



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, WEDNESDAY, FEBRUARY 11, 2004

No. 17

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 11, 2004.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: With all my heart, I will praise You, Lord, as the House of Representatives is called to order and this Nation is invited to join in prayer for its leaders.

Great are Your works of creation and salvation, Lord. For those who are bound to You in the covenant of love, Your marvelous ways are revealed day by day.

You, O Lord, are gracious and merciful. You provide food and shelter for all those who trust in You. You are faithful to Your promises and strengthen Your people for the task You set before them.

For Your faithful ones, fear of the Lord is the beginning of wisdom. Once embraced, Your goodness and truth enlighten each deed, each decision, and the entire experience of a new day.

Because You are so reliable, we can build on the foundation of Your justice and measure each step with prudence, both now and forever. 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 New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1302

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUINN) at 1 o'clock and 2 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H. Con. Res. 354. Concurrent resolution to correct technical errors in the enrollment of the bill S. 610.

The message also announced that pursuant to section 4355(a)(2) of title 10, United States Code, the Chair, on behalf of the President pro tempore,

appoints the Senator from Alabama (Mr. SESSIONS), from the Armed Services Committee, to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 1501(b)(1)(C), title XV, of Public Law 108-136, the Chair, on behalf of the Majority Leader, appoints the following individual to serve on the Veteran's Disability Benefits Commission:

Vice Admiral Dennis Vincent McGinn.

The message also announced that pursuant to section 710(2)(A)(ii) of Public Law 105-277, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse:

David C. Guth of Tennessee, vice June Martin Milam, term expired.

UNITED AIRLINES UNFAIRLY CUTTING RETIREE HEALTH BENEFITS

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

Mr. MICHAUD. Mr. Speaker, as co-founder of the House Labor and Working Families Caucus, I come to the floor today to address a serious injustice, United Airlines' plan to further cut the retirees benefits of 1,000 United retirees and their families. This is in spite of an agreement established between the airline and the employees when United entered bankruptcy.

Two thousand five hundred flight attendants chose to retire early in order to preserve their retiree health benefits and agreed to sacrifice up to 30 percent of their well-earned pension. These loyal employees did so as part of a \$1 billion concessionary contract to help their struggling employer. Now United is reneging on that deal.

□ 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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This is underhanded, and this is wrong.

I urge our distinguished Speaker of the House, who has a large number of these retirees in his district, and all my colleagues to demonstrate a commitment to our retirees and join in asking the CEO of United Airlines to do the honorable thing and keep his promise to these workers.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 743, SOCIAL SECURITY PROTECTION ACT OF 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 520 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 520

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

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

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), 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, House Resolution 520 provides for the consideration of a motion offered by the chairman of the Committee on Ways and Means or his designee to concur in the Senate amendment to H.R. 743. The rule provides for 1 hour of debate in the House on the motion, equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means.

H. Res. 520 provides that the Senate amendment and the motion shall be considered as read. It waives all points of order against consideration of the motion to concur in the Senate amendment, and it provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion.

Mr. Speaker, the purpose of H. Res. 520 is to expedite the final consideration of H.R. 743, the Social Security

Protection Act of 2003. Adopting this rule will allow the chairman of the Committee on Ways and Means to offer a motion to concur in the Senate amendment to the House-passed version of H.R. 743, which, if approved by the House today, will clear this bill for the President's signature. I urge my colleagues to join me in supporting this rule.

Last April, the full House of Representatives approved H.R. 743 with a 396 to 28 vote. The overwhelmingly bipartisan vote on House passage was preceded by the House rejecting the Green amendment. The Green amendment sought to maintain the so-called "last day rule," which is a loophole that a small number of workers in certain States have exploited in the past. To its credit, the underlying legislation before us closes down that loophole. Last December, the U.S. Senate approved its amendment to H.R. 743 by unanimous consent.

Let us be clear: H.R. 743 is non-controversial legislation that has wide bipartisan support in both the House and Senate, and promptly adopting the Senate amendment to H.R. 743 will enable the President to sign this legislation into law this month.

The Committee on Rules approved this rule by voice vote yesterday, and I urge my colleagues to support it so we may proceed with debate and consideration of the underlying, bipartisan bill.

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

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

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

Mr. FROST. Mr. Speaker, my fellow Texas Democrats have joined me here today on an issue of fairness. Will this House be fair to those who stand to lose a Social Security pension that has been fairly paid into and is fairly deserved, or will they vote to drive valuable public servants out of a system that desperately needs them?

Some Members believe that the Texas teachers and other public employees want some sort of special treatment. They do not. Their spouse correctly and completely paid into the Social Security system. And if they were just not teachers, policemen or firefighters, then they would receive their spousal benefit. Is this the message that we want to send, that the Social Security system will treat everyone honestly except those who are most valuable to our society?

Every Member here today supports the underlying bill, the Social Security Protection Act. Its main provisions would deny Supplemental Security Income, SSI, to fugitive felons, make it easier for seniors to get a lawyer for the complicated disability process, and reform the representative payee program so that seniors are not defrauded.

In fact, the House considered all of these reforms during the 107th Congress in a bill that passed the House

unanimously. Unfortunately, that bill, H.R. 4070, was not conferenced before the end of the Congress, and it has returned in this much more controversial form.

I support all the reforms in this bill, Mr. Speaker; and if the bill consisted of just these provisions, we would again pass this bill unanimously. But the same bill that helps protect our seniors from Social Security fraud hurts our teachers, firefighters, police officers and other public servants around the country, including in my home State of Texas. Specifically, section 418 of this bill would prevent those hard-working public servants from protecting their retirement benefits from the harsh impact of the Government Pension Offset.

Mr. Speaker, this issue may appear complicated to some, but it is very clear to the thousands and thousands of dedicated teachers and other public servants who are affected by it. So clear, that both the National Education Association and the American Federation of Teachers are opposed to this bill.

Many teachers in this country have pension plans that are not covered under Social Security, but they have spouses who are working in jobs that do pay into Social Security. Under normal circumstances, a surviving spouse, such as a teacher, would be eligible for spousal or survivor's benefits if their spouse, who paid into Social Security, dies. But under current law, the Government Pension Offset reduces or eliminates the spousal or survivor's benefits for teachers and others who pay into pension plans that are not covered by Social Security.

Fortunately, there is a provision in the law right now that helps some people in this situation. It allows you to protect your retirement by switching jobs at the end of your career. This "last day exemption," as it is called, has helped many teachers in Texas and other States protect the Social Security benefits they deserve and that they now need to retire. However, section 418 of the underlying bill would eliminate this exemption. Instead, it would force teachers, police officers, firefighters, and other public servants to work 5 additional years before receiving full spousal benefits.

Mr. Speaker, that is no way to treat hard-working people who have dedicated their entire lives to serving their communities and this Nation. It hurts real people, especially women and lower-income individuals. That is why I will ask Members to defeat the previous question on this bill today. If we do, then I will do something that 285 of our colleagues have asked this Congress to do, and that is to eliminate the Government Pension Offset.

Our colleague, the gentleman from California (Mr. MCKEON), has a bill, H.R. 594, which 285 of us have cosponsored, which calls for the elimination of the GPO. If we defeat the previous question, then I will attach that bill to H.R. 743 without section 418 and then

bring the measure before the House for its immediate passage so that teachers and other public servants can continue to protect their retirement benefits.

Mr. Speaker, there should not be a Texas Member in this House who does not vote to defeat the previous question. I would hope others would join us. I urge my colleagues to support Social Security fairness for teachers, firefighters, and police officers by voting to defeat the previous question.

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

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

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

Mr. GREEN of Texas. Mr. Speaker, I want to thank my colleague from Texas for his hard work on this issue and urge my colleagues to oppose this rule and support his amendment.

Mr. Speaker, if cosponsoring a bill is any indication of support for an issue, then the Frost amendment should pass by a minimum of 285 votes to 150. That is because 285 Members of this House have cosponsored H.R. 594, which is the underlying bill that the Frost amendment would add to H.R. 743. But now it is time to put our money where our mouth is. I am afraid that the so-called supporters of the GPO repeal are going to turn their back on the hundreds of thousands of public servants who are affected by the Government Pension Offset.

As we have heard, the Government Pension Offset unfairly reduces an individual's Social Security spousal benefit if he or she receives a government pension from employment not covered by Social Security. This is unfair and arbitrary and affects individuals at the Federal, State, and local level. Most often it hurts teachers, anyone who works for a school district, firefighters, police officers and other public servants.

Our office hears more about the GPO than practically any other issue. Teachers, firefighters, police officers, and civil servants are finding out every day that their Social Security spousal benefits are being reduced by the Government Pension Offset.

These are people who have dedicated their lives to making America better. When it comes time to retire, they lose out. That is because the GPO unfairly reduces Social Security spousal benefits by two-thirds, regardless of how much your government pension is. This is particularly unfair to low-income folks and widows, the very people Social Security was designed to protect. The Frost amendment would give us a chance to correct this serious problem and make sure that public servants receive a fair spousal benefit.

Like I said earlier, this is clearly a good idea, because 285 Members of the House have cosponsored this legislation, and that is why I urge support of the Frost amendment.

It is interesting to note we have someone, for example, in my own dis-

trict who is a teacher for 30 years and has been married for 30 years; and when she retires, when her husband passes away, she is penalized for her spousal benefit under Social Security because she worked at a public school system, not by her choice; but they decided not to pay into Social Security because in 1983 that was one of the groups left out.

□ 1315

They did not pay into it, rightfully so, but under Social Security, under our law, if they are married 10 years to an individual, they have a right to those benefits, a spousal benefit.

It is interesting that our law punishes a group of teachers, for example, in Texas and Georgia who have said, okay, the law says I have to work 1 day; I will go work 1 day somewhere that pays both the teacher retirement and the Social Security. Is that right? Sure, it is not, but neither is the GPO, and that is why the Frost amendment is so important.

We need to reform the Government Pension Offset, and the best time is today, not waiting until the end of this year. We have been waiting for 15 years to reform the Government Pension Offset. So by voting for this legislation today, we are making the Government Pension Offset even worse. That is why the Frost amendment is so important.

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

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, today the House stands to make a choice. We can choose to support our widowed teachers or we can choose to oppose them. The choice is ours. It is as simple as that.

I am appalled that our friends on the other side of the aisle would take a stand against our teachers and claim, as they have, that the teachers are engaged in a gimmick or a trick or a fraud. That is absolutely insulting to America's teachers. Obtaining spousal benefits is not a trick or a fraud. It is a payment for an entire lifetime of work by a spouse. It is a payment for an entire lifetime of a man and woman working together.

Saying that teachers receive Social Security for working 1 day is simply not true, and our friends on the other side of the aisle know it. It is embarrassing for them to say that. The real fraud is that the Republicans have failed to address the GPO.

Here is the way the Republican plan works. If someone works for an insurance company, there is no offset. If someone works for a pharmaceutical company, there is no offset. If someone works for an HMO, there is no offset. But if that person elects to be a teacher and educate our children, there is an offset and their spouse's lifetime of work is absolutely meaningless under the Republican plan.

At least our friends on the other side of the aisle are consistent. They believe that neither veterans nor teachers should receive benefits they have earned. Teachers work hard. They follow the rules. They deserve their earned benefits.

Section 418 was not included in the version of this legislation that the House passed with my support during the 107th Congress. I support other provisions of this legislation but cannot support H.R. 743 as introduced. Allowing section 418 to remain will strike at the very heart of public schoolteachers in Texas and at the very heart of our children.

The greater issue of this bill is the failure of Congress to address the Government Pension Offset. Our Republican leadership stood on this very floor during consideration of H.R. 743 last April and testified to their commitment towards ending the GPO. The gentleman from Texas (Mr. DOGGETT), a representative of Congress and a supporter and champion of Texas teachers, read an excerpt from a letter of the Majority Leader to a constituent stating, "I strongly believe that the GPO is an unfair and misguided piece of legislation. It undercuts the people who have spent their entire working life paying into the Social Security system by denying them their fair share of the hard-earned money they contributed. Married couples should be able to share those benefits with their spouses."

The chairman of the Committee on Ways and Means: "Is there a problem with the offset? Of course there is. We just had a colloquy on the floor with the chairman of the Subcommittee on Social Security and the ranking member of the Subcommittee on Social Security, and there was an agreement we will seriously address the pension offset."

The chairman of the Subcommittee on Social Security of the Committee on Ways and Means: "We absolutely need a full discussion of all Social Security provisions affecting public employees, which is why the Subcommittee on Social Security will have a hearing on these issues and legislative opportunities."

Well, enough is enough, Mr. Speaker. Talk is talk. Enough hearings. This is an example of actions speaking louder than words. Surely the leadership, who only scheduled four suspension bills and H.R. 743 for this entire week, can find the time to vote to repeal the GPO and the windfall elimination provision. All they have to do is call up a vote on H.R. 594, a piece of legislation that has 285 bipartisan cosponsors.

Here is the deal. Either we support the teachers, we support first responders, we support firefighters, we support police, we support public employees, or we do not. That is it. It is that simple. Put up or shut up. That is the deal.

Until we vote on H.R. 594 to repeal the GPO, we cannot allow H.R. 743 to pass. We cannot be involved in changing the rules of the game right in the

middle of the game. And truthfully, Mr. Speaker, this is no game. This is our retired teachers' livelihood. Our teachers should be rewarded, not punished. Let us stand up for teachers today. Let us vote for the Frost amendment and let us vote "no" on H.R. 743.

Mr. LINDER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, let me commend the Committee on Rules and certainly the gentleman from Florida (Mr. SHAW) for initiating these kinds of needed changes.

My suggestion is, let us start dealing with some of the real problems of Social Security and move this, allow this bill to proceed, because what is in this bill is fair and it is needed.

I just want to take a couple of seconds to say how important I think it is to deal with the huge problem that we are going to be facing in Social Security.

We have an unfunded liability now of \$12 trillion in today's dollars. If we look at the dollars in future years that is going to be required to keep our promises in Social Security, then it is going to be over \$25 trillion. It is something that is terribly disrespectful of current and future retirees to continue to put off the solution to Social Security. I would hope that we would continue this debate and discussion and look for ways that we can keep Social Security solvent.

It has been a good program. Putting off the problem that we are facing and demagoguing in elections is not the solution.

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

Mr. EDWARDS. Mr. Speaker, there is something ironic when we have 17,000 soldiers from my district in Fort Hood, Texas, fighting for democracy in Iraq, yet right here on the floor of the House with this bill the House leadership is denying democracy in the people's House of Representatives in America.

Basically, what is happening is that we are being denied, 435 Members are being denied the right to even vote on an amendment to this bill. Regardless of the substance of amendments, that is wrong. We cannot be preaching democracy in Iraq and fighting for it there while denying democracy here in America.

Secondly, for this bill to be called the Social Security Protection Act, I think it needs a large asterisk, Mr. Speaker, because the same people pushing this legislation are the ones who are the architects of the largest fiscal deficit disaster in American history. The greatest threat to the solvency of Social Security, its trust fund and benefits for seniors is the massive \$7 trillion national debt that is stealing money away from the Social Security Trust Fund, money that should be saved to provide benefits for Social Security recipients.

So let us point out that, despite some of the good things in this bill, the fact

is that this is not going to truly protect Social Security unless the leadership and the administration are willing to change their fiscal policies and stop the largest deficits in American history that are stealing \$200 billion in just the last years from the Social Security Trust Fund.

Thirdly, while I support most of the specific reforms in this bill, I take great exception to the provisions that I think will harm not just firefighters and police officers, those who are protecting our homeland from burglars and problems here at home, as well as threats from abroad, but this is going to hurt soldiers. And let me tell my colleagues how.

The 17,000 soldiers from Fort Hood, Texas, who are in Iraq right now are paying Social Security taxes. When they get home, if they finish 20 years of service in the military and then they decide to continue that public service as a public schoolteacher in Texas, they are basically, under this bill, going to be punished in their retirement benefits, simply because they served our country for 20 years in the military, paid Social Security taxes, and they are going to have those Social Security benefits reduced.

It is wrong to be saluting them with our words, our soldiers in Iraq, while passing legislation today that is going to hurt thousands of Texas soldiers fighting in Iraq from being able to become a public schoolteacher and still receive the Social Security benefits that they have already paid into for 20 years.

The ultimate victim of this bill is going to be the children of States like Texas. Because, right now, teachers are planning on retiring in Texas, experienced teachers in communities that desperately need them to stay in the classroom. But this bill is going to deny those teachers an opportunity to receive their full Social Security benefits within the public school classroom.

Mr. Speaker, this bill should be defeated. This rule should be defeated. It is wrong.

Mr. LINDER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

Anyone watching this debate today must wonder, what in the world is the Congress doing to the schoolteachers? What in the world is going on here? I think a few things need a little bit of explaining.

We have two people, a man and a woman, working and receiving and paying into the Social Security Trust Fund. When one dies, the surviving spouse gets either surviving benefits or their own Social Security, whichever is higher. If we take a situation now and say, well, let us look at people who are not covered under Social Security. If

they work 1 day under Social Security, they get both their survivor benefits and their pension plan. This is not fair.

If we were to allow this to happen for all American workers under Social Security where they could receive both their pension and the survivor's benefits, within 10 years we will have a \$1 trillion deficit in the Social Security Trust Fund and we will be bankrupt.

This bill passed this House with only 28 people in the whole House voting against it. It passed the Senate under unanimous consent. There are some wonderful parts of this bill that we need to address. The problem with the noncovered workers, we are simply putting them on a level playing field with those that are covered. It is the right thing to do. It is the fair thing to do.

This House has already been through this. We have had a vote. The Senate has passed it by unanimous consent, and we should have a similar vote.

So when my colleagues come down to vote, look also at other provisions within the bill which are tremendously important to all of us. Waste, fraud, and abuse, paying in to fraudulent caregivers, all of these things are covered throughout this bill.

The amount that we are talking about, it affects some, and only a few and I might say a minority of the schoolteachers in Texas, but it does affect some of them, there is no question about that, but it in no way discriminates against them. They still are at an advantage, because they can work 5 years under Social Security, pay into for 5 years, and then they will receive the higher of their benefits or survivor benefits. But those people who give up their job and work 1 year in the cafeteria or something of this nature under a job that is not covered under Social Security, then they will collect, for paying 1 year into this, they will collect approximately \$100,000 in Social Security dollars. It is wrong. It is not fair.

Mr. Speaker, let us pass this rule. Let us pass this bill and send it to the President for signature.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I apologize for not being able to ask a question to the chairman of our Subcommittee on Social Security, but all of Texas educators, teachers, administrators, custodial, cafeteria workers, everyone is affected by this bill. It moves it to be qualified to 5 years.

But let me explain the reason. They are not paying into Social Security now. They do not receive anything for what they pay into Social Security. It is for them as being a widow of someone who paid into Social Security.

