. Perhaps most remarkably, he has no plans to give himself a well-deserved rest.

Eddie exemplifies the spirit of volunteerism and good citizenship, and the Oregonians he helps keep safe owe him a tremendous debt of gratitude. In addition to his service on the Pine Grove Fire Department, he has also served as a member of the National Ski Patrol for 25 years, as well as the Crag Rats, an outfit in the Columbia Gorge that rescues climbers from nearby Mt. Hood. If there is an organization dedicated to helping Oregonians in their hour of need, chances are that Eddie is a member of that organization. As with his service as a volunteer firefighter, the work he has done as a rescuer has been totally without pay. The satisfaction of helping others is the only compensation that he desires.

Mr. Speaker, Eddie Lage has served as a board member and past president of the Washington/Oregon Canning Pear Association, where he advocated on behalf of his fellow Northwest orchardists. Eddie has also served the young people of his area, donating his time and energy to helping ensure bright futures for those who come after him.

□ 1545

He has been active with the Boy Scouts of America and served as a member of the Columbia Pacific Council. He has held the role of an advisory member of the Future Farmers of America; and perhaps most admirably, Eddie served for 8 years as a member of the Oregon National Guard, proudly wearing the uniform of these United States.

Eddie Lage personifies the well-trained and highly motivated public servant who is dedicated to the protection of his community. He has sacrificed his time, risked his life, endured discomfort, and shouldered tremendous burdens for no other reason than his commitment to others.

Mr. Speaker, most of us spend our lives hoping that we will leave the world a better place than we found it. Eddie Lage need not entertain such a hope. In his case, it has long since been fulfilled. I am grateful for Eddie's devotion to his fellow citizens. I am honored to represent such a fine man in the United States Congress and to call him a friend.

#### THE FORGOTTEN EXODUS: JEWISH REFUGEES FROM ARAB LANDS

The SPEAKER pro tempore (Mr. HENSARLING). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, as Israel and Palestine take steps towards peace and as President Bush and the State Department released the road map for peace in the Middle East, I would like to draw attention to an important issue in the peace process. The issue of refugees is widely regarded as one of the most contentious aspects of the Arab-Israeli dispute.

However, up until now the debate has focused primarily on the plight of Palestinian refugees and the question of the right of return. Mr. Speaker, it is critical that future peace negotiations and discussions, specifically on the rights of refugees, address both sides of the issue, both Arab and Jewish. Many people do not realize that during the years following the establishment of the State of Israel, more Jews than Arabs became refugees. It is estimated that over 900,000 Jews were stripped of their property and expelled from Arab nations. Approximately 600,000 refugees were absorbed and assimilated by Israel, and the remaining 300,000 fled to other nations, including the United States and Canada.

At a time, Mr. Speaker, when Jews face severe persecution, economic deprivation, discrimination, and expulsion from Arab lands, Jews turn to Israel as a place to begin their lives anew. Israel opened her arms and welcomed the refugees, granting Arab Jews citizenship and welcoming them into Israeli society. Jews in Arab nations were forced to forfeit the lives they had worked so hard to achieve, to abandon their homes and livelihoods. They had to turn their backs on centuries of Jewish history, culture, and community. They had to leave behind schools, synagogues, hospitals, and businesses, all without compensation and all confiscated by the various Arab governments.

However, the fact that Israel chose to absorb and assimilate the refugees from Arab nations does not lessen the

fact that they were all expelled or otherwise compelled to leave their homelands.

I have personally spoken with several of my colleagues in Congress about this often-forgotten aspect of the Israeli-Palestinian conflict. They agree on the importance of holding a congressional hearing on this subject and the need to educate Members of Congress and to ensure that they and the public are informed of the issues at stake and the sacrifices made by Jews from Arab lands when they were forced to leave their homes and countries.

Mr. Speaker, Congress cannot continue to be silent on the plight of Jewish refugees. It is critical that Congress address this issue while the refugees are still alive. By doing so, we can ensure that justice for Jewish refugees assumes its rightful place in the debate. And this must be done while we can still address their rights as victims.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SUPPORTING THE TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, along with nearly all Americans, I felt a great sense of pride at the competence and skill displayed by our military in Afghanistan and Iraq. It was extremely gratifying to see nearly all Americans united behind our troops. Even though all did not agree with the idea behind the war, at least they supported the troops.

Over the last several months, a number of communities in my district provided meals for military personnel being transported across Nebraska. That is not a big deal, but this spirit of support was really a rebirth of a project called the North Platte Canteen. The North Platte Canteen's history is as follows: just 10 days after the Japanese bombed Pearl Harbor, North Platte, Nebraska, residents learned that on December 17, 1941, Company D, Nebraska National Guard troops, were scheduled to travel through North Platte aboard a military train. According to sources, that train could possibly make a stop in North Platte on its way to the west coast. So nobody

knew because of secrecy whether they were coming or not.

Because of the secrecy, it was unknown when the train would actually stop in North Platte, but hundreds of family members from the area came out with food, Christmas gifts, and baskets of fruit to celebrate the troop train's arrival. When the train finally arrived, the Nebraska troops were not aboard. Instead, it was Company D, the Kansas National Guard troops who were heading west.

The crowd was disappointed but rallied around the Kansas troops, gave them the gifts and food that they had prepared for the Nebraska National Guard and sent them on their way. The very next day, Rae Wilson of North Platte contacted the local newspaper to suggest that the community open a local canteen to meet the troop trains traveling in either direction across the United States. With this humble suggestion, the North Platte Canteen was born.

The North Platte Canteen met every troop train that stopped in North Platte from Christmas Day, 1941, to April 1, 1946, 5 years. While the volunteers never knew when the trains would be coming through because of national security, they were always there to serve the military personnel going off to war.

The canteen served approximately 6 million members of the Armed Forces at the North Platte Canteen in the Union Pacific Railroad station in North Platte. So that really constituted probably three-fourths to 80 percent of the total military personnel in the United States Army at that time.

There were approximately 55,000 volunteers from nearly 125 communities who helped to feed the troops that traveled through North Platte. It is estimated that 23 trains a day traveled through the community carrying between 2,000 and 5,000 troops each day. It is also estimated that the troops each month consumed 40,000 cookies, 30,000 hard-boiled eggs, 6,500 doughnuts, 4,000 loaves of bread, 3,000 pounds of meat, 450 pounds of butter, 1,350 pounds of coffee, 1,200 quarts of ice cream and on and on and on. And this was done at a time when gasoline and food items were rationed. The majority of the items were donated to the effort, as the North Platte Canteen did not receive any Federal or any government assistance of any kind.

Individual volunteers also helped to get cards, letters, and phone calls to family and friends of the service personnel when they stopped in North Platte. The volunteers wrote the notes and made the phone calls to loved ones to let them know that the soldier that they were interested in was doing well.

This week I introduced a resolution honoring the outstanding efforts of the individuals and communities involved with the North Platte Canteen in North Platte, Nebraska, during World War II. This is, I think, an example of

the spirit of cooperation that we currently see across our country for our troops; and it just shows what can be done when partisanship is set aside, when everyone is united in one purpose. And these people, members of our greatest generation, are now disappearing very quickly. So I think it is important that we recognize their contribution at this time because many of them in 2 years, 5 years, 10 years from now will not be around. So their extraordinary act of generosity and service to the country, I believe, needs to be recognized; and I urge support of this resolution.

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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### HATE CRIMES LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we are all part of a larger community. If the rights of one are endangered, then everyone's rights are endangered. That is why we must be concerned that across the country incidents of hate crimes continue to rise. The San Francisco Bay area, my own backyard, reported more than 357 hate crimes last year. This is up from 317 in the year 2001. Last fall a transgender teenager, a 17-year-old, from Silicon Valley was murdered by four acquaintances. Earlier this month, the body of a 30-year-old bisexual man was found buried in a shallow grave in Monterey County.

We must stop this. We must work for tougher legislation to protect those targeted for hate crimes. And we can do this by passing a Federal hate crimes law to protect all Americans. No one in America should live in fear because of his or her ethnic background, religious affiliation, gender, disability, or sexual preference. That is why it is important to pass meaningful hate crimes legislation and pass it now. We need to strengthen our existing laws to protect people against all hate crimes. We must send a message to all Americans that hateful behavior is wrong and will not be tolerated in our Nation. Our law enforcement officials need vigorous tools to fight and prosecute hate crimes because existing Federal law is inadequate.

That is why I have been, and will continue to be, a strong supporter of

the gentleman from Michigan's (Mr. CONYERS) Local Law Enforcement Hate Crimes Prevention Act. With this bill, for the first time under Federal law, sexual orientation, gender, and disability would be added to the list of categories covered by Federal civil rights laws. In addition, Mr. Speaker, it would expand Federal civil rights laws to allow prosecution of hate crimes even if the event did not occur during a federally protected activity such as while voting or attending school. Also, the hate crimes bill would expand the circumstances under which the Federal Government could offer assistance to State and local governments to help prosecute these crimes.

Last Congress we had 208 bipartisan co-sponsors on this bill. This Congress we need to pass it into law. The Republican leadership has cast this bill aside. That is unacceptable. We have another chance in the 108th Congress, and I will continue to work with the gentleman from Michigan (Mr. CONYERS) until this bill is passed into law.

Congress must make it clear that there is no room for personal attacks and bigotry in the United States of America. We are all part of a greater community, and we will only be protected from hate crimes when all our neighbors are protected from hate crimes.

#### THE MATRICULA CONSULAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, every year or so for the last several years there has been an attempt to bring something before the body and, in fact, it has come before the body and it is referred to as amnesty, sometimes an extension of 245(i), or that is the technical way of explaining it. But nonetheless, it is always a process, a desire on the part of people here and maybe even in the administration to grant amnesty to people who are living here illegally, that is, to reward people who have broken our laws by coming into the United States without our permission. It is a bad idea, and so far the Congress of the United States has failed to go along with it, thank goodness.

So what has happened in the last several months really is that a new tactic has been applied here, a new strategy has been developed. Unfortunately, I think even with the agreement of the administration, something else is happening in order to accomplish exactly the same thing. Instead of now passing a bill through the House of Representatives simply granting amnesty to everyone who is living here illegally and rewarding them for that behavior, there is another thing that is going on, and what is happening is this: foreign nations hand out to their nationals something called the *Matricula Consular*. That is what it is referred to by

the State Department and by our government.

□ 1600

It is a card. It is an I.D. card. Foreign governments now have every right to give their nationals any kind of identification that they want to. But what is odd and what has happened in the last several months is that the government of Mexico has charged its consular officials here in the United States with the responsibility of going out and actually lobbying State and local governments to get them to accept this matricula consular card from their nationals who are living here illegally, because, of course, that card has only one purpose. If you are in the United States of America, if you are a national from a foreign country who is here and if you are here legally, you have some documentation to that effect. We have given you a green card. We have given you a passport. Whatever it is, you have documentation from the United States that you are here legally.

If you are here illegally, you need some sort of identification, and that is what this card provides. Recognizing that, and recognizing that they cannot get amnesty through the Congress, they have begun to go to State and local governments all over the United States, lobbying them to get them to accept this card.

They have done it to the banking industry, and the banks have been all too happy to go along with it, looking at their bottom line, looking at profits, even over the security of the Nation, because there is nothing secure about these cards. There is no way to guarantee that the person holding the card is who in fact that card says he is. In fact, we have already arrested people in this country carrying three or four of these identification cards. Their picture is on them, but different names on each card. They are easily fraudulently developed.

So the idea that they have some sort of advantage because they have a secure card is ridiculous. Beyond that, it is again attempting to do exactly the same thing we did not do in the Congress, and that is to give everybody amnesty. Because if you can use this matricula consular card to obtain bank accounts, to get your kids in school, to get housing from the housing authority in their area, get your driver's license, get your library card, everything that a citizen of this country can use their own identification for, if you can do that using this matricula consular card given to you by a foreign government, then of course there is no reason to actually push for amnesty. You will have achieved it. Everyone living in the United States of America illegally, up to 20 million people, will have this card given to them by their government.

By the way, it is now just Mexico and Honduras and I think there are five other countries in South and Central America providing this card now. What is to say that other countries would

not demand exactly the same thing from the United States? Why would the government of Syria not say that they are going to give people living here in the United States illegally this card? How would we tell them that they cannot do that or we will not accept it?

Not only that, we have found the administration, just a little bit ago, we found the regs that have been promulgated by the Department of Treasury now allow the banks to accept these cards. So our own administration, our own government is in league with the governments of these foreign countries who have given these cards to their nationals living illegally in the United States. Our own government is helping these people violate our own laws. That is the truth of the matter. That is an abomination, and that is something we should not allow to go forward.

The SPEAKER pro tempore (Mr. HENSARLING). Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI 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 Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### REJECT UNFAIR REPUBLICAN TAX CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, now that we have declared victory over Iraq, the country's attention will turn once again to important domestic priorities. Unfortunately, we find our economy in a great slump.

The President and my Republican colleagues come before you with a program that I believe is woefully inadequate, because all they have done is trot out their all-purpose solution to domestic problems: More tax cuts. I would say to my Republican colleagues that was then, this is now.

In the year 2000, we had a surplus, a \$5.6 billion surplus. At that time, then-Governor George Bush said he wanted to give the surplus back to the taxpayers and invigorate the economy. I would suggest that the economy has not been invigorated. Two years later millions have lost their jobs and we are looking at deficits of \$2 trillion going forth over the next 10 years.

So the question Americans should ask is, why do they want to cut taxes now if the rationale for the tax cut in 2001 was that we had a surplus? We do not have a surplus today. We have huge deficits today. We also have a war

against terrorism and a homeland security program to fund.

Reducing government resources at a time of war against Iraq and a war against terrorism just does not make sense. It is kind of like George Bush said when he was running for President, "It is fuzzy math."

In the year 2001, President Bush passed through his tax cut, \$1.3 trillion, saying it would stimulate the economy. Again, 2 years later, economic growth stands at a mere 1 percent, compared to the 4 percent growth from 1996 to 2000 during the Clinton administration.

Additionally, despite President Bush's promise in his 2001 tax cut that he would invigorate the economy, 2.7 million Americans have lost their jobs. The stock market has lost about 40 percent of its value, roughly \$7 trillion.

The tax cut program did not work. Their all-purpose solution just does not cut it. But that did not deter my conservative colleagues. This week on the House floor we will hear more of the same. We have the Bush tax cut, and now we have the tax cut of the gentleman from California (Mr. THOMAS).

Originally the Bush plan would provide a tax cut of \$27,000 for households earning more than \$1 million a year. The top 5 percent would receive 64 percent of all the tax cut breaks. That seems pretty bad. But along comes the Thomas tax bill that we are going to consider this week. It is even more unfair. According to the Brookings Institute analysis, the average tax cut offered under the Thomas proposal for households earning more than \$1 million would be, get this, \$43,000 for people earning more than \$1 million a year. The top 5 percent of American households would get 75 percent of the tax cut.

So when they tell you the tax cut is for everybody, do not buy it. It is clearly a tax cut for the rich. When you give the Republicans these numbers, they say okay, we are giving a tax cut to the rich, but the rich create jobs and the jobs will trickle down. Remember, that was then, this is now. The tax cuts in 2001, \$1.3 trillion, did not invigorate the economy, did not create jobs. People in fact lost jobs. Tax cuts for the wealthy do not stimulate the economy.

Let me talk a little bit about why it is even more unfair. They make the tax cuts for the wealthy permanent. Remember that 75 percent goes to the wealthy. Those are permanent. When it comes to the child care tax credit that could benefit working Americans, what happens? Well, the child care tax credit drops from \$1,000 in 2005 to \$700 in 2006, and after 2006 the child care tax credit is phased out, so working Americans get nothing.

The same thing with small business. My Republican colleagues say, well, we will make the dividend tax cut for the very wealthy permanent, but the small business tax cuts and tax breaks to provide more deductions for small businesses and help them expand and create jobs, they phase out after 5 years.

After 5 years, small businesses get nothing.

Now, there is another element to this issue, and that is called State aid. What is happening here is the Federal Government is just passing along tax increases to the States. They say "we are cutting your taxes." But what happens when the States do not have enough money, as is the case now? They cut Medicaid, they cut child care subsidies, they cut education. So that means what, either you lose programs at the State level, or you get a tax increase at the State level, while the Republicans tell you we are giving a tax cut to the very wealthy at the Federal level.

We Democrats believe that if we want to stimulate this economy we do a couple of things. We give money directly to the American working class. Second, we give money to the States so they can hire people, build roads, improve our infrastructure. That is how you create jobs.

There is a consensus among economists that this tax plan will not work. I think this dog will not hunt. I think we need to reject the Republican proposal this week.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman 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 Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SUPPORT THE JOBS AND GROWTH TAX ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise today to support H.R. 2, the President's Jobs and Growth Tax Act of 2003. There is no need for further debate on this bill: America needs economic stimulus, and it needs it now. Congress cannot stand on the sidelines while too many of our fellow citizens cannot find work or are on the verge of being laid off. That is why I support the Jobs and Growth Tax Act of 2003.

This important legislation will help expand business investment by eliminating the double tax on corporate income. This plan encourages investments that help small businesses grow. I believe more tax relief means more jobs.

Small businesses are becoming more and more important to the Nation's overall business activity. They create the majority of new jobs and account

for half the economy's private output. For this reason, this package gives small businesses the ability to immediately expense up to \$75,000 instead of the current write-off of \$25,000 for capital purchases. This encourages small businesses to buy technology, machinery and other equipment that they need to expand and meet the needs of their consumers.

The Flower Mound Chamber in my district expressed their support of the provision since they have over 725 companies that will be able to benefit. These small businesses in my district will receive a tax cut of at least \$2,000 each, money that can be used to hire additional workers, boost current workers' pay or reinvest in their company. Any amount of money that a small business can save today will result in business growth and development in the years to come.

The Jobs and Growth Tax Act will create at least 1 million jobs by the end of 2004, according to the Heritage Foundation.

With the increase in the child tax credit and elimination of the marriage penalty, with those savings an additional 300,000 jobs will be created.

Over the recent district work period, I conducted 10 town hall meetings in my district. At almost every event constituents asked about the economy and asked about tax cuts for stimulus. Many out-of-work or underemployed people begged for relief soon. We cannot let these Americans down.

Also, May marks the month hundreds of students will graduate from local colleges and universities and from the two universities in my district. These young people, having completed their education, will enter the job market eager to contribute. We owe it to future generations to stimulate our economy now to ensure that jobs are available in the future.

#### ISSUES AFFECTING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I am certainly proud to be here this afternoon, and wanted to talk some about the issues that we are facing here in Washington.

I am proud to say that while the national news has really focused, and rightfully so, on the war in Iraq, the House has not only supported our military efforts, but we have been working on a very good, pro-growth, pro-jobs domestic agenda. We have a good jobs package that will be voted on this week, we have passed a good energy bill, we have passed a good education bill, and we will be working on a Medicare reform bill very soon. So I am optimistic about the things that the House has been doing.

We hear a lot of partisan politics and a lot of bashing. I guess one of the

things that is frustrating to me is that while we hear people, as one of the previous speakers was talking about tax breaks for the wealthy, and that just seems to be the Democrat buzz phrase for hatred and division in society, what I have been curious about is tear down somebody else's policy or plan, if you want to, but offer your own.

It is always curious, we do not hear too many alternatives from the other party. I say, look, hey, this floor is the great hall of debate. Whether you are liberal or conservative, urban or rural, bring your ideas to the floor. Offer your ideas in the form of amendments. Offer your ideas in the form of legislation, and let us see what we can do. Bring the best of the Democrats, the best of the Republicans, together to do what is best for America.

It is always disappointing when you hear people just attack legislation when it is clear they have not even read the bill. Yet on the other hand, Mr. Speaker, you cannot take the politics out of politics, so what the heck, let us just move on with it.

Mr. Speaker, I want to talk a little bit about the war in Iraq. I have to continuously brag about the 3rd Infantry Division in Hinesville, Georgia, Fort Stewart. I am wearing their patch on my lapel, which was given to me by the wives organizations down there. I am very proud of what they did. We followed them up the Euphrates River as they marched on to Baghdad.

□ 1615

Also, Mr. Speaker, I am glad to say that I have had more constituents in the last month sleep in Saddam Hussein's palace than I have who have eaten in French restaurants. That is probably going to continue to be the case as the months and weeks pass by.

But in terms of the mission in Iraq, liberating Iraq, one of the things that we have had in Congress is many former Iraqi citizens who have come to seek refuge in the United States of America, many women. And these are women whose fathers or brothers were abducted, sisters and cousins, and for very small offenses, such as starting peace movements or protesting this or that. And they lived under the oppression of Saddam Hussein's regime. And it was a common practice that if he had a critic he would take their wife or their daughter and videotape sexual abuses of them and show it back to the male members of the family and say, get in line, get behind our program, or we will continue it. What a harsh way to deal with enemies.

We are, of course, finding mass graves. Amnesty International, which is not exactly a pro-American organization, estimated that there are anywhere between 70,000 and 150,000 Iraqis who have disappeared, unaccounted for, the highest number of any nation in the world. And now we are seeing these mass graves and trying to identify the loved ones of the Iraqi people.