The best example is that someone in my district works at a machine shop for 40 years and they are married to someone who works in a public school system in Texas, that the vast majority of the Texas school districts are not

participants in Social Security by law from this Congress. That widow, that person dies, the person who paid in their whole work life into Social Security, their widow is penalized by this legislation. So Texas has found a way around it by letting them go to find a school district and work 1 day. Well, it is a loophole, but, in all honesty, it is a loophole that benefits widows.

It is interesting. I want to deal with the big issues in Social Security, but, in all honesty, we need to deal with it without punishing the widows of people who have paid into Social Security their whole work life and may have been married for 40 years and then they get penalized by the Government Pension Offset.

□ 1330

This legislation may have good parts in it, but the GPO part is wrong. We ought to deal with the Frost amendment so we can have reform of GPO on this House of Representatives floor without waiting for the Committee on Ways and Means to deal with it.

Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I take offense to the words that were used by the chairman when he talked about fraud and abuse when you talk about the widows of these individuals. Their husbands have worked 30, 40 years of their life.

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

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Texas (Mr. GREEN) controls the time.

Mr. GREEN of Texas. Mr. Speaker, I have yielded my time to the gentleman from Texas (Mr. RODRIGUEZ). I would have gladly asked a question, and we would not have had to have this debate if we could have asked the question earlier.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW) for more illumination on this exciting subject which will be covered at great length in the next hour.

Mr. SHAW. Mr. Speaker, I would just speak to the gentleman who just spoke when he referred to what I talked about in taking offense of fraud and abuse. If the gentleman would read the bill, he would see what I am talking about is a completely different section.

This is the area where caregivers are receiving checks and misappropriating them. It has nothing to do with spouses.

This is a very large bill, and I would suggest that the gentleman read it and understand it, and then he would not misinterpret what I have just said.

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

Mr. RODRIGUEZ. Mr. Speaker, I rise today to discuss my disappointment with the provisions of this bill that affect many of the public service employ-

ees in Texas. Although the legislation has a number of good provisions, and I agree there are some good provisions in it, it does not correct the injustice that is hurting many of the firefighters, the policemen, officers and our teachers.

This act fails to correct the unjust Government Pension Offset, the windfall elimination provisions in the Social Security Act. These two sections of the Federal law take billions of dollars in earned Social Security benefits away from public service employees that have dedicated their lives to our communities; and often it is not until retirement age that these employees find out that their Social Security benefits will be cut, in some cases even eliminated.

Currently, the Government Pension Offsets can completely wipe out the amount these public service employees expect to receive based on Social Security contributions made by their spouses. In addition, the windfall elimination provision can dock their retirement benefits and their Social Security by as much as \$303 dollars a month.

The original intent, Mr. Speaker, of the GPO was not to hurt public service employees. Rather, its purpose was to prevent higher paid workers from reaping extra benefits, and it was not the intent to have such a drastic effect on low-paid workers. Health insurance premiums and other out-of-pocket health costs alone can easily eat up more than half of a retiree's State retirement annuity. In some circumstances, it is sufficient to throw the worker into poverty. So we have got to look at this issue. It is critical.

By targeting the pensions of teachers and other school employees, the offset discourages qualified individuals from serving in our public schools, precisely at a time when our Nation faces a severe shortage in teachers. This is going to discourage someone who has worked out there for 20, 30 years in one job and chooses to go into education on the off-set because they know that they are going to lose money because they have earned that Social Security. This is not the way to go about it.

Mr. Speaker, I am not alone in expressing my opposition to the Government Pension Offset; and my Republican friends know this. In fact, 285 House Members on both sides of the aisle have added their support to the legislation which would repeal their unjust provisions. So they know that if it is allowed most people will support it and vote for it. The thing is that they are not allowing this to occur, which is unfortunate.

If you agree that this provision is unfair, which 285 people have indicated that it is, then I would strongly urge you to vote in favor of the amendment that will be brought forth.

In addition, let me say we have an opportunity to take care of this. Let us take care of it. We are only working with the Republican leadership two days out of the week. My God, we can at least take care of this issue.

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

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

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

Mr. ORTIZ. Mr. Speaker, as we take up H.R. 743, the Social Security Protection Act, for a third time in the 108th Congress, I cannot help but feel we still find ourselves with a flawed piece of legislation.

Mr. Speaker, the original intent of this bill was a worthy one, to reimburse Social Security benefits if people representing the recipient misuse them. That is not controversial. But the provision reducing the spousal Social Security benefits for countless teachers, school support personnel, police officers, firefighters and other public servants is most certainly controversial; and I intend to oppose the entire bill since it contains this provision and will adversely affect teachers and others across our State.

Let me say one thing, when teachers work one day, that does not mean that they are going to qualify to get a Social Security benefit for 30 years. What it means is that their spouses who have paid in 30 or 40 or 50 years into the Social Security system and then they die, that is money that they have earned, the family has put into Social Security. That is the money that you will get.

Now we need to understand that targeting pensions of teachers and other school employees will discourage qualified individuals from entering the classroom at exactly the same time the Nation is experiencing a shortage of teachers.

We say we are committed to education, yet in this bill we are profoundly uncommitted to educators.

I am also a co-sponsor of H.R. 594, a bill introduced in the 108th Congress that will eliminate the Government Pension Offset and windfall elimination provisions that target our teachers and other public servants by denying them the opportunity to retain their full Social Security benefits.

Mr. Speaker, I am deeply disappointed that this provision was included in an otherwise good bill because the rest of the bill is a good bill, and I compliment my friends.

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

Mr. FROST. Mr. Speaker, I would ask the gentleman if he has any other speakers.

Mr. LINDER. Mr. Speaker, I have no further speakers.

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

Mr. Speaker, it makes no sense to me to reduce the Social Security of a retiree simply because the spouse of that person happens to be a teacher or firefighter or police officer. These jobs are not high-paying jobs. Those who chose this path have done so because they

want to make life better for all of us. And what do we do? We deprive them of a significant portion of their hard-earned retirement benefits just because one spouse works for a government entity instead of a private company. That is just wrong.

I urge a no vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will do two things.

First, it will strike Section 418, the portion of the bill that prevents certain public employees from receiving the full amount of their deceased spouse's Social Security survivor benefits, benefits to which they are otherwise entitled.

It will also add to the base bill, H.R. 743, the text of H.R. 594, the Social Security Fairness Act which will once and for all eliminate the pension offsets that so unfairly diminish all the retirement benefits of our valued public employees.

I want to point out that H.R. 594 is a broadly bipartisan bill and has the support of 285 co-sponsors, nearly two-thirds of the membership on the House.

Vote no on the previous question so we can help all of those who were unfairly penalized in their pension benefits simply because their spouse is a government employee and one works for the private sector.

Let us support those who go into the public service. Let us support our teachers, our policemen and our firemen, not penalize them.

Mr. Speaker, I ask unanimous consent that the text of the amendment in the nature of a substitute be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

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

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

Mr. Speaker, I urge my colleagues to support this rule and to vote against the previous question.

This is a more complex bill than we have heard in the last 40 minutes. This bill protects beneficiaries from representative payees who misuse benefits. It denies Social Security benefits to fugitive felons and probation parole violators. It deters program waste, fraud, and abuse on a much broader scale than that dealing just with the Texas schoolteachers. It helps individuals with disabilities gain access to representation and encourages disabled beneficiaries to return to work.

It improves and simplifies the SSI program, especially for members of the military and their families. It has bipartisan support and the support of key stakeholders and actually saves money; and, yes, it does close the loophole that enables some teachers in Georgia and Texas to contribute just a few dollars to Social Security to receive nearly \$100,000 in additional lifetime spousal benefits.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak out against this egregious rule for the Social Security Protection Act of 2003. There is much good in the underlying bill. But there is one poison pill that will hurt our teachers and firefighters and police. Subjecting our teachers to the Government Pension Offset is a brutal blow to Texas teachers especially. 286 Members of this House have cosponsored H.R. 594 to repeal the GPO, because it is unfair. 286 Members, both Democrats and Republicans, from across the nation, want to get rid of the GPO. Texas teachers have been waiting for House leadership to hear the call of those 286 Members and bring up H.R. 594 for a vote on the floor. While those retired Texas teachers, widows and widowers, waited, they found a legal loophole that enabled them to get what is fair. Now, instead of doing what is right, House leadership wants to close the loophole.

This is the wrong way to go, and with one amendment we could get rid of this blow to Texas teachers. Or with the Democratic motion to recommit, that is the normal right of the minority party, we could have brought up H.R. 594, and fixed this problem the right way.

But the Rules Committee has issued an undemocratic rule that will not allow a vote on any amendments and that will not allow a motion to recommit. Obviously, they are afraid to hear the voices of our colleagues on this issue.

I am proud to stand with my Democratic colleagues from Texas, to fight for our teachers. I will vote against this rule and vote "no" on the underlying bill until the offending provision is taken out, or we fix the GPO once and for all.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 520

H.R. 743—SOCIAL SECURITY PROTECTION ACT

Amendment in nature of substitute:

Strike all after the resolved clause and insert:

Resolved, That upon adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, with Senate amendment thereto, and a motion to concur in the Senate amendment with the amendment specified in section 2 of this resolution shall be considered as pending without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for the division of the question.

SEC. 2. The amendment referred to in section 1 is as follows:

In the matter proposed to be inserted by the Senate amendment, strike section 418 and add a new title at the end consisting of the text of H.R. 594.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 197, not voting 9, as follows:

[Roll No. 22]

YEAS—226

Abercrombie	Franks (AZ)	Myrick
Aderholt	Frelinghuysen	Nethercutt
Akin	Gallegly	Neugebauer
Bachus	Garrett (NJ)	Ney
Baker	Gerlach	Northup
Ballenger	Gibbons	Norwood
Barrett (SC)	Gilchrest	Nunes
Bartlett (MD)	Gillmor	Nussle
Barton (TX)	Gingrey	Osborne
Bass	Goode	Ose
Beauprez	Goodlatte	Otter
Bereuter	Goss	Oxley
Biggert	Granger	Paul
Billirakis	Graves	Pearce
Bishop (UT)	Green (WI)	Pence
Blackburn	Greenwood	Peterson (PA)
Blunt	Gutknecht	Petri
Boehlert	Harris	Pickering
Boehner	Hart	Pitts
Bonilla	Hastings (WA)	Platts
Bonner	Hayes	Pombo
Bono	Hayworth	Porter
Boozman	Hefley	Portman
Bradley (NH)	Hensarling	Pryce (OH)
Brady (TX)	Herger	Putnam
Brown (SC)	Hobson	Quinn
Brown-Waite,	Hoekstra	Radanovich
Ginny	Hostettler	Ramstad
Burgess	Houghton	Regula
Burns	Hulshof	Rehberg
Burr	Hunter	Renzi
Burton (IN)	Hyde	Reynolds
Buyer	Isakson	Rogers (AL)
Calvert	Issa	Rogers (KY)
Camp	Istook	Rogers (MI)
Cannon	Jenkins	Rohrabacher
Cantor	Johnson (CT)	Ros-Lehtinen
Capito	Johnson (IL)	Royce
Carter	Johnson, Sam	Ryan (WI)
Castle	Jones (NC)	Ryun (KS)
Chabot	Keller	Saxton
Chocola	Kelly	Schrock
Coble	Kennedy (MN)	Sensenbrenner
Cole	King (IA)	Sessions
Collins	King (NY)	Shadegg
Cox	Kingston	Shaw
Crane	Kirk	Shays
Crenshaw	Kline	Sherwood
Cubin	Knollenberg	Shimkus
Culberson	Kolbe	Shuster
Cunningham	LaHood	Simmons
Davis, Jo Ann	Latham	Simpson
Davis, Tom	LaTourrette	Smith (MI)
Deal (GA)	Leach	Smith (NJ)
DeLay	Lewis (CA)	Smith (TX)
DeMint	Lewis (KY)	Souder
Diaz-Balart, L.	Linder	Stearns
Diaz-Balart, M.	LoBiondo	Sullivan
Doolittle	Lucas (OK)	Sweeney
Dreier	Manzullo	Tancredo
Duncan	McCotter	Tauzin
Dunn	McCrery	Taylor (NC)
Ehlers	McHugh	Terry
Emerson	McInnis	Thomas
English	McKeon	Thornberry
Everett	Mica	Tiahrt
Feeney	Miller (FL)	Tiberi
Ferguson	Miller (MI)	Toomey
Flake	Miller, Gary	Turner (OH)
Foley	Moran (KS)	Upton
Forbes	Murphy	Vitter
Fossella	Musgrave	Walden (OR)

Walsh	Weller	Wilson (SC)
Wamp	Whitfield	Wolf
Weldon (FL)	Wicker	Young (AK)
Weldon (PA)	Wilson (NM)	

NAYS—197

Ackerman	Hall	Neal (MA)
Alexander	Harman	Oberstar
Allen	Hastings (FL)	Obey
Andrews	Hill	Olver
Baca	Hinches	Ortiz
Baird	Hinojosa	Owens
Baldwin	Hoeffel	Pallone
Ballance	Holden	Pascrell
Becerra	Holt	Pastor
Bell	Hoolley (OR)	Payne
Berkley	Hoyer	Pelosi
Berman	Insee	Peterson (MN)
Berry	Israel	Pomeroy
Bishop (GA)	Jackson (IL)	Price (NC)
Bishop (NY)	Jackson-Lee	Rangel
Blumenauer	(TX)	Reyes
Boswell	Jefferson	Rodriguez
Boucher	John	Ross
Boyd	Johnson, E. B.	Rothman
Brady (PA)	Jones (OH)	Roybal-Allard
Brown (OH)	Kanjorski	Ruppersberger
Brown, Corrine	Kaptur	Rush
Capps	Kennedy (RI)	Ryan (OH)
Capuano	Kildee	Sabo
Cardin	Kilpatrick	Sánchez, Linda
Cardoza	Kind	T.
Carson (IN)	Klecicka	Sanchez, Loretta
Carson (OK)	Lampson	Sanders
Case	Langevin	Sandlin
Clay	Lantos	Schakowsky
Clyburn	Larsen (WA)	Schiff
Conyers	Larson (CT)	Scott (GA)
Cooper	Lee	Scott (VA)
Costello	Levin	Serrano
Cramer	Lewis (GA)	Sherman
Crowley	Lipinski	Skelton
Cummings	Lofgren	Slaughter
Davis (AL)	Lowe	Smith (WA)
Davis (CA)	Lucas (KY)	Snyder
Davis (FL)	Lynch	Solis
Davis (IL)	Majette	Spratt
Davis (TN)	Maloney	Stark
DeFazio	Markey	Stenholm
Delahunt	Marshall	Strickland
DeLauro	Matheson	Stupak
Deutsch	Matsui	Tanner
Dicks	McCarthy (MO)	Tauscher
Dingell	McCarthy (NY)	Taylor (MS)
Dooley (CA)	McCollum	Thompson (CA)
Doyle	McDermott	Thompson (MS)
Edwards	McGovern	Tierney
Emanuel	McIntyre	Towns
Engel	McNulty	Turner (TX)
Eshoo	Meehan	Udall (CO)
Etheridge	Meeks (NY)	Udall (NM)
Evans	Menendez	Van Hollen
Farr	Michaud	Velázquez
Fattah	Millender-Ford	Vislosky
Ford	McDonald	Waters
Frank (MA)	Miller (NC)	Watt
Frost	Miller, George	Waxman
Gephardt	Mollohan	Weiner
Gonzalez	Moore	Wexler
Gordon	Moran (VA)	Woolsey
Green (TX)	Murtha	Wu
Grijalva	Nadler	Wynn
Gutierrez	Napolitano	

NOT VOTING—9

DeGette	Honda	Rahall
Doggett	Kucinich	Watson
Filner	Meek (FL)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1407

Messrs. PALLONE, CARDOZA, LIPINSKI, MORAN of Virginia, SKELTON, Ms. MAJETTE and Mrs. MCCARTHY of New York changed their vote from “yea” to “nay.”

Mr. CALVERT changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, I was unavoidably detained for rollcall vote 22 due to a family emergency. Had I been present, I would have voted “no” on the previous question.

The SPEAKER pro tempore (Mr. QUINN). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 5 P.M. WEDNESDAY, FEBRUARY 18, 2004, TO FILE REPORTS TO ACCOMPANY H.R. 3551, H.R. 3752, H.R. 1292 AND H. CON. RES. 189

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Science may have until February 18, 2004, at 5 p.m. to file the following late reports: H.R. 3551, Surface Transportation Research and Development Act of 2004; H.R. 3752, The Commercial Space Launch Amendments Act of 2004; H.R. 1292, Remote Sensing Applications Act of 2003; and H. Con. Res. 189, Celebrating the 50th Anniversary of the International Geophysical Year (IGY) and Supporting an International Geophysical Year-2 (IGY-2) in 2007-2008.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

SOCIAL SECURITY PROTECTION ACT OF 2003

Mr. SHAW. Mr. Speaker, pursuant to House Resolution 520, I call up from the Speaker’s table the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Social Security Protection Act of 2003”.

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

Sec. 1. Short title and table of contents.

TITLE I—PROTECTION OF BENEFICIARIES
 Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.

Sec. 102. Oversight of representative payees.

Sec. 103. Disqualification from service as representative payee of persons convicted of offenses resulting in imprisonment for more than 1 year or fleeing prosecution, custody, or confinement.

Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.

Sec. 105. Liability of representative payees for misused benefits.

Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

Sec. 107. Survey of use of payments by representative payees.

Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

TITLE II—PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to withholding of material facts.

Sec. 202. Issuance by Commissioner of Social Security of receipts to acknowledge submission of reports of changes in work or earnings status of disabled beneficiaries.

Sec. 203. Denial of title II benefits to persons fleeing prosecution, custody, or confinement, and to persons violating probation or parole.

Sec. 204. Requirements relating to offers to provide for a fee, a product or service available without charge from the Social Security Administration.

Sec. 205. Refusal to recognize certain individuals as claimant representatives.

Sec. 206. Criminal penalty for corrupt or forcible interference with administration of Social Security Act.

Sec. 207. Use of symbols, emblems, or names in reference to social security or medicare.

Sec. 208. Disqualification from payment during trial work period upon conviction of fraudulent concealment of work activity.

Sec. 209. Authority for judicial orders of restitution.

Sec. 210. Authority for cross-program recovery of benefit overpayments.

Sec. 211. Prohibition on payment of title II benefits to persons not authorized to work in the United States.

TITLE III—ATTORNEY REPRESENTATIVE FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.

Sec. 302. Temporary extension of attorney fee payment system to title XVI claims.

Sec. 303. Nationwide demonstration project providing for extension of fee withholding procedures to non-attorney representatives.

Sec. 304. GAO study regarding the fee payment process for claimant representatives.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.

Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.

Sec. 403. Funding of demonstration projects providing for reductions in disability insurance benefits based on earnings.

Sec. 404. Availability of Federal and State work incentive services to additional individuals.

Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.

Sec. 406. GAO study regarding the Ticket to Work and Self-Sufficiency Program.

Sec. 407. Reauthorization of appropriations for certain work incentives programs.

Subtitle B—Miscellaneous Amendments

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.

Sec. 412. Nonpayment of benefits upon removal from the United States.

Sec. 413. Reinstatement of certain reporting requirements.

Sec. 414. Clarification of definitions regarding certain survivor benefits.

Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.

Sec. 416. Coverage under divided retirement system for public employees in Kentucky and Louisiana.

Sec. 417. Compensation for the Social Security Advisory Board.

Sec. 418. 60-month period of employment requirement for application of government pension offset exemption.

Sec. 419. Disclosure to workers of effect of windfall elimination provision and government pension offset provision.

Sec. 420. Post-1956 Military Wage Credits.

Sec. 420A. Elimination of disincentive to return-to-work for childhood disability beneficiaries.

Subtitle C—Technical Amendments

Sec. 421. Technical correction relating to responsible agency head.

Sec. 422. Technical correction relating to retirement benefits of ministers.

Sec. 423. Technical corrections relating to domestic employment.

Sec. 424. Technical corrections of outdated references.

Sec. 425. Technical correction respecting self-employment income in community property States.

Sec. 426. Technical amendments to the Railroad Retirement and Survivors' Improvement Act of 2001.

Subtitle D—Amendments Related to Title XVI

Sec. 430. Exclusion from income for certain infrequent or irregular income and certain interest or dividend income.

Sec. 431. Uniform 9-month resource exclusion periods.

Sec. 432. Elimination of certain restrictions on the application of the student earned income exclusion.

Sec. 433. Exception to retrospective monthly accounting for nonrecurring income.

Sec. 434. Removal of restriction on payment of benefits to children who are born or who become blind or disabled after their military parents are stationed overseas.

Sec. 435. Treatment of education-related income and resources.

Sec. 436. Monthly treatment of uniformed service compensation.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following: "In any case in which a representative payee that—

"(A) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

"(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B)."

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following:

"(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph."

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) is amended further by inserting after the first sentence the following: "In any case in which a representative payee that—

"(A) is not an individual; or

"(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (1)(2)."

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following:

"(j) MISUSE OF BENEFITS.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person under this title and converts such payment, or any part thereof, to a use other than for the use and benefit of such person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this subsection."

(3) TECHNICAL AMENDMENT.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by striking "for his or her benefit" and inserting "for his or her use and benefit".

(c) TITLE XVI AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following: "In any case in which a representative payee that—

"(i) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

"(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii)."

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking "and" at the end;

(B) in paragraph (13), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (13) the following:

"(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused."

(3) MISUSE OF BENEFITS DEFINED.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following:

"(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner of Social Security makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) CERTIFICATION OF BONDING AND LICENSING REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL REPRESENTATIVE PAYEES.—

(1) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause (I) and inserting "a certified community-based nonprofit social service agency (as defined in paragraph (9))";

(B) in paragraph (3)(F), by striking "community-based nonprofit social service agencies" and inserting "certified community-based nonprofit social service agencies (as defined in paragraph (9))";

(C) in paragraph (4)(B), by striking "any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee" and inserting "any certified community-based nonprofit social service agency (as defined in paragraph (9))"; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following:

"(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification."

(2) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause

(I) and inserting "a certified community-based nonprofit social service agency (as defined in subparagraph (I))";

(B) in subparagraph (D)(ii)—

(i) by striking "or any community-based" and all that follows through "in accordance" in subclause (II) and inserting "or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance";

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margins accordingly); and

(iii) by striking "subclause (II)(bb)" and inserting "subclause (II)"; and

(C) by adding at the end the following:

"(I) For purposes of this paragraph, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) PERIODIC ONSITE REVIEW.—

(1) TITLE II AMENDMENT.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

"(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

"(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

"(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

"(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

"(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

"(i) the number of such reviews;

"(ii) the results of such reviews;

"(iii) the number of cases in which the representative payee was changed and why;

"(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(v) the number of cases discovered in which there was a misuse of funds;

"(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

"(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(viii) such other information as the Commissioner deems appropriate."

(2) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following:

"(k) PERIODIC ONSITE REVIEW.—

"(1) IN GENERAL.—In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

"(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

"(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

"(2) REPORT.—Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

"(A) the number of such reviews;

"(B) the results of such reviews;

"(C) the number of cases in which the representative payee was changed and why;

"(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(E) the number of cases discovered in which there was a misuse of funds;

"(F) how any such cases of misuse of funds were dealt with by the Commissioner;

"(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(H) such other information as the Commissioner deems appropriate."

(3) TITLE XVI AMENDMENT.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

"(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

"(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

"(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

"(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

"(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

"(I) the number of the reviews;

"(II) the results of such reviews;

"(III) the number of cases in which the representative payee was changed and why;

"(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

"(V) the number of cases discovered in which there was a misuse of funds;

"(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

"(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

"(VIII) such other information as the Commissioner deems appropriate."

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE OF PERSONS CONVICTED OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR OR FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT.

(a) TITLE II AMENDMENTS.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following:

"(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year.

"(V) obtain information concerning whether such person is a person described in section 202(x)(1)(A)(iv), and";

(2) in subparagraph (B), by adding at the end the following:

"(iii) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this paragraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

"(I) such person is described in section 202(x)(1)(A)(iv),

"(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

"(III) the location or apprehension of such person is within the officer's official duties.";

(3) in subparagraph (C)(i)(II)—

(A) by striking "subparagraph (B)(i)(IV),," and inserting "subparagraph (B)(i)(VI)"; and

(B) by striking "section 1631(a)(2)(B)(ii)(IV)" and inserting "section 1631(a)(2)(B)(ii)(VI)"; and

(4) in subparagraph (C)(i)—
(A) by striking “or” at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and
(C) by adding at the end the following:

“(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction; or

“(V) such person is person described in section 202(x)(1)(A)(iv).”

(b) TITLE VIII AMENDMENTS.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

(A) by striking “and” at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following:

“(D) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

“(E) obtain information concerning whether such person is a person described in section 804(a)(2); and”;

(2) in subsection (b), by adding at the end the following:

“(3) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subsection, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

“(A) such person is described in section 804(a)(2),

“(B) such person has information that is necessary for the officer to conduct the officer’s official duties, and

“(C) the location or apprehension of such person is within the officer’s official duties.”;

(3) in subsection (d)(1)—

(A) by striking “or” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and
(C) by adding at the end the following:

“(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

“(E) such person is a person described in section 804(a)(2).”

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking “and” at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following:

“(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

“(V) obtain information concerning whether such person is a person described in section 1611(e)(4)(A); and”;

(2) in clause (iii)(II)—

(A) by striking “clause (ii)(IV)” and inserting “clause (ii)(VI)”;

(B) by striking “section 205(j)(2)(B)(i)(IV)” and inserting “section 205(j)(2)(B)(i)(VI)”;

(3) in clause (iii)—

(A) by striking “or” at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following:

“(IV) the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

“(V) such person is a person described in section 1611(e)(4)(A).”;

(4) by adding at the end the following:

“(xiv) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subparagraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

“(I) such person is described in section 1611(e)(4)(A),

“(II) such person has information that is necessary for the officer to conduct the officer’s official duties, and

“(III) the location or apprehension of such person is within the officer’s official duties.”;

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) REPORT TO CONGRESS.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking “A” and inserting “Except as provided in the next sentence, a”;

(2) in the second sentence, by striking “The Secretary” and inserting the following: “A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual’s benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual’s benefit for purposes of paragraphs (5) and (6). The Commissioner.”;

(b) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking “A” and inserting “Except as provided in the next sentence, a”;

(2) in the second sentence, by striking “The Commissioner” and inserting the following: “A qualified organization may not collect a fee from an individual for any month with respect to

which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual’s benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual’s benefit for purposes of subparagraphs (E) and (F). The Commissioner”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking “paragraph (9)” and inserting “paragraph (10)”;

(3) in paragraph (6)(A)(ii), by striking “paragraph (9)” and inserting “paragraph (10)”;

(4) by inserting after paragraph (6) the following:

“(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual’s benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual’s alternative representative payee.

“(B) The total of the amount certified for payment to such individual or such individual’s alternative representative payee under subparagraph (A) and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.”.

(b) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following:

“(I) LIABILITY FOR MISUSED AMOUNTS.—

“(1) IN GENERAL.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of a qualified individual’s benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such qualified individual or such qualified individual’s alternative representative payee.

“(2) LIMITATION.—The total of the amount paid to such individual or such individual’s alternative representative payee under paragraph (1) and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.”.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102(b)(3)) is amended further—

(1) in subparagraph (G)(i)(II), by striking “section 205(j)(9)” and inserting “section 205(j)(10)”; and

(2) by striking subparagraph (H) and inserting the following:

“(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual’s benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual’s alternative representative payee.

“(ii) The total of the amount paid to such individual or such individual’s alternative representative payee under clause (i) and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.”

(b) TITLE VIII AMENDMENTS.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.”

(c) TITLE XVI AMENDMENT.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following:

“(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 107. SURVEY OF USE OF PAYMENTS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1110 of the Social Security Act (42 U.S.C. 1310) is amended by adding at the end the following:

“(c)(1) In addition to the amount otherwise appropriated in any other law to carry out subsection (a) for fiscal year 2004, up to \$8,500,000 is authorized and appropriated and shall be used by the Commissioner of Social Security under this subsection for purposes of conducting a statistically valid survey to determine how payments made to individuals, organizations, and State or local government agencies that are representative payees for benefits paid under title II or XVI are being managed and used on behalf of the beneficiaries for whom such benefits are paid.

“(2) Not later than 18 months after the date of enactment of this subsection, the Commissioner of Social Security shall submit a report on the survey conducted in accordance with paragraph (1) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.”

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a-8) is amended by adding at the end the following:

“(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than \$5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WITHHOLDING OF MATERIAL FACTS.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a-8(a)(1)) is amended—

(A) by striking “who” in the first sentence and inserting “who—”;

(B) by striking “makes” in the first sentence and all that follows through “shall be subject to,” and inserting the following:

“(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading.

“(B) makes such a statement or representation for such use with knowing disregard for the truth, or

“(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to.”

(C) by inserting “or each receipt of such benefits or payments while withholding disclosure of such fact” after “each such statement or representation” in the first sentence;

(D) by inserting “or because of such withholding of disclosure of a material fact” after “because of such statement or representation” in the second sentence; and

(E) by inserting “or such a withholding of disclosure” after “such a statement or representation” in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—Section 1129A(a) of such Act (42 U.S.C. 1320a-8a(a)) is amended—

(A) by striking “who” the first place it appears and inserting “who—”;

(B) by striking “makes” and all that follows through “shall be subject to,” and inserting the following:

“(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI that the person knows or should know is false or misleading.

“(2) makes such a statement or representation for such use with knowing disregard for the truth, or

“(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to.”

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a-8(e)(2)(B)) is amended by striking “In the case of amounts recovered arising out of a determination relating to title VIII or XVI,” and inserting “In the case of any other amounts recovered under this section.”

(c) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a-8(b)(3)(A)) is amended by striking “charging fraud or false statements”.

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a-8(c)(1)) is amended by striking “and representations” and inserting “, representations, or actions”.

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a-8(e)(1)(A)) is amended by striking “statement or representation referred to in subsection (a) was made” and inserting “violation occurred”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations committed after the date on which the Commissioner of Social Security implements the centralized computer file described in section 202.

SEC. 202. ISSUANCE BY COMMISSIONER OF SOCIAL SECURITY OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN WORK OR EARNINGS STATUS OF DISABLED BENEFICIARIES.

Effective as soon as possible, but not later than 1 year after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a disabled beneficiary (or representative) regarding a change in the beneficiary's work or earnings status, the Commissioner shall issue a receipt to the disabled beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 203. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking "Prisoners" and all that follows and inserting the following: "Prisoners, Certain Other Inmates of Publicly Funded Institutions, Fugitives, Probationers, and Parolees";

(2) in paragraph (1)(A)(ii)(IV), by striking "or" at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

"(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year regardless of the actual sentence imposed, or

"(v) is violating a condition of probation or parole imposed under Federal or State law.";

(5) by adding at the end of paragraph (1)(B) the following:

"(iii) Notwithstanding subparagraph (A), the Commissioner shall, for good cause shown, pay the individual benefits that have been withheld or would otherwise be withheld pursuant to clause (iv) or (v) of subparagraph (A) if the Commissioner determines that—

"(I) a court of competent jurisdiction has found the individual not guilty of the criminal offense, dismissed the charges relating to the criminal offense, vacated the warrant for arrest of the individual for the criminal offense, or issued any similar exonerating order (or taken similar exonerating action), or

"(II) the individual was erroneously implicated in connection with the criminal offense by reason of identity fraud.

"(iv) Notwithstanding subparagraph (A), the Commissioner may, for good cause shown based on mitigating circumstances, pay the individual benefits that have been withheld or would otherwise be withheld pursuant to clause (iv) or (v) of subparagraph (A) if the Commissioner determines that—

"(I) the offense described in clause (iv) or underlying the imposition of the probation or parole described in clause (v) was nonviolent and not drug-related, and

"(II) in the case of an individual from whom benefits have been withheld or otherwise would be withheld pursuant to subparagraph (A)(v), the action that resulted in the violation of a condition of probation or parole was nonviolent and not drug-related.";

(6) in paragraph (3), by adding at the end the following:

"(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code

of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

"(i) the beneficiary is described in clause (iv) or (v) of paragraph (1)(A); and

"(ii) the location or apprehension of the beneficiary is within the officer's official duties.".

(b) CONFORMING AMENDMENTS TO TITLE XVI.—Section 1611(e) of the Social Security Act (42 U.S.C. 1382(e)) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(4)";

(C) in clause (i) of subparagraph (A) (as redesignated by subparagraph (A)), by striking "or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State" and inserting "or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year regardless of the actual sentence imposed"; and

(D) by adding at the end the following:

"(B) Notwithstanding subparagraph (A), the Commissioner shall, for good cause shown, treat the person referred to in subparagraph (A) as an eligible individual or eligible spouse if the Commissioner determines that—

"(i) a court of competent jurisdiction has found the person not guilty of the criminal offense, dismissed the charges relating to the criminal offense, vacated the warrant for arrest of the person for the criminal offense, or issued any similar exonerating order (or taken similar exonerating action), or

"(ii) the person was erroneously implicated in connection with the criminal offense by reason of identity fraud.

"(C) Notwithstanding subparagraph (A), the Commissioner may, for good cause shown based on mitigating circumstances, treat the person referred to in subparagraph (A) as an eligible individual or eligible spouse if the Commissioner determines that—

"(i) the offense described in subparagraph (A)(i) or underlying the imposition of the probation or parole described in subparagraph (A)(ii) was nonviolent and not drug-related, and

"(ii) in the case of a person who is not considered an eligible individual or eligible spouse pursuant to subparagraph (A)(ii), the action that resulted in the violation of a condition of probation or parole was nonviolent and not drug-related.";

(2) in paragraph (5), by striking subparagraphs (A) and (B) and inserting the following:

"(A) the recipient is described in clause (i) or (ii) of paragraph (4)(A); and

"(B) the location or apprehension of the recipient is within the officer's official duties.".

(c) CONFORMING AMENDMENT.—Section 804(a)(2) of the Social Security Act (42 U.S.C. 1004(a)(2)) is amended by striking "or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State" and inserting "or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year regardless of the actual sentence imposed".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date that is 9 months after the date of enactment of this Act.

SEC. 204. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE, A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 1140 of the Social Security Act (42 U.S.C. 1320b-10) is amended—

(1) in subsection (a), by adding at the end the following:

"(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

"(i) explains that the product or service is available free of charge from the Social Security Administration, and

"(ii) complies with standards prescribed by the Commissioner of Social Security respecting the content of such notice and its placement, visibility, and legibility.

"(B) Subparagraph (A) shall not apply to any offer—

"(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

"(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI.";

(2) in the heading, by striking "PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE" and inserting "PROHIBITIONS RELATING TO REFERENCES".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within 1 year after the date of the enactment of this Act.

SEC. 205. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: "Notwithstanding the preceding sentences, the Commissioner,

after due notice and opportunity for hearing, (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.".

SEC. 206. CRIMINAL PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129A the following:

"ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

"SEC. 1129B. Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the Social Security Administration (including

any State employee of a disability determination service or any other individual designated by the Commissioner of Social Security) acting in an official capacity to carry out a duty under this Act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this Act, shall be fined not more than \$5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than \$3,000, imprisoned not more than 1 year, or both. In this subsection, the term "threats of force" means threats of harm to the officer or employee of the United States or to a contractor of the Social Security Administration, or to a member of the family of such an officer or employee or contractor."

SEC. 207. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) *IN GENERAL.*—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b-10(a)(1)) is amended—

(1) in subparagraph (A), by inserting "Centers for Medicare & Medicaid Services," after "Health Care Financing Administration,"; by striking "or 'Medicaid'," and inserting "'Medicaid', 'Death Benefits Update', 'Federal Benefit Information', 'Funeral Expenses', or 'Final Supplemental Plan'," and by inserting "'CMS'," after "'HCFA,";

(2) in subparagraph (B), by inserting "Centers for Medicare & Medicaid Services," after "Health Care Financing Administration," each place it appears; and

(3) in the matter following subparagraph (B), by striking "the Health Care Financing Administration," each place it appears and inserting "the Centers for Medicare & Medicaid Services,".

(b) *EFFECTIVE DATE.*—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

SEC. 208. DISQUALIFICATION FROM PAYMENT DURING TRIAL WORK PERIOD UPON CONVICTION OF FRAUDULENT CONCEALMENT OF WORK ACTIVITY.

(a) *IN GENERAL.*—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following:

"(5) Upon conviction by a Federal court that an individual has fraudulently concealed work activity during a period of trial work from the Commissioner of Social Security by—

"(A) providing false information to the Commissioner of Social Security as to whether the individual had earnings in or for a particular period, or as to the amount thereof;

"(B) receiving disability insurance benefits under this title while engaging in work activity under another identity, including under another social security account number or a number purporting to be a social security account number; or

"(C) taking other actions to conceal work activity with an intent fraudulently to secure payment in a greater amount than is due or when no payment is authorized,

no benefit shall be payable to such individual under this title with respect to a period of disability for any month before such conviction during which the individual rendered services during the period of trial work with respect to which the fraudulently concealed work activity occurred, and amounts otherwise due under this title as restitution, penalties, assessments, fines, or other repayments shall in all cases be in addition to any amounts for which such individual is liable as overpayments by reason of such concealment."

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall apply with respect to work activity performed after the date of the enactment of this Act.

SEC. 209. AUTHORITY FOR JUDICIAL ORDERS OF RESTITUTION.

(a) *AMENDMENTS TO TITLE II.*—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(2) by inserting after subsection (a) the following:

"(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the victims of such offense specified in paragraph (4).