But all of these folks have told us over and over again, we need an outside

force to liberate us; we cannot do it from within. That liberation has come. From the left we heard all kinds of criticism during the war: well, the war is just going to be a blood bath, thousands and thousands of people on both sides will be killed. Yet, this was one of the first, probably the first war in history where the regime was removed with as little damage as possible to the citizens. And that is very important, because ordinarily we go in and we wipe out a country as a way of removing the regime. In this case, historically, we were able to remove the regime with almost a surgical removal rather than just blowing up everything and everybody.

Now, there was collateral damage, but very minimal compared to other wars in the past. The people there, again, have responded very, very positively; and the liberation has begun. But unfortunately, Mr. Speaker, we cannot just add water and have a democracy overnight. Many people now on the left are saying, well, it is going to be a long time. Well, there are nations in this world who do not want us to succeed. Unfortunately, many of them are democratic nations themselves who seem to be a constant thorn, a constant critic. But we want democracy, frankly, in all of the Middle Eastern countries, personally speaking. But I think it is very important to try to achieve that right now in Iraq, and we are moving in that direction. Who should rebuild it? Well, the U.N. again, not exactly a good catalyst for peace in Iraq, an organization that has spent a lot of time criticizing America.

Incidentally, Mr. Speaker, I do not know if my colleagues have heard, but last Friday at the U.N., the food workers union went on strike; and they went on strike and closed down the cafeteria during Friday at lunch, and so some supervisor at the U.N. said, well, we are going to open up the cafeteria. Guess what happened? All of these high and mighty U.N. people decided to have a run on the cafeteria. They looted the food, they looted the wine, they even stole the silverware, and the damages and the food loss is anywhere from \$7,000 to \$9,000. These are supposed to be the people who have been criticizing America. That was reported by the Washington Times. So much for U.N. foolishness. It is probably in line with everything else.

But if we would look at what the U.N. has done for Kosovo, we have been out of it; and officially there has been peace there since March 23, 4 years ago. Well, pre-war Kosovo used to export electricity. Now they have to have every 4 hours a mandatory blackout, rolling blackouts where they have to turn off all of their electricity for 2 hours. That is Kosovo under U.N. rebuilding. Elections, supposed to be free elections; and yet under the U.N. mandate, one has to have 30 percent of the candidates be women. Now, maybe it should be 100 percent. Maybe it is some

other formula. But in a free country, you let the people, the electorate decide; you do not have some U.N. bureaucrat sitting in New York mandating the quota for Kosovo.

Also in Kosovo under the U.N., interpreters are paid \$300 and \$400 and \$500 a week, whereas former business people are paid \$100 a week. The economy has not turned around at all. One of the reasons is the U.N. is not supporting the concept of private property and private investment and insurance and things that are fundamental to investment in an economy. The U.N. has not done a good job of that. So I think the U.N.'s role in terms of Iraq, they should be there for humanitarian assistance, should be there to complement the U.S. efforts; but I do not think they are any kind of organization that can lead.

I frankly believe, Mr. Speaker, that it is time that the U.S. Congress has some hearings on the U.N. We pick up 25 percent of their tab. And yet, if you ask the people of America should we still be involved in it, I do not think they would pass muster, if we threw it out to the American electorate. I do not want to throw the U.N. out, and I do not want to give up on them yet; but I do think they are in dire, dire need of some reforms.

We are going to be talking about our jobs bill and we have been joined by the gentleman from Florida (Mr. MARIO DIAZ-BALART), and he has been a very hardworking freshman Member of this body who has worked to help create jobs in south Florida as well as the rest of the country. I would certainly be honored to yield any time to the gentleman from Florida (Mr. MARIO DIAZ-BALART), if he wants to talk about Iraq or the jobs bill or whatever else is on his mind.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Georgia. Before I say anything else, I think it is important to once again commend the gentleman from Georgia (Mr. KINGSTON). I recall his words before the war talking about the importance of liberating the people of Iraq and how frustrated I think many in this country and the gentleman was by the reaction of some of the extreme left that was really just denigrating really the Iraqi people, saying that they could not be free, saying that they did not want to be free, saying that they were not going to welcome the liberating troops. And the gentleman was very clear then, and he continues to be very clear; and I want to thank him for that. It is amazing how common sense does prevail.

The gentleman was just mentioning that now that the left has to admit that the people of Iraq deserve to be free, wanted to be free, deserve to be free, now they are saying, well, democracy is going to be very difficult. I can tell my colleagues one thing: it is not going to be as difficult as it would have been if Saddam Hussein were still there. So I think it is once again the

brave men and women of the United States Armed Forces, who put their lives on the line, once again, to protect our freedoms, to protect our liberties, and to liberate a people who have been suffering for a generation, who deserve our thanks and our praise.

I think our President deserves our thanks and our praise for his leadership, for the way that he has shown steadfast leadership. I think we all must admire his convictions and his love for freedom. And I think the Iraqi people as well as the American people are so much better off, because we have gotten rid of, through our armed services, those brave young men and women and the leadership of our President have gotten rid of a dictator who was a threat not only to the Iraqi people and to the region, but clearly a grave threat to the American people.

Mr. KINGSTON. Mr. Speaker, the interesting thing is we hear from some people, well, we should not interfere in Iraq. It is like oh, yes, these people deserve to be oppressed and put down, and they do not deserve freedom; and now that they have been liberated, we are hearing the same people saying, well, democracy will not work, as if they are intellectually challenged, that they cannot handle it. I wish these people would just for one time turn their wrath on France, just for the day, just for the day and say, maybe France should not have issued a passport to Saddam Hussein and his family. Gee whiz, boys, that was bad. Or, gee whiz, garçon, I guess I should say. But it is amazing. They are not going to quit and they cannot stand the fact that the Commander in Chief, the President of the United States, was right. They cannot stand that.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, if the gentleman will yield, not only can they not stand that, but they also want to blame the United States for all of the ills. I keep hearing that the United States is to blame for everything. The bad people in Iraq were the brave men and women who were there to liberate the Iraqi people. Now, it is pretty obvious when we see the Iraqi people's reaction, tearing down the statues, crying when they see these unmarked graves where their relatives were thrown in, probably taken in the middle of the night by the Iraqi regime, it is pretty obvious who the bad people were. It is pretty obvious who the good guy is and has always been, and that is the American people, the American GIs and men and women who liberated France once, twice; and yet the French seem to believe that it is okay for the U.S. to sacrifice blood to liberate France twice, but it is not okay for anybody else to be liberated. It seems that only they have the God-given right to be free.

Well, I say to my colleagues, that is an attitude that I do not share, it is an attitude that the American people do not share, it is clearly not an attitude and thank God that the American President, our President does not

share. Freedom is not something that we can just throw away so easily; it is something that is given by God. And every once in a while, because of the sacrifice, the patriotism, the love of freedom of our men and women in uniform who are all volunteers, sometimes some tough sacrifices are made to make sure that our interests, our people's interests, our freedoms are protected and also at the same time that we can liberate people who have suffered so much.

The gentleman was just mentioning the atrocities committed on women by Saddam Hussein's regime, the atrocities committed on children, on everybody. And thank God and thank our Armed Forces and our President that that nightmare is over. There are some grave challenges ahead, because democracy is not easy.

Mr. KINGSTON. Mr. Speaker, last week I went to a memorial service for the 34 soldiers from the third I.D. at Fort Stewart basically for their loved ones, but the 34 soldiers who died. It was interesting as I talked to the wives and the mothers and the children of these soldiers that none of them were saying, well, he died in vain. It was not that. It was, now we have to continue working for Iraqi freedom and for Iraq's future and do everything we can. Otherwise, he would have died in vain. It was a very touching ceremony, because the patriotism of the families of these fallen soldiers did not flinch one bit. It was unwavering. Very, very courageous statement, just being there and sitting in the stands during the service; and there are 34 sets of boots with the rifle and the helmet and the dog tags jangling in the wind and yet, at the same time, sadness and a great promise of tomorrow juxtaposed. I believe that we have an obligation for those soldiers to continue and do these things.

The audacity of countries like France. Now there is a French company that actually serves the United States Marines. It is a multimillion dollar contract that they have, I think \$81 million, just a tremendous amount of money, a French company serving the United States Marines. We are going to continue to work on the Department of Defense to give favoritism to American companies, or allied companies, or coalition companies, and not countries like the French. I mean, can we imagine that while these soldiers were dying and the Marine Corps was counting their casualties, the French companies, on the backs of the American Marines, were counting their profits? It is sickening for me to think about in terms of the French dealing with Iraq behind the scenes, the French issuing passports. Unfortunately, we have a lot of Democrat Members of Congress who are real proud of this and look to France for leadership. I just think it is absolutely inexcusable.

Mr. MARIO DIAZ-BALART of Florida. Well, if the gentleman will yield, I have a hard time understanding in par-

ticular how a country like France who has twice had to first suffer the humiliation of being taken over and then had to wait for the American GIs to liberate them. How, out of anybody in the world, how France, how France could have taken up the attitude that they did. Look, they have the right to do what they want, they are free, they are a democratic government; but I think it is important that we recognize and we realize what that attitude was. Americans, bright, vibrant, with a lifetime to live, Americans gave their lives, gave their lives to liberate the people of Iraq.

□ 1630

And the French know it is not that they were praising them, which is what they should have been doing, they were criticizing them. They were again doing everything in their power to make it not succeed to the point of giving passports to the leaders of that regime. I have a hard time believing that. Out of everybody in this entire world, if there is one group of people that should have understood the beauty of freedom, how frail it is and how sometimes you need some help from outside, it is the French, it is the French. And I will never forget the writing, the graffiti on that grave of British soldiers on French soil, British soldiers that died also liberating France in World War II. The writing of graffiti on this grave that basically said take this trash, trash, these are people who died to liberate a different country, off our soil because it is polluting our soil.

It is a very sad, sad, sad day for the entire world when people just disregard the truth, disregard reality, have no semblance of gratitude, of respect, and who, I guess, believe that they are the only ones that deserve others to die for their freedom and then they criticize those that died for their freedom. That is frankly for me very hard to stomach. I am optimistic, I am hopeful that they will realize how wrong they were. But still those that painted that graffiti, those have no forgiveness in my heart.

Mr. KINGSTON. It is sad when you think France was the country home to the great Lafayette who fought so hard for American freedom and whose portrait hangs on the floor of this Chamber. And yet look at the modern Frenchmen. Boy, have they strayed from the love of freedom. To them security and safety is paramount among anything. And, unfortunately, you do not see France really being a world leader anymore. You see France being a world critic. But there are a lot of French companies that are doing business in America who are suffering, and there are a lot more who are going to hear a lot more in the future, because I think before the Department of Defense issues any more contracts to French companies it will have to go through a lot of congressional scrutiny.

Let me ask you this: In terms of the economy right now, one of the things

we want to do is create a lot of jobs as possible. And I am glad that in the House we have been working on a good domestic agenda and we have got a good jobs package that is coming up. And I am going to be supporting that. It has a lot of different elements in it to give growth to our economy, but there is a child tax credit, increasing the child tax credit to a thousand dollars.

Now, the gentleman is single, but I have four children and I can tell you that really means a lot to the families of this country. Children are very, very expensive. You have to buy washers and dryers. You buy tennis shoes. They lose tennis shoes. You buy a book bag. They wear it out. You cannot buy a sedan any more. You have to buy a station wagon or a Suburban. You have to have the extra seatbelts to drive carpool with. If the kid wants to take tuba lessons and, God bless him, tubas are very expensive, you have to pay for the tuba rental and somebody to teach them. You have to buy the school band uniforms and the cheerleading uniforms. A thousand dollar tax credit is actually very, very modest. And if it had been indexed to inflation, it would be worth probably 2 or \$3,000 very easily from the time we put in the \$500 tax credit. But a thousand, making it immediate this year, I think is a step in the right direction.

Mr. MARIO DIAZ-BALART of Florida. The gentleman just mentioned part of this plan is to create jobs, which is what we are talking about here. The gentleman just mentioned a big part of it and that is the thing that our friends on the Democratic side say is reckless. It is reckless to give that tax credit. It is reckless to cut the marriage tax.

You are taxing people because they are married. What is that all about? It is hard to believe. And yet when we here in the House are focused on trying to create jobs and we are focused on trying to get some tax relief to families, get rid of some of those just incredible taxes, they say that we are reckless. Reckless because you want to give a tax break for the children that a family has? Is that reckless? By the way, what is a tax break? It is not a gift. All we are saying is we are going to allow those families to keep a little bit more of their money and not bring it up here. That is reckless?

Mr. KINGSTON. I am glad you mentioned that. We had a speaker previously today who was talking about a Democrat proposal. He kept saying, We give this, we give this. Well, you do not give anything. You take it away and then you redistribute it. That is all it is, redistribution of wealth. It is not our money to give. We just want to take less of it. And I think the folks back home, the families raising children, know how to spend this thousand dollars a heck of a lot better than any brilliance we have on any committee in Washington.

Mr. MARIO DIAZ-BALART of Florida. I think that is a big part of the

problem here, a big part of the philosophical difference between the two sides. The other side, and they have the belief that every dollar the government has is government's money, that it is government's right to have that money, that that is where it belongs.

We believe, which what I think is pretty obvious, that is not government's money. Government takes it from the people, by the way, forcefully takes it from the people. The people do not have a choice. They have to send it up here; otherwise the IRS will be knocking on their door soon. So, no, it is not government's money. It is the people's money.

So they claim we are reckless because we want government to take a little bit less of their money so they can reinvest it in their children? So they do not get taxed, we take less money, and the government takes more when they get married? No. No. It is not government's money. If the issue is, well, the government does not have enough money, hey, we all understand that we have to do what we have to do. But when you look at the fraud and the waste that exists within our government, and I have been doing a little bit of work on that and doing some research, it does not take long, you do not have to scratch real deep to see where some of the money is just thrown away, bucket loads of money is thrown away.

If you ask the American people is the government, is their government, the U.S. Federal Government, is it totally efficient? Do we not waste any money? Of course we waste money. The American people know that and they do not have the ability to see what we get to see on a daily basis where the money is wasted.

So for anybody to say that, no, we cannot let the people keep a little bit more of their money and we are going to take it because they got married, we are going to take it and not allow them to spend it on their kids because it is the government's money, I think that is what is reckless. That is what is irresponsible, particularly in a time like this, and that is why I have to commend one more time our President.

Our President has had a lot on his mind, a lot on his plate, and yet he has maintained a strong focus on the war on terrorism. He said what he was going to do, and I know a lot of people are not used to this, he said what he was going to do and he has done what he said. But he has also maintained his focus on making sure we can provide jobs for the American people.

Some I guess are happy with the status quo. The President and this House, the majority in this House are not content with the status quo. People need to be able to find jobs, high paying jobs, productive jobs. The plan this House has passed and we continue to work on provides jobs. And those that want to criticize his plan are basically saying we think the situation is fine. Everybody is okay. What we need to do

is just take more money. No, we need to take less money, provide more jobs, and leave more money in their pockets.

Mr. KINGSTON. It is amazing. One of the other common sense solutions we are doing to create jobs is ending the marriage tax penalty.

Mr. MARIO DIAZ-BALART of Florida. It does not affect me.

Mr. KINGSTON. One day you will be lucky enough to join the ranks of all of us who are married. And when that happens, you and your wife will start, well, let us say right now you are in the 20 percent tax bracket and she is in the 20 percent tax bracket, but when you get married and your income becomes one, suddenly you will be in the 25 percent tax bracket. And the only thing that happened is you walked down the aisle together and made an oath, and that is not right. It penalizes people from getting married. It encourages people to live together. It does not make sense. We are trying to end the marriage tax penalty.

Another thing we are proposing to do in order to create jobs is to reduce the tax rates. Rates going from 28 to 25 percent, from 31 to 28 percent, from 36 to 33 percent and 39.6 to 35 percent. Again, it is common sense. And the interesting thing is that Democrats have already voted this on a bipartisan basis. All we are saying is let us accelerate this because the economy needs help now. And, unfortunately, sometimes you wonder in this town because everything else under the sun seems to happen, you wonder if people would rather have the economy stay in the tank so that their political party is benefited. And I think that is a sick thing to do if you are playing with people's jobs and people's future just so your party can do well.

Mr. MARIO DIAZ-BALART of Florida. One of the things that strikes me is what you just said. They have already voted for a lot of these proposals. They were in favor of these proposals. And now all of the sudden they say that those same proposals that they voted for are reckless. Again, we have to repeat what they are, the marriage tax. They say that is reckless, again, even though many of them already voted for it. That is why you have to ask the question or pose the question that you just posed to us. Why all the sudden? And they will give you different excuses at different times.

Well, when the economy is not doing well this is not the time to lower taxes. Excuse me? When the economy is not doing well is not the time to incentivize the economy? If this is not the time, when is the time? Clearly we need to incentivize the economy. I think that what happens also is up here in D.C. we sometimes forget reality. We are okay up here. We are able to discuss these things on a theoretical level. But for those hard working American families who are paying those taxes, some of them may have lost a job or fear that they are losing their job. This is not theory. This is

not something you can just talk about. They are desperately looking at ways we can get this economy going. They need this economy to do better. They need their taxes to be cut so they can keep a little bit more of their money. This is not theory. This is practice. This is practice.

I think a lot of times up here though, you are right, maybe it is because they want their party to do better and they want the economy to be in the tank for the elections. Maybe they have forgotten or lost touch with reality. But when you go home and talk to these people who lost their jobs and are fearing about losing their jobs, and you ask them, should we now do something or not do something to get this economy going, I think the answer is pretty clear that they want this economy moving despite what the politicians may say.

Mr. KINGSTON. The other things we are doing in order to help small businesses and we think it is very important to help small businesses because that is still 70 percent of the employment in this country, and, unfortunately, large businesses come and go. And it is a tremendous loss. We just lost a paper mill in St. Mary's, Georgia that I represent, 903 jobs. Those jobs are probably gone permanently. We hope something will happen to make that statement not the case, but unfortunately that is what it is looking like right now.

Small businesses, you can lose one or two of them and the economy still moves along. But depreciation, faster depreciation, increasing the bonus depreciation from 30 to 50 percent and extending it another few years, again so small businesses can make investments and write them off faster, and we believe that is going to be very healthy for small businesses. Also allowing them to have a 5-year net operating loss carry-back for 3 years, and that will help small businesses recover from some of the losses they have suffered under in this post-9/11 economy. And then, finally, increasing the expensing from 25 to \$100,000.

All of this is going to help your bicycle shop, your pet store, your clothes store, your tire store, all the small Main Street businesses back home. And we believe if you can help them you will do a lot for that NASCAR race fan.

I always say what we need to do is build tax policy around the NASCAR race fan. The mom and dad have a household income, one of them makes \$50,000 and the other makes about \$60,000, the household income anywhere from 75 to \$120,000. They have two and a half kids. They are the first in country, first in church, first in patriotism, first in paying their taxes, first in rolling up their sleeves, doing a fair job, and also do not ask for the government for this or that. They do not come to see you and me in Washington, D.C. They do not have an agenda. They do not come here to lobby for this loophole or for that expenditure. They are

just good folks in America. You can find them all around the country, from Miami to Savannah, from Maine to San Francisco.

□ 1645

They might not truly be a Nascar race fan, but if you go up there and stick and use that as your guide, you are going to take care of America; if you take care of that family, and by taking care of small business I believe we are taking a major step in that direction.

Mr. MARIO DIAZ-BALART of Florida. The gentleman knows that in the State of Florida, I think it is probably similar to your State, small business is the economy of Florida. It is an incredible percentage, and yet when we try to help small business again by allowing those businesses to keep a little bit more of the money that they generate of their money, we are told that we are helping the rich. We are not helping the rich. We are helping the small business people in this country in the State of Florida that create the economy, that hire the people, that pay the wages, that provide the health care, that pay the taxes.

I wish that the opposition would do a couple things. First, that they would bring up a plan of their own, which they have not done. Number two is that they would talk and discuss the ideas as opposed to just throw out labels to see if they will stick that are just not based on fact because somebody should tell them that small business people in this country are not rich. They are struggling to earn a living. They are struggling to pay the rent. They are struggling to keep their employees and pay their employees and pay their insurance.

You better believe it that I am proud that this plan helps those businesses. It provides relief for those small businesses, but they do not want to talk about the issues and the specifics because they lose on that. So, therefore, they have to say it is irresponsible and reckless to provide tax relief to small businesses. It is not reckless, but they cannot talk about the specifics; therefore, they have to throw out words hoping that, like a big PR campaign, people will buy it and people will not look at the facts.

The problem is the American people are very wise.

Mr. KINGSTON. The Chair is an intelligent man and he has seen the Pelosi-Gephardt plan. There is not one. Has the gentleman seen one from the other body? There is not one. What do we have? Nine Democrats, I had not read the paper in a week, might be up to 10 or 12, nine Democrats are running for President of the United States; and I have not seen one of them introduce a plan, and I believe at least two of those candidates are Members of this body.