"(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution to victims of such offense under this subsection.

"(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.

"(4) For purposes of paragraphs (1) and (2), the victims of an offense under subsection (a) are the following:

"(A) Any individual who suffers a financial loss as a result of the defendant's violation of subsection (a).

"(B) The Commissioner of Social Security, to the extent that the defendant's violation of subsection (a) results in—

"(i) the Commissioner of Social Security making a benefit payment that should not have been made; or

"(ii) an individual suffering a financial loss due to the defendant's violation of subsection (a) in his or her capacity as the individual's representative payee appointed pursuant to section 205(j).

"(5)(A) Except as provided in subparagraph (B), funds paid to the Commissioner of Social Security as restitution pursuant to a court order shall be deposited in the Federal Old-Age and Survivors Insurance Trust Fund, or the Federal Disability Insurance Trust Fund, as appropriate.

"(B) In the case of funds paid to the Commissioner of Social Security pursuant to paragraph (4)(B)(ii), the Commissioner of Social Security shall certify for payment to the individual described in such paragraph an amount equal to the lesser of the amount of the funds so paid or the individual's outstanding financial loss, except that such amount may be reduced by the amount of any overpayments of benefits owed under this title, title VIII, or title XVI by the individual."; and

(3) by amending subsection (c) (as redesignated by paragraph (1)), by striking the second sentence.

(b) *AMENDMENTS TO TITLE VIII.*—Section 811 of the Social Security Act (42 U.S.C. 1011) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) *COURT ORDER FOR RESTITUTION.*—

"(1) *IN GENERAL.*—Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Commissioner of Social Security, in any case in which such offense results in—

"(A) the Commissioner of Social Security making a benefit payment that should not have been made, or

"(B) an individual suffering a financial loss due to the defendant's violation of subsection (a) in his or her capacity as the individual's representative payee appointed pursuant to section 807(i).

"(2) *RELATED PROVISIONS.*—Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Com-

missioner of Social Security shall be considered the victim.

"(3) *STATED REASONS FOR NOT ORDERING RESTITUTION.*—If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.

"(4) *RECEIPT OF RESTITUTION PAYMENTS.*—

"(A) *IN GENERAL.*—Except as provided in subparagraph (B), funds paid to the Commissioner of Social Security as restitution pursuant to a court order shall be deposited as miscellaneous receipts in the general fund of the Treasury.

"(B) *PAYMENT TO THE INDIVIDUAL.*—In the case of funds paid to the Commissioner of Social Security pursuant to paragraph (1)(B), the Commissioner of Social Security shall certify for payment to the individual described in such paragraph an amount equal to the lesser of the amount of the funds so paid or the individual's outstanding financial loss as described in such paragraph, except that such amount may be reduced by any overpayment of benefits owed under this title, title II, or title XVI by the individual."

(c) *AMENDMENTS TO TITLE XVI.*—Section 1632 of the Social Security Act (42 U.S.C. 1383a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Commissioner of Social Security, in any case in which such offense results in—

"(A) the Commissioner of Social Security making a benefit payment that should not have been made, or

"(B) an individual suffering a financial loss due to the defendant's violation of subsection (a) in his or her capacity as the individual's representative payee appointed pursuant to section 1631(a)(2).

"(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Commissioner of Social Security shall be considered the victim.

"(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.

"(4)(A) Except as provided in subparagraph (B), funds paid to the Commissioner of Social Security as restitution pursuant to a court order shall be deposited as miscellaneous receipts in the general fund of the Treasury.

"(B) In the case of funds paid to the Commissioner of Social Security pursuant to paragraph (1)(B), the Commissioner of Social Security shall certify for payment to the individual described in such paragraph an amount equal to the lesser of the amount of the funds so paid or the individual's outstanding financial loss as described in such paragraph, except that such amount may be reduced by any overpayment of benefits owed under this title, title II, or title VIII by the individual."; and

(3) by amending subsection (c) (as redesignated by paragraph (1)) by striking "(1) If a person" and all that follows through "(2)".

(d) *EFFECTIVE DATE.*—The amendments made by subsections (a), (b), and (c) shall apply with respect to violations occurring on or after the date of enactment of this Act.

SEC. 210. AUTHORITY FOR CROSS-PROGRAM RECOVERY OF BENEFIT OVERPAYMENTS.

(a) *IN GENERAL.*—Section 1147 of the Social Security Act (42 U.S.C. 1320b-17) is amended to read as follows:

CROSS-PROGRAM RECOVERY OF OVERPAYMENTS FROM BENEFITS

“(a) IN GENERAL.—Subject to subsection (b), whenever the Commissioner of Social Security determines that more than the correct amount of any payment has been made to a person under a program described in subsection (e), the Commissioner of Social Security may recover the amount incorrectly paid by decreasing any amount which is payable to such person under any other program specified in that subsection.”

(b) LIMITATION APPLICABLE TO CURRENT BENEFITS.—

“(1) IN GENERAL.—In carrying out subsection (a), the Commissioner of Social Security may not decrease the monthly amount payable to an individual under a program described in subsection (e) that is paid when regularly due—

“(A) in the case of benefits under title II or VIII, by more than 10 percent of the amount of the benefit payable to the person for that month under such title; and

“(B) in the case of benefits under title XVI, by an amount greater than the lesser of—

“(i) the amount of the benefit payable to the person for that month; or

“(ii) an amount equal to 10 percent of the person's income for that month (including such monthly benefit but excluding payments under title II when recovery is also made from title II payments and excluding income excluded pursuant to section 1612(b)).

“(2) EXCEPTION.—Paragraph (1) shall not apply if—

“(A) the person or the spouse of the person was involved in willful misrepresentation or concealment of material information in connection with the amount incorrectly paid; or

“(B) the person so requests.

“(c) NO EFFECT ON ELIGIBILITY OR BENEFIT AMOUNT UNDER TITLE VIII OR XVI.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a) to recover an amount incorrectly paid to any person, neither that person, nor (with respect to the program described in subsection (e)(3)) any individual whose eligibility for benefits under such program or whose amount of such benefits, is determined by considering any part of that person's income, shall, as a result of such action—

“(1) become eligible for benefits under the program described in paragraph (2) or (3) of subsection (e); or

“(2) if such person or individual is otherwise so eligible, become eligible for increased benefits under such program.

“(d) INAPPLICABILITY OF PROHIBITION AGAINST ASSESSMENT AND LEGAL PROCESS.—Section 207 shall not apply to actions taken under the provisions of this section to decrease amounts payable under titles II and XVI.

“(e) PROGRAMS DESCRIBED.—The programs described in this subsection are the following:

“(1) The old-age, survivors, and disability insurance benefits program under title II.

“(2) The special benefits for certain World War II veterans program under title VIII.

“(3) The supplemental security income benefits program under title XVI (including, for purposes of this section, State supplementary payments paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66).”

(b) CONFORMING AMENDMENTS.—

(1) Section 204(g) of the Social Security Act (42 U.S.C. 404(g)) is amended to read as follows:

“(g) For provisions relating to the cross-program recovery of overpayments made under programs administered by the Commissioner of Social Security, see section 1147.”

(2) Section 808 of the Social Security Act (42 U.S.C. 1008) is amended—

(A) in subsection (a)(1)—

(i) by striking subparagraph (B);

(ii) in the matter preceding subparagraph (A), by striking “any payment” and all that follows through “under this title” and inserting “any payment under this title”; and

(iii) by striking “; or” and inserting a period; (B) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(C) by adding at the end the following:

“(e) CROSS-PROGRAM RECOVERY OF OVERPAYMENTS.—For provisions relating to the cross-program recovery of overpayments made under programs administered by the Commissioner of Social Security, see section 1147.”

(3) Section 1147A of the Social Security Act (42 U.S.C. 1320b-18) is repealed.

(4) Section 1631(b) of the Social Security Act (42 U.S.C. 1383(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking “excluding any other” and inserting “excluding payments under title II when recovery is made from title II payments pursuant to section 1147 and excluding”; and

(ii) by striking “50 percent of”; and

(B) by striking paragraph (6) and inserting the following:

“(6) For provisions relating to the cross-program recovery of overpayments made under programs administered by the Commissioner of Social Security, see section 1147.”

(c) EFFECTIVE DATE.—The amendments and repeal made by this section shall take effect on the date of enactment of this Act, and shall be effective with respect to overpayments under titles II, VIII, and XVI of the Social Security Act that are outstanding on or after such date.

SEC. 211. PROHIBITION ON PAYMENT OF TITLE II BENEFITS TO PERSONS NOT AUTHORIZED TO WORK IN THE UNITED STATES.

(a) FULLY INSURED AND CURRENTLY INSURED INDIVIDUALS.—Section 214 (42 U.S.C. 414) is amended—

(1) in subsection (a), by inserting before the period at the end the following: “, and who satisfies the criterion specified in subsection (c)”;

(2) in subsection (b), by inserting before the period at the end the following: “, and who satisfies the criterion specified in subsection (c)”; and

(3) by adding at the end the following:

“(c) For purposes of subsections (a) and (b), the criterion specified in this subsection is that the individual, if not a United States citizen or national—

“(1) has been assigned a social security account number that was, at the time of assignment, or at any later time, consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i); or

“(2) at the time any such quarters of coverage are earned—

“(A) is described in subparagraph (B) or (D) of section 101(a)(15) of the Immigration and Nationality Act,

“(B) is lawfully admitted temporarily to the United States for business (in the case of an individual described in such subparagraph (B)) or the performance as a crewman (in the case of an individual described in such subparagraph (D)), and

“(C) the business engaged in or service as a crewman performed is within the scope of the terms of such individual's admission to the United States.”

(b) DISABILITY BENEFITS.—Section 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B), the following:

“(C) if not a United States citizen or national—

“(i) has been assigned a social security account number that was, at the time of assignment, or at any later time, consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i); or

“(ii) at the time any quarters of coverage are earned—

“(I) is described in subparagraph (B) or (D) of section 101(a)(15) of the Immigration and Nationality Act,

“(II) is lawfully admitted temporarily to the United States for business (in the case of an individual described in such subparagraph (B)) or the performance as a crewman (in the case of an individual described in such subparagraph (D)), and

“(III) the business engaged in or service as a crewman performed is within the scope of the terms of such individual's admission to the United States.”

(c) EFFECTIVE DATE.—The amendments made by this section apply to benefit applications based on social security account numbers issued on or after January 1, 2004.

TITLE III—ATTORNEY REPRESENTATIVE FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) IN GENERAL.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended—

(1) by inserting “, except that the maximum amount of the assessment may not exceed the greater of \$75 or the adjusted amount as provided pursuant to the following two sentences” after “subparagraph (B)”; and

(2) by adding at the end the following: “In the case of any calendar year beginning after the amendments made by section 301 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of \$75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of \$1 shall be rounded to the next lowest multiple of \$1, but in no case less than \$5.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. TEMPORARY EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) IN GENERAL.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking “section 206(a)” and inserting “section 206”;

(B) by striking “(other than paragraph (4) thereof)” and inserting “(other than subsections (a)(4) and (d) thereof)”; and

(C) by striking “paragraph (2) thereof” and inserting “such section”;

(2) in subparagraph (A)(i)—

(A) by striking “in subparagraphs (A)(ii)(I) and (C)(i),” and inserting “in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)”; and

(B) by striking “and” at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

“(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase ‘paragraph (7)(A) or (8)(A) of section 1631(a) or the requirements of due process of law’ for the phrase ‘subsection (g) or (h) of section 223;

“(iii) by substituting, in subsection (a)(2)(C)(i), the phrase ‘under title II’ for the phrase ‘under title XVI’;

“(iv) by substituting, in subsection (b)(1)(A), the phrase ‘pay the amount of such fee’ for the phrase ‘certify the amount of such fee for payment’ and by striking, in subsection (b)(1)(A), the phrase ‘or certified for payment’; and

“(v) by substituting, in subsection (b)(1)(B)(ii), the phrase ‘deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)’ for the phrase ‘determined before any applicable reduction under section 1127(a)’; and

(4) by redesignating subparagraph (B) as subparagraph (D) and inserting after subparagraph (A) the following:

“(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

“(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

“(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

“(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant’s past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

“(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative’s fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed \$75. In the case of any calendar year beginning after the amendments made by section 302 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of \$75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of \$1 shall be rounded to the next lowest multiple of \$1, but in no case less than \$75.

“(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

“(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant’s past-due benefits.

“(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

“(v) Assessments on attorneys collected under this subparagraph shall be deposited as miscellaneous receipts in the general fund of the Treasury.

“(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.”.

(b) CONFORMING AMENDMENTS.—Section 1631(a) of the Social Security Act (42 U.S.C. 1383(a)) is amended—

(1) in paragraph (2)(F)(i)(II), by inserting “and payment of attorney fees under subsection (d)(2)(B)” after “subsection (g)”;

(2) in paragraph (10)(A)—

(A) in the matter preceding clause (i), by inserting “and payment of attorney fees under subsection (d)(2)(B)” after “subsection (g)”;

(B) in the matter following clause (ii), by inserting “and payment of attorney fees under subsection (d)(2)(B)” after “State”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be paid under section 1631(d)(2) of the Social Security Act on or after the date of the submission by the Commissioner of Social Security to each House of Congress pursuant to section 303(d) of this Act of written notice of completion of full implementation of the requirements for operation of the demonstration project under section 303 of this Act.

(2) SUNSET.—Such amendments shall not apply with respect to fees for representation of claimants in the case of any claim for benefits with respect to which the agreement for representation is entered into after 5 years after the date described in paragraph (1).

SEC. 303. NATIONWIDE DEMONSTRATION PROJECT PROVIDING FOR EXTENSION OF FEE WITHHOLDING PROCEDURES TO NON-ATTORNEY REPRESENTATIVES.

(a) IN GENERAL.—The Commissioner of Social Security (hereafter in this section referred to as the “Commissioner”) shall develop and carry out a nationwide demonstration project under this section with respect to agents and other persons, other than attorneys, who represent claimants under titles II and XVI of the Social Security Act before the Commissioner. The demonstration project shall be designed to determine the potential results of extending to such representatives the fee withholding procedures and assessment procedures that apply under sections 206 and section 1631(d)(2) of such Act to attorneys seeking direct payment out of past due benefits under such titles and shall include an analysis of the effect of such extension on claimants and program administration.

(b) STANDARDS FOR INCLUSION IN DEMONSTRATION PROJECT.—Fee-withholding procedures may be extended under the demonstration project carried out pursuant to subsection (a) to any non-attorney representative only if such representative meets at least the following prerequisites:

(1) The representative has been awarded a bachelor’s degree from an accredited institution of higher education, or has been determined by the Commissioner to have equivalent qualifications derived from training and work experience.

(2) The representative has passed an examination, written and administered by the Commissioner, which tests knowledge of the relevant provisions of the Social Security Act and the most recent developments in agency and court decisions affecting titles II and XVI of such Act.

(3) The representative has secured professional liability insurance, or equivalent insurance, which the Commissioner has determined to be adequate to protect claimants in the event of malpractice by the representative.

(4) The representative has undergone a criminal background check to ensure the representative’s fitness to practice before the Commissioner.

(5) The representative demonstrates ongoing completion of qualified courses of continuing education, including education regarding ethics and professional conduct, which are designed to enhance professional knowledge in matters related to entitlement to, or eligibility for, benefits

based on disability under titles II and XVI of such Act. Such continuing education, and the instructors providing such education, shall meet such standards as the Commissioner may prescribe.

(c) ASSESSMENT OF FEES.—

(1) IN GENERAL.—The Commissioner may assess representatives reasonable fees to cover the cost to the Social Security Administration of administering the prerequisites described in subsection (b).

(2) DISPOSITION OF FEES.—Fees collected under paragraph (1) shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or deposited as miscellaneous receipts in the general fund of the Treasury, based on such allocations as the Commissioner of Social Security determines appropriate.

(3) AUTHORIZATION OF APPROPRIATIONS.—The fees authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended for administering the prerequisites described in subsection (b).

(d) NOTICE TO CONGRESS AND APPLICABILITY OF FEE WITHHOLDING PROCEDURES.—Not later than 1 year after the date of enactment of this Act, the Commissioner shall complete such actions as are necessary to fully implement the requirements for full operation of the demonstration project and shall submit to each House of Congress a written notice of the completion of such actions. The applicability under this section to non-attorney representatives of the fee withholding procedures and assessment procedures under sections 206 and 1631(d)(2) of the Social Security Act shall be effective with respect to fees for representation of claimants in the case of claims for benefits with respect to which the agreement for representation is entered into by such non-attorney representatives during the period beginning with the date of the submission of such notice by the Commissioner to Congress and ending with the termination date of the demonstration project.

(e) REPORTS BY THE COMMISSIONER; TERMINATION.—

(1) INTERIM REPORTS.—On or before the date which is 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an annual interim report on the progress of the demonstration project carried out under this section, together with any related data and materials that the Commissioner may consider appropriate.

(2) TERMINATION DATE AND FINAL REPORT.—The termination date of the demonstration project under this section is the date which is 5 years after the date of the submission of the notice by the Commissioner to each House of Congress pursuant to subsection (d). The authority under the preceding provisions of this section shall not apply in the case of claims for benefits with respect to which the agreement for representation is entered into after the termination date. Not later than 90 days after the termination date, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to the demonstration project.

SEC. 304. GAO STUDY REGARDING THE FEE PAYMENT PROCESS FOR CLAIMANT REPRESENTATIVES.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall study and evaluate the appointment and payment of claimant representatives appearing before the Commissioner of Social Security in connection with benefit claims under titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) in each of the following groups:

(A) Attorney claimant representatives who elect fee withholding under section 206 or 1631(d)(2) of such Act.

(B) Attorney claimant representatives who do not elect such fee withholding.

(C) Non-attorney claimant representatives who are eligible for, and elect, such fee withholding.

(D) Non-attorney claimant representatives who are eligible for, but do not elect, such fee withholding.

(E) Non-attorney claimant representatives who are not eligible for such fee withholding.

(2) MATTERS TO BE STUDIED.—In conducting the study under this subsection, the Comptroller General shall, for each of group of claimant representatives described in paragraph (1)—

(A) conduct a survey of the relevant characteristics of such claimant representatives including—

(i) qualifications and experience;

(ii) the type of employment of such claimant representatives, such as with an advocacy group, State or local government, or insurance or other company;

(iii) geographical distribution between urban and rural areas;

(iv) the nature of claimants' cases, such as whether the cases are for disability insurance benefits only, supplemental security income benefits only, or concurrent benefits;

(v) the relationship of such claimant representatives to claimants, such as whether the claimant is a friend, family member, or client of the claimant representative; and

(vi) the amount of compensation (if any) paid to the claimant representatives and the method of payment of such compensation;

(B) assess the quality and effectiveness of the services provided by such claimant representatives, including a comparison of claimant satisfaction or complaints and benefit outcomes, adjusted for differences in claimant representatives' caseload, claimants' diagnostic group, level of decision, and other relevant factors;

(C) assess the interactions between fee withholding under sections 206 and 1631(d)(2) of such Act (including under the amendments made by section 302 of this Act and under the demonstration project conducted under section 303 of this Act), the windfall offset under section 1127 of such Act, and interim assistance reimbursements under section 1631(g) of such Act;

(D) assess the potential results of making permanent the fee withholding procedures under sections 206 and 1631(d)(2) of such Act under the amendments made by section 302 of this Act and under the demonstration project conducted under section 303 of this Act with respect to program administration and claimant outcomes, and assess whether the rules and procedures employed by the Commissioner of Social Security to evaluate the qualifications and performance of claimant representatives should be revised prior to making such procedures permanent; and

(E) make such recommendations for administrative and legislative changes as the Comptroller General of the United States considers necessary or appropriate.

(3) CONSULTATION REQUIRED.—The Comptroller General of the United States shall consult with beneficiaries under title II of such Act, beneficiaries under title XVI of such Act, claimant representatives of beneficiaries under such titles, and other interested parties, in conducting the study and evaluation required under paragraph (1).

(b) REPORT.—Not later than 3 years after the date of the submission by the Commissioner of Social Security to each House of Congress pursuant to section 303(d) of this Act of written notice of completion of full implementation of the requirements for operation of the demonstration project under section 303 of this Act, the Comptroller General of the United States shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of

the study and evaluation conducted pursuant to subsection (a).

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking “conducted under subsection (a)” and inserting “initiated under subsection (a) on or before December 17, 2005”; and

(2) in subsection (d)(2), by striking the first sentence and inserting the following: “The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2005.”

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking “(42 U.S.C. 401 et seq.)” and inserting “(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b-19) as they relate to the program established under title II of such Act.”

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

“(f) EXPENDITURES.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or XVIII.”

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) FEDERAL WORK INCENTIVES OUTREACH PROGRAM.—

(1) IN GENERAL.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b-20(c)(2)) is amended to read as follows:

“(2) DISABLED BENEFICIARY.—The term ‘disabled beneficiary’ means an individual—

“(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

“(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93-66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93-66);

“(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

“(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts en-

tered into on or after the date of the enactment of this Act.

(b) STATE GRANTS FOR WORK INCENTIVES ASSISTANCE.—

(1) DEFINITION OF DISABLED BENEFICIARY.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b-21(g)(2)) is amended to read as follows:

(2) DISABLED BENEFICIARY.—The term ‘disabled beneficiary’ means an individual—

“(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

“(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93-66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93-66);

“(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

“(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.”

(2) ADVOCACY OR OTHER SERVICES NEEDED TO MAINTAIN GAINFUL EMPLOYMENT.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b-21(b)(2)) is amended by striking “secure or regain” and inserting “secure, maintain, or regain”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b-19(g)(1)) is amended by adding at the end, after and below subparagraph (E), the following:

“An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170; 113 Stat. 1921).

SEC. 406. GAO STUDY REGARDING THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) GAO REPORT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress regarding the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b-19) that—

(1) examines the annual and interim reports issued by States, the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 1320b-19 note), and the Commissioner of Social Security regarding such program;

(2) assesses the effectiveness of the activities carried out under such program; and

(3) recommends such legislative or administrative changes as the Comptroller General determines are appropriate to improve the effectiveness of such program.

SEC. 407. REAUTHORIZATION OF APPROPRIATIONS FOR CERTAIN WORK INCENTIVES PROGRAMS.

(a) BENEFITS PLANNING, ASSISTANCE, AND OUTREACH.—Section 1149(d) of the Social Security Act (42 U.S.C. 1320b-20(d)) is amended by striking “2004” and inserting “2009”.

(b) PROTECTION AND ADVOCACY.—Section 1150(h) of the Social Security Act (42 U.S.C. 1320b-21(h)) is amended by striking “2004” and inserting “2009”.

Subtitle B—Miscellaneous Amendments**SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.**

(a) *IN GENERAL.*—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking “and a transcript” and inserting “and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) *IN GENERAL.*—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) is amended—

(1) in paragraph (1), by striking “section 241(a) (other than under paragraph (1)(C) or (1)(E) thereof) of the Immigration and Nationality Act” and inserting “section 237(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) of such section) or under section 212(a)(6)(A) of such Act”;

(2) in paragraph (2), by striking “section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) or (1)(E) thereof)” and inserting “section 237(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) of such section) or under section 212(a)(6)(A) of such Act”;

(3) in paragraph (3), by striking “paragraph (19) of section 241(a) of the Immigration and Nationality Act (relating to persecution of others on account of race, religion, national origin, or political opinion, under the direction of or in association with the Nazi government of Germany or its allies) shall be considered to have been deported under such paragraph (19)” and inserting “paragraph (4)(D) of section 241(a) of the Immigration and Nationality Act (relating to participating in Nazi persecutions or genocide) shall be considered to have been deported under such paragraph (4)(D)”;

(4) in paragraph (3) (as amended by paragraph (3) of this subsection), by striking “241(a)” and inserting “237(a)”.

(b) TECHNICAL CORRECTIONS.—

(1) *TERMINOLOGY REGARDING REMOVAL FROM THE UNITED STATES.*—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by subsection (a)) is amended further—

(A) by striking “deportation” each place it appears and inserting “removal”;

(B) by striking “deported” each place it appears and inserting “removed”;

(C) in the heading, by striking “Deportation” and inserting “Removal”.

(2) *REFERENCES TO THE SECRETARY OF HOMELAND SECURITY.*—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by subsection (a) and paragraph (1)) is amended further by inserting “or the Secretary of Homeland Security” after “the Attorney General” each place it appears.

(c) EFFECTIVE DATES.—

(1) *IN GENERAL.*—The amendment made by—
(A) subsection (a)(1) shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice after the date of the enactment of this Act;

(B) subsection (a)(2) shall apply with respect to notifications of removals received by the Commissioner of Social Security after the date of enactment of this Act; and

(C) subsection (a)(3) shall be effective as if enacted on March 1, 1991.

(2) *SUBSEQUENT CORRECTION OF CROSS-REFERENCE AND TERMINOLOGY.*—The amendments made by subsections (a)(4) and (b)(1) shall be effective as if enacted on April 1, 1997.

(3) *REFERENCES TO THE SECRETARY OF HOMELAND SECURITY.*—The amendment made by subsection (b)(2) shall be effective as if enacted on March 1, 2003.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) *WIDOWS.*—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting “except as provided in paragraph (2),” before “she was married”;

(4) by inserting “(1)” after “(c)”; and

(5) by adding at the end the following:
“(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

“(A) the individual had been married prior to the individual’s marriage to the surviving wife,

“(B) the prior wife was institutionalized during the individual’s marriage to the prior wife due to mental incompetence or similar incapacity,

“(C) during the period of the prior wife’s institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife’s institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

“(D) the prior wife continued to remain institutionalized up to the time of her death, and

“(E) the individual married the surviving wife within 60 days after the prior wife’s death.”.

(b) *WIDOWERS.*—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting “except as provided in paragraph (2),” before “he was married”;

(4) by inserting “(1)” after “(g)”; and

(5) by adding at the end the following:
“(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

“(A) the individual had been married prior to the individual’s marriage to the surviving husband,

“(B) the prior husband was institutionalized during the individual’s marriage to the prior husband due to mental incompetence or similar incapacity,

“(C) during the period of the prior husband’s institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband’s institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

“(D) the prior husband continued to remain institutionalized up to the time of his death, and

“(E) the individual married the surviving husband within 60 days after the prior husband’s death.”.

(c) *CONFORMING AMENDMENT.*—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking “clause (5) of subsection (c) or clause (5) of subsection (g)” and inserting “clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)”.

(d) *EFFECTIVE DATE.*—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking “to taxes or contributions for similar purposes under” and inserting “exclusively to the laws applicable to”.

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY AND LOUISIANA.

(a) *IN GENERAL.*—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting “Kentucky, Louisiana,” after “Illinois.”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) takes effect on January 1, 2003.

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) *IN GENERAL.*—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

“Compensation, Expenses, and Per Diem

“(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall be effective as of January 1, 2003.

SEC. 418. 60-MONTH PERIOD OF EMPLOYMENT REQUIREMENT FOR APPLICATION OF GOVERNMENT PENSION OFFSET EXEMPTION.

(a) *IN GENERAL.*—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by adding at the end the following:

“(5)(A) The amount of a monthly insurance benefit of any individual for each month under subsection (b), (c), (e), (f), or (g) (as determined after application of the provisions of subsection (q) and the preceding provisions of this subsection) shall be reduced (but not below zero) by an amount equal to two-thirds of the amount of any monthly periodic benefit payable to such individual for such month which is based upon such individual’s earnings while in the service of the Federal Government or any State (or political subdivision thereof, as defined in section 218(b)(2)) if, during any portion of the last 60 months of such service ending with the last day such individual was employed by such entity—

“(i) such service did not constitute ‘employment’ as defined in section 210, or

“(ii) such service was being performed while in the service of the Federal Government, and constituted ‘employment’ as so defined solely by reason of—

“(I) clause (ii) or (iii) of subparagraph (G) of section 210(a)(5), where the lump-sum payment described in such clause (ii) or the cessation of

coverage described in such clause (iii) (which ever is applicable) was received or occurred on or after January 1, 1988, or

“(II) an election to become subject to the Federal Employees’ Retirement System provided in chapter 84 of title 5, United States Code, or the Foreign Service Pension System provided in subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 made pursuant to law after December 31, 1987, unless subparagraph (B) applies.

The amount of the reduction in any benefit under this subparagraph, if not a multiple of \$0.10, shall be rounded to the next higher multiple of \$0.10.

“(B)(i) Subparagraph (A)(i) shall not apply with respect to monthly periodic benefits based wholly on service as a member of a uniformed service (as defined in section 210(m)).

“(ii) Subparagraph (A)(ii) shall not apply with respect to monthly periodic benefits based in whole or in part on service which constituted ‘employment’ as defined in section 210 if such service was performed for at least 60 months in the aggregate during the period beginning January 1, 1988, and ending with the close of the first calendar month as of the end of which such individual is eligible for benefits under this subsection and has made a valid application for such benefits.

“(C) For purposes of this paragraph, any periodic benefit which otherwise meets the requirements of subparagraph (A), but which is paid on other than a monthly basis, shall be allocated on a basis equivalent to a monthly benefit (as determined by the Commissioner of Social Security) and such equivalent monthly benefit shall constitute a monthly periodic benefit for purposes of subparagraph (A). For purposes of this subparagraph, the term ‘periodic benefit’ includes a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments.”

(b) CONFORMING AMENDMENTS.—

(1) WIFE’S INSURANCE BENEFITS.—Section 202(b) of the Social Security Act (42 U.S.C. 402(b)) is amended—

(A) in paragraph (2), by striking “subsection (q) and paragraph (4) of this subsection” and inserting “subsections (k)(5) and (q)”; and

(B) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

(2) HUSBAND’S INSURANCE BENEFITS.—Section 202(c) of the Social Security Act (42 U.S.C. 402(c)) is amended—

(A) by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(B) in paragraph (2) as so redesignated, by striking “subsection (q) and paragraph (2) of this subsection” and inserting “subsections (k)(5) and (q)”.

(3) WIDOW’S INSURANCE BENEFITS.—Section 202(e) of the Social Security Act (42 U.S.C. 402(e)) is amended—

(A) in paragraph (2)(A), by striking “subsection (q), paragraph (7) of this subsection,” and inserting “subsection (k)(5), subsection (q),”; and

(B) by striking paragraph (7) and redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(4) WIDOWER’S INSURANCE BENEFITS.—

(A) IN GENERAL.—Section 202(f) of the Social Security Act (42 U.S.C. 402(f)) is amended—

(i) by striking paragraph (2) and redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively; and

(ii) in paragraph (2) as so redesignated, by striking “subsection (q), paragraph (2) of this subsection,” and inserting “subsection (k)(5), subsection (q),”.

(B) CONFORMING AMENDMENTS.—

(i) Section 202(f)(1)(B) of the Social Security Act (42 U.S.C. 402(f)(1)(B)) is amended by striking “paragraph (5)” and inserting “paragraph (4)”.

(ii) Section 202(f)(1)(F) of the Social Security Act (42 U.S.C. 402(f)(1)(F)) is amended by strik-

ing “paragraph (6)” and “paragraph (5)” (in clauses (i) and (ii)) and inserting “paragraph (5)” and “paragraph (4)”, respectively.

(iii) Section 202(f)(5)(A)(ii) of the Social Security Act (as redesignated by subparagraph (A)(i)) is amended by striking “paragraph (5)” and inserting “paragraph (4)”.

(iv) Section 202(k)(2)(B) of the Social Security Act (42 U.S.C. 402(k)(2)(B)) is amended by striking “or (f)(4)” each place it appears and inserting “or (f)(3)”.

(v) Section 202(k)(3)(A) of the Social Security Act (42 U.S.C. 402(k)(3)(A)) is amended by striking “or (f)(3)” and inserting “or (f)(2)”.

(vi) Section 202(k)(3)(B) of the Social Security Act (42 U.S.C. 402(k)(3)(B)) is amended by striking “or (f)(4)” and inserting “or (f)(3)”.

(vii) Section 226(e)(1)(A)(i) of the Social Security Act (42 U.S.C. 426(e)(1)(A)(i)) is amended by striking “and 202(f)(5)” and inserting “and 202(f)(4)”.

(5) MOTHER’S AND FATHER’S INSURANCE BENEFITS.—Section 202(g) of the Social Security Act (42 U.S.C. 402(g)) is amended—

(A) in paragraph (2), by striking “Except as provided in paragraph (4) of this subsection, such” and inserting “Such”; and

(B) by striking paragraph (4).

(c) EFFECTIVE DATE AND TRANSITIONAL RULE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to applications for benefits under title II of the Social Security Act filed on or after the first day of the first month that begins after the date of enactment of this Act, except that such amendments shall not apply in connection with monthly periodic benefits of any individual based on earnings while in service described in section 202(k)(5)(A) of the Social Security Act (in the matter preceding clause (i) thereof) if the last day of such service occurs before July 1, 2004.

(2) TRANSITIONAL RULE.—In the case of any individual whose last day of service described in subparagraph (A) of section 202(k)(5) of the Social Security Act (as added by subsection (a) of this section) occurs within 5 years after the date of enactment of this Act—

(A) the 60-month period described in such subparagraph (A) shall be reduced (but not to less than 1 month) by the number of months of such service (in the aggregate and without regard to whether such months of service were continuous) which—

(i) were performed by the individual under the same retirement system on or before the date of enactment of this Act, and

(ii) constituted “employment” as defined in section 210 of the Social Security Act; and

(B) months of service necessary to fulfill the 60-month period as reduced by subparagraph (A) of this paragraph must be performed after the date of enactment of this Act.

SEC. 419. DISCLOSURE TO WORKERS OF EFFECT OF WINDFALL ELIMINATION PROVISION AND GOVERNMENT PENSION OFFSET PROVISION.

(a) INCLUSION OF NONCOVERED EMPLOYEES AS ELIGIBLE INDIVIDUALS ENTITLED TO SOCIAL SECURITY ACCOUNT STATEMENTS.—Section 1143(a)(3) of the Social Security Act (42 U.S.C. 1320b-13(a)(3)) is amended—

(1) by striking “who” after “an individual” and inserting “who” before “has” in each of subparagraphs (A) and (B);

(2) by inserting “(i) who” after “(C)”; and

(3) by inserting before the period the following: “, or (ii) with respect to whom the Commissioner has information that the pattern of wages or self-employment income indicate a likelihood of noncovered employment”.

(b) EXPLANATION IN SOCIAL SECURITY ACCOUNT STATEMENTS OF POSSIBLE EFFECTS OF PERIODIC BENEFITS UNDER STATE AND LOCAL RETIREMENT SYSTEMS ON SOCIAL SECURITY BENEFITS.—Section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b-13(a)(2)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period and inserting “; and”; and

(3) by adding at the end the following: “(E) in the case of an eligible individual described in paragraph (3)(C)(ii), an explanation, in language calculated to be understood by the average eligible individual, of the operation of the provisions under sections 202(k)(5) and 215(a)(7) and an explanation of the maximum potential effects of such provisions on the eligible individual’s monthly retirement, survivor, and auxiliary benefits.”.

(c) TRUTH IN RETIREMENT DISCLOSURE TO GOVERNMENTAL EMPLOYEES OF EFFECT OF NONCOVERED EMPLOYMENT ON BENEFITS UNDER TITLE II.—Section 1143 of the Social Security Act (42 U.S.C. 1320b-13) is amended further by adding at the end the following:

“Disclosure to Governmental Employees of Effect of Noncovered Employment

“(d)(1) In the case of any individual commencing employment on or after January 1, 2005, in any agency or instrumentality of any State (or political subdivision thereof, as defined in section 218(b)(2)) in a position in which service performed by the individual does not constitute ‘employment’ as defined in section 210, the head of the agency or instrumentality shall ensure that, prior to the date of the commencement of the individual’s employment in the position, the individual is provided a written notice setting forth an explanation, in language calculated to be understood by the average individual, of the maximum effect on computations of primary insurance amounts (under section 215(a)(7)) and the effect on benefit amounts (under section 202(k)(5)) of monthly periodic payments or benefits payable based on earnings derived in such service. Such notice shall be in a form which shall be prescribed by the Commissioner of Social Security.

“(2) The written notice provided to an individual pursuant to paragraph (1) shall include a form which, upon completion and signature by the individual, would constitute certification by the individual of receipt of the notice. The agency or instrumentality providing the notice to the individual shall require that the form be completed and signed by the individual and submitted to the agency or instrumentality and to the pension, annuity, retirement, or similar fund or system established by the governmental entity involved responsible for paying the monthly periodic payments or benefits, before commencement of service with the agency or instrumentality.”.

(d) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) of this section shall apply with respect to social security account statements issued on or after January 1, 2007.

SEC. 420. POST-1956 MILITARY WAGE CREDITS.

(a) PAYMENT TO THE SOCIAL SECURITY TRUST FUNDS IN SATISFACTION OF OUTSTANDING OBLIGATIONS.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

“(n) Not later than July 1, 2004, the Secretary of the Treasury shall transfer, from amounts in the general fund of the Treasury that are not otherwise appropriated—

“(1) \$624,971,854 to the Federal Old-Age and Survivors Insurance Trust Fund;

“(2) \$105,379,671 to the Federal Disability Insurance Trust Fund; and

“(3) \$173,306,134 to the Federal Hospital Insurance Trust Fund.

Amounts transferred in accordance with this subsection shall be in satisfaction of certain outstanding obligations for deemed wage credits for 2000 and 2001.”.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF AUTHORITY FOR ANNUAL APPROPRIATIONS AND RELATED ADJUSTMENTS TO COMPENSATE THE SOCIAL SECURITY TRUST FUND FOR MILITARY WAGE CREDITS.—Section 229 of the Social Security Act (42 U.S.C. 429) is amended—

(A) by striking “(a)”; and

(B) by striking subsection (b).