It is good that they are running for President because it gives more competition, and more competition is good

for the political process, like anything else; but while you are a Member of this body, should you not be introducing your own jobs tax relief plan, growth plan? We do not see it and you would think if there are any Democrats who are going to offer a plan, it would certainly be the ones who are running for President; but we have not seen it.

Another thing that is in this plan that I think will help the economy is what the gentleman from California (Mr. THOMAS) calls a 515 plan and that is reducing the tax rate and the capital gains rate on dividends and capital gains: if you are in the 10 percent bracket, down to five; if you are in the 20 percent bracket, down to 15.

Again, I think it is real common sense that why would you reduce the capital gains tax. The idea is if I can sell something and keep more of the profit in my pocket, then I am more likely to sell it, and when I sell it and that dollar turns over, it stimulates the economy, and it is great for small business, great for the American middle-class taxpayer.

Mr. MARIO DIAZ-BALART of Florida. Also, we have to remember it is their money. It is not a gift. That is the thing that I keep hearing. I keep hearing it over and over again how government is going to give these people this capital gains reduction money. No, no, no.

All we are talking about is we are going to allow the people who own that money to be able to keep it, as opposed to send it to Washington so Washington can spend it on all sorts of things. No, we are going to allow the people to keep a little bit more of their money. It is not a gift. It is not government's money. It is their money.

We should not be apologetic to want to take less of the people's money, in particular when we see some of the waste and the fraud that goes on in Washington where we spend money on things that are frankly, for example, the debit cards that we have seen recently where people have used them to buy and to use them for personal issues, including some rather offensive things. We are talking about millions of dollars. And so we need to take more money from the people to do more of that? No, no. We need to make sure the people keep their money, as much of it as possible.

I for one think we should do a lot more of that and allow people to keep even more of their money because that stays in the economy. They use it to buy things, to save and provide more jobs. That is the way this country was built. That is the greatness of this country, and for anybody to say that that is reckless is hard for me to believe.

Mr. KINGSTON. It does get ridiculous. We are also doing something I think that is real important, and that is, we have passed H.R. 6, our energy bill. One of the things that small business people need and middle-class American tax payers need are lower en-

ergy prices, in the gasoline for their car and the heat and oil for their house and the electric bill for their air conditioner, whatever it is.

If we could get an abundant, inexpensive, clean energy supply, it will really help the economy, really help create jobs; and our energy package does lower our dependency on foreign Middle East gasoline and fossil fuel, which, of course, gets into national security and all other kinds of issues; but it also searches for alternatives like hydrogen fuel, fuel cell vehicles, and puts in lots of money for research so that we can get off fossil fuel and improve technology for smart buildings and energy-efficient houses and structures of all nature. That is going to help create jobs, and I am glad that we were able to pass that out of the House.

We need it passed by the other body, and we need to get it to the President for signature. The faster we do that, the less dependent we will be on fossil fuel, the more energy alternatives there will be.

Mr. MARIO DIAZ-BALART of Florida. That is one of those issues that the other side continually criticizes and yet has no answers for. They always talk about how dependent we are on foreign oil, and there I think we all agree that we need to look at ways to be less dependent, which is why this bill is the right legislation at the right time. It has some provisions there that I think make so much sense.

It would allow us to be less dependent on foreign sources of oil and also of other energies. It is done in a responsible fashion, to protect the environment, which I think is something that is very, very important; and once again, it shows what you can do. You can come up with answers, reasonable answers that are good for the country that will also provide jobs, and that is again a big focus of this Republican majority is to provide jobs. Not only now, but particularly now; and if you look at the legislation that has come out of this body so far, including that one, there is a real strong common denominator.

Along with the other things that it does, that legislation would also provide jobs for the American people, high-paying jobs, by the way, for the American people; and, again, I just think we need to continue to emphasize that. I for one am not content at how the economy is going. I for one think that we need to do more, that we need to incentivize the economy. I think the American people agree with that, and clearly, the leadership in this House has said that, the President has said that; and there are a number of pieces of legislation that go way beyond talk.

These are results. These are things that we have passed that the committees have debated, that have been worked on for a long, long time; and so talk is cheap as they say, but in this case, in the energy bill, in the budget, in the jobs creation bill and so many others, it is not talk. It is results.

Mr. KINGSTON. Another way we are working in the House to help create jobs is with a good roads program, good infrastructure. Not everybody wants to live in the city, and yet we all have to kind of go to the city eventually. Maybe it is for a particular hospital operation, maybe just to buy something, maybe for entertainment, maybe for a job; but if you can have good roads that connect small towns to the large city, it is good for the economy in both places.

I represent the Port of Savannah and actually all of coastal Georgia, but I also have rural areas. I have 29 different counties in the first district that I have the honor of representing. One of the things I want to do and the gentleman from Georgia (Mr. BURNS) wants to do is get a way so that the producer of Vidalia onions can get it overseas faster. Agriculture right now, so much of our market is a matter of overseas. I think this roads transportation program incentive for alternative uses like bicycles and electric cars, I think all that is going to help creates jobs, too.

In Atlanta right now there is a project called Atlantic Station. It is right here where I-85 and I-75 split in downtown Atlanta, and it was a brownfield. Then they went in there and reclaimed the land and cleaned up the polluted areas; and now they are building a regular community that will have some high-rise office buildings, some condominiums. It will have some retail places, a movie theater, parking underground; and the bridge that goes over I-75 and I-85 linking that to the traditional downtown part of Atlanta, more of the road is used for pedestrians and bicycles than it is actually for trucks and cars.

That is an example of something under our transportation bill that can happen all over the country. I hope that when you are visiting Georgia sometime you will have the time to see it because it is actually tomorrow's road for tomorrow's economy and tomorrow's community, and it is something exciting; but our TEA-21, which is our roads bill, again jobs, and it is going to be passed out of the House. So we are going to continue to do everything we can for small businesses.

Mr. MARIO DIAZ-BALART of Florida. Transportation is key for all of it, key for all of it. Matter of fact, you look at Florida and the rest of the country, but if you look at Florida, if you look at the three biggest industries, among them are agriculture, like it is in your State, commerce, and tourism. You cannot do any of those without a good infrastructure, and the gentleman from Alaska (Mr. YOUNG) is working awfully hard coming up with a package that I know we will all feel very proud of to make sure we have the infrastructure and, again, that also provides jobs. The building of those roads provides jobs and then everything that goes along with that.

Mr. KINGSTON. I know I can leave my house in Savannah, Georgia, basi-

cally take maybe two or three roads to get to I-95 and 10 hours later I am going to be in Miami, Florida; and if I go north on it, 10 hours later or depends on how fast you drive, of course, but I can be north of Washington, D.C., almost in New York City, can go up to Maine.

Interstate highways started as national defense, moving our military for safety, lots of ideas, but behind the interstate highway system for national security, under President Eisenhower; but today, they have also been a huge boon to rural economies. Anywhere that there was an exit ramp, there is now a truck stop, a gas station, a convenience store, a fast food store, a retail outlet; and interstates have created tons of jobs in the United States of America.

Mr. MARIO DIAZ-BALART of Florida. It is amazing how almost every job out there, whether we know it or not, is dependent on that transportation infrastructure. Without that we would not be able to get products in and out, people in and out, nothing. It is totally dependent.

Mr. KINGSTON. I want to say this: on I-95 in coastal Georgia, we have something like 55,000 cars a day that go down, and all that we are asking them is to stop and leave a little bit of their money in Georgia before they go to Florida and spend all of it.

Mr. MARIO DIAZ-BALART of Florida. We thought it was the other way around, but there are obviously major infrastructure problems, and we clearly need to emphasize the roads; and I know that this Congress will be doing that, and the gentleman from Alaska's (Mr. YOUNG) committee, that I have the privilege to serve on, is going to be working on that. There are areas, whether it is Miami or Collier County where you have I-75 as well, that needs a lot of help; and I am optimistic that we will be able to do that for the economy's sake, for jobs' sake, and also to be able to get goods and people in and out.

I have an unrelated question, and I do not know if this is the right time to ask it. One of the things that has struck me in all the debates out there, and I frankly admit it caught me a little bit by surprise is when you see the increases that our budget has put for Medicare, for example, and Medicaid and also Medicare would drop, and on top of that we are doing the drug prescription plan, and yet I keep hearing the other side saying that we are actually cutting those programs, which is just factually incorrect.

I have to admit to you that I have never seen a place where everywhere except for government where huge increases, certain people say are cuts, and I just want to make it very clear that we have not cut. Not only have we not cut all those things that we keep hearing about, we have increased funding for all those things; and yet I keep hearing the Democrats saying that we are cutting.

□ 1700

The Democrats keep saying we are going to do all of these horrible things; we are cutting these funds. That is not what we passed. That is not what has been on the table.

Is that something that is usual here? Do the Democrats always just make up the facts? Is their attitude do not let the facts confuse the issue?

Mr. KINGSTON. Absolutely. I have been here 10 years; and according to the liberal, big-government types in Washington, anything they are not happy with they call a cut. There are, frankly, excesses in the Federal Government system that should be cut. But it does not matter what it is; everybody who is against something, that is a cut. That is a cut. Yet veteran spending has increased. Education spending has increased. Medicare has increased. Our prescription drug plan, which will help seniors get affordable prescription drugs, and it should not be partisan, Americans should not have to choose between food and medicine, and we all have parents and grandparents who need these drugs, and we all hopefully will be seniors ourselves, we do not need partisan rhetoric. We need responsible legislation.

To answer the gentleman's question, it is the standard around here. Every time somebody does not like something, it is a cut. It is a tax break for the wealthy, or it is going to kill the environment. Or that the seniors and the children are going to go starving. One gets used to it and kind of moves on.

I wanted to mention to the gentleman that one of the other things that we are doing, not just Medicare, we are trying to come up with an affordable and accessible health care. That is very, very important for small businesses in America. Small businesses in America now have a huge burden when they try to provide health care for their employees. Yet when you are in the job market, you have to look not just at the salary but at the benefit packages. By making health care more affordable and more accessible, that is another way we in Congress are going to help create jobs.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I worry if we do not do that a lot of people depend on their jobs to provide health care. If it gets to where it is not affordable to employers, they are not going to provide that benefit.

Just like it took this leadership to finally forget about all of the rhetoric, it took the Republican leadership to finally pass a Medicare prescription drug plan. And with all due respect, the Democrats were here for 40 years. They always talked about it and never did it. I can understand it falling through the cracks 1 or 2 years, but they never did it. It took the Republicans to do the prescription drug plan under Medicare. I was hoping that those that legitimately wanted to do it for 40 years, would have said, wow, it is about time, as opposed to criticizing it.

I am confident it will have to be, once again, the Republican leadership, the Republican Congress that is going to have to lead to make sure we have health care that is accessible, affordable, that is quality health care for Americans. I do not know of a more important issue for American families and American small businesses, and, frankly, for even some of the larger businesses as well than to provide good quality, affordable health care. But there again, the Republican Party is going to show the leadership that it has shown on every single issue from welfare reform to Medicare prescription drug benefits, and health care is one of the issues that the Republican Party is showing that it can tackle with results.

Mr. KINGSTON. It is too bad that there needs to be popularity in the polls to get elected. But this is not about popularity, and leadership is not a popularity contest. Sometimes you have to make difficult decisions, and there is not going to be 100 percent approval ratings on every package. Part of leadership is to move the agenda forward.

I know that the gentleman has spent a lot of time in support of the judicial nomination of Mr. Estrada, and the gentleman has expressed a lot of disappointment that the other body has not moved. We create and protect jobs by law and order. If people know that there is lower crime because there is justice when you are brought in front of a judge and there are good judges, we will reduce crime in communities back home. Here we have Washington, D.C., a very high crime rate area, they have a judicial opening, a vacancy; and yet we have liberals in Washington, D.C. who will not let Mr. Estrada get on the bench, and yet he is highly qualified. He went to Columbia and Harvard. He actually had the same qualifications of a judge who has been supported by the Democrat Party, the only difference he is Hispanic. For some reason that is a big issue. Some liberals in Washington cannot stand the fact that President Bush would have a great Hispanic nomination. What is happening with that right now?

Mr. MARIO DIAZ-BALART of Florida. It is even worse than the gentleman states. It is not only that they do not want to vote for him, they do not want a vote to take place; and they are doing all of these parliamentary procedures to avoid taking a vote on Mr. Estrada. It has been a very interesting ride we have been watching. Every excuse in the book has been used against this gentleman, and they are just excuses because they are not based on facts.

As we are speaking, there is kind of a pattern emerging. For some reason, they do not want to discuss the facts; and, therefore, they throw out other things. One of the reasons that they said Mr. Estrada should not be a judge on this court in D.C. is he is not quali-

fied enough because he had never been a judge before. I would not have a problem if that is the standard. It just happens to be on that same court those same people that are saying that about Mr. Estrada supported other judges that were never judges before that now sit on that court. If it is okay for them not to have had previous judicial experience to sit on that bench, why is it not all right for Mr. Estrada? What is the real reason?

They say there are certain memoranda that he has. That is the criteria. If the Department of Justice does not show us certain memoranda that were internal memoranda that were written, that would disqualify him. If that is the standard, I do not have a problem; except there are seven judges currently that have come out of that same office where Mr. Estrada was and those documents were never requested. That is clearly not the reason. If that was the reason, the other judges would not have been able to move forward.

There is a real weird double standard with Mr. Estrada, and it is so much so they do not even want it to come up for a vote on the floor. I do not have a problem with objecting to somebody. I do not have a problem with disagreeing with somebody. Thank God we can do that here in a free Democratic society. But they do not want to discuss it or debate it. They do not want to vote on it. I do not know what their agenda is.

I know that the reasons that they give are not the real reasons, and that is a sad statement. It is also particularly sad because Mr. Estrada is a man who got here at age 17. He studied and worked. He did very well for himself. He went to Columbia and then Harvard Law School and graduated magna cum laude. He worked as a clerk for a U.S. Supreme Court Justice. He worked as a prosecutor in the State of New York. He worked in the Department of Justice under two Presidents, one Republican and one Democrat; and all of those people that he worked for him said this man is a man of integrity and would be a great judge. Yet the Democratic leadership does not want him to even have a vote. That is difficult to believe.

Mr. KINGSTON. Here we are, we have just come through a war, we have jobs that we need to create. We have an economy that we need to turnaround, and yet there are Members apparently of the other body who are content to make one of the most highly qualified judicial nominees a big issue. It is such a double standard. If he had not been Hispanic, in your opinion, would he have been approved by now?

Mr. MARIO DIAZ-BALART of Florida. I can tell the gentleman without any doubt that the reasons that they are going to block even the possibility of him having a vote on the floor of the other body to the point of using parliamentary procedures that have not been used for a candidate of that court before, I can tell the gentleman the reasons they are giving are not the real

reasons because we have gone through them and analyzed them. We have talked about them here on the floor of this Chamber, and the bottom line is those are not the real reasons. If those are not the real reasons, then what is the real reason?

It is very sad that a person like Mr. Estrada, who has worked so hard and studied so hard and who has lived his little part of the American dream, has done what this society has asked him to do and much more, has been an example to so many, that his case is not even being allowed to be debated on the floor and is not allowed to have a vote. The reasons given are not the real reasons.

It is a sad day for the country. He is 41 years old. He had argued 15 cases in front of the Supreme Court of the United States before he was 40. Think about that. It is a shame not to have somebody of that quality on the court. It is also a shame for those of us who believe in diversity, who believe that one should be judged by your qualifications and not by your race.

I say that because people have used race publicly. They have said that one of the reasons that he should not be on there is because of his race, and that to me is highly offensive. You should not get a position because of your race, and you should not be denied a position that you are qualified for because of your race. Yet those are the reasons that they have given. They have given others, by the way as well, but those have proven to be false. The only one that still remains out there is when they have said that Mr. Estrada should not be on that court because of his race.

Mr. KINGSTON. It is very disappointing, but I hope that the President can work with them and see if he can get something done. The other thing is the President was elected, and let him get his team in place. It should be that simple.

I just wanted to cover these topics and wanted to ask the gentleman if he had some other topics that he wanted to conclude with.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I would just like to state one more time that every day that goes by, we have to remember there are thousands of men and women in uniform that heroically defend our freedoms, and they do so without asking for anything. They do not get paid a lot of money. They are not there for the publicity.

Every day our freedoms are being protected by men and women in uniform who are heroes every single day. Sometimes they are asked to put their lives on the line to protect our freedoms and to even sometimes within that scope of protecting us, to protect and liberate other people. They have been doing it for generations. They continue doing it today.

Right now as the Iraqi theater is looking good and the Iraqi people are free and they are celebrating their

freedom, we have to remember today there are men and women who are in harm's way. We cannot forget that for one single moment, and we have to be grateful and thankful that there are people like them who are willing to do one of the greatest sacrifices one can ever do to protect our freedoms, and we can never thank them enough.

Mr. KINGSTON. Mr. Speaker, I know for the 34 constituents that I lost in Iraq, and I believe the six to 12 in Afghanistan, I am certainly not going to forget them; and I am going to do everything I can to help promote Iraqi democracy and also jobs in America. We have got a good bill on jobs this week. I am looking forward to voting on it and supporting it.

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#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HENSARLING). Members are reminded to refrain from improper references to the Senate.

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□ 1715

#### DEMOCRATS EXAMINE WAYS AND MEANS TAX PLAN

The SPEAKER pro tempore (Mr. HENSARLING). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the minority leader.

Mrs. JONES of Ohio. Mr. Speaker, I came here to talk about the proposed tax cuts, but as I sat here on the floor and listened to my colleagues, I would be remiss if I did not respond to a couple of issues that they raised. One of them was that they accused the Democratic Party of wanting the economy to stay in the dumps just so that we could be successful. I dare either of the gentlemen that just finished speaking to find any member of the Democratic Party that would want this economy to stay in the dumps just so we can be successful. But the Democratic Party is going to be successful on the issues and that is what I want to talk about.

Let me do one more thing, though. One of the things that was discussed, and this is called misrepresentation. One of my colleagues who spoke before me said that the Democrats were holding up the appointment of Justice Estrada at a time when justice needed to be dispensed in the District of Columbia and at a time when law and order was out of place and that he could be there trying cases. I just want to remind my colleague that Justice Estrada was being considered for an appellate court, not a trial level court and that justices on the appellate court do not do trial of fact. So that is again a misrepresentation that people make when they are trying to make one party different than the other. But I am not going to spend my time today in response to some of those things. I would just suggest that everyone needs

to pay attention and listen to the real words that people are saying.

Mr. Speaker, I rise today to express my concerns about the Chair of the Committee on Ways and Means' plan that was unveiled this week, marked up in a lively session of the Committee on Ways and Means yesterday and will be considered on this floor shortly. In my own city, the City of Cleveland, 53,900 people have lost their jobs since this President took office. That is 4.7 percent of the workforce. In my State, the State of Ohio, 167,000 people have lost their jobs since this President took office. That is 3 percent of the workforce. The Committee on Ways and Means considered over the past couple of days the plan of Chairman THOMAS. Unlike the Democratic stimulus plan that will be fast acting, fair and fiscally responsible, let me say those three Fs again, fast acting, fair and fiscally responsible, the Republican plan is another in a series of GOP tax plans that is economically irresponsible, narrowly tailored to benefit the wealthiest percentage of the population, and will not provide the immediate stimulus our economy needs in the form of job creation and productivity growth.

The chairman's bill has been referred to as a compromise to the President's so-called economic stimulus plan, perhaps with the hopes that Democrats would respond favorably to any compromise to the President's fiscally reckless plan. While Chairman THOMAS' bill does indeed have a different approach to some of the proposals offered by the President, the end result is still the same. It is poorly timed, shortsighted and narrowly designed to benefit only a small percentage of the population.

This compromise reminds me of an old witticism: You can hang a sign on a pig saying that it is a horse but it is still a pig. The gentleman from California has hung a sign on a bad economic policy and proclaimed it to be a fix that our economy needs. But just like the pig with the sign around its neck proclaiming it to be a horse, this plan has problems.

Let me talk about just a few of them. The treatment of dividends and capital gains. The GOP plan is not fair. The President's proposal for exempting dividends from being taxed was the centerpiece of his economic stimulus plan. While the Thomas bill does not contain that proposal and I believe it does not contain that proposal because in committee meeting after committee meeting, I kept saying to members of the committee and witnesses before the committee, do you understand the impact that the dividend tax cut will have on low-income housing credits? Do you understand the impact that a dividend tax cut will have, in fact, on annuity programs? And I think he finally got it. While the Thomas bill does not contain the same dividend tax cut proposal that was presented by the President, it revolves around reducing

the tax on capital gains and dividends as the cornerstone to sound economic policy.

Under current tax laws, capital gains are taxed at 20 percent. Dividends are treated and taxed as income at the applicable tax rate. The Thomas plan will lower the capital gains tax rate to 15 percent and also provides that all dividends be taxed at the same rate. Unlike the President's plan, the Thomas plan provides dividend tax relief regardless of how much Federal income tax is paid by a corporation. In this regard, the Thomas plan does not have as great an adverse impact on low-income housing tax credits and other corporate tax benefits that would have resulted under the President's plan. But this is the least egregious aspect of the plan and it is overshadowed by so many more unwise proposals.