(2) AMENDMENT TO REFLECT THE TERMINATION OF WAGE CREDITS EFFECTIVE AFTER CALENDAR YEAR 2001 BY SECTION 8134 OF PUBLIC LAW 107-117.—Section 229(a)(2) of the Social Security Act (42 U.S.C. 429(a)(2)), as amended by paragraph (1), is amended by inserting “and before 2002” after “1977”.

SEC. 420A. ELIMINATION OF DISINCENTIVE TO RETURN-TO-WORK FOR CHILDHOOD DISABILITY BENEFICIARIES.

(a) IN GENERAL.—Section 202(d)(6)(B) of the Social Security Act (42 U.S.C. 402(d)(6)(B)) is amended—

(1) by inserting “(i)” after “began”; and

(2) by adding after “such disability,” the following: “or (ii) after the close of the 84th month following the month in which his most recent entitlement to child’s insurance benefits terminated because he ceased to be under such disability due to performance of substantial gainful activity.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective with respect to benefits payable for months beginning with the 7th month that begins after the date of enactment of this Act.

Subtitle C—Technical Amendments

SEC. 421. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b-13) is amended—

(1) by striking “Secretary” the first place it appears and inserting “Commissioner of Social Security”; and

(2) by striking “Secretary” each subsequent place it appears and inserting “Commissioner”.

SEC. 422. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) IN GENERAL.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is amended by inserting “, but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires” before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 423. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) AMENDMENT TO INTERNAL REVENUE CODE.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking “described in subsection (g)(5)” and inserting “on a farm operated for profit”.

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking “described in section 210(f)(5)” and inserting “on a farm operated for profit”.

(c) CONFORMING AMENDMENT.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking “or is domestic service in a private home of the employer”.

SEC. 424. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) CORRECTION OF CITATION RESPECTING THE TAX DEDUCTION RELATING TO HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—Section 211(a)(15) of the Social Security Act (42 U.S.C. 411(a)(15)) is amended by striking “section 162(m)” and inserting “section 162(l)”.

(b) ELIMINATION OF REFERENCE TO OBSOLETE 20-DAY AGRICULTURAL WORK TEST.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking “and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis”.

SEC. 425. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) SOCIAL SECURITY ACT AMENDMENT.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking “all of the gross income” and all that follows and inserting “the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;”.

(b) INTERNAL REVENUE CODE OF 1986 AMENDMENT.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking “all of the gross income” and all that follows and inserting “the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and”.

SEC. 426. TECHNICAL AMENDMENTS TO THE RAILROAD RETIREMENT AND SURVIVORS’ IMPROVEMENT ACT OF 2001.

(a) QUORUM RULES.—Section 15(j)(7) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(7)) is amended by striking “entire Board of Trustees” and inserting “Trustees then holding office”.

(b) POWERS OF THE BOARD OF TRUSTEES.—Section 15(j)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(4)) is amended to read as follows:

“(4) POWERS OF THE BOARD OF TRUSTEES.—The Board of Trustees shall—

“(A) retain independent advisers to assist it in the formulation and adoption of its investment guidelines;

“(B) invest assets of the Trust in a manner consistent with such investment guidelines, either directly or through the retention of independent investment managers;

“(C) adopt bylaws and other rules to govern its operations;

“(D) employ professional staff, and contract with outside advisers, including the Railroad Retirement Board, to provide legal, accounting, investment advisory or management services (compensation for which may be on a fixed contract fee basis or on such other terms as are customary for such services), or other services necessary for the proper administration of the Trust;

“(E) sue and be sued and participate in legal proceedings, have and use a seal, conduct business, carry on operations, and exercise its powers within or without the District of Columbia, form, own, or participate in entities of any kind, enter into contracts and agreements necessary to carry out its business purposes, lend money for such purposes, and deal with property as security for the payment of funds so loaned, and possess and exercise any other powers appropriate to carry out the purposes of the Trust;

“(F) pay administrative expenses of the Trust from the assets of the Trust; and

“(G) transfer money to the disbursing agent or as otherwise provided in section 7(b)(4), to pay benefits payable under this Act from the assets of the Trust.”.

(c) STATE AND LOCAL TAXES.—Section 15(j)(6) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(6)) is amended to read as follows:

“(6) STATE AND LOCAL TAXES.—The Trust shall be exempt from any income, sales, use, property, or other similar tax or fee imposed or levied by a State, political subdivision, or local taxing authority. The district courts of the United States shall have original jurisdiction over a civil action brought by the Trust to en-

force this subsection and may grant equitable or declaratory relief requested by the Trust.”.

(d) FUNDING.—Section 15(j)(8) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(8)) is repealed.

(e) TRANSFERS.—Section 15A(d)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n-1(d)(2)) is amended—

(1) by inserting “or the Railroad Retirement Account” after “National Railroad Retirement Investment Trust” the second place it appears;

(2) by inserting “or the Railroad Retirement Board” after “National Railroad Retirement Investment Trust” the third place it appears;

(3) by inserting “(either directly or through a commingled account consisting only of such obligations)” after “United States” the first place it appears; and

(4) in the third sentence, by inserting before the period at the end the following: “or to purchase such additional obligations”.

(f) CLERICAL AMENDMENTS.—Section 15(j)(5) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(5)) is amended—

(1) in subparagraph (B), by striking “trustee’s” each place it appears and inserting “Trustee’s”;

(2) in subparagraph (C), by striking “trustee” and “trustees” each place it appears and inserting “Trustee” and “Trustees”, respectively; and

(3) in the matter preceding clause (i) of subparagraph (D), by striking “trustee” and inserting “Trustee”.

Subtitle D—Amendments Related to Title XVI

SEC. 430. EXCLUSION FROM INCOME FOR CERTAIN INFREQUENT OR IRREGULAR INCOME AND CERTAIN INTEREST OR DIVIDEND INCOME.

(a) INFREQUENT OR IRREGULAR INCOME.—Section 1612(b)(3) of the Social Security Act (42 U.S.C. 1382a(b)(3)) is amended to read as follows—

“(3) in any calendar quarter, the first—

“(A) \$60 of unearned income, and

“(B) \$30 of earned income,

of such individual (and such spouse, if any) which, as determined in accordance with criteria prescribed by the Commissioner of Social Security, is received too infrequently or irregularly to be included;”.

(b) INTEREST OR DIVIDEND INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) in paragraph (21), by striking “and” at the end;

(2) in paragraph (22), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(23) interest or dividend income from resources—

“(A) not excluded under section 1613(a), or

“(B) excluded pursuant to Federal law other than section 1613(a).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to benefits payable for months in calendar quarters that begin more than 90 days after the date of the enactment of this Act.

SEC. 431. UNIFORM 9-MONTH RESOURCE EXCLUSION PERIODS.

(a) UNDERPAYMENTS OF BENEFITS.—Section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7)) is amended—

(1) by striking “6” and inserting “9”; and

(2) by striking “(or to the first 9 months following such month with respect to any amount so received during the period beginning October 1, 1987, and ending September 30, 1989)”.

(b) ADVANCEABLE TAX CREDITS.—Section 1613(a)(11) of the Social Security Act (42 U.S.C. 1382b(a)(11)) is amended to read as follows:

“(11) for the 9-month period beginning after the month in which received—

“(A) notwithstanding section 203 of the Economic Growth and Tax Relief Reconciliation Act of 2001, any refund of Federal income taxes made to such individual (or such spouse) under

section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) by reason of subsection (d) thereof; and

“(B) any refund of Federal income taxes made to such individual (or such spouse) by reason of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit), and any payment made to such individual (or such spouse) by an employer under section 3507 of such Code (relating to advance payment of earned income credit);”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply to amounts described in paragraph (7) of section 1613(a) of the Social Security Act and refunds of Federal income taxes described in paragraph (11) of such section, that are received by an eligible individual or eligible spouse on or after such date.

SEC. 432. ELIMINATION OF CERTAIN RESTRICTIONS ON THE APPLICATION OF THE STUDENT EARNED INCOME EXCLUSION.

(a) **IN GENERAL.**—Section 1612(b)(1) of the Social Security Act (42 U.S.C. 1382a(b)(1)) is amended by striking “a child who” and inserting “under the age of 22 and”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall be effective with respect to benefits payable for months that begin on or after 1 year after the date of enactment of this Act.

SEC. 433. EXCEPTION TO RETROSPECTIVE MONTHLY ACCOUNTING FOR NON-RECURRING INCOME.

(a) **IN GENERAL.**—Section 1611(c) of the Social Security Act (42 U.S.C. 1382(c)) is amended by adding at the end the following:

“(9)(A) Notwithstanding paragraphs (1) and (2), any nonrecurring income which is paid to an individual in the first month of any period of eligibility shall be taken into account in determining the amount of the benefit under this title of such individual (and his eligible spouse, if any) only for that month, and shall not be taken into account in determining the amount of the benefit for any other month.

“(B) For purposes of subparagraph (A), payments to an individual in varying amounts from the same or similar source for the same or similar purpose shall not be considered to be non-recurring income.”.

(b) **DELETION OF OBSOLETE MATERIAL.**—Section 1611(c)(2)(B) of the Social Security Act (42 U.S.C. 1382(c)(2)(B)) is amended to read as follows:

“(B) in the case of the first month following a period of ineligibility in which eligibility is restored after the first day of such month, bear the same ratio to the amount of the benefit which would have been payable to such individual if eligibility had been restored on the first day of such month as the number of days in such month including and following the date of restoration of eligibility bears to the total number of days in such month.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall be effective with respect to benefits payable for months that begin on or after 1 year after the date of enactment of this Act.

SEC. 434. REMOVAL OF RESTRICTION ON PAYMENT OF BENEFITS TO CHILDREN WHO ARE BORN OR WHO BECOME BLIND OR DISABLED AFTER THEIR MILITARY PARENTS ARE STATIONED OVERSEAS.

(a) **IN GENERAL.**—Section 1614(a)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1382c(a)(1)(B)(ii)) is amended—

(1) by inserting “and” after “citizen of the United States,”; and

(2) by striking “, and who,” and all that follows and inserting a period.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall be effective with respect to benefits payable for months beginning after the

date of enactment of this Act, but only on the basis of an application filed after such date.

SEC. 435. TREATMENT OF EDUCATION-RELATED INCOME AND RESOURCES.

(a) **EXCLUSION FROM INCOME OF GIFTS PROVIDED FOR TUITION AND OTHER EDUCATION-RELATED FEES.**—Section 1612(b)(7) of the Social Security Act (42 U.S.C. 1382a(b)(7)) is amended by striking “or fellowship received for use in paying” and inserting “fellowship, or gift (or portion of a gift) used to pay”.

(b) **EXCLUSION FROM RESOURCES FOR 9 MONTHS OF GRANTS, SCHOLARSHIPS, FELLOWSHIPS, OR GIFTS PROVIDED FOR TUITION AND OTHER EDUCATION-RELATED FEES.**—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)) (as amended by section 101(c)(2)) is amended—

(1) in paragraph (13), by striking “and” at the end;

(2) in paragraph (14), by striking the period and inserting “; and”; and

(3) by inserting after paragraph (14) the following:

“(15) for the 9-month period beginning after the month in which received, any grant, scholarship, fellowship, or gift (or portion of a gift) used to pay the cost of tuition and fees at any educational (including technical or vocational education) institution.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to benefits payable for months that begin more than 90 days after the date of enactment of this Act.

SEC. 436. MONTHLY TREATMENT OF UNIFORMED SERVICE COMPENSATION.

(a) **TREATMENT OF PAY AS RECEIVED WHEN EARNED.**—Section 1611(c) of the Social Security Act (42 U.S.C. 1382(c)), as amended by section 435(a), is amended by adding at the end the following:

“(10) For purposes of this subsection, remuneration for service performed as a member of a uniformed service may be treated as received in the month in which it was earned, if the Commissioner of Social Security determines that such treatment would promote the economical and efficient administration of the program authorized by this title.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to benefits payable for months that begin more than 90 days after the date of enactment of this Act.

MOTION OFFERED BY MR. SHAW

Mr. SHAW. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SHAW moves that the House concur in the Senate amendment to H.R. 783.

The SPEAKER pro tempore. Pursuant to House Resolution 520, the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) each will control 30 minutes.

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

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

Mr. Speaker, I am pleased to present to the House the Social Security Protection Act of 2003, bipartisan legislation that fights fraud and abuse in the Social Security programs.

In April, the House overwhelmingly passed this bipartisan bill by a vote of 396 to 28. In December, the Senate passed an amended version of the Protection Act unanimously. They did this by unanimous consent. Today, we have an opportunity to pass this essential legislation so that it be sent to the President and made law.

Workers, retirees, individuals with disabilities, survivors and their families have paid for and deserve better protection under Social Security and the enhanced vigilance against waste, fraud and abuse this bill provides.

First, this bill protects nearly 7 million beneficiaries who cannot manage their own affairs and rely on representative payees appointed by the Social Security Administration. It does this by raising payee standards, increasing oversight, and imposing stricter penalties on those who would mismanage the benefits entrusted to their care.

Second, this bill denies Social Security benefits to fugitive felons and probation/parole violators.

Third, it provides tools to further safeguard Social Security programs, including new civil monetary penalties for those who withhold information to get benefits and improving collection of overpaid benefits.

Fourth, this legislation closes a loophole in the law that has allowed an isolated group of public employees to receive full Social Security spouse and widow benefits that no other identical working spouse in America receives even when both pay into the Social Security program.

Finally, the bill helps people with disabilities by giving greater access to qualified representatives when applying for benefits, by improving work incentive programs, and by expanding eligibility for the Work Opportunity Tax Credit to encourage more employers to hire individuals with disabilities.

And, accompanying all of this, the taxpayers will save \$800 million over the next 10 years.

I thank Senators Grassley and Baucus of the Senate Finance Committee who offered to work with the Committee on Ways and Means and, of course, the gentleman from California (Mr. MATSUI) as we have done this on a bipartisan basis as they developed their amendments to the House-passed bill.

This amendment made a number of enhancements to the bill.

First, it increased overpayment collection by authorized recovery across Social Security and Supplemental Social Security Income program lines.

It provides for a 5-year nationwide demonstration project providing direct fee withholding for qualified nonattorneys who help individuals through the complex disability application process.

It provides additional time for the Social Security Administration to test initiatives to help individuals with disabilities return to work as well as extended funding for services that help individuals with disabilities return to work and keep working.

It provides for the ability to restart disability benefits based on their parent's work if an individual disabled in childhood tries to work but must later stop.

Lastly, enhancement and simplification of the Supplemental Security Income program, especially for members of the military and their families.

This bipartisan legislation has support of many organizations because it does what is right for the Social Security program, the people who pay into it and the people who benefit. It was developed in cooperation with the Social Security Administration and the Social Security Inspector General. It is also supported by AARP, Citizens Against Government Waste, the National Conference of State Social Security Administrators, the Consortium for Citizens with Disabilities, the National Alliance for the Mentally Ill, the Association of Administrative Law Judges, and the National Organization of Social Security Claimants' Representatives.

□ 1415

This bill probably will not make the front page of your newspaper on kitchen tables tomorrow morning. That is unfortunate, as Social Security is one of our Nation's most important programs and constitutes our government's largest expense, consuming approximately one-quarter of our Federal budget and growing. It deserves our Nation's attention.

Protecting the most vulnerable beneficiaries and stopping Social Security from hemorrhaging precious dollars through fraud and benefit misuse is important and serves as a shining example of what Members of Congress can achieve for the American people when we work together.

I strongly urge my colleagues to vote "yes" and give workers and beneficiaries the protections that they deserve.

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

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

Today, we have before us the Social Security Protection Act. This legislation was developed over several years in conjunction with the Social Security Administration, its Inspector General, beneficiary representatives and others. The bill reflects a preconference agreement negotiated with the other body on a bipartisan basis and is supported by the Consortium for Seniors With Disabilities, the National Alliance for the Mentally Ill, the Association of Administrative Law Judges, the National Organization of Social Security Claimants' Representatives and others.

I would like to take a few moments to highlight several items in this bill. The first deals with representative payees. Nearly 8 million Social Security and SSI beneficiaries who are unable to manage their own benefits have representative payees, including children, the mentally impaired and the very frail elderly. Most payees work hard to ensure that the benefits are spent to meet the beneficiary's needs. However, in some instances SSA's screening process for determining who should serve as a payee has failed to prevent the misuse of these benefits. This legislation gives SSA the tools it needs to

reissue benefits that are misused. It provides for penalties for those who would take advantage of some of our most vulnerable citizens. It also strengthens Social Security's oversight of these payees.

Second, the bill helps individuals with disabilities gain greater access to legal representation when filing for benefits. Social Security disability insurance beneficiaries already have this access, and the bill extends it to SSI claimants, as well, so they can get the needed help and ensure that their applications are fully considered.

Finally, and very importantly, the bill prohibits paying Social Security benefits to fugitive felons and to those who have violated probation or parole. It is my strong belief that we should not be supporting fugitives who are fleeing the law, and this bill will help bring them to justice.

Now, I would like to mention one provision in the bill that has generated some controversy. This is the provision that would modify an exemption to the government pension offset, or known as GPO, that is being used by some workers but is not available to all. My colleagues from Texas have discussed this specific provision in more detail during the debate on the rule and will discuss it further on this bill, but the larger issue here itself is the GPO. Across the country, people who have worked hard all their lives are unexpectedly faced with the loss of Social Security benefits that they had been counting on because of the GPO. The GPO, which was created in the 1970s and phased in during the 1980s, was designed to provide roughly equal treatment between people who work under Social Security and pay into the system and those who do not. It was designed to end a disparity between couples where in one couple, both members paid into the Social Security system and in another when one spouse paid into the system and the other spouse paid into a State retirement system. Unfortunately, we now know that the GPO often produces unfair results. It is a rough tool that clearly needs adjustments.

Let me illustrate my point. Research shows that a widow needs 80 percent of the income needed to support a couple. Because of the GPO, the couple's income from Social Security can drop to zero when the husband dies. On average, the reduction caused by the GPO is \$421 per month, which cuts the average widow's benefit in half, jeopardizing her ability to keep up with fixed costs of housing, health care and others that still exist after the death of her spouse.

We tried to address some of these problems with the GPO during the committee markup last year, but we were rejected on party-line votes. We were also denied the opportunity to address the larger GPO problem in the Rules Committee when the bill came before the House last April. Finally today, my good friend from Texas (Mr.

FROST) attempted to bring forward for debate a bill that would fully repeal the GPO, and he was denied that opportunity.

The will to solve the problem with the GPO is clearly an issue of priorities. My Democratic colleagues and I have been prevented from bringing this issue before the Congress over and over again, while my friends on the other side of the aisle have continued to push policies that benefit the wealthy at the expense of this important issue.