The chairman's dividend capital gains proposal will cost approximately \$300 billion of the total \$500 billion cost of the plan. He boasts that this is less than the nearly \$400 billion cost of the President's dividend proposal. But he is relying on accounting gimmicks and unrealistic expiration dates. Many of the aspects of his plan are set to expire in 2006. But will these provisions really be allowed to expire? Most likely not. The more realistic outcome is that they will become a part of the ever-increasing number of tax provisions that are extended every few years. A more realistic estimate of the Thomas plan's economic impact on the Treasury must assume that its provisions will be extended beyond 2005. Under this realistic assumption, the \$550 billion cost of the Thomas plan not only exceeds the \$726 billion cost of the Bush plan but suddenly results in a total cost of about \$1 trillion through 2013, as indicated in the chart that I am about to show my colleagues.

This chart breaks down certain elements of the Thomas plan as compared to the Bush plan and concludes with the result of the Thomas plan being even more expensive than the Bush plan. For example, under the Bush plan, the dividend and capital gains tax cut would have been \$396 billion. Under the Thomas plan, \$296 billion of the tax cuts do not expire. However, the top bracket rate reductions effective only for 2003 will be the same and the child tax credit increases will be the same. But here is where we have to take a look and go further. Under the Thomas plan, we widen the 10 percent bracket effective 2003. It is \$45 billion. Under the Thomas package, it is \$18 billion. But if the tax cuts do not expire, it will go back up to \$45 billion as proposed in the President's plan.

Tax breaks for married couples. Under the Thomas proposal, it expires in 2005. The impact under the Bush proposal is \$55 billion. The Thomas, \$45 billion. But if this 2005 date is extended, the tax break for married couples will cost us \$55 billion.

Again, let us take a look at the business expensing. Proposed to expire in

2005, it would only cost \$9 billion under the Thomas plan but if in fact these cuts do not expire it will be \$29 billion.

I could go on. I know people get tired of a lot of numbers but I need to show the comparison of the tax cut packages.

Let us put up chart 2. IRS data shows that households with incomes over \$500,000 get, on average, 41 percent of their income from capital gains and dividends. On the other hand, households with incomes between 40 and \$75,000 get only 4 percent of their income from those sources. The gentleman from California's claims will not be the panacea for our struggling economy. For example, if you make over \$500,000, according to this, 40 percent of your income comes from capital gains and dividends. If you make only between zero and \$20,000, your income from capital gains or dividends is only 4 percent. So clearly the package as proposed by the gentleman from California is going to benefit folks who make over \$500,000. I do not know where many of you come from, but clearly this is not a package that will benefit the bulk of Americans.

The same IRS data shows that the \$500,000 income and higher households enjoy average capital gains and dividends of \$70,000 while the 40 to \$75,000 households have average capital gains and dividends of \$2,000. Under the GOP plan, millionaires will receive over \$100,000 from the new tax structure. But if you make \$50,000, you will receive about \$400. Or if you are in the lowest income strata, the new tax structure will give you back just \$53. We heard the earlier speakers talk about the benefit of putting the money back in the taxpayer's pocket. How much is \$53 going to buy? Especially when you think about collectively if we took all of our \$53 and left them in the pot, perhaps our senior citizens might have an opportunity to get a prescription drug benefit. Perhaps we might be able to fund the No Child Left Behind program. Perhaps we might be able to fund health care for more Americans. And perhaps we might be able to extend the unemployment compensation to Americans across this country.

Let me go to this chart very quickly. For example, taxpayer year 2003, if you made between 10 and \$20,000, you are getting \$53. If you made between 75 and \$100,000, you are going to get \$1,600. But if you are part of that fortunate few that this tax plan favors, you will get probably \$105,000 from this particular tax cut. Those taxpayers who will reap the highest gains from the Thomas plan account for .5 percent or one-half of 1 percent of taxpayers. Let me say that again. Those taxpayers who will reap the highest gains from the Thomas plan account for just .5 percent or one-half of 1 percent of taxpayers. Yet they will receive over 57 percent of all of the capital gains and dividends.

When we talk about a plan being fair, this plan is not fair. Quite the opposite

is true for taxpayers in the 45 to \$75,000 income bracket who comprise 21 percent of all taxpayers and account for 24 percent of income from all sources. Yet they will only receive 7 percent of the capital gains and dividends.

Let us try chart 4. Finally, the Thomas plan will benefit the wealthiest one-half of 1 percent of taxpayers nearly universally, as 94 percent of that group of taxpayers receives dividends or capital gains whereas just one-third of the 45 to \$75,000 income range taxpayers have investments that yield dividends or capital gains. For example, if we look at chart 4, we can see how much income is derived from capital gains and dividends based on income levels. It is a little different orientation from the chart I showed you that was chart 2. For example, if in fact you make over \$500,000, you are coming above almost 100 percent, you will receive that amount from your capital gains or dividend income as compared to people at the lower bracket.

The Republican Party will claim that the majority of senior citizens will benefit from dividends and capital gains taxes being reduced, but only 26 percent of seniors in this country receive dividend income that would be affected by this proposal. Let me say that again. Only 26 percent of seniors in this country receive dividend income that would be affected by this proposal. Republicans cite the fact that more and more people have a vested interest in the stock market. Yeah, we sure had a vested interest in the stock market and look what happened: Enron, Global Crossing, WorldCom, the list goes on, and that they would now benefit from this proposal. Maybe this proposal should have come around before all of us lost the money we lost in the stock market. While they are correct in the assertion that over 50 percent of the population is in the market, Republicans distort or ignore the manner by which people do participate in the market.

□ 1730

The majority of this participation is through a 401(k) plan or pension plans and other retirement accounts that are exempt from this taxation anyway, and most of the people who receive money are in a pool wherein those dollars accrue to their retirement plan or a pension plan but not to them individually.

Let me talk about deficits for a moment because one of the things that I said when I started was that any plan that stimulates the economy, it must be fast, it must be fair, and then it must be fiscally sound.

The GOP plan is not fiscally responsible. While the Thomas bill claims to offer a compromise to President Bush's irresponsible plan on the subject of dividend tax reform, which it really does not, it certainly does not compromise on the subject of being fiscally irresponsible and harmful to the longer-

term state of the economy. Republican lawmakers in general, and the gentleman from California (Mr. THOMAS) is certainly no exception, are under the frightful illusion that deficits do not matter. Did the Members hear that? Deficits do not matter. Even Mr. Greenspan has said that deficits are important, but Republicans are now saying they do not matter. Keep in mind when we had a low deficit, our economy was doing better. Keep in mind that as we continue to have greater deficits, I anticipate that our economy will have more trouble.

The Republican economic plans push for tax cuts that will put the Federal Government in a position of having to borrow \$1.5 trillion over the next 10 years. Let us count that, \$1.5 trillion over the next 10 years, with no balanced budget in sight. The resulting debt load on the fiscally ignorant Republican plans being presented to us will be about \$50,000 per American household. Talk about putting our grandchildren and our children in debt.

When asked to account for this fiscal lunacy, the Republicans claim that the tax breaks offered now will compel people to save more in anticipation of leaner times to come. The speculative statement on the psyche of the American taxpayer just does not make any sense. By borrowing this additional \$1.5 trillion over the next 10 years and saddling American households with \$50,000 of that debt load, Republicans are placing a cumbersome tax burden on future generations of children. To cover the interest costs alone on that debt will require us to zero out all unemployment compensation plus other programs such as SSI to the tune of \$400 billion, the refundable earned income child tax credit of \$357 billion; food stamps, \$274 billion; family support, \$259 billion; and student loans, State's children's health insurance, and veterans' pensions, \$149 billion.

Cutting any of these programs is neither compassionate nor is it conservative, but it will be a reality if this fiscal recklessness gets enacted into law.

I have now just seen that my colleague from the great State of Louisiana (Mr. JEFFERSON) has joined me as we do this Special Order. I yield to him.

Mr. JEFFERSON. Mr. Speaker, I would like to thank the gentlewoman from Ohio for yielding to me and for the wonderful work that she is doing in this area and for the Special Order that she has taken out this evening to explain to the American taxpayers and to the American people just what is at risk by these Republican policies.

I know she has covered a great deal of territory already, but I want to just talk about things perhaps that have not yet been discussed or, if they have been, discussed tangentially. And that is the issue of what the government ought to be doing with respect to tax policy. I had the good fortune, the gentlewoman might remember, of doing a great deal of work on this tax policy.

Having spent time in school to work on it and having gotten a master's of laws in taxation and having studied the issues of what tax policy ought to be involved with, what I found out was this: that there is a legitimate concern on the part of government to have a tax policy that is fair in the first place, to have a tax policy that is simple in the second place, to have one that does not intrude into the private sector decisionmaking of people in the third place; and perhaps if we find a social policy we all agree on, we found it legitimate to use the Tax Code sometimes to encourage certain behavior on the part of the public.

The one thing on the fairness I think the gentlewoman has spoken very well about how this policy violates the Federal standard of fairness any number of ways, and I want to talk about one last way it does a little later; but the one thing that I think it does that people ought to recognize, and it has effects for the deficit, for the interest burden, all the rest, is that it puts the government into a position where it is going to compete with the private sector for money. It is going to drive up demand for money because we are going to have to borrow money. There is only so much of it out there. We have to borrow money to fund the government's operations. When we do that, we drive up the demand for money; and when we do that, we drive up interest costs. No question about it. And so this government is going to compete with the private sector. It has to because there is not enough money to fund this tax policy. We are going to put a tax policy together and borrow money to pay for it. It does not make any sense at all. But the biggest problem is that it is inescapable that it is going to drive up demand for money out of this economy, and we are going to borrow money from our banks here and make it tough on our country, and we can also borrow money from foreign governments and make it tough for steel. So this is an antitax policy, logically thinking, when we go this route.

The second thing, there has been a debate for many years about whether it is a good idea or a bad idea to tax capital gains or a bad idea or a good idea to tax dividends, dividend income. All of this has been the subject of debate for many years. And one of the reasons why people have avoided dealing with it is because it is so expensive to fix it, to deal with it, to try to come up with a solution for it. So every time we have a tax reform session, people gripe one side or the other about these questions; but they never deal with it because they are so horrendously expensive.

Here we have now a President in the middle of a recession, certainly in a huge downturn in our economy, talking about restructuring the Tax Code, essentially is what is happening here, in the middle of a recession. This is not about stimulus for the economy. This is not about giving people jobs. It really is all about restructuring the system

that some people think penalizes rich people more than it should, and there are all sorts of debates, as I said, about that and we can come down a lot of different ways on the question. But this is no time to do tax reform when we need a stimulus package for the government and for our people. This is no time to take these issues that we fought over for many years, not new issues, and bring them to the floor now under the cloak of a stimulus package and of job creation. This is not what it is.

And the last question I have that I want to just raise with the American people is this one: everybody at the upper levels gets a tax break from this President's proposal. The folks at the very highest level, 38.6 percent, get a 3.6 percent tax break and down the line to those who are at around the 25 percent rate; and they all get a 2 percent tax breakdown to 25. The folks who are on the bottom, the 15 percent tax rate, that bracket, and the 10 percent bracket get nothing. They get no help. They get no break under this President's plan. They are not touched at all. So those folks do not have any unearned income to speak of, very little, minimal, 7 percent, less than that of income, the whole group, and almost all of it, 2 percent of the folks, are getting that in that little bracket. They are just a handful of people in that bracket. So what we are doing is moving from a system where we are taxing unearned income one way and to a system where we are only going to tax wages of working people. So as we lower the capital gains taxation from 20 to 15 and the upper brackets by 2 percent in some cases, 3 percent in one case, we do nothing for the folks at the very end.

So my question is if we are going to give a tax break, why not give it to everyone, an income tax break? Then there are other folks who do not pay income taxes. In my district there are 35 percent of the folks who work every day, 40 hours a week or more, who never make enough to pay income taxes; but they are paying the payroll tax through the nose, and the difficulty is we do not touch that issue either. These folks get no break under the President's system.

It is just unfair for them not to get a break, but beyond that, it is nonsensical for a stimulus package not to include these people because, as the Members know, these are the ones who actually would spend their money if they got the money from the government, got something back from the refundable credit on the payroll taxes or refundable credit in some other cases. They would use their money to buy the refrigerator they need or the child's clothes for school or something that is a household need that they cannot now meet because they do not have much money. So if we really wanted to stimulate the economy and we wanted to stimulate consumption, which is what this is all about, either consumption by the State governments or local governments or by individuals or businesses,

in this case individuals, we would put money in the hands of the people who actually spend it and consume some of the goods and services out there in the country that they need to consume.

So apart from all of the issues that the gentlewoman has raised, and they are wonderful issues and ones that we have heard a great deal about in our caucus and in our debates in the Congress, and they are the central ones in this debate, but I wanted to bring these other issues out to discuss them because I cannot find one way that this deal makes any sense for the American people, and I do not understand, frankly, how the other side can put these proposals forward with a straight face.

On every level I have been able to examine, it does not make any sense, and I hope that when the American people have the time to examine this argument that we are making here, examine the issues here, that they will come to the same conclusion that the gentlewoman and I have come to, that this policy is a bad policy for America. It does not stimulate the economy. It is a terrible intrusion into the tax system that is going to end up with the private sector competing with the government or the other way around, and it is going to drive up the cost of interest in the long term, and of course it is an issue of getting involved in a structural tax debate that we have had on the table for I do not know how long and we are now trying to fix under the cloak of a stimulus package.

So I want to again thank the gentlewoman from Ohio (Mrs. JONES) for what she has done this evening in giving us a chance to talk about these issues, and I want to implore the American people to really examine this very closely because it is a critical point in the history of our country. We are about to make decisions now that are going to saddle our children and grandchildren for years to come, and people really ought to pay attention to what is happening in this House.

Mrs. JONES of Ohio. Mr. Speaker, it is very interesting, has the gentleman been able in this plan anywhere to find any benefit for unemployed workers who are out of money who would spend their money right away if they were able to get any of this money?

Mr. JEFFERSON. Mr. Speaker, of course not. It is not mentioned in the package, and as most of the experts have said, this is the greatest multiplier effect of most of the things we can put on the table to do, and that is to put money into the hands of people again who have been out of work, who have been strapped, who do not have enough money to pay for the things that they need to take care of in their households, who we know will consume if they get the money.

Stimulating the economy is all about stimulating consumption. It is not about anything else. And if we are not smart enough to give people money they can use now, and these are not people who are sitting around looking

for welfare, looking for a handout from the government; these are hard-working people who have worked for many years, in most cases, who now because of economic hard times and down turns in the economy, layoffs all over the place, have ended up without a job. These are folks who are actively seeking work, going out looking for a job every day, going to the unemployment offices, unemployment services, looking for help, looking for a job, and they have not been able to find work because this economy has lost 2.6 million jobs in the last couple of years. So it is just hard to find a job out there.

This ought to be in this package. If the other side were serious about stimulating the economy, this is the best way to stimulate consumption, and the fact that it is not in the bill argues that they are not really serious about getting this done.

Mrs. JONES of Ohio. Mr. Speaker, what else was very interesting, I saw the other day, was an article that was discussing not only the fact that the low-income workers are not getting any benefit from the tax plan, that the IRS is now making proposals that people who get an earned income tax credit must have more documentation to show that they are raising their grand-daughter's children or raising their cousin's children and on and on and on as if they are the tax cheaters instead of people who are at the top of the ladder who have something to cheat about.

Mr. JEFFERSON. Mr. Speaker, one of the smartest things we did in this Congress was to pass the EITC and the next smartest thing we did was to expand it in the last few years to make sure we had more people covered. And it is a way to reward people for working. It was always designed to take low-income people and encourage them to stay on jobs that did not pay much because the welfare was competing quite handsomely with folks who were making such a low income until they might as well have stayed home if they were just looking at it on the basis of what is the better thing to do, stay home with the children, stay home and do whatever, or go to work. EITC is a conservative idea.

Mrs. JONES of Ohio. Mr. Speaker, just to be clear for everybody, the gentleman is a tax man. Will the gentleman tell them what it is.

Mr. JEFFERSON. The earned income tax credit is a conservative idea. It is an idea to reward people for working, to award poor people staying on the job instead of choosing welfare. It ought to be embraced by the Republicans full throttle, and it ought to be as simple as it is to do anything else under the tax regime. Not that things are all that simple, but one of the major tenets of tax policy is to keep it as simple or to make it as simple as we can.

□ 1745

The fewer resources one has, and we know poor people have fewer resources

than the people who are wealthier, the simpler we ought to make it for them. That is why we invented this short form of tax reporting; that is why you have this easy way to do your standard deduction, because you figure that these are the people who are not going to have a lot of money for tax preparation or access to accountants and lawyers and all the rest of it. So you make it as simple as you can for people who you know are going to be principally their own tax preparers, and you hope they can understand it without having to expend much money to do it. Up the line, people who have all these various deductions and exemptions they can take and all the rest, they are folks who usually can pay for the lawyers and accountants and the rest and get it all figured out and worry about saving money.

So I think the gentlewoman is dead right, that instead of making it more complicated for the poorest people in this country who are going to work every day, who are working hard every day, and who we have encouraged through the EITC to stay on the job rather than to accept welfare, we ought to make it simple for them to get their reporting done.

Mrs. JONES of Ohio. I thank the gentleman so much for his leadership and insight on this issue. I appreciate his assisting me with this special order.

Mr. JEFFERSON. I thank the gentleman for what she is doing.

Mrs. JONES of Ohio. Mr. Speaker, let me continue to speak on some of these issues. Again, let me reinforce the statement that I made at the beginning. We believe that a stimulus package must be fast, it must be fair and it must be fiscally responsible. The Republicans ignore the tried and true logic that long-term deficits are bad for future economic and job growth.

The Federal Reserve Chairman, Alan Greenspan, has repeatedly voiced his assessment that persistent budget deficits hurt economic growth over the long term because of the drain they cause on private savings that could, and should, be used for capital formation.

The Thomas bill ignores the dilemma it will create when the expiration of unemployment benefits and state cuts in Medicare occur. Just as it makes no sense to down a few more drinks before hitting the road, it makes no sense for a country that is currently running a \$436 billion trade deficit and depends on \$474 billion in borrowing from abroad to adopt a budget that will borrow an additional \$1.5 trillion over the next 10 years.

Even the Congressional Budget Office, now headed by a Republican appointee, has found that the Republican budgets will have little positive effect on the country's economic growth. The tax cut being offered do not come anywhere close to paying for themselves by expanding the economy as Republicans claim they will.

Deficits do matter. Sound economic policy recognizes that sometimes def-

icit spending, to a certain degree, makes short and long-term sense. But in this current climate, the proposed deficit spending will not result in a short-term stimulus because only a small percentage of the tax cuts being offered would take effect this year.

In the long term, American taxpayers can expect to see an increase in taxes and interest rates and a drop in funding for education, Social Security and other social initiatives, as more of their earnings go simply toward paying off the interest on an increased deficit. Let me repeat that. American taxpayers can expect to see an increase in taxes and interest rates and a drop in funding for education, Social Security and other social initiatives, as more of their earnings go simply toward paying off the interest on an increased deficit. This deficit matters, and this deficit makes no economic sense.

Yes, deficits matter. Chairman Greenspan has recognized this fundamental truth, cautioning repeatedly about the perils of increasing deficits without corresponding spending cuts. Yet the Republicans have taken every opportunity to distort his comments to suit their wayward economic agenda.

Let us take a look at chart 5. The President has stated that we have deficits because we have been through a war. This is a shameless untruth. The Congressional Budget Office and the President's own budget acknowledge that deficits started well before the conflict in Iraq and are projected to continue indefinitely because of the President's own fiscal policies. Even without taking into account any of the costs of the Iraq war, the CBO has projected in early March that the President's budget would result in a \$1.8 trillion deficit over the next 10 years.

Let me refer to chart 5 on deficit projections. This chart has three projections. The dark line shows how the deficit will continue to increase under current economic conditions. The other line shows what will happen to the deficit under optimistic and pessimistic conditions. However, the optimistic scenario is unlikely because increased deficit spending and more tax cuts will not create an economy of growth and job creation.

For example, the dark line, as I said previously, shows how the deficit will continue to increase under current economic conditions. In other words, it is going to go from where it is right now, down to 2050, down this far to minus maybe about 14 percent.

Under the best economic conditions, based on the deficit spending we are doing, there will still be a deficit of about minus 0.3 percent. Then if you look under the lowest productivity growth, it will even be further. It moves further into the minus spending, down to minus 15 percent.

So the reality is that no matter what the economy does with the deficit spending we are doing right now, we are going to be in bad shape, and our children will continue to pay and pay and pay.

This bill claims to be about jobs, retaining them and creating them. Last week it was announced that the Nation's unemployment rate reached 6 percent. In the last 2 years, over 2 million jobs have been lost nationwide. Districts with heavy manufacturing industries have seen an even bigger job loss rate than the national average.

This Congress needs to pass a bill that will bring those who lost their jobs back to work and keep them at work. But will the bill that has been introduced by the gentleman from California (Chairman THOMAS) do that? Only if you think that giving over \$350 billion worth of capital gains and dividend tax exemption to the wealthiest one-half of one percent of the population will create jobs.

What kinds of jobs will this create? The only type of job I think that would be created would be hiring people to carry the buckets of money this wealthiest fraction of the country will receive to the bank. But with most of those gains being transferred electronically, even those types of jobs will not be available.

Economists from all slants, conservative and liberal, have reached a broad consensus that cutting the tax on dividends will not create jobs. In fact, several Wall Street analysts have rated this tactic as one of the least effective options in terms of stimulating economic growth.

The tax cuts being offered by the President and the gentleman from California (Chairman THOMAS) are not about jobs. Instead, these tax cuts are about partying it up now and ignoring the consequences.

This so-called jobs bill starves the government of revenue so that social priorities suffer, priorities like funding promised benefits for baby-boomers, cushioning the hardship of the unemployed, enhancing educational opportunity and improving homeland security. Just ask any mayor or local fire chief or local police chief about what money they got from homeland security. They are the first responders, and they are still waiting for this government to give them the money they need to do their job.

Other people have noticed that this plan would not create jobs, not just those of us here in Washington. This past weekend, the Detroit News published an editorial from the President of the Economic Policy Institute that empirically described how these Republican plans will hurt the economy, will cause more jobs to be lost and dig our deficit hole deeper.

This article cited a recent joint statement signed by 10 Nobel Laureates in economics and 450 other economists stating there is widespread agreement that the purpose of the President's tax plan is for permanent change in the tax structure of the country, not the creation of jobs and growth in the near term.

Let me repeat that: That the purpose of the President's tax plan is for per-

manent change in the tax structure of the country; not the creation of jobs and growth in the near term. These individuals single out the permanent reduction in the dividends and capital gains tax rates as not being credible as short-term stimulus. The Republicans claim that their plans will generate more growth in gross domestic product and in jobs in the next 2 years, ignoring the horizon beyond those 2 years.

Before I go on to that subject matter, I see that I have been joined by another colleague of mine, the gentlewoman from Georgia (Ms. MAJETTE). I yield to the gentlewoman.

Ms. MAJETTE. Mr. Speaker, I am honored to be a new Member of the House of Representatives. I know that each of us takes this responsibility very seriously. Each of us wants to represent our constituents to the best of our ability, and we all want to do what is right for our country. Yet this Congress cannot seem to do the right thing.

This so-called tax cut is a perfect example of what I am talking about. Virtually every reputable economist agrees that it is the wrong thing for our economy. Alan Greenspan agrees that it is the wrong thing to do at this time, yet the President has seen fit to have Mr. Greenspan serve for another term while choosing not to listen to his advice. Republican and Democratic Members of the House are going along with the President's tax policy, and that, Mr. Speaker, will sink this ship of state into a sea of red ink.

To me, this tax plan is about simple math and basic accounting. More importantly, it is about common sense. If you borrow money, somebody has to pay it back. This tax plan will result in the biggest increase in debt that our country has ever seen. Somebody is going to have to pay it back, and those somebodies are our children and our grandchildren.

Many in our country are worried about the problem of predatory lending, but what they should be worried about is predatory borrowing. We are causing our children and grandchildren to incur huge debts in the future just so we can line the pockets of a precious few today.

This predatory borrowing will doom the economic fortunes of generations to come because we refuse to get our fiscal house in order. Do not get me wrong, Mr. Speaker; like anyone else, I could use a tax cut, and many of my constituents could use tax relief too. But this is not tax relief.

Do I support relief from the marriage tax penalty? Of course I do. Do I support increasing the amount of the child tax credit? Of course I do. Do I support giving small businesses relief for their expenses? Of course I do. These are all tax cuts that help working families, exactly those families who are hurting and who are struggling to make ends meet.

Unfortunately, none of these tax cuts is permanent in this bill, and in 3 years

most of these cuts will evaporate and working families will be right back where they are today.

But the Republican tax bill does not stop there. This tax bill will give huge tax relief to those who need it least, the wealthy; those people who already have an annual income of \$1 million a year. The dividend and capital gains tax cuts, which are made permanent, by the way, will pile on debt for our children and our grandchildren.

Long-term success in this country depends on high quality education, on stable and high paying jobs, and access to quality health care. But because of these tax cuts for the wealthiest Americans, we are not investing in those things that will secure our children's future.

Not only are we abdicating our responsibility for our children's future, we are forcing them to pay the bill. What we need today is a renewed commitment to fiscal responsibility. Let us restore the pay-as-you-go rules that led to the fiscal discipline during the 1990s and the first surpluses we saw in decades, surpluses that have totally evaporated under this President's economic programs.

For the first time in decades, we have had the opportunity to begin to pay down the massive multi-trillion dollar debt and to begin to bring some financial stability to Social Security and to Medicare. But, instead, today we are being asked to incur more debt and to cast even further doubt on the viability of those programs.

What we have here is a failure to communicate with the American people. So let me just make it plain: This is not really a tax cut we are talking about today. Read my lips; this will be the largest tax increase that the world has ever seen, only it is a tax increase on our children, our grandchildren and our great grandchildren.

□ 1800

This tax plan is a sham and a shame, and the American people deserve better than this.

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentlewoman from Georgia (Ms. MAJETTE) for coming out to help me with this hour.

As I stated before she started, this article cited a recent joint statement signed by 10 Nobel Laureates in economics and 450 other economists stating that there is widespread agreement that the purpose of the President's tax plan is for permanent change in the tax structure of the country and not the creation of jobs and growth in the near term. Now, if that is what he wants to do is to change the tax structure, just step on up there and say it, but do not put it under the veil of creating jobs and growth in the near term. These scholars single out the permanent reduction in the dividends and capital gains tax rates as not being credible as short-term stimulus.

The Republicans claim is that their plan will generate more growth in

gross domestic product and in jobs in the next 2 years. In fact, even under the most forgiving analysis of these plans, gross domestic product and jobs will decline in 2005, 2006, and 2007. Respected economic analysts have shown that any positive impact in the first 2 years of this irresponsible plan will be followed by a gross domestic product decline of .25 percent per year, thereafter resulting in a gross domestic product loss of 1 percent and 750,000 jobs by 2013.

There are two reasons why this happens. First, tax cuts without spending cuts lead to sustained budget deficits. These deficits in turn raise long-term interest rates, suppress investment, and stop productivity growth. The second reason is that the administration's proposal is ineffective at raising long-term growth. Much of the package involves items that are already scheduled to be implemented, so their effect is minimal and illusory. Further, many economists, including the Nobel Laureates and other scholars mentioned previously, believe that dividend exclusion will actually depress investment.

It is easy to understand why the Republican proposals are so ineffective at creating jobs in the near term. First, very little of the package stimulates the economy this year when jobs are needed most. Let me say this again. Very little of this package stimulates the economy this year when jobs are most needed. This stimulus package only offers \$31 billion toward the short-term growth efforts. All of the other dollars, whether it is \$550 billion, \$726 billion, goes to other issues.

Further, the proposed tax cuts are ineffective at stimulating consumption because they are so heavily targeted at the wealthiest members of our population who will likely take that extra money and put it into savings rather than consume goods and put that money into the stream of commerce.

One of the biggest concerns of Americans today is whether they will have a job tomorrow, whether this stagnant economy will engulf their job, their savings, and their livelihoods, or whether Congress will do something that will secure their employment and economic future. The Republican plans do not provide that security to our citizens. It is a carrot for the middle class and nothing for the lower class. The gentleman from California (Mr. THOMAS) has attempted to veil some of the aspects of his plan as benefiting the middle class, in essence, dangling a carrot in front of them. But when the truth is peeled away from his plan, it becomes clear that members of the middle class will never get this carrot.

Republicans have concealed the true nature of their tax cuts and the effect those cuts will have on the middle class, using clever gimmicks and ruses to trick working families into thinking they will enjoy a permanent benefit under their plan.

For instance, the child tax credit offered in the plan is a hoax. Rather than

making tax cuts for families the centerpiece of an economic stimulus plan, they have made the increase in the child tax credit a temporary afterthought so that the amount of the child tax credit will drop from \$1,000 in 2005 to \$700 in 2006 while, at the same time, the tax breaks to the wealthiest citizens are being made permanent. They are willingly going along with a plan that will sacrifice increases in the child tax credits that would add an immediate beneficial impact for all of our working families to make room for the President's plan to put even more money in the pockets of wealthiest Americans.

Now, do not misunderstand me. I think wealthy Americans ought to be wealthy if they work to get to be wealthy, but they ought to share the brunt of tough times, tough economy, with all of us; and they ought to forgive or give up the opportunity to get these tax cuts to bring our country back to the best.

The Republican plan jeopardizes Social Security to make room for tax cuts for the wealthy. Just as baby boomers are approaching retirement, the GOP is offering a plan that will borrow and spend all of the money from the Social Security trust fund over the next 10 years. The long-term cost of the Republican tax cuts is more than three times the entire long-term Social Security shortfall. And what does this pay for, one might ask? My answer is obvious: tax cuts for the wealthy.

As I mentioned earlier, it was just announced that the Nation's unemployment rate has reached 6 percent. This figure seems to not have resonated with Republican Members of Congress. Even with this new high in unemployment, with the economic slump continuing, the GOP plan allows extended unemployment benefits to expire at the end of this month. Nowhere in their plan is there money to extend unemployment benefits. Nowhere in their plan are they even thinking about the people that are unemployed, other than saying, I am going to promise you a job later on based on the trickle-down theory. In just over 3 weeks, millions of families across the Nation will be denied desperately needed unemployment insurance. Extending these benefits will not only help the families of the nearly 4 million out-of-work Americans pay their bills, but it will also help the economy by putting money into the pockets of consumers who will spend it.

Remember the "stream of commerce" I talked about earlier? That is where the money from these unemployment benefits will go. But the Republican message to these families is crystal clear. The message to these families is, Well, we are going to create you some jobs, but you can eat crumbs until we get those jobs in place. The Republican message to these families is, We would rather put more money into the pockets of the wealthy than to

put immediate dollars into your pocket in an unemployment plan. The message to these families is, Tough luck.

Now, let us talk about what the message is to the States. The message to the States is the same as the message to the poor: tough luck. Despite the fact that economists statistically rate aid to the States as one of the most effective immediate economic growth measures available for the money, the Republican economic plan, while calling for \$1.2 trillion in new tax cuts, fails to include a single penny for State aid. States are facing the worst fiscal crisis since World War II, but the Bush administration is refusing to provide them any aid. As a result, States across the country are cutting education and health care programs, raising taxes and other fees, and putting a further drag on the sluggish economy. And with the GOP's refusal to include any help to the States in their economic plan, economic growth is undermined, not fostered.

I have spent most of my time talking about what is wrong with the Republican plan, and believe me, I could talk for much longer, but I want to take some time now to discuss a Democratic plan that is fair, fast-acting, and fiscally responsible. I see that I have been joined by the gentleman from Washington (Mr. INSLEE), and I would like to yield to him.

Mr. INSLEE. Mr. Speaker, I appreciate the gentlewoman coming here to talk about this important issue. I just have two comments to make about the majority party's plan. We are talking about a way to get our economy going again and to me, the acid test of any economic plan is, is it going to work. This should not be based on ideological principles; it should not be based on partisan politics; it should not be based on sort of a pie-in-the-sky theory. The question should be: Does it work?

The two points I would like to make is first off, we have very good evidence that it does not work. We are all talking about the best way to administer medicine, if you will, to the economy; and it kind of reminds me, what the majority party is doing reminds me of the physicians in the 18th century. When you were sick in the 18th century, you went to a doctor; they bled you. They put leaches on you. And if you did not get better, they put more leaches on you. And if you still did not get better, they would put more leaches on you, and they would bleed you some more, because it is all they knew how to do.

Well, what we saw in the year 2001 when the Republican Party did this big tax cut, a trillion dollar tax cut plan, told the American citizens it was going to create tens of thousands of jobs, and the economy has gone south. It has gone south like it has not at any time since World War II. We have had the largest number of job loss; over 2.5 million Americans have lost their jobs since that ill-conceived plan by the Republican Party. It is the largest job

loss since Hoover was President of the United States. And here we have the doctors to the economy, they want to do it again when it was so damaging to the economy in the first place. The deficit has skyrocketed. It has gone from a \$5 trillion surplus to deficits of \$300 billion, at least, probably more. And so we want to see this sort of application of this 18th century medicine again when it did not work the first time.

We should not repeat the mistakes, and the reason it was a mistake then, and they are repeating exactly the same failure this time, number one, their plan is too late. It is too late because almost 95 percent of the benefits are in the years after this year when we need the stimulus this year; and, number two, it goes inordinately to people who are not going to put the money right back into the economy. So we are repeating a failure of 2001, as the doctors of the 18th century repeatedly bled people if they did not get better, and they just kept bleeding them. And that is what the Republicans are doing to the Federal budget.

The second point I would make is, this is called a tax cut. But it is really not a tax cut to Americans over the long term. If anything, it is a tax increase. And the reason is that our children are going to have to pay and we are paying today the burden of not balancing the Federal budget. Right now, because we pay interest on the Federal debt, I have some really bad news for Americans. Of every \$100 Americans paid, they paid \$100 on April 15 in taxes, \$14 went to pay interest on the Federal debt. For that \$14, you got no soldiers, no sailors, no police officers, no nothing. It went down a black hole. And now it is going to increase because the Republicans' own numbers, these are not Democratic numbers, the Republicans' own numbers demonstrate another \$1 trillion of indebtedness they will create that American taxpayers are going to have to pay at some point, only now they are going to have to pay interest on top of that.

So this really is not a tax cut. At best, it is a tax transfer. It is a transfer from us baby boomers on to our children's shoulders, which is immoral, number one; and, number two, it is a tax increase by increasing the interest payments we have to pay on the Federal debt. It is an increase on what we call the debt tax. We all pay the debt tax now because we pay interest on the Federal debt. This could be called at worst a tax increase and at best a tax transfer to our children. Both are wrong; it should be rejected. Let us not repeat the failure of 2 years ago.

Mr. Speaker, I appreciate the gentlewoman addressing this important issue.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for his leadership on this issue.

This past January, Democrats presented a fair, fast-acting, and fiscally sound economic plan that would jumpstart the economy, create jobs imme-

diately, and promote long-term economic growth. The President then introduced a highly divisive plan that does not create jobs in the short term and endangers our economy by saddling us with these deficits. Much-needed immediate action on the economy is being thwarted because the Republicans disagree about the President's controversial plan and because the President is still pushing for a \$550 billion package that Members of both parties in both Houses of Congress have soundly rejected.

The past Democratic plans have included \$32 billion in immediate tax relief to small businesses to generate investments. Only \$29 billion of the GOP plan is targeted to small enterprise. Finally, the GOP plan will negatively affect investment in small business and their access to capital because it will increase interest rates and make investment in big business more attractive.

There is no bang, but there certainly are bucks in the GOP plan. At least there are bucks for the wealthy. Economists have estimated that for every dollar spent on the dividend tax cut, only 9 cents in economic growth will be generated. Even the economists that the White House relied on for their job growth numbers "predicted that if the tax cuts were not offset within a few years, interest rates would rise, private investment would be crowded out, and the economy would actually be worse than if there had been no tax changes at all."

There is no focus in the GOP plan, there is no fairness in the GOP plan, and there is no fiscal responsibility. For the sake of our country, our health care and our infrastructure, I call on all Members of Congress to reject the Thomas plan just as you rejected the President's plan.

Mr. Speaker, the Democratic plan will create 1 million jobs by the end of the year and is paid for through responsible tax policy that puts money in the hands of people who need it most.

The Democratic plan is focused on job creation and long-term growth. By providing an immediate stimulus, the plan will create jobs. The Democratic plan will not leave States behind—instead it will provide \$18 billion for Medicaid assistance to the States, \$26 billion for infrastructure development, homeland security, education, and other needs jobs will be retained and created, our economy will revive itself. By extending unemployment insurance benefits, money will be put in the hands of those who need it most at the time it is needed most. Recipients of those benefits will be able to buy needed consumer goods, pay their bills, and be able to survive in these tough economic times. The Democratic plan will benefit small businesses by creating credits for businesses who hire the long-term unemployed and increase the expensing limits small businesses are able to claim. Further, it will temporarily increase the bonus depreciation for all businesses, which will in turn enable businesses to retain more capital for expansion and hiring.

The child credit the Democratic plan has will accelerate to \$800 and will directly benefit the

families of 1.75 million children. Over the course of 10 years this will put \$50 billion into taxpayers' hands that will in turn be used for savings and consumption.

Today's New York Times cited the President's plan, the House Republicans' plan, and the Senate Republicans' plan as putting \$400 per child into taxpayers' hands as this year's rebate. This is part of the "carrot" that Republicans are dangling in front of the middle and lower class taxpayers. And while they may in fact get this money this year, Republicans are remaining silent on what they will get next year, or 5 years from now, or 10 years from now. The reason for that silence is because next year, and 5 years from now, and 10 years from now they will not receive anything. Instead, they will be forced to pay more for health care, they will be forced to pay more for education, they will be forced to pay more for infrastructure development, and they will be paying more toward reducing the national debt—a payment that will not yield any tangible, graspable benefit.

□ 1815

#### PRESIDENTIAL TAX PLAN CREATES JOBS

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I am glad I am going to get an opportunity to rebut the gentlewoman from Ohio's (Mrs. JONES) statements. Obviously, there are a number of exaggerated statements in my opinion. I want to go through a few things.

First of all, in regards to the gentlewoman from Ohio (Mrs. JONES), she talks about the deficit, she talks about the deficit as if she is a leading example of programs and her voting is a leading example of votes that are cast to reduce any of these programs. I would challenge the gentlewoman from Ohio to go ahead and present to her colleagues exactly what programs in discretionary spending, keep in mind the biggest part of that budget is non-discretionary. So if you are going to do the kind of cuts that she talks about, I think that the gentlewoman should accept the challenge and step forward and show exactly which programs she is going to eliminate or which programs she is going to substantially reduce in order to eliminate that deficit in this budget.

The fact is she will not even come close. I know it and you know it. I think it would be interesting, and I intend to do it, pull the gentlewoman's voting record from Ohio and see how many votes she has made to reduce programs. I also am going to pull the bills that the gentlewoman from Ohio has introduced and take a look at what those bills, bills that she is the sponsor of, bills that she is the proponent of, what kind of costs those bills add to the deficit. I think you would find, I have not looked at them but I think it is a pretty good guess that the gentlewoman from Ohio has a number of bills

that she has introduced that add to the deficit, that under her definition of what which ought to be doing in economic sense and accounting and so on would defy her own, the discipline that she is up here preaching about that we have to exercise.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I will be happy to yield in a couple of minutes if the gentlewoman would like to stay around, because I have a number of points that I would be happy to address with you.

Mrs. JONES of Ohio. All I want to say is pull my record, sir.

Mr. MCINNIS. If the gentlewoman would stay around I would be happy to yield in a couple of minutes.

But what I want to say is it is okay to say something but your action ought to follow it. This is not a personal attack. This is a professional disagreement. My point is if you are going to stand up and preach fiscal discipline, you ought to practice it yourself.

Now, let us talk about, she says, the Democratic tax cut. Yesterday in the Committee on Ways and Means of which the gentlewoman from Ohio was present, she was there, there was testimony from the Democratic Party that ran the deficit, increased the deficit about \$10 billion and that the Republican tax cut proposal increased the deficit by about \$11 billion. Well, based on the woman's strong statements about fiscal discipline, I would fully expect that the gentlewoman will be voting no against the Democratic tax cut bill. And I would fully expect that the gentlewoman from Ohio will take the same microphone that she has taken for the last hour and preach against the Democratic tax cut which also adds \$10 billion dollars to the deficit. I would venture to say that she will not accept the challenge on either one of those occasions.

I also want to mention here, by the way, a little rhetoric of your colleague, the gentlewoman from Georgia (Ms. MAJETTE) whose statement I thought was pretty interesting, and I understand that she is new to the Congress, but she says that this tax increase is the largest tax increase in the history of the world, in the history of the world. Now, where does that come from? Rhetoric is not what is going to allow us to get this economy back growing again.

I see that the gentlewoman has left. I was more than happy to yield a couple of minutes to her but it is clear that apparently that is not going to happen. Oh, here she comes again.

Mrs. JONES of Ohio. Mr. Speaker, is the gentleman ready to yield to me right now?

Mr. MCINNIS. Mr. Speaker, I would be happy to. I have not yielded yet. A couple of conditions I will yield to you under. One is the time.

Mrs. JONES of Ohio. I just need a couple of minutes.

Mr. MCINNIS. I yield the gentlewoman a few minutes. At such time, if

you are not completed, I will consider yielding more time. I will be happy to hear from you on any of the points I brought up.

Mr. Speaker, I yield to the gentlewoman.

Mrs. JONES of Ohio. Sir, I will give you a tax plan that will be paid for before the week is out. I will give it to you before the week is out.

Mr. MCINNIS. Before the what?