For example, the GPO affects 400,000 hardworking Americans every year and eliminating it would cost \$31 billion over 10 years. Not \$800 billion, not \$1 trillion, but it would cost \$31 billion over 10 years. In contrast, the 200,000 households that make more than \$1 million each year will see \$90 billion in tax cuts over that same period. That is half as many people being benefited at three times the cost. There are other examples of misplaced priorities. Congress could and should close corporate tax shelters and prevent companies from incorporating offshore. That would save \$30 billion over a 10-year period and that amount would actually take care of dealing with the 10-year period of eliminating the GPO completely.

This is an issue that should not go unaddressed any longer, and I hope that the Congress will make it a priority for consideration this year. While I am disappointed that we are not addressing this important issue today, there are many other provisions in this bill that I mentioned that will strengthen the Social Security system, and I intend to support this bill; but it is my hope that we do address the issue of the government pension offset because it is creating a great deal of consternation and damage to many people who obviously lose their spouse. I support the legislation, but I just hope that we can take some action on the GPO in the future.

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

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I rise in strong support of the Social Security Program Protection Act. This bill contains important provisions to better protect disabled Americans, prevent fraud and abuse in Social Security programs, and help disabled beneficiaries return to work.

Over the years, the Committee on Ways and Means, on which I serve, has taken a number of steps to better protect Social Security recipients and other taxpayers. The bill we are considering today will make an important contribution to those continuing efforts.

I commend the gentleman from Florida (Mr. SHAW) for his leadership and persistence on this legislation over the course of several Congresses. I particularly want to thank him for including

provisions that will help bring criminals to justice, rather than subsidizing their flight, by preventing convicted fugitive felons and parole or probation violators from getting Social Security checks. These provisions build on my previous legislation that now has successfully blocked prisoners and fugitive felons from getting illegally millions of dollars in supplemental security income checks.

Please join me in supporting this legislation.

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

Mr. HINOJOSA. Mr. Speaker, I rise today on behalf of the teachers in the State of Texas in strong opposition to this legislation.

H.R. 743 turns a 1-day loophole, which was a minor inconvenience, into a 5-year career deterrent. My office is flooded with letters from justifiably concerned teachers that do not want to be forced out of the classroom even one day earlier than when they are ready.

Mr. Speaker, I would like to know if the supporters of this bill are aware of the teaching shortage crippling our education system. Clearly they are not or they would not support the legislation before us today. They would not force teachers in Texas and Georgia to choose between retirement benefits and a career educating our children. If my colleagues were aware of these critical shortages, they would have surely stripped this provision from the legislation when they had an opportunity to do so almost a year ago. If they were aware of the growing teacher-student ratios in public schools, they would definitely honor our teachers with the retirement benefits they deserve by repealing the WEP and GPO. It could easily be done by passing H.R. 594. This bill, with 285 bipartisan cosponsors, would end this inequity not only for Texas teachers but for government employees throughout the country.

In 2002, 376,000 public servants had their Social Security spousal benefits affected by the GPO. Forty percent of these were widows and widowers, and 73 percent were women. These are hard-working people who are relying on full spousal benefits to live comfortably in their retirement. Many learn of the GPO when it is too late to change their retirement plans.

Yesterday, my office had the pleasure of speaking with Mrs. Carolyn Martin, a school librarian at Gregory-Portland High School in the coastal bend of Texas. Mrs. Martin was understandably concerned about her own future, but much more focused on the future of a teacher at her school who recently lost her husband over the holidays. This teacher has two children in college and, if H.R. 743 passes, will not be able to collect her widow's benefits under Social Security if she wants to stay in the classroom.

Mrs. Martin characterized the issue best. She said, "Social Security is the difference between a minimal standard

of living and a dog-food diet in retirement." She was outraged, as am I, and again I quote, that "millionaires can collect Social Security in this country but not Texas teachers."

Mr. Speaker, I implore my colleagues to consider the consequences of this vote today. Vote against H.R. 743.

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

I would like to point out at this time that even under this bill, the offset is only \$2 for every \$3 of pension received, whereas those of us who are going to depend on Social Security, those that depend on Social Security, the offset is a dollar for dollar. So the teachers that people are talking about and public employees that this might affect, they are still getting a much better deal than people who have paid into Social Security.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, this is a very important bill, and I rise in strong support of its passage; but I want to take just a few minutes to speak to a particular provision in this bill and the unfortunately contentious debate that surrounds it.

There is a lot of misinformation out there about the government pension offset provision, and I want to make sure everyone understands what we are talking about today. Under Social Security, spouses of covered workers who do not work outside the home themselves are entitled to spousal benefits. But if both spouses work, their spousal benefits are reduced, or offset, one dollar for every dollar of Social Security benefits that they themselves earn. This is true for every single couple in America that is covered by Social Security.

In Texas, many of our school districts have opted out of the Social Security system, instead using the Texas teachers retirement system, so that those district teachers and staff pay into the TRS, not Social Security. As a matter of fairness, the law says that if you pay into a different retirement system, like TRS, then your Social Security spousal benefits are offset by the benefits that you accrue in the other system. This is only fair, and it has been the law for a generation.

Unfortunately, a loophole exists in that law that says even if you work your entire career in the teacher retirement system and then work for just one day in another school district that uses Social Security, you are suddenly entitled to full spousal benefits under Social Security, as if you only worked one day in your entire life.

That is simply unfair, Mr. Speaker. The offset law is in place to protect the spirit of Social Security, and the loophole violates that spirit.

□ 1430

Opponents of this provision are correct, though, when they say Texas teachers have been targeted for unfair

treatment. They have been targeted by their unions, Mr. Speaker, who have spread misinformation about the spousal benefit loophole. Not only has that misinformation been spread about this debate, but it is poisoning the retirement planning of deliberately misinformed Texas teachers.

In recent months some of our offices have gotten calls from single teachers who have been led to believe by their unions that they could qualify for the spousal benefit loophole when they have never even been married. That is the outrage, Mr. Speaker. Not this bipartisan effort to protect the Social Security system from waste, fraud, and abuse. Teachers in Texas and around the country will be just as protected by this bill as everyone else, which is the whole point of the Social Security system in the first place.

We are doing the right thing, and I urge my colleagues to vote yes.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, even though I hate to disagree with another Texan, particularly the majority leader, but let me tell the Members the real story. It is not the unions that are the problem. Congress made in 1983 Social Security participation by some local governments voluntary, school districts. In Texas, very few school districts participate in Social Security because they have a teacher retirement system. Some do. But the problem we need to address in this legislation that we are not and it makes it worse is that we have a widow's benefit under Social Security.

I do not care if they have never paid into Social Security at all. They receive a widow's benefit if they were married to someone for more than 10 years. And we have cases in Texas that educators, not just teachers, custodial staff, lunchroom staff, administrators, maybe even superintendents, the highest paid, but it covers so many people that they may work under that system their whole life. They are career educators, and yet they are married to someone who pays into Social Security for over 10 years, maybe 30 or 40 years, and when their spouse passes away, that person may be receiving teacher retirement then.

All of a sudden, they say, I should get my spousal benefit because I am a widow. Tough luck. That spouse they may have been married with for 30 years, they receive very little, in fact, almost nothing under their Social Security benefits.

That is what is wrong with the current law. That is why Texans innovatively have found a way, okay, we will go work a day. That is a loophole. Let me tell my colleagues I have watched lots of loopholes pass through this House in my six terms, but I am glad for one time maybe teachers are benefiting from it.

But that is why we need to reform the Government Pension Offset, and

that is why I wish the committee would deal with it. But, in all honesty, this is making a bad situation worse, because we will have Texan teachers who have committed their lives to our public schoolchildren and they will be retiring before this bill is effective if they have their magic number of years plus age, and they will retire because they will not want to lose their spousal benefits.

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

I tell the gentleman from Texas that I know he feels passionate about this and I can agree with his motivation with regard to this, but the simple fact arises that there is an offset for those where we have a spouse and a worker both paying into Social Security. We simply bring them pretty close down to where some people who are paying into Social Security and work every single day and pay under the Social Security program, and still we give the people he is talking about a better deal than the people who have really labored under Social Security only.

Mr. Speaker, I yield 10 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise on behalf of the 99 percent of the seniors in America who do not have a special loophole. I rise on behalf of the 99 percent of the widows in America who do not have a special loophole.

What we are discussing today is a situation where a very select few in America, sort of a second class, a higher class of citizens in America, get to keep a lot of Social Security, where their next-door neighbor who has paid into Social Security all their life get to keep much less.

What we are talking about here is a special loophole. The way it works today is that most of us pay into Social Security. My wife pays into Social Security. The husband pays into Social Security. But there are some who work for local governments or who are teachers like in Texas where they do not contribute to Social Security at work. They have a substitute, in this case a teacher retirement system. That is where their payroll taxes go. And very few of them have found a loophole in the law from 25 years ago that allows them to escape the formula that everyone else in America is applied to and receive much more in benefits than we will ever dream of receiving.

Here is the way the loophole works. In Texas, a teacher works their whole life, but they do not contribute to Social Security. Under this loophole, if they will take their last day and go to another school district and pay that school district to work for them, think about it, they pay \$500 so they can work one day at minimum wage for a school district. And, in return for working that one day at minimum wage, contributing about \$3 into Social Security, they receive on average \$93,000 of Social Security retirement that no one else in America gets, literally no one else in America gets, the

teacher in New York does not get, the nurse in Iowa does not get. The cleaning lady in our offices up here does not get this.

Let us compare how it works in real life so we can all see how it affects us and just what this loophole means. Take a look at the average Social Security recipient in America. The husband is getting about \$1,000 a month for Social Security; the wife's monthly retirement is \$700. For most of us, almost everyone who pays into Social Security, when that husband dies and the widow has her benefits, for 99 percent of America her benefits are going to be \$1,000 a month, using this example, which, by the way, is exactly the average for Americans. For those who are in government pensions, the ones who do not pay into Social Security, they receive more. Those widows receive \$1,233 more. They keep more of Social Security, having not paid into it, than those who have paid their whole life into it. That is the way the formula works.

But under the loophole we are closing today, it is even more outrageous. If we leave this loophole open, the teacher who only worked one day in Social Security will receive \$1,700 in monthly benefits, far greater than the widow who worked her whole life in Social Security. Amazingly, the loophole permits a spouse who only contributed to Social Security for one day to receive so much more than the widow who worked her whole life in Social Security, her whole life, and who receives a pittance of what this loophole provides for $\frac{1}{100}$ of 1 percent of all Americans.

We cannot have two classes of families in America, those who have loopholes for Social Security and those who do not. This loophole is unfair to working families. It drains hundreds of millions of dollars from the Social Security Trust Fund, which is why senior groups say close this loophole now. And it deserves to be closed.

Let me make a final point here. Under this loophole in Texas today, we have great teachers. We have wonderful teachers. My sister-in-law is one. We are here because of our teachers. But teachers are inherently fair, I think, like the rest of Americans; and if we look at loophole today, this college professor who worked one day in Social Security receives a ton of the money, but the cleaning lady in our offices receives a small fraction of it. If we leave the loophole open, the school superintendent who makes \$200,000 a year keeps a ton of Social Security. The checkout lady at the grocery store who has worked her whole life and still working now, she gets a pittance of it. The teacher in Texas gets a ton of money. The teacher in Iowa and Ohio and New York and California gets a pittance.

Those who want to keep this loophole open want to create two classes in America. It is inherently unfair to do that. It is right to close this loophole. It is wrong to have two classes of fami-

lies in America. It is time to make Social Security fair.

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

Mr. BRADY of Texas. I yield to the gentleman from Texas.

Mr. LAMPSON. Mr. Speaker, one quick, simple question. Who earns the benefits that the teacher's spouse, who ultimately goes off and takes advantage of that loophole, who earns the benefits he or she is trying to get?

Mr. BRADY of Texas. The husband.

Mr. LAMPSON. The spouse earns them. Those are earned dollars; right or not?

Mr. BRADY of Texas. Yes.

Mr. LAMPSON. They are earned dollars?

Mr. BRADY of Texas. Yes.

Mr. LAMPSON. Mr. Speaker, so what we are going to say is we will dilute what was earned by that family. Yes or no?

Mr. BRADY of Texas. No.

Mr. LAMPSON. Explain.

Mr. BRADY of Texas. Mr. Speaker, because in America when both spouses pay into Social Security, the formula, the way it works, is that if their husband passes away, which normally happens first, she keeps all of her Social Security. Then she keeps all of his minus hers. That is the formula. For those in government pensions, like teachers, it is almost the exact same formula. They keep their retirement plus their husband's minus only $\frac{1}{3}$.

So I appreciate this is an issue dear to the gentleman from Texas's (Mr. LAMPSON) heart, but under the formula today, that teacher, that government worker already keeps more of their spouse's Social Security than the rest of America. And if we keep the loophole open, they gain nearly twice as much as the family that worked exactly the same hours, paid exactly the same money in, and whose husband died exactly at the same time. We are creating those two classes of families in America, and that is what we are trying to stop.

Mr. LAMPSON. But all paid in by the husband and spouse?

Mr. BRADY of Texas. Mr. Speaker, the husband paid in in one; the husband and wife paid in in both; and the husband and wife, the widow who paid her whole life, she gets less. Two classes of citizens in America. And nowhere do I know in America can one work one day, contribute \$3, and take home \$93,000 in their pocketbook that the widow next door who worked her whole life will never, ever see. It is time to close this loophole.

Mr. MATSUI. Mr. Speaker, I yield $1\frac{1}{2}$ minutes to the distinguished gentleman from the State of Maryland (Mr. CARDIN), member of the Committee on Ways and Means.

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

Mr. CARDIN. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me this time.

Let me concur in the comments that the gentleman from California (Mr. MATSUI) made earlier where I think he gave a very good explanation, the Government Pension Offset and the issues concerning it and then what is in this bill generally, which have very good things to help shore up a system that is very important to millions of Americans, our Social Security system.

I listened to debate about the Government Pension Offset and the problems in Texas, and I think the point that many of us are trying to raise is that there may be a problem in what is happening in Texas, but why are we not reforming the Government Pension Offset? The distinguished gentleman from Florida (Mr. SHAW) has a bill in to reform that. The gentleman from Louisiana (Mr. JEFFERSON) has a bill in to deal with it.

It is an issue that cries out for reform because we are not treating particularly our lower-wage workers appropriately with the Government Pension Offset. I think we have all acknowledged that this is an issue that we need to take up. This was an excellent opportunity for us to correct it, and we will lose that opportunity.

In regards to the underlying bill itself, I compliment the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) and Commissioner Barnhart and our colleagues on the other side of the Capitol for working together to develop a bipartisan bill to strengthen Social Security, particularly as it relates to individuals who have disabilities who are collecting Social Security, "representative payees."

We know, we have reports, of people who are not able to manage their own money. We know that in 2,400 cases over \$12 million dollars has been lost, and this bill will help clean that up, and that is important for us to deal with that.

We also know, in regards to the Ticket to Work law and the Work Incentives program that helped disabled individuals, that we are strengthening those programs. We are helping claimants who are applying for SSI to get the funds that they need.

So there are important provisions in this bill that have been worked out by Democrats and Republicans working together. That is the way we should work. It is a good bill. But we should have taken care of the Government Pension Offset, and we have not done that in this bill.

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

In just a brief response to the gentleman from Maryland, he correctly described my intentions, but the bill has not yet been prepared. As soon as we get some figures back, I intend to work closely with the gentleman from California (Mr. MATSUI) and other members on our Committee on Ways and Means to make this a bipartisan effort on the Government Pension Offset, where it is still very much a work

in progress, and we want to be sure that we can get it right. If it can be bipartisan, I think the gentleman from California (Mr. MATSUI) and I have both learned that we can accomplish a lot more by working together than working separately.

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

□ 1445

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member and the chairman, and I thank my good friend from Texas as well. I will try to speak quickly. Many of us are managing a number of activities, and committees are going on as we speak.

I just quickly want to say that although we appreciate the work of this bill, we have to rename it. It is called the "Forced Work Bill."

I think what is going on on this floor is a lot of smoke and mirrors. There are good points to this bill. Someone got up on the floor and said you are asking the widows and others to do things and to get benefits that others are not. That is absolutely incorrect. If we had supported the Frost motion to fix this problem by stripping section 418, which would penalize firefighters, police officers and teachers, we would not be standing here saying vote "no" on this bill.

What this bill is doing is those who are in an independent pension system are now forbidden from getting their spousal benefit. It is the benefit that their spouse is owed. It is not that they are getting any monies that are not owed them; it is that they are prohibited from getting those monies because they are not in the Social Security system. If they are not in the Social Security system, they are forbidden from getting the money.

All we are asking to do is support teachers, police officers, firefighters and other public servants. The GPO affects many individuals, but it especially is harmful to these public servants. And we are not snatching anything from someone who has gotten this benefit. We are trying to get what is ours. The only reason we cannot get it if we happen to be a teacher, policeman or firefighter is because we are not in the Social Security system.

So this is a lot of smoke and mirrors; and if I have to stand with anyone, I am going to stand with the hard-working teachers, firefighters and police officers, who are merely trying to get what is theirs. If we do not remedy this problem, then you force those who have worked all of their lives and are due for retirement to work another 5 years in order to get equity for something that is owed to them.

I wish our colleagues would tell the truth and stand for teachers, firefighters and police officers, like the rest of us.

Mr. Speaker, I am saddened to have to come to the floor today to speak out yet again against H.R. 743, The Social Security Protection Act of 2003. There is much good in this bill. If the Majority Leadership would take out the small error that will hurt our teachers and firefighters and police, this bill could be in front of the President soon. That would be a great service.

Social Security represents a covenant between the U.S. Federal Government and the American people. It is a promise that if a person works hard, and contributes into this investment program, that when it comes time for them to retire—their government will ensure that a fair benefit is there for them. It seems that too often, criminals take advantage of the trust between the Social Security Administration and the seniors and disabled Americans it serves. They misuse Social Security benefits. Such activity is worse than just stealing, because it threatens the confidence that the American people have in their government. That confidence is the foundation of our democracy.

So last Congress, I joined with every voting Member of this House in support of the Social Security Act of 2002. It was an excellent piece of bipartisan legislation, which would have made great strides towards cutting down on the abuse of the Social Security system. Most of the major provisions of the that bill are reflected in the bill before us today, and I still support them. The bills would both protect Social Security recipients by mandating reissue of funds when their payments are misused. Representative payees who misuse a person's benefits would be forced to reimburse those funds, plus would be subject to fines of up to \$5,000 if they knowingly provided false or misleading information.

The bills would allow the Commissioner to withhold benefits from fugitive felons, and persons fleeing prosecution. The bills also provide for numerous improvements to the present system, which would reduce fraud and abuse of the program. Obviously there is a lot of good in the last bill and in this bill as well.