Mrs. JONES of Ohio. Before the week is out, that will be totally paid for, before the week is out.

Let me also say to you, sir, that on the floor of the House you are entitled to talk about whatever it is you want to talk about as long as you do not get personal with your colleague, and I encourage you to pull my record. I encourage you to pull my voting record. I encourage you to look at the bills that I have introduced, and I encourage you to let the American public know that I am here fighting for the working class people of this country, that I support business, and that I believe that tax cuts would be appropriate if we were not in the situation that we are in right now. And that if we are going to have tax cuts, they must be fair, they must be fiscally responsible, and they must be fast acting.

Now, I must leave. I have been here for an hour. If you had been here while I was speaking for an hour, I would have gladly yielded time to you as well. But I am looking forward to continuing the debate because the people of the United States need to understand that this Congress must do something to stimulate the economy and that what we do must be a stimulus. It must not be a facade. It must not be a charade. It must do what it is supposed to do. And I challenge you to tell the American public how much of the Republican bill that is being presented actually goes to economic stimulus, and how much of the rest of it goes to giving dividend cuts and capital gains cuts to the most wealthy Americans in the country.

I look forward to debating with you, and I look forward to serving in the U.S. Congress with you because I know my constituency knows I am doing their job on their behalf.

Mr. MCINNIS. Mr. Speaker, if the gentlewoman would remain around for about 30 more seconds.

I would be happy to engage on a special order, we can make some accommodation in the next few days. You will take a half hour. I will take a half hour. I would engage the entire Democratic Party if they want to engage in a debate. But let me say one thing about personal. Looking at your record is not a personal attack on my colleague. In fact, I am kind of impressed by the energy that my colleague exercises. I think she is persistent. Certainly, I have never questioned your integrity. I think your integrity is above question. But I would point out that if, in fact, you were suggesting a violation of the rules, you probably came the

closest to it. I did not ask to take down your words as I was tempted to do when you made a comment that the President, and I missed the middle word was a shameful untruth. You are not allowed to call the President shamefully untruthful on the House floor.

Mrs. JONES of Ohio. Mr. Speaker, I did not say he was shamefully untruthful. I said the representation of the tax package was untrue. But write it down. Call me out.

Mr. MCINNIS. Mr. Speaker, I have not yielded to the gentlewoman.

I would suggest to the gentlewoman that you and I both know the rules. I think we are both observing the rules and I am more than happy to engage with you in the next week or so on a debate on any subject that you would like. So have your office contact mine. I appreciate the gentlewoman participating.

Mrs. JONES of Ohio. Mr. Speaker, it is nice to talk with the gentleman also. Have a wonderful evening.

Mr. MCINNIS. Reclaiming my time, let us talk a little bit about the program and let us talk about the budget program and the stimulus.

First of all, in regards to the gentlewoman from Georgia's (Ms. MAJETTE) comments, she kept referring to the people, the lowest income people in the country. Remember that the tax cut is targeted at people that pay taxes. If you take a look, the lowest income categories of wage earners in the United States do not pay Federal income taxes. They do pay sales taxes, although they get certain credits, and they pay tax, for example, when they buy gasoline and so on, but under our system we believe that the lowest income earners of this country should not be subject to Federal income taxes. My philosophy is tax cuts should not be given to people that do not pay taxes. That is a welfare program. And I do not object to all welfare programs. Although, I can tell you that every time that you give money to somebody who is not working, you are taking that money from someone who is working. And under certain circumstances most people agree. For example, if you have a wage earner who is incapable of working for some reason, they are physically or mentally disabled and cannot work, gainful employment, I do not know anybody, Republican or Democrat, that objects to assisting those people, to put them on welfare. But, frankly, we have got some people out there who are living off the system.

Now, we did welfare reform several years ago and welfare is to give money, that is not a tax cut. It is a welfare program. If the gentlewoman or any of the other Democrats wants a welfare program to stimulate the economy, they should call it a welfare program. They should not come up and advocate giving a tax cut to people who do not pay the tax.

Now, our economy today, first of all, it is not in dire straights. Certainly we

have people unemployed, and if you are unemployed I can see your interpretation of dire straits; but on an economic, from a historical point of view, on an economic basis, when you take a look at our economy, our economy has some positive things about it. I am optimistic about our economy. We have got to do some jump-starting.

When you jump-start something, it is like when your battery of your car is dead or when the battery of your car is low you do not attach the jumper cables to the bumper of the car. You attach the jumper cables to the battery so you can jump-start the car. That is where the word jump-start came from. You need to target.

Now, the Democrats say, wait a minute. You jump-start all over the car. We are saying, let us jump-start that portion of the car that will give us the biggest buck, that will get the car moving again. We have got a dead battery or a low battery. That is where we need to target it. That is exactly what this tax cut is. It is targeted as a stimulus. And, of course, it has a major impact on the tax structure in the future. You cannot do it any other way.

So my position is on the tax cut and the President's tax cut, first of all, I have got a lot of trust in this President. I have a lot of trust in his administration. He has done a tremendous job, a job that the criticism is minimized, a job of which I hold great honor to him for, and that is leading this country, leading this country after September 11, leading this country through the Afghan war and a victory, leading this country in the Iraqi war. This is a guy who time after time after time proves that his leadership is capable of asking all of us to follow him. We have a pretty good bet going with this President.

This President has said to us, look, this is the kind of tax cut we need to have if we are going to try and jump-start the car. He is the one who has said to us, put the jumper cables on the battery and I think we can get this car jump-started. Why my friends on the other side, outside partisan advantages, in other words, attack the Republicans no matter what they do, why some of my colleagues, by the way, I think our tax cut will pass with bipartisan support, but why some of my colleagues are continuing to put roadblock after roadblock and continuing to insist that we attach the jumper cables to the bumper is beyond me, other than the fact that they want to play partisan politics.

This is not a time for rhetoric. When we put that tax cut, when you take a look at capital gains, for example, sure, not every taxpayer in our country gets the advantage of capital gains because they do not have an asset that has appreciated in value to the extent that it has incurred a capital gains taxation.

But the fact is if you look historically, and I think we need to look at history here, if you look at economic

history, every time, no exceptions, every time we have reduced capital gains taxation, we have seen an immediate uptake in the economy. Every time. No exception. This tax package lowers that from 18 percent to 15 percent, 20 percent in some cases, but would take it down to 15 percent.

Now, the gentlewoman from Ohio (Mrs. JONES) was very correct in saying that our taxes in this country should be fair taxation. Well, the most unfair taxation is when you are taxed twice, taxed twice. How many of you have out there would be happy going to the grocery store? They ring up a dollar's worth of merchandise and they say, all right, the tax is 7 cents. So you owe me \$1.07. So you pay her the 7 cents in tax; and she says, oh, by the way, we are going to tax you again so give me another 7 cents. You would say, What are you talking about? You do not charge me double taxation at the counter. That is double taxation.

Well, there is one place in our tax structure that we double tax and that is dividends. Just based on fairness alone, and I am in complete agreement with the gentlewoman from Ohio, the Democrat, who says we need to be fair. And following exactly what she preaches, in other words doing what you say, if we do that we will get rid of that double taxation on dividends. It is imperative, I think, that we do it.

The President in our tax package that we passed out of the Committee on Ways and Means, after lots and lots of research, after lots and lots of discussion, that bill is what we need to help stimulate. We want jobs. There are a lot of people in this country who need jobs. You do not create jobs by building the government. You create jobs by letting the private marketplace, by letting small business, and that is what our tax bill does. Our tax bill appeals to the small business people out there. It is a bill that says, small business, you are great at creating jobs. We want you to create more jobs.

□ 1830

Once you create more jobs it has a trickle down effect. Somebody who has a job does use that money, does spend that money or even if they do not spend the money, even if they just put the money in a savings account, that money still circulate through the economy.

The other point I want to make is that the gentlewoman has said to me that she will within the next four working days present me with a tax cut that pays for itself.

The Democratic tax cut, by the way, the proposal that their party has made does not pay for itself. Yesterday, in their own admission in the Committee on Ways and Means, they estimated the cost of the deficit of an increase of \$10 billion. They were pointing out that their plan added \$10 billion to the deficit. The Republican plan added \$11 billion to the deficit. So I am assuming

that the gentlewoman from Ohio will vote no on the Democratic tax plan, as will her colleagues on the Democratic side of the aisle who are preaching this fiscal discipline.

So I look forward to receiving her tax cut that pays for itself.

We have a lot of people who stand up here and talk about how terrible the deficit is. I happen to agree that the deficit is something we have to keep our eye on. Clearly, you should not borrow more than you can pay back, but keep in mind that a lot of people that say to you here how much they hate the deficit and how we should not contribute to it, take a look at the bills that they sponsor. Take a look at their voting pattern. Somebody told me once when you come back to your district talk conservative, talk fiscal responsibility; when you are back in Washington vote for spending. I mean that is what goes on here a lot, and I think that it is fair game.

When somebody stands up at this microphone and talks to my colleagues here, their voting record is fair game, and we ought to do a comparison on it because my guess is that you will find most of the people that make those kind of statements, most of the people have a voting record that does not reflect fiscal discipline. They have a record of bill introduction of whose bills do not reflect fiscal discipline. A lot of people talk about fiscal discipline as long as you cut somebody else's budget.

I have people that come in, they may be with transportation, and say we want fiscal discipline but by the way do not cut my highways out. An educator may come in and say, by the way, you have to get this economy going, you need fiscal discipline, but we need more money for education. The Department of Defense will come in and say we agree with fiscal discipline, just do not cut the Department of Defense. It is human nature.

So I am not defying human nature. I am saying we clearly ought to define it right here on the floor when somebody says one thing and does something else.

So that was my intent this evening by the way was not to talk about the tax cut, but for one hour, one hour, the Democrats have assailed, have assaulted the President's tax plan and the plan that went out of the Committee on Ways and Means yesterday from the Congress and I think will pass on a bipartisan plan. So there is a necessity for some rebuttal. There is a necessity for some clarification of what we are intending to do.

In summary, what we are attempting to do with this on a bipartisan effort, what we are attempting to do with this tax reduction is to stimulate an economy that needs some stimulation, and as I said earlier, it is like you do not need to rebuild a whole new car. Our economy is not in a depression. In fact, interest rates are the lowest they have

been in 41 years. There is a lot of positive things out there about our economy, but it is just like the dead battery on a car. You do not need to rebuild the car. The car is in good shape. You have got one part of the car, the battery, that has gone dead on you. We need to jump start.

Common sense is a word often referred to by the other side during the previous hour. Common sense would dictate that you take your jumper cables and attach them to the battery. You do not take your jumper cables and attach them to the door handle. It may be nice. It is not going to get the car started and you can attach them to the bumper. It is not going to push the car anywhere. The fact is you have got to target your tax cut. We are not saying you can jump the car anywhere. If you target it, it will move that car. We think that battery will get started.

If you have got an idea, as I said to the gentlewoman and I have said to most of the liberal side to the left, if you have got a better idea how to jump-start the car without butting the battery cables on the battery, come up with it, but the fact is most of what they are saying unfortunately is rhetoric.

The issue that I wanted to visit with about tonight is I come from the West. The State I represent is the State of Colorado. My colleagues know that. My district is a very large district. In fact, they are voting to change it today so I do not know whether it is larger or smaller than the State of Florida, but it is about the size of the State of Florida. It is a big district.

In the West, because of governmental actions clear back in the 1800s, there is a lot that is different in the West than there is in the East. We live under different regulations in the West than you do here in the east. You say how is that possible? Let me just give you a little history.

What happened in the early days of this country when we wanted to grow our country with the Louisiana Purchase and things like that, back then ownership of property, if you had a deed for a piece of property, it did not mean a lot. In order for you to own property, you needed to get some kind of deed, put a stake in the ground, and frankly, most of the time, you needed to be on the ground with a six shooter strapped to your side.

This country, in its infancy, had its population really isolated in the small sliver on the East Coast, and the leaders of our country decided we want to create a United States. We wanted to create an expansive country. We wanted to go into the frontier. We wanted to go West and make it a part of our country, and going West back then would be going to Ohio or to Virginia. You did not have to go very far to be into new settlements of this country, and in order to do that, the government said to itself how do we give incentive for people to leave this relative safety and comfort of their home on

the east coast and move out West where you get bit by snakes, you have got to go out there by wagon, no industry out there, you are going to have to be settlers and deal with the Native American people that live out there currently right now. You have got harsh weather, altitude, elevation you have never been faced with in your entire life. How do we give people that incentive to go out there to be the frontier people? How do we do it?

Somebody said what every American dreams of, in fact, one of the basic concepts that this country was founded upon, was the concept of owning your own piece of property. I can remember when I was in high school, in fact, I drew it in art class. I was not very talented in art, but in art class, I drew my first home, a picture of what I wanted to own, my own house, and I think that is the American dream, own your own little piece of property, own your own little farm or condominium that is your piece of property, that is yours, and our forefathers realized that is what the Americans wanted. They wanted that ability of owning private property.

So what they did is they said, all right, let us create what we called the Homestead Act. Let us give some land away and actually it was not new. We actually tried to bribe British military people by offering them free land in this new country we are creating if they would defect. That is the first use interestingly of what we now call the Homestead Act. That is the first use of the government giving away land, and that was to try and bribe British soldiers to defect and come over to our side, and we give them land as a reward.

So they decided to do this, to give land to people to give them the incentive to move West. They said, okay, you go out West and you can settle or you settle 160 acres or 320 acres and you live on it for 5 years and you cultivate it and you get to keep that land. You know what? It was a tremendous success. Not a complete success but a tremendous success. Why was it not a complete success? Because when the population got to the Rocky Mountains or to the West, they found out that, hey, in Kansas, even in eastern Colorado, in Ohio and the valleys of Tennessee and the wonderful bluegrass of Kentucky, 160 acres, you can feed a lot of cows on 160 acres. You can feed a lot of pigs and sheep on 160 acres, but when they got to the Rocky Mountains, they discovered, wow, it takes four acres to feed one lamb. In some places it takes over a hundred and some acres to feed one cow. You cannot survive on 160 acres.

So they go back to Washington, and the bureaucracy says, wow, this is working until we hit the Rocky Mountains. People are not going into the Rocky Mountains. What do we do? Someone said, well, let us give them a proportion of the amount of land, not an equal amount in acreage but an

equal amount that a family could subsist on. So if it takes 160 acres in Ohio, it may take 3,000 acres in the Colorado Rockies or the Montana Rockies or New Mexico. It may take 3,000 acres.

Somebody else said, no, no, there is a problem with that. The public is very angry at the government right now because there is a perception out there that the railroad barons, to get our railroad built across the Nation, which was a huge achievement and a huge difference in the history of this country, we kind of gotten taken to the cleaners of the land we gave to the railroad barons. So people are not very excited about us giving more land away.

What happened was they made a decision. Somebody said, okay, to get around that problem, let us go ahead and we will keep ownership of the land. The government will keep the lands, and we will allow people the use of the land. Let us call it multiple use, the concept of multiple use, a land of many uses.

Let me show you now my poster. Take a good close look at this poster of where the government lands are in this country. The color on this poster, these are government lands. Some of it is BLM land. Some of it is Forest Service lands. Some of it is State forests and so on.

By the way, down here in the left, and I hope you can see that, that is the State of Alaska. I think the State of Alaska is 98, I think it is 98 percent of the State of Alaska is owned by the government, not by the people, not by the private individuals who build a home but by the government.

Take a look at this comparison. This is what happened. People got here. This is when the conscious decision was made not to preserve this land so that humans never walk on it for future generations, although that happened correctly with wilderness areas. It happened correctly with our national parks. It happened correctly with our national monuments. This land, the only reason this land does not look like this land is because of the pressure as a result of giving too much land away to the railroad barons. So now let me go on to my point why it is different in the West under regulations and rules than it is in the East.

If you look in the east anywhere east of Denver, Colorado, with the exception of perhaps the Everglades down here and the Shenandoah and a little area in the Northwest, when you want to put a fence up and let us say you have some trees and you want to thin your trees out or you want to treat your trees, first of all, if it is a private forest, you go do it and you do it because it is logical to do it. If you want to make an addition to your house, you go to your local planning and zoning commission down at the courthouse or over at the county courthouse. This is not what happens in the West.

In the West, because the government owns the land, you know where our planning and zoning office is? Right

here, little tiny government town called Washington, D.C., they are the ones who dictate what happens out here in almost half of the country. Keep in mind, our big population centers are in California and on the East Coast. Out here in the West, it is pretty sparsely populated. So all of the sudden you have a majority of people that do not live in the West dictate how people in the West live on government lands.

One of the big problems that we have suffered as a result of this disparity has been reflected in the forest fires that we have had over the last several years. I am experienced in forest fires. I fought forest fires. I used to be a volunteer fireman, municipal volunteer fireman. I used to be a police officer. I have personally seen the ravages that fires do to, first of all, human lives. I have removed bodies off mountains as a result of a fire on that mountain. I have seen what it does to wildlife. I have seen what it does to pollution. I have seen what it does to watersheds.

Do you know that the leading killer of endangered species in our country is? Wildfire. Kills more endangered species than any other threat across this Nation.

What happened in these big fires that we have seen are really a combination of a number of factors. One, around the turn of the century, we used to lose to fire, this is an extraordinary number, hard number to believe, but we used to lose to fire about 45 million acres a year.

□ 1845

Back in Washington and across the country we said look, we have to start fighting these fires. That is where the birth of Smokey the Bear came from, by the way. So we adopted a very intentional policy to put out fires. What we did not know was putting out these fires over decades and decades allowed a large accumulation of trees that was unnatural. It was not native to the forest. It allowed a large accumulation of trees.

We were allowing an acre that maybe had 60 trees on it, we were allowing 600 trees on that acre. Combined with the environmental movement in the 1970s, 1980s, and 1990s that did everything they could, the radical aspect of that environmental movement, to push out timbering, to say cutting down a tree was bad. Keep in mind also in our early days, we used wood for everything. We used it to heat the house, build the house, for the fence, wagon. Wood was much more widely used in proportion to the population than it is today.

What happened is we have now discovered if we want to avoid these fires, we have to manage the forests. What happened in the 1970s as a result of a radical environmental movement, we had a group of people say we will never be able to be smarter than the Forest Service because the Forest Service, the BLM people, the Fish and Wildlife, the State foresters, they have been edu-

cated in the management of the forest. They have experience in the forest. Many of those people who work for our Forest Service, it has been their lifelong dream to be a forest ranger. You are not going to be able to debate these people on the merits of how to manage a forest. They have a good idea how to manage it. Certainly they have a better idea how to manage it than Earth First or the Sierra Club. These groups, like Earth First, knew you were not going to win the argument at the local level with the forest ranger, so they had to get it away from science and get the decision made based on emotion.

The way to do that was to move the decisions being made on the forest to Washington, D.C. because back here in the Nation's capital many of our decisions are based on emotion. Sometimes that is good, but most of the time it is not. There is a balance in there. They were very successful over a period of time of several years of taking the responsibility of managing our forests away from the U.S. Forest Service and away from our forest rangers and moving that to the United States Congress.

I am chairman of the subcommittee that has oversight on all of the Nation's forests. We have continual debates in the United States Congress in my subcommittee, which by the way I do not believe anybody in my committee has a major or even a minor and certainly not any kind of experience to speak of in managing forests, and we have on a regular basis bills to restrict the Forest Service from cutting trees. Remember on public lands, and you do not have much of it here because these are private forests, so it is primarily in the West, we actually have bills that envision restricting the Forest Service; they cannot cut any tree more than 4 inches wide, regardless of whether the science says it is healthy to thin some trees out.

In the 1970s, several environmental organizations were correct, clear-cutting was devastating and the clear-cutting in the West was an abuse. Now in some cases it was the science of the day so I am not calling these people criminal, as some of the radical organizations would. But the fact is when we learn something you are doing is not good, stop doing it.

So the effort to stop clear-cutting in the West on massive parcels was well-intended; and, frankly, it was correct. But now the pendulum has swung so far the other way that in the State of Colorado we have no major timber industry left in that State. None. We have a matchstick company which employs 30, 40 people down in the southwest corner, but we have to pay people to come and cut those trees and take them out. We have to pay them. They have been very successful.

Just like the condemnation of mining, how terrible mining companies are, how terrible timber companies are, how terrible ski areas are. There is really an attempt, instead of having land of many uses, to putting out a

sign in the West that says no trespass. Well, what has happened is unfortunately many of these efforts have been successful. As a result of that, we have not managed our forests. We have not managed them by science. We can get away with it for a while; but at some point it catches up with us, and that is what has happened in the last few years.

In my district we had several major fires. I mean, fires where the smoke plumes looked larger than the atom bomb. They would be 30, 40 feet in the air. These smoke plumes get so high in the sky they actually form an ice cap on top of them, and the ice cap eventually collapses inward, comes out the bottom and creates hurricane-like winds and spreads the fire. Only one or two were started by man, and most are as a result of mismanagement, of not going out and thinning the forests, of not letting the forests do what nature had them do.

Some people say the answer is controlled burns. Keep in mind that one out of five of our controlled burns gets out of control. We know what happened in New Mexico. We almost wiped an entire town out. It is difficult to manage a controlled burn; but controlled burns are useful as a tool, but we also need to be able to go in and clear these forest floors and thin out trees. If there is an acre that has 600 trees on it, and historically its natural holding of trees is more like 60 trees, it needs to be thinned.

So we have introduced legislation, bipartisan legislation. This is a bipartisan bill to thin these forests, to let us go into these forests and manage these forests as we need to do. That bill is called the Healthy Forest Bill. That bill will come to the House floor some time in the next week or two. I look forward to being part of an effort by the United States Congress to transfer from emotion back to science the management of our Nation's forests.

If we look at the Hayman fire in Denver, Colorado, that is the one that most people saw on television. Hundreds of thousands of acres were on fire. Unfortunately, we lost some lives last year in Colorado, airplane crashes, a tree fell on a firefighter in Durango. But when we look at the losses in the Hayman fire, let me point out some other losses. Obviously Members are aware of the human loss. That is the highest priority of losses. The most expensive loss in monetary terms outside of the loss of human life was the pollution in the watershed, in the water supply for the city of Denver. The water supply for the city of Denver looks like a thick chocolate malt.

Other damage was the pollution. Look what happened to our clean air. In Denver, Colorado, there was more pollution off the Hayman fire than there was from all of the vehicles combined from the city of Denver in 1 year. Other damage was the horrible devastation to our wildlife and wildlife habitat. Could this have been avoided? I

think so. Let me show an example of thinning a forest.

This poster to my left is Mesa Verde National Park. It is down in the Four Corners of Colorado; and just for some promotional purposes, it is the only place in the Nation one can stand in four States at once. I hope people come and spend a little money in Colorado on tourism. This is Mesa Verde. It may be hard to see, but this area that looks kind of dark gray, that is all burned out. A couple of years ago the superintendent of the Mesa Verde National Park decided they needed to protect antiquities and protect employee housing and the lodge and government buildings up here. They ought to thin, and so they thinned the forest. You know how you can tell where they thinned, to the line of thinning, that is exactly where the fire stopped. The fire did not burn through here. Why? Because it was properly spaced. Why? Because it was much more in its natural setting. It was not a fire-break that was built like you would imagine, something as wide as an interstate highway. It is because this area was thinned. There was not the underbrush and all of the waste on the forest floor. They cleaned this area out.

When the fire started on Mesa Verde, we would have lost lots of history, lots of wonderful artifacts had that park superintendent not thinned this area. This is what happens when you thin. This is good forest management. This is how we ought to manage our forests. By the way, this type of management, this park superintendent's action was not directed to him by the United States Congress. It actually would probably have been opposed by some Members of Congress, what he did. It would probably have been aggressively opposed by the Earth First organization and other radical environmental groups; but this park superintendent, who knows a lot more about that ground and a lot more about a forest and management of these public lands, got to make the decision. He made a good decision. He did not act capriciously or recklessly. Rather, he made a prudent decision.

That is why I am advocating the Healthy Forest Bill. It is time to take the management of our forests and return it to the green hats, the Forest Service people, who I have the highest respect for, our BLM people, our wildlife people, our State forest people. Why am I, from the West, complaining about this? Because in the East, your forests are better managed. Why? They are in private hands. In the East where there is not much government lands, people who own homes understand that there is going to be a big fire if they do not keep the forests clean.

Nobody is suggesting that we clear-cut this area so it does not burn. That is like tearing down your house so it does not catch on fire. We are not suggesting that. Not at all. That is an absurd argument made by some of the more radical organizations.

You will find with interest when you see press releases about thinning of the forests, you will find that several national organizations, including the national Sierra Club, including Earth First and some other radical groups, that in their first paragraph of every press release they issue: one, timber because that has a negative connotation to it; two, clear-cutting because that has an extremely negative connotation to it; three, developers, which has an extremely negative connotation to it.

You can see that they will continue to battle and battle and battle so that the management of our forests is based on emotion instead of having the management of our forests based on science.

My bill is very simple. My bill says run these forests with the right kind of management that is based on science. Let us, to the extent we can, take the emotion out of it. Let us manage these forests in such a way that we again here in the West, and frankly at different spots in the East, that we will not face the kind of devastating forest fires that we saw in the West last year.

Look, just because we are on public lands, that land is owned by the people of the United States Government. It is not just owned by the people of Montana or the people of Colorado or Utah, but the fact is we need to respect the opinions of the people that manage those lands. If one lives in New York State, you should yield to the judgment of the park superintendent at the Mesa Verde Park on which is the best way to manage that because if you live in New York, or South Carolina, you probably do not know a lot about the forest. It is a very arid region out there. That is what we are asking in this bill. We are using a commonsense approach to the management of the forests.

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I would urge all of my colleagues, although a number of them have already signed onto this bill, we have lots and lots of cosponsors from both sides of the aisle, I would urge my colleagues to stand up to the barrage of press releases that are going to come out from the Earth First type organizations about how terrible it is to let the local forest guy manage that forest. Or gal, by the way. I do not intend to discriminate on gender there. I ask that my colleagues stand up to this, that they take and they adopt the approach of management of the forest by science, management of the forest by people that have been educated on the forest and people that have worked in the forest from day to day. If we do that, we will once again return to the forests of this country, of which we now have 190 million acres at high risk. If we allow our Forest Service and our BLM people to manage the area that we have given them the responsibility to manage, if we allow them to manage it, in return we will be the big winners because we

will have healthy forests, we will not have these horrible type of forest fires, we will not have the kind of devastation we have seen on wildlife, we will not have the kind of devastation we have seen to the watersheds, to the water supply system, we will not see the kind of devastation we have seen to the wildlife habitat. It is positive, positive, positive. It is our opportunity to make a change. We should not in the United States Congress be managing the day-to-day operations of a forest out in western Colorado or eastern Utah.

This bill is a good bill. I urge all of my colleagues to join the gentleman from Oregon (Mr. WALDEN), who has put hundreds of hours into this bill. The gentleman from Oregon has actually been one of the top leaders on the House and Senate side on this issue, that they join the gentleman from Oregon, they join myself, they join the gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture, they join the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, in our effort to make these forests manageable by science, manageable by common sense, managed by the people that really understand it.

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#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1261, WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

Ms. PRYCE of Ohio (during Special Order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 108-92) on the resolution (H. Res. 221) providing for consideration of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. TANNER (at the request of Ms. PELOSI) for May 6 on account of touring the tornado damage in Tennessee.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

Mr. YOUNG of Florida (at the request of Mr. DELAY) for today after 2:00 p.m. on account of awarding the Purple Heart citations to veterans of Operation Iraqi Freedom.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, May 8.

Mr. TANCREDO, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and May 8.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

## SENATE BILL REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 42. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on International Relations.

## ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, May 8, 2003, 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:

2060. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill entitled, "Rural Electrification Act Amendments of 2003"; to the Committee on Agriculture.

2061. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Paul G. Gaffney II, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2062. A letter from the Assistant Secretary, Department of Defense, transmitting an annual report on the STARBASE Program for FY 2002; to the Committee on Armed Services.

2063. A letter from the Program Manager, Pentagon Renovation Program, Department of Defense, transmitting the thirteenth annual report on the renovation of the Pentagon Reservation; to the Committee on Armed Services.

2064. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's STARBASE Program Management Report; to the Committee on Armed Services.

2065. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report entitled, "Review Of Active Duty And Reserve General and Flag Officer Authorizations"; to the Committee on Armed Services.

2066. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Examination Council's 2002 annual report, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2067. A letter from the Executive Director, Federal Financial Institutions Examination Council, transmitting the 2002 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2068. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Refrigerators and Refrigerator-Freezers [Docket No. EE-RM/TP-02-001] (RIN: 1904-AB12) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2069. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Final Monograph for Combination Drug Products; Correction [Docket No. 76N-052G] (RIN: 0910-AA01) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2070. A letter from the Inspector General, Environmental Protection Agency, transmitting the Agency's Annual Superfund Report to the Congress for Fiscal 2002; to the Committee on Energy and Commerce.

2071. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2072. A letter from the White House Liaison and Executive Director, White House Commission on the National Monument of Remembrance, transmitting the first Annual Report of the White House Commission on the National Monument of Remembrance, pursuant to 36 U.S.C.116 note Public Law 106-579, section 6 (b)(1); to the Committee on Government Reform.

2073. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2004 Annual Performance Plan; to the Committee on Government Reform.

2074. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2075. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's Annual Performance Plan for FY 2004 and the Program Performance Report for FY 2002; to the Committee on Government Reform.

2076. A letter from the Chairman, Federal Trade Commission, transmitting the Com-

mission's FY 2002 Performance Report; to the Committee on Government Reform.

2077. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the Board's 2002 FAIR Act Inventory; to the Committee on Government Reform.

2078. A letter from the Coordinator for the FEC Forms Committee, Federal Election Commission, transmitting the Commission's revised Forms and instructions, along with their Explanation and Justification, implementing the Bipartisan Campaign Reform Act; to the Committee on House Administration.

2079. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Regulatory Program [WY-030-FOR] received May 01, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2080. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and by the USA PATRIOT Act of 2001; to the Committee on the Judiciary.

2081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Protection of Alaska Marine Highway System (AMHS) Vessels M/V Columbia, M/V Kennicott, M/V Malaspina, and M/V Matanuska, in Southeast Alaska Waters [COTP Southeast Alaska-03-001] (RIN: 1625-AA00) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E surface area airspace and modification of Class E airspace; Jefferson City, MO [Docket No. FAA-2002-14129; Airspace Docket No. 02-ACE-14] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A Series Airplanes [Docket No. 2000-NM-420-AD; Amendment 39-13092; AD 2003-06-05] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP and 800 (Including Variant U-125A) Airplanes [Docket No. 2001-NM-18-AD; Amendment 39-13093; AD 2003-06-06] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2001-NM-378-AD; Amendment 39-13091; AD 2003-06-04] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200,

757-200CB, and 757-200PF Series Airplanes [Docket No. 2002-NM-315-AD; Amendment 39-13104; AD 2003-07-08] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2087. A letter from the Chairman, Department of Veterans Affairs, transmitting the Department's report of the chairman; to the Committee on Veterans' Affairs.

2088. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Returns and Return Information to Designee of Taxpayer [TD 9054] (RIN: 1545-AX85) received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON REPUBLIC 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:

Ms. PRYCE of Ohio: Committee on Rules, House Resolution 221. Resolution providing for consideration of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes (Rept. 108-92). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BLUNT (for himself, Mr. FORD, Mr. HULSHOF, Mr. WYNN, Mr. HASTERT, Mr. GORDON, Mr. DELAY, Ms. NORTON, Ms. PRYCE of Ohio, Mr. MEEKS of New York, Mr. CANTOR, Mr. CRANE, Mr. RAMSTAD, Mr. ENGLISH, Mr. FOLEY, Mr. SHAYS, Mr. SMITH of Texas, Mr. UPTON, Mr. WOLF, Mr. GILLMOR, Mr. STEARNS, Mr. CAMP, Mr. KINGSTON, Mr. MCHUGH, Mr. BACHUS, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. MYRICK, Mr. NORWOOD, Mr. SOUDER, Mr. TIAHRT, Mr. WAMP, Mr. WICKER, Mr. DOOLITTLE, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. REYNOLDS, Mr. SESSIONS, Mr. SHIMKUS, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. ISAKSON, Mr. TERRY, Mr. AKIN, Mr. BOOZMAN, Mr. FORBES, Mr. GRAVES, Ms. HART, Mr. KELLER, Mr. PENCE, Mr. SCHROCK, Mr. SIMMONS, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CHOCOLA, Mr. GARRETT of New Jersey, Ms. HARRIS, Mr. JANKLOW, Mrs. MUSGRAVE, Mr. RENZI, and Mr. FOSSELLA):

H.R. 7. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes.

By Ms. HART (for herself, Mr. CHABOT, Mr. NEY, Mr. FORBES, Mr. ADERHOLT, Mr. AKIN, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BLUNT, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURR, Mr. BURTON of Indi-

ana, Mr. BUYER, Mr. CAMP, Mr. CANTOR, Mr. CARTER, Mr. COLE, Mr. COSTELLO, Mr. CRANE, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. DOOLITTLE, Mrs. EMERSON, Mr. ENGLISH, Mr. EVERETT, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HYDE, Mr. ISTOOK, Mr. JANKLOW, Mr. JOHN, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LAHOOD, Mr. MANZULLO, Mr. MCCOTTER, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. OBERSTAR, Mr. OTTER, Mr. OXLEY, Mr. PETERSON of Pennsylvania, Mr. PENCE, Mr. PICKERING, Mr. PITTS, Mr. RENZI, Mr. REYNOLDS, Ms. ROSLEHTINEN, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STEARNS, Mr. STENHOLM, Mr. SULLIVAN, Mr. TERRY, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Florida, Mr. WELLER, Mr. WICKER, Mr. WILSON of South Carolina, Mr. WOLF, Mrs. CUBIN, Mr. LUCAS of Kentucky, Mr. TOOMEY, Mr. CUNNINGHAM, Ms. HARRIS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DELAY, Mr. ROGERS of Alabama, Mr. TURNER of Ohio, Mr. FEENEY, Mrs. BLACKBURN, Mr. BEAUPREZ, and Mr. GINGREY):

H.R. 1997. A bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mr. YOUNG of Florida, Mr. LANGEVIN, Mr. HOUGHTON, Mr. HOYER, Mr. GREENWOOD, Mr. WAXMAN, Mr. FOSSELLA, Mr. TOWNS, Mr. ENGEL, Mr. STRICKLAND, Mr. RUSH, Mr. EVANS, and Mr. FILNER):

H.R. 1998. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Veterans' Affairs, 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. VISCLOSKEY (for himself, Mr. ENGLISH, Mr. QUINN, Mr. KUCINICH, Mr. MURTHA, Mr. NEY, Mr. CARDIN, Mr. OBERSTAR, Mr. BROWN of Ohio, Mr. MOLLOHAN, Mr. LAHOOD, Mrs. JONES of Ohio, Ms. HART, Mr. STUPAK, Mr. STRICKLAND, Mr. LEVIN, Mr. DINGELL, Mr. DOYLE, Mr. RANGEL, Mr. RAHALL, Mr. LEWIS of Georgia, Mr. SPRATT, Ms. KAPTUR, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mr. JACKSON of Illinois, Mr. COSTELLO, Mr. LYNCH, Mr. MATSUI, Mr. HINCHEY, Mr. FROST, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mr. GRIJALVA, Mr. HOLDEN, Mr. TOWNS, Mr. THOMPSON of California, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. ABERCROMBIE, Mr. WYNN, Mr. CONYERS, Ms. CORRINE BROWN of

Florida, Mr. CUMMINGS, Ms. HOOLEY of Oregon, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. OLVER, Mr. BACA, Mr. LANGEVIN, Mr. MCNULTY, Mr. ENGEL, Ms. NORTON, Ms. BERKLEY, Mr. GREEN of Texas, Mrs. CHRISTENSEN, Mr. MATHESON, Ms. CARSON of Indiana, Mr. MICHAUD, Mr. KILDEE, Mr. REYES, Ms. MCCARTHY of Missouri, Mr. ALLEN, Ms. WOOLSEY, Mr. EVANS, Mr. CRAMER, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. GUTIERREZ, Ms. BALDWIN, Mr. BISHOP of Georgia, Mr. PAYNE, Ms. KILPATRICK, and Mr. THOMPSON of Mississippi):

H.R. 1999. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the refundable tax credit for health insurance costs of eligible individuals and to extend the steel import licensing and monitoring program; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. BOUCHER, Mr. PALLONE, Mr. TOWNS, Ms. MCCARTHY of Missouri, Mr. RUSH, Mr. MARKEY, Ms. SCHAKOWSKY, Mr. ALLEN, Mrs. CAPPS, Mr. STRICKLAND, Mr. GORDON, and Mr. ENGEL):

H.R. 2000. A bill to amend title XIX of the Social Security Act to provide fiscal relief and program simplification to States, to improve coverage and services to Medicaid beneficiaries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 2001. A bill to amend title 32, United States Code, to revise the matching funds requirements for States participating in the National Guard Challenge Program and to authorize appropriations for the program for fiscal year 2004 and thereafter; to the Committee on Armed Services.

By Ms. BERKLEY:

H.R. 2002. A bill to establish a pilot program for the promotion of travel and tourism in the United States through United States international broadcasting; to the Committee on International Relations, and 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.

By Mr. BERRY:

H.R. 2003. A bill to clarify the criminal intent required to be established to prove a criminal violation for wrongful disclosure of individually identifiable health information; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, 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 Ms. BORDALLO (for herself and Mrs. CHRISTENSEN):

H.R. 2004. A bill to amend title 10, United States Code, to increase the number of persons appointed to the military service academies from Guam and the Virgin Islands from nominations made by the Delegate in Congress from Guam and the Delegate in Congress from the Virgin Islands; to the Committee on Armed Services.

By Mr. COLLINS:

H.R. 2005. A bill to support the public educational programs of the Army Aviation Heritage Foundation, a nonprofit organization

incorporated in the State of Georgia, by amending title 32 of the United States Code to authorize the Army Aviation Heritage Foundation to receive National Guard services and assistance; to the Committee on Armed Services.

By Mr. COLLINS:

H.R. 2006. A bill to provide for the transfer of a Vietnam-era Cessna L-19D Bird Dog aircraft that is excess to the needs of the Department of State to Army Aviation Heritage Foundation; to the Committee on International Relations.

By Mr. DAVIS of Alabama:

H.R. 2007. A bill to increase the amount allowed as a child tax credit and to repeal the sunset imposed on the modifications to the child tax credit made by the Economic Growth and Tax Relief Reconciliation Act of 2001, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. PLATTS, and Ms. SLAUGHTER):

H.R. 2008. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of paramedic intercept services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. LEACH):

H.R. 2009. A bill to provide for the recovery, restitution, and protection of the cultural heritage of Iraq; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 2010. A bill to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. RANGEL, Mr. WOLF, Mr. MATSUI, Mr. GOODE, Mr. SANDLIN, Mr. SAXTON, Mr. LYNCH, Mr. JONES of North Carolina, Mr. BOSWELL, Mrs. JO ANN DAVIS of Virginia, Mr. KLECZKA, Mr. TIBERI, Mr. JOHNSON of Illinois, Mr. FILNER, Mr. FROST, Mr. WYNN, Mr. PAUL, Mr. BROWN of Ohio, Mr. VAN HOLLEN, Mr. COSTELLO, Mr. HINCHEY, Mr. ROSS, Mr. DOGGETT, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. FARR, Mr. HOFFEL, Mr. TURNER of Texas, Mr. WEINER, Mr. HASTINGS of Florida, Mr. DELAHUNT, Mr. GORDON, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLER, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. LAMPSON, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. RODRIGUEZ, Mr. PASCRELL, Ms. KAPTUR, Mr. SERRANO, Mr. STRICKLAND, Mr. WU, Ms. LORETTA SANCHEZ of California, Mr. WEXLER, Mr. GUTIERREZ, Mr. DOYLE, Mr. ISRAEL, Mr. SCHIFF, Mr. MCGOVERN, Mrs. MCCARTHY of New York, Mr. ALLEN, Mr. GONZALEZ, Mr. GRIJALVA, Mr. MICHAUD, Mrs. LOWEY, Mr. BISHOP of New York, Mr. ALEXANDER, Mr. CAPUANO, Ms. LINDA T. SANCHEZ of California, and Mr. EMANUEL):

H.R. 2011. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,000 and to provide for a graduated implementation of such provision on amounts above such \$2,000 amount; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2012. A bill to require the Secretary of Defense to implement fully by September 30, 2004, requirements for additional Weapons of Mass Destruction Civil Support Teams; to the Committee on Armed Services.

By Mr. HASTINGS of Florida:

H.R. 2013. A bill to amend title II of the Social Security Act to increase to \$1,000 the maximum amount of the lump-sum death benefit and to allow for payment of such a benefit, in the absence of an eligible surviving spouse or child, to the legal representative of the estate of the deceased individual; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 2014. A bill to prohibit the Department of Homeland Security from procuring certain items unless the items are grown, reprocessed, reused, or produced in the United States; to the Committee on Government Reform.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHAYS, and Mr. SIMMONS):

H.R. 2015. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans enrolled in the health care system of that Department for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina (for himself and Mr. GALLEGLY):

H.R. 2016. A bill to provide that the Secretary of Defense may provide public identification of military casualties no sooner than 24 hours after notification of next-of-kin; to the Committee on Armed Services.

By Mr. KLECZKA (for himself and Mr. HINCHEY):

H.R. 2017. A bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. HINCHEY, Mr. GREEN of Texas, Ms. NOR-TON, Ms. DELAURO, Mr. EMANUEL, Mrs. CHRISTENSEN, Mr. RANGEL, Mr. TOWNS, Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. KILDEE, Mr. ENGEL, Mr. CLYBURN, Mr. NADLER, Ms. SCHAKOWSKY, and Mr. DAVIS of Illinois):

H.R. 2018. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Energy and Commerce, and in addition to the Committee on 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. MCNULTY:

H.R. 2019. A bill to extend the existing temporary duty suspension on certain chemical compounds; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Mr. MARIO DIAZ-BALART of Florida, Ms. MCCARTHY of Missouri, Ms. HART, Mr. CARSON of Oklahoma, Mr. SNYDER, Mr. GRAVES, Mr. TANNER, Mr. RYUN of Kansas, Mr. SKELTON, Mr. LUCAS of Oklahoma, and Mr. MCINTYRE):

H.R. 2020. A bill to reduce the impacts of hurricanes, tornadoes, and related hazards through a program of research and development and technology transfer, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, 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 Ms. PRYCE of Ohio (for herself, Mrs. MYRICK, Mrs. CAPPS, and Mr. ISRAEL):

H.R. 2021. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. MARKEY):

H.R. 2022. A bill to extend the registration and reporting requirements of the Federal securities laws to certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. STEARNS (for himself, Mr. KENNEDY of Rhode Island, Mr. TOWNS, Mr. BARTON of Texas, Mr. ISSA, Mrs. CHRISTENSEN, and Mr. SMITH of New Jersey):

H.R. 2023. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on 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. TOWNS:

H.R. 2024. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 2025. A bill to require providers of wireless telephone services to provide access to the universal emergency telephone number in subterranean subway stations located within their area of coverage; to the Committee on Energy and Commerce.

By Mr. WELDON of Pennsylvania (for himself, Mr. CASTLE, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. CARDIN, Mr. CUMMINGS, Mr. ENGLISH, Mr. FATTAH, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. GERLACH, Mr. GILCHREST, Mr. GREENWOOD, Ms. HART, Mr. HOFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HOYER, Mr. SHERWOOD, Mr. MENENDEZ, Mr. MURPHY, Mr. MURTHA, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PITTS, Mr. PLATTS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. TOOMEY, Mr. WYNN, Mr. VAN HOLLEN, Mr. DOYLE, Mr. SAXTON, Mr. PETERSON of Pennsylvania, Mr. KANJORSKI, and Mr. FRELINGHUYSEN):

H.R. 2026. A bill to grant the consent of the Congress to the SMART Research and Development Compact; to the Committee on the Judiciary.

By Mr. CULBERSON:

H.J. Res. 55. A joint resolution proposing an amendment to the Constitution of the United States to require that Federal district court judges be reconfirmed every ten

years by the executive and legislative authorities of the State in which they serve; to the Committee on the Judiciary.

By Mr. BACA (for himself, Ms. CARSON of Indiana, Mr. UDALL of New Mexico, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Mr. ACEVEDO-VILA, Mr. CONYERS, Mr. LANTOS, Mr. GONZALEZ, Mr. REYES, Mr. FROST, Mr. HINOJOSA, Mr. MENENDEZ, Mrs. CAPPS, Mr. RODRIGUEZ, and Mr. ORTIZ):

H. Con. Res. 163. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on International Relations.

By Mr. GRAVES (for himself, Mr. BRADY of Texas, and Mr. OBERSTAR):

H. Con. Res. 164. Concurrent resolution expressing the sense of Congress that there should be established a National Truck Safety Month to raise public awareness about the contributions, responsibilities, and needs of truck drivers to make the Nation's highways safer; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. BLUMENAUER, Mr. BILIRAKIS, Ms. BERKLEY, Mr. BERMAN, Ms. GINNY BROWN-WAITE of Florida, Mr. CROWLEY, Mr. DICKS, Mr. DOYLE, Ms. ESHOO, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY of Minnesota, Mr. KNOLLENBERG, Mr. LANTOS, Ms. LEE, Mrs. MALONEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNULTY, Mr. MARKEY, Mr. PALLONE, Ms. ROSELEHTINEN, Mrs. TAUSCHER, and Ms. WATSON):

H. Con. Res. 165. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. VITTER:

H. Con. Res. 166. Concurrent resolution expressing the sense of Congress in support of Buckle Up America Week; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Pennsylvania (for himself and Mr. ORTIZ):

H. Con. Res. 167. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on International Relations.

By Mr. HALL (for himself, Mr. GREEN of Texas, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. EDWARDS, Mr. SESSIONS, Mr. REYES, Mr. CARTER, Mr. TURNER of Texas, Mr. BARTON of Texas, Mr. HINOJOSA, Mr. LAMPSON, Mr. BRADY of Texas, Mr. STENHOLM, and Mr. BOEHLERT):

H. Res. 222. A resolution commending those individuals who contributed to the debris collection effort following the Space Shuttle Columbia accident; to the Committee on Science.

By Mr. YOUNG of Alaska:

H. Res. 223. A resolution amending rule XXIII of the Rules of the House of Representatives to permit the employing office of an employee of the House who serves in a reserve component of the uniformed services to pay the employee an additional salary for any period during which the employee is on active duty; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LATOURETTE introduced a bill (H.R. 2027) for the relief of Zdzanko Lisak; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

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

H.R. 7: Mr. FORD, Mr. HULSHOF, Mr. WYNN, Mr. HASTERT, Mr. GORDON, Mr. DELAY, Ms. NORTON, Ms. PRYCE of Ohio, Mr. MEEKS of New York, Mr. CANTOR, Mr. CRANE, Mr. RAMSTAD, Mr. ENGLISH, Mr. FOLEY, Mr. SHAYS, Mr. SMITH of Texas, Mr. UPTON, Mr. WOLF, Mr. GILLMOR, Mr. STEARNS, Mr. CAMP, Mr. KINGSTON, Mr. MCHUGH, Mr. BACHUS, Mr. BERTLETT of Maryland, Mr. BARTON of Texas, Mrs. MYRICK, Mr. NORWOOD, Mr. SOUDER, Mr. TIAHRT, Mr. WAMP, Mr. WICKER, Mr. DOOLITTLE, Mrs. NORTUP, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. REYNOLDS, Mr. SESSIONS, Mr. SHIMKUS, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. ISAKSON, Mr. TERRY, Mr. AKIN, Mr. BOOZMAN, Mr. FORBES, Mr. GRAVES, Ms. HART, Mr. KELLER, Mr. PENCE, Mr. SCHROCK, Mr. SIMMONS, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CHOCOLA, Mr. GARRETT of New Jersey, Ms. HARRIS, Mr. JANKLOW, Mrs. MUSGRAVE, Mr. RENZI and Mr. FOSSELLA.

H.R. 42: Mr. BURR.

H.R. 43: Mr. BURR.

H.R. 97: Mr. DEFAZIO, Mr. PAUL, Mr. JENKINS, Mr. CARSON of Oklahoma, Mr. SHIMKUS, Ms. GINNY BROWN-WAITE of Florida, Mr. GALLEGLY, Mr. CRAMER, Mr. GUTKNECHT, Mrs. WILSON of New Mexico, Mr. ANDREWS, Mr. LARSON of Connecticut, Ms. WOOLSEY, and Mrs. JO ANN DAVIS of Virginia.

H.R. 107: Mr. CASE.

H.R. 109: Mrs. MUSGRAVE.

H.R. 119: Mr. FILNER.

H.R. 121: Mr. ANDREWS.

H.R. 126: Mr. DAVIS of Alabama and Ms. GINNY BROWN-WAITE of Florida.

H.R. 167: Mrs. MUSGRAVE.

H.R. 173: Mr. UDALL of New Mexico, Mr. BROWN of Ohio, and Mr. VITTER.

H.R. 284: Mr. TOOMEY, Mr. UPTON, Mr. WU, Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. BILIRAKIS, and Mr. MICA.

H.R. 286: Mr. SCOTT of Georgia.

H.R. 288: Mr. STUPAK.

H.R. 290: Mr. SIMMONS, Mr. CAPUANO, and Mr. SHAW.

H.R. 296: Mr. TIBERI.

H.R. 328: Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mr. BONILLA, Mr. NETHERCUTT, Mr. THOMPSON of California, Mr. FLETCHER, Mr. RUSH, Mr. JACKSON of Illinois, Mr. SANDLIN, Mr. TURNER of Texas, Mr. GOODE, and Mr. SANDERS.

H.R. 433: Mr. OSE.

H.R. 434: Mr. ISRAEL, Mr. SHAW, Mr. WICKER, Mr. HOBSON, Mr. KLINE, Mr. MILLER of Florida, and Mr. LOBIONDO.

H.R. 450: Mr. LEWIS of Kentucky.

H.R. 463: Mr. SANDLIN.

H.R. 466: Mr. VITTER and Mr. CONYERS.

H.R. 489: Ms. GINNY BROWN-WAITE of Florida.

H.R. 571: Mr. ROGERS of Alabama, Ms. GINNY BROWN-WAITE of Florida, and Ms. GRANGER.

H.R. 594: Mr. ROTHMAN, Mr. GARY G. MILLER of California, Mr. GALLEGLY, and Mrs. CAPITO.

H.R. 611: Mr. GARRETT of New Jersey.

H.R. 677: Mrs. DAVIS of California.

H.R. 684: Mr. CANNON.

H.R. 687: Mr. KINGSTON.

H.R. 728: Mr. ANDREWS and Mr. MOLLOHAN.

H.R. 740: Mr. GRIJALVA.

H.R. 745: Mr. CUMMINGS, Mr. MEEKS of New York, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, and Mr. THOMPSON of California.

H.R. 757: Mr. GUTIERREZ.

H.R. 761: Mr. BRADLEY of New Hampshire.

H.R. 775: Mr. SESSIONS, Mr. BONNER, Mr. BURTON of Indiana, Mr. KELLER, and Mr. BILIRAKIS.

H.R. 791: Mr. BONILLA, Mr. WHITFIELD, Mr. HAYWORTH, Mr. BECERRA, and Mr. MCINNIS.

H.R. 792: Mr. BRADLEY of New Hampshire, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. BROWN of South Carolina, and Mr. OSBORNE.

H.R. 817: Mr. WYNN and Mr. WOLF.

H.R. 839: Mr. FILNER, Mr. SCOTT of Georgia, Mr. SULLIVAN, Ms. BERKLEY, Mr. BISHOP of New York, and Mr. CAMP.

H.R. 850: Mr. SIMMONS and Mr. MILLER of Florida.

H.R. 854: Mr. PALLONE.

H.R. 898: Mr. COOPER, Mr. TANNER, Mr. OWENS, and Mr. HILL.

H.R. 977: Mrs. MUSGRAVE.

H.R. 980: Mr. HAYWORTH.

H.R. 1022: Mr. GONZALEZ and Ms. LEE.

H.R. 1044: Ms. MAJETTE.

H.R. 1063: Mr. PAUL, Mr. WAMP, and Mr. THOMPSON of Mississippi.

H.R. 1077: Mr. KILDEE, Ms. MCCARTHY of Missouri, and Mr. GREEN of Texas.

H.R. 1102: Mr. LEVIN.

H.R. 1111: Mr. FALEOMAVAEGA.

H.R. 1125: Mr. BROWN of South Carolina, Mr. OSBORNE, Mr. PENCE, and Mr. HINOJOSA.

H.R. 1155: Mr. SERRANO, Mr. ENGEL, Mr. EMANUEL, Mr. RANGEL, Mr. GILCHREST, Mr. ISAKSON, Mr. BARTLETT of Maryland, and Mr. TOM DAVIS of Virginia.

H.R. 1175: Mr. GARRETT of New Jersey.

H.R. 1179: Mr. SCHROCK and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1206: Mr. LATOURETTE.

H.R. 1210: Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. OLVER, and Mr. COOPER.

H.R. 1222: Mr. KINGSTON and Mr. MILLER of Florida.

H.R. 1231: Mr. SANDLIN, Mr. HYDE, Mr. BERMAN, Mr. UPTON, Mr. BOYD, Mr. SESSIONS, Mr. SULLIVAN, Ms. MCCARTHY of Missouri, Mr. LARSEN of Washington, Mr. GREEN of Texas, Mr. JENKINS, and Mr. TIBERI.

H.R. 1251: Mr. FOSSELLA and Mr. GUTIERREZ.

H.R. 1275: Mr. CUMMINGS and Mr. KILDEE.

H.R. 1276: Mr. GERLACH.

H.R. 1288: Mr. PENCE, Mrs. TAUSCHER, Mr. BONILLA, Mr. KNOLLENBERG, Mr. CUMMINGS, Mr. OBERSTAR, Mr. MICHAUD, Mrs. MCCARTHY of New York, Mr. MENENDEZ, Mr. ABERCROMBIE, Mr. DINGELL, Mr. FRANKS of Arizona, Mr. WYNN, Mr. MCDERMOTT, Ms. LINDA T. SANCHEZ of California, Ms. SLAUGHTER, Ms. ESHOO, Mr. FRELINGHUYSEN, and Mr. LANTOS.

H.R. 1301: Mr. FILNER and Mr. THOMPSON of California.

H.R. 1313: Mr. WELLER, Mr. HAYWORTH, Mr. GREEN of Texas, Mr. POMBO, Mr. PORTER, and Mr. FROST.

H.R. 1323: Mr. FALEOMAVAEGA, Mr. DAVIS of Florida, and Mr. BISHOP of Georgia.

H.R. 1340: Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. GRIJALVA, and Mr. LUCAS of Kentucky.

H.R. 1345: Mr. DAVIS of Florida.

H.R. 1348: Mr. FILNER.

H.R. 1376: Mr. ENGLISH.

H.R. 1385: Mrs. MALONEY, Mr. KLECZKA, Mr. EVANS, Mr. MILLER of North Carolina, and Mr. GREEN of Texas.

H.R. 1415: Mr. HOEFFEL and Mr. ENGEL.

H.R. 1422: Ms. SCHAKOWSKY and Mr. WYNN.  
H.R. 1426: Mr. REHBERG and Mr. FRANK of Massachusetts.

H.R. 1445: Mrs. JOHNSON of Connecticut and Mr. SHAYS.

H.R. 1472: Mr. SIMMONS, Mr. BEREUTER, Mr. JONES of North Carolina, and Mr. BILIRAKIS.  
H.R. 1479: Mr. SCOTT of Virginia and Mr. JONES of North Carolina.

H.R. 1511: Mr. SCOTT of Georgia, Mrs. MYRICK, Mr. CULBERSON, Mr. CHOCOLA, Mr. CARSON of Oklahoma, Mr. MOORE, Mrs. KELLY, Mr. DAVIS of Alabama, Mr. MICA, Mr. CANTOR, Mr. UPTON, Mr. BOEHLERT, Mr. QUINN, Mr. REHBERG, Mr. WALDEN of Oregon, Mr. DELAY, Mr. SIMMONS, Mr. TANNER, Mr. BROWN of South Carolina, Mr. CAMP, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FERGUSON, Mr. GRAVES, Mr. HOBSON, Mr. JOHNSON of Illinois, Mr. LEWIS of California, Mr. PEARCE, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. SCHROCK, Mr. SHUSTER, Mr. SULLIVAN, Ms. PRYCE of Ohio, Mrs. JOHNSON of Connecticut, Mrs. BLACKBURN, Mr. PORTMAN, Mr. CHABOT, Mr. BASS, Mr. BILIRAKIS, Mr. BOEHNER, Mr. BONNER, Mr. BURGESS, Mr. EHLERS, Mr. GUTKNECHT, Mr. KELLER, Mr. KINGSTON, Mr. KLINE, Mr. MILLER of Florida, Mr. NUNES, Mr. NUSSLE, Mr. SHADEGG, Mr. TAUZIN, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, and Mr. YOUNG of Alaska.

H.R. 1513: Mr. PETRI, Mr. KLECZKA, Mr. PICKERING, Mr. CARTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SESSIONS, Ms. DUNN, Mr. LEWIS of Kentucky, and Mr. ENGLISH.

H.R. 1532: Mr. GREEN of Wisconsin, Mr. ISRAEL, Mr. DOYLE, Mr. PETERSON of Minnesota, Mr. ISAKSON, Mr. LINDER, Mr. THOMPSON of California, Mr. FRANK of Massachusetts, and Mr. SHERMAN.

H.R. 1534: Mr. FRANK of Massachusetts.

H.R. 1568: Mr. MEEKS of New York, Mr. WYNN, Mr. GONZALEZ, and Mr. BAIRD.

H.R. 1574: Mr. REHBERG.

H.R. 1582: Mr. GUTKNECHT, Mr. TIBERI, Mr. PEARCE, and Mr. KILDEE.

H.R. 1635: Mr. CUMMINGS and Mr. GRIJALVA.

H.R. 1643: Mr. FILNER, Mr. PORTER, and Mr. SIMPSON.

H.R. 1652: Mr. PRICE of North Carolina, Mr. GUTIERREZ, Mr. DOYLE, Mr. MCGOVERN, Mr. LANTOS, Mr. ACEVEDO-VILA, and Mr. MENENDEZ.

H.R. 1663: Mr. KUCINICH.

H.R. 1692: Mr. BRADY of Pennsylvania and Mr. ORTIZ.

H.R. 1708: Mr. HYDE, Mr. MILLER of North Carolina, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. BISHOP of Georgia, and Mr. WELDON of Pennsylvania.

H.R. 1709: Mr. FARR, Mr. SANDERS, and Mr. GREEN of Texas.

H.R. 1711: Mr. HOLDEN and Mrs. CAPITO.

H.R. 1725: Mr. HAYWORTH.

H.R. 1738: Ms. HOOLEY of Oregon, Mr. STUPAK, Mr. FARR, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. EVANS, Ms. MILLENDER-MCDONALD, Mr. TIERNEY, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. WAXMAN, Mr. FALEOMAVAEGA, and Mr. RANGEL.

H.R. 1746: Mr. STRICKLAND, Mr. BRADLEY of New Hampshire, Ms. CORRINE BROWN of Florida, Mrs. TAUSCHER, Mr. PENCE, Mr. SERRANO, Mr. MICHAUD, Mr. MENENDEZ, Mr. WYNN, Mr. DINGELL, Mr. THOMPSON of California, Mr. SCOTT of Virginia, Mr. BALLANCE, Mr. MCGOVERN, Mr. CUMMINGS, Mr. BACA, Ms. LEE, Mr. BALLENGER, Mr. MANZULLO, Mr. LANTOS, Ms. ESHOO, Mr. LOBIONDO, Mr. FILNER, Mr. MILLER of North Carolina, Ms. VELAZQUEZ, Mr. UPTON, and Mr. MORAN of Virginia.

H.R. 1754: Mr. SANDLIN.

H.R. 1758: Mr. MCINNIS.

H.R. 1775: Mr. KING of Iowa and Mr. PETERSON of Minnesota.

H.R. 1776: Mr. GOSS and Mr. FRELINGHUYSEN.

H.R. 1778: Mr. SANDERS and Mr. SOUDER.

H.R. 1786: Mr. OWENS, Mr. OLVER, Mrs. LOWEY, Mr. FROST, Mr. RANGEL, and Mr. KUCINICH.

H.R. 1787: Mr. ROGERS of Michigan.

H.R. 1799: Mr. FALEOMAVAEGA.

H.R. 1813: Ms. ROS-LEHTINEN, Mr. PAYNE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FRANK of Massachusetts, Mr. KUCINICH, Ms. LEE, and Mr. MCDERMOTT.

H.R. 1838: Mr. FROST.

H.R. 1873: Mr. AKIN.

H.R. 1874: Mr. LANGEVIN, Mr. INSLEE, and Mr. WAXMAN.

H.R. 1887: Mr. RANGEL.

H.R. 1933: Ms. ESHOO, Mr. BACA, and Mr. KIND.

H.R. 1949: Mr. MICHAUD.

H.R. 1964: Mr. TIERNEY and Mr. GERLACH.

H.R. 1994: Mr. GREEN of Texas.

H. J. Res. 4: Mr. HERGER, Mrs. NAPOLITANO, and Mr. RODRIQUEZ.

H. J. Res. 46: Mr. LAHOOD.

H. Con. Res. 39: Mr. CLYBURN, Mr. RANGEL, and Mr. PAYNE.

H. Con. Res. 49: Mr. AKIN, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. SHAW, Mr. DAVIS of Alabama, and Mr. KENNEDY of Rhode Island.

H. Con. Res. 93: Mr. LATOURETTE, Mr. ISAKSON, Mr. GARRETT of New Jersey, Mr. DREIER, and Mr. GINGREY.

H. Con. Res. 103: Mr. HOLT.

H. Con. Res. 116: Mr. FOLEY.

H. Con. Res. 148: Mr. ETHERIDGE and Ms. LEE.

H. Con. Res. 160: Mr. FLAKE and Mr. SOUDER.

H. Con. Res. 161: Mr. MORAN of Kansas.

H. Res. 103: Mr. PAUL.

H. Res. 133: Mr. GARRETT of New Jersey.

H. Res. 136: Mr. PENCE and Mr. GARRETT of New Jersey.

H. Res. 142: Mr. BLUMENAUER and Mr. BONILLA.

H. Res. 180: Mr. BISHOP of Georgia and Mr. RANGEL.

H. Res. 194: Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Florida, Mrs. TAUSCHER, and Mr. WAMP.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 2: Mrs. MUSGRAVE.

H.R. 898: Mr. CARSON of Oklahoma.