The last bill passed unanimously in the House in the 107th Congress, and similar legislation cleared the Senate. But unfortunately this important legislation got hung up at the end of 2002. With such support and progress, this should have been an easy piece of work to get through this year, and a score for the American taxpayers. Instead, a wrench has been thrown into the works, through the addition of a small section that has provoked a deluge of phone calls into my office from, it seems like, every schoolteacher in my district.

The Texas branch of the American Federation of Teachers describes Section 418 as "poison for Texas school employees." That section relates to the Government Pension Offset. At present, if an individual receives a government pension based on work that was not covered by Social Security, his or her Social Security spousal or survivor benefit is reduced by an amount equal to two-thirds the government pension. This provision of current law is called the Government Pension Offset (GPO). However, under the "last day rule," an individual is exempt from the GPO if he or she works in a job covered by Social Security on the last day of employment.

Many school districts offer teachers non-Social Security government pensions, so until now many teachers have been forced to take

advantage of the "last day" loophole. Just before they retire, they get a job in a business with a Social Security pension for a day, in order to receive their deserved benefits. This is a ridiculous system, and the appropriate way to fix it would have been to repeal the GPO. In fact, I have co-sponsored H.R. 594 with my colleague from California, BUCK MCKEON, and 285 others to do just that.

Instead, the bill before us today closes the loophole by forcing teachers to work for the last five years of their careers in an appropriate job. That may force many teachers to retire early from teaching. I am usually all for getting rid of loopholes, but now is no time to be "sticking-it" to teachers—just as we are trying to leave no child behind, just as we have a shortage of qualified teachers in many areas. This could drive many people away from careers in teaching.

For example, I received one call from a woman in my District who was a teacher earlier in her life. Her husband recently passed away and she has been contemplating going back into teaching. But she has been warned that she could actually jeopardize her financial future by going to work. As a widow, she will be entitled to her husband's social security benefits. However, if she starts to teach in a school district with a government non-Social Security pension, she could lose \$360 per month in retirement benefits—over \$4000 per year.

Why should she risk it? If H.R. 743 passes today, it won't be only she that loses. It will be our nation's children who lose—an experienced, intelligent teacher.

The GPO issue needs to be addressed, but not today. Right now, we are giving money to criminals who are beating our system and undermining confidence in the future of Social Security and the government as a whole. We need to protect Social Security, and we need to do it soon. But I will wait until we can do it without attacking our teachers, and penalizing our children.

I am proud to stand with my Democratic colleagues from Texas, to fight for our teachers. I will vote "no" on H.R. 743 unless the offending provision is taken out, and urge my colleagues to do the same.

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

Mr. Speaker, I would have to correct the previous speaker when she says they do not get any of their survivor benefits and advise her that, yes, under this bill, the teachers that she is referring to get one-third of the survivor benefits, even after the offset, whereas if you have a similar situation where a teacher teaching where there is not this loophole and pays into the Social Security system, generally in that same example they get zero. So I just want to be sure the record is correct on that.

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

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me just quickly say I appreciate the attempt to correct some portions of this bill, but that is not enough.

Again, let me emphasize the one-third. What I am suggesting is that the

only reason these individuals are penalized is because they are in a parallel system; they are not in the Social Security system, which in fact helps to relieve the Social Security system from the burden of more people being in it.

I would only say, do you not think if you worked a full-term and you are owed these benefits through your spouse that you deserve the full benefits and not one-third? Why penalize firefighters, police officers, and teachers? I will support these Texas public servants having full benefits.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY) a member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, I would like to make two points. This bill does not address firefighters or police officers or teachers, and not even all the teachers in Texas. It applies to 1/100 of 1 percent of all Americans who have a special loophole.

The point my good friend from Houston was making is absolutely wrong. They do not receive less money because they do not pay into Social Security; they actually get more money than the widows and the families who have spent their whole life paying into Social Security. They already get this. Under this loophole, they would get, for \$3 of work, 1 day, they receive \$93,000 on average in retirement; and our widows in hospitals and widows that clean our offices and widows, like my mom, will never see that money.

This is about not creating two classes of citizens in America, those with a special loophole and those without.

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

Mr. Speaker, I would just like to make an observation. I would not have so many problems with this were it not for the fact that there are many other loopholes that have actually been passed through this House over the last few years.

For example, if a corporation in the U.S. goes to Bermuda to avoid U.S. taxes, we tried time and time again to close that loophole. But the other side of the aisle, in fact the gentleman who just spoke, denies the ability for us to even bring such a bill to the floor.

I guess that is where the frustration lies, is when we close loopholes, we pick on the people that are firefighters and teachers; but we let large corporations who avoid U.S. taxes go from that.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Texas (Mr. LAMPSON).

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

Mr. Speaker, this is a complex issue and one that touches an awful lot of us in different kinds of ways. While I certainly support the efforts that this committee has made in developing this bill, and I know how important the bill is, I am still going to vote against it and will oppose it and ask my colleagues to do so.

There are some 50,000 teachers across the State of Texas who will indeed be adversely affected by this legislation. The bill includes provisions which I consider to be catastrophic for Texas teachers. Provisions in the legislation would, in effect, reduce the amount of combined benefits that Texas teachers could depend upon after retirement.

There are many Texas teachers who have worked and paid into Social Security in other jobs. My wife and my daughter are two who have done just that. They have moved, and they have paid into the teacher retirement system now. Susan has paid into the Social Security system for many years in other jobs that she held before she decided to teach. Because of her involvement in the teacher retirement system and because she has paid into her pension fund, she will be adversely affected by the government pension offset. Those are benefits that I earned because of my payment into Social Security.

Teachers do not make a great deal of money in the State of Texas, and in most other places as well; and it is hard to entice them to stay in the classroom. This legislation is going to have broad implications for those teachers and will most likely force many of them to leave this profession early, most likely, from our public schools. What impetus does an experienced teacher have to stay in the classroom and continue teaching, if the government is in effect going to significantly reduce his or her retirement payment potential after this year?

This bill fails to address a larger issue for public servants in this country. The government pension offset unfairly penalizes teachers and many other government workers, the employees who mostly pay into a public pension plan. How can we sit by idly while our public service employees are being penalized for serving their communities? Where is our loyalty to the first responders that so many of my colleagues have praised on this floor? When push comes to shove, are we willing to allow the firefighters and police officers in our hometowns to suffer?

The government pension offset is a deterrent to public service across this Nation; and if we are to attract the best and the brightest into public service, such as our teachers, such as my wife, Susan, and my daughter Stephanie, fire fighters and police officers, we must repeal this unfair provision. This is money that hardworking American citizens have earned and are indeed entitled to.

I truly wish, and I intended to make the point the gentleman from California (Mr. MATSUI) made a minute ago, I wish we would work as hard in repealing the loophole that has allowed corporations to avoid the payment of \$40 billion in taxes each year by moving their corporations offshore.

I urge my colleagues to consider a "no" vote on this bill, as I am going to vote against H.R. 743. Our public servants deserve our support.

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

Mr. MATSUI. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, again I thank our ranking member on our Subcommittee on Social Security and also the chairman of the Subcommittee on Social Security. I know we have a difference of opinion on this issue; and I guess it is frustrating, because with what is happening with our general budget, this year, this Congress and this government will take \$155 billion and borrow it from the Social Security trust fund, and what is it paying for? A lot of folks will say it is paying for the war in Iraq. No, it is also paying for tax cuts that this House passed on two different occasions. But by this bill today, we are going to take away these same Social Security trust funds that are for these widows and people who paid into Social Security.

Again, let me explain to my colleagues, these are people who may never have been paid into Social Security. If they did, they are subject to government pension offset, like everyone. But these people never paid in. They were educators or firefighters or police officers in a system that was not part of Social Security, but they paid into their own pension fund; and if their spouses die and they have been married for less than 10 years, we will not pay them their spousal benefit.

I do not know how much harder this Congress can get. When we talk about giving tax cuts to everybody in the world, and we let companies move their headquarters overseas as a sham, and yet we are going to remove the Social Security benefits from a widowed educator, and typically 80 percent of them are women, and her only problem was that she taught school or worked in the cafeteria or helped clean up schools. Because their husband was a Social Security beneficiary, he paid into Social Security, maybe for their whole work life, and so you remove it.

It is just frustrating that this bill is going to make a bad system even worse. That is why I rise in opposition to H.R. 743 and urge my colleagues to join in voting against it.

In many ways, 743 is a good bill, and I know there are some good parts in it, and I heard my colleagues on both sides. It would help stem fraud and abuse in the Social Security system. Well, I support that. I agree that fugitive felons should not collect Social Security benefits. And I support a number of other provisions. But, in all honesty, if we have a fugitive felon getting Social Security benefits, why are they still a fugitive?

Unfortunately, this has been wrapped up in an explosive issue that has caused serious harm to educators who are widowed by someone who has paid into Social Security.

We are all familiar with the unfair government pension offset; 285 Members of this House have cosponsored

legislation to reform the GPO. This provision of current law keeps public employees from collecting full spousal benefits if they receive a pension based on State, local, or Federal Government employment not covered by Social Security. This provision is unfair and targets government workers at the Federal, State, and local levels. Again, 285 of us think it ought to be reformed.

The GPO is a problem for many public servants, but it is especially bad for women. Eighty percent of the Texas school teachers and retirees are women, sixty percent of that group are married, and almost all of them are eligible for Medicare through their husbands; but none of them are eligible for their spousal benefit because of the GPO under this bill.

After a lifetime of being underpaid as teachers, they depend on their Social Security widow's benefit to make up for their retirement, but the GPO takes that benefit away. That is why, again, the repeal of H.R. 594 is so popular.

The bill by our colleagues, the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. BERMAN), have, again, garnered 285 bipartisan cosponsors. We had an opportunity to address this in H.R. 743; but instead of fixing the GPO, this bill makes it harder for Texas teachers to collect the full spousal benefit. Again, 285 members agree the GPO is unfair and should be repealed. We should not penalize Texas teachers for figuring out a way to do what this Congress will not do.

I urge my colleagues to stand for public servants everywhere and vote against H.R. 743.

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Mr. MATSUI. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from California (Mr. MATSUI) has 7½ minutes remaining; the gentleman from Florida (Mr. SHAW) has 12½ minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. TURNER), the ranking member of the Committee on Homeland Security.

Mr. TURNER of Texas. Mr. Speaker, it does not happen very often on the floor of this House where a bill comes forward that has many good provisions in it, but there is one provision that is so damaging and so harmful and so unfair that it causes us to oppose an otherwise good bill. But as my colleagues have heard over and over again today in this debate, public school teachers in places like my State of Texas and other government employees feel very strongly that the government pension offset is wrong, that it must be corrected, the law must be changed; and this bill provided an opportunity to correct that injustice.

I know from personal experience how deeply this issue is felt by public

school teachers. It was a couple of years ago in my office that I had a lady come to see me, and I really did not know why it was she really wanted to come see me, but my staff had said this lady really wants to talk to you, she needs to see you. So I said, well, let her come on, I would be glad to visit with her. I had no idea what it would be about.

She came and she began to tell me a story that quickly turned to tears in her eyes when she told me about how her husband had passed away just a few months before. After his death, she learned that she would not be able to collect any of the survivor benefits that she believed, rightfully, her husband had earned by a lifetime of contributions to the Social Security system. She explained to me that the law apparently said that because she was a public school teacher, an honorable profession, that somehow the law said that she could not qualify for survivor benefits that her husband had contributed for years to ensure that she would get. She told me, she said, if I had done anything else, if I had just worked in a private company, they tell me that I could get the survivor benefit; but because I am a teacher and receiving a benefit from the teacher retirement system, that I am disqualified. Her tears turned to anger as she said to me, this is wrong. And as I have learned over the years since, teachers all across my State of Texas feel very strongly about the unfairness of this provision of the Social Security law.

So I think with an overwhelming majority of this House having signed on to a bill to eliminate this offset, that we should have, in good conscience, taken the opportunity in this legislation to have corrected that unfair provision of the Social Security law.

I recognize that there are some who have logical arguments as to why this should not be changed, but I will tell my colleagues that after listening to this widow with tears in her eyes, I became convinced that she had the better side of the argument. Oh, I know it is going to have a cost to the Social Security trust fund to provide this benefit to all of these public school teachers who have had spouses who have passed away before them, but the reality is that getting it fixed is the right thing to do.

I would urge my colleagues today to take what will be perhaps somewhat of a difficult step and join with those of us who have stood on this floor arguing about this point for this entire hour of debate and vote against a bill that is otherwise a good bill, to give us the opportunity to correct what we believe, and many, many public employees believe, is a very unfair provision of the Social Security law.

I want to commend the gentleman from Florida for his leadership on Social Security. I know that he differs with us on this issue, but I hope that the Members who have joined on in supporting the McKeon bill to correct

this problem will also join with us today to vote against this bill so that once and for all we can do what is right for our teachers and for our public employees.

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

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in looking at what is right, it is right to protect beneficiaries from representative payees who would misuse these benefits. We all agree on that, whether you are from Texas, Georgia, California, or New York. It is right to deny Social Security benefits to fugitive felons and probation parole violators. We can all agree on that. It is right for this Congress to pass a bill that deters waste, fraud, and abuse. That is in this bill, and that is the right thing to do. It helps individuals with disabilities gain access to representation, and it encourages disabled beneficiaries to return to work. That is the right thing to do.

Now we get to the hard question: Is it right to close a loophole that enables some teachers in Georgia and Texas to contribute just a few dollars to Social Security to receive nearly \$100,000 in additional lifetime spousal benefits? I strongly believe this loophole should be closed.

Let me give an example which I think would be very helpful to the Members in deciding how they are going to vote on this issue. Any worker, corporate, executive, otherwise, or school teacher who pays into both Social Security and a retirement plan will receive both benefits based upon their work. However, no worker will receive a full spouse or widower benefit; those benefits are reduced or eliminated dollar for dollar by the earned Social Security benefit. Public employees who contribute to a public employee pension plan instead of Social Security actually face a lower, a lower offset under this bill of their spouse or widow benefits than workers who paid into Social Security their whole career. And that is only \$2 for every \$3. So these people who did not pay into Social Security are getting a better deal than people who paid into Social Security their whole working lives.

Also, this bill has bipartisan support and the support of key stakeholders, and it does save us money. This same identical bill was passed, almost identical bill, was passed by the House by a vote of 396 to 28. It passed. And then it passed by unanimous consent in the Senate with some minor changes, which is the reason we are back here today.

If we were to look at the arguments that have been made today as to what is fair and what is not fair and apply those same arguments as to spousal benefits, surviving spouse benefits to people who have paid into Social Security all their working life, it would cost the Social Security Administration \$1 trillion and would bankrupt the system. This is what we are facing:

basic fairness. I say, apply the law as this bill outlines it. It is fair. It is the right thing to do. I urge passage of the bill.

Mr. STARK. Mr. Speaker, today I rise in support of the Social Security Program Protection Act.

This legislation makes a strong Social Security program even stronger for the millions of Americans who rely on its benefits for stability through old age, disability or loss of a loved one. And this bill will help to protect the promise of economic security for future generations—a promise we must keep.

I strongly support the protections this legislation provides for some of the most vulnerable recipients of Social Security. Today, many beneficiaries are unable to manage their own benefits so a representative payee is often appointed to do so on their behalf. While this is undoubtedly necessary, too many seniors and people with disabilities have fallen victim to fraud and abuse.

This bill makes dramatic improvements to the representative payee system to help protect beneficiaries. It does so by initiating strict oversight of representative payees and expanding the ability of the Social Security Administration to repay benefits that have been misused or stolen. For many, this puts real financial security back in Social Security.

Despite the strengths of this bill, I am disappointed, however, that Republicans refused to accept an amendment I offered to this bill in the Ways and Means Committee to reduce the Government Pension Offset penalty. This penalty unfairly reduces or even eliminates Social Security benefits for millions of teachers, firefighters, police officers and others who serve the public.

I urge my colleagues to vote for the Social Security Program Protection Act to extend the promise of retirement security for every American, today and tomorrow.

Mr. PAUL. Mr. Speaker, I intend to vote for H.R. 743, the Social Security Protection Act, because it contains an important provision that was not included in previous versions of this bill. This provision takes a first step toward ensuring that non-citizens who are unauthorized to work in the United States do not receive Social Security benefits. Giving Social Security benefits to illegal immigrants is a slap in the faces of Americans who pay their entire working lives into the Social Security system and now face the possibility that there will be nothing left when it is their turn to retire. This is why, at the beginning of the 108th Congress, I introduced legislation, the Social Security for American Citizens Only Act (H.R. 489), which ensures no non-citizen can receive Social Security benefits. Therefore, I am pleased to see Congress beginning at last to address this issue.

However, I wish to make clear my continued opposition to a provision in the bill that removes the only means by which many widowed Texas public school teachers can receive the same personal Social Security benefits, as does every other American. As I am sure my colleagues are aware, widowed public school employees in Texas, like public employees throughout the nation, have their spousal Social Security benefits reduced if they receive a government pension. The Government Pension Offset even applies if the public employee in question worked all the quarters necessary to qualify for full Social Se-

curity benefits either before or after working in the public school system.

The Government Pension Offset punishes people for teaching in public schools. However, current law provides widowed Texas public school teachers a means of collecting a full Social Security spousal benefits. Unfortunately, this bill takes that option away from Texas teachers. I have twice voted against H.R. 743 because of my strong opposition to the provision removing the only way Texas teachers can avoid the Government Pension Offset.

Instead of repealing the only means Texas teachers have of avoiding the Government Pension Offset, Congress should pass H.R. 594, the Social Security Fairness Act that repeals both the Government Pension Offset and the Windfall Elimination Provision, another provision that denies public employees full Social Security benefits.

Congress should also be encouraging good people to enter the education profession by passing my Teacher Tax Cut Act (H.R. 613) that provides every teacher with a \$1,000 tax credit, as well as my Professional Educators Tax Credit Act (H.R. 614), which provides a \$1,000 tax credit to counselors, librarians, and all school personnel.

In conclusion, Mr. Speaker, I will support H.R. 743 because it restricts the ability of illegal immigrants to raid the Social Security Trust Fund. However, I remain opposed to the provision that punishes teachers by denying them Social Security benefits for which they would be eligible if they were not teachers. Instead of punishing teachers, Congress should be enacting pro-teacher legislation, such as the Social Security Fairness Act and the Teacher Tax Cut Act.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 743, the Social Security Protection Act. This bill will protect the integrity of the Social Security program for the nearly eight million Social Security and Supplemental Security Income (SSI) beneficiaries who are unable to manage their own financial affairs and must have a "representative payee" designated to receive and manage their benefits on their behalf.

I would, however, like to take this opportunity to discuss an important Social Security issue that this bill fails to address, the Government Pension Offset (GPO). This unjust, arcane law prevents government retirees from collecting a government pension and the Social Security benefits entitled to them through their spouse's history of employment.

The GPO current affects 335,000 people, a number that is growing by 15,000 each year. The people hit hardest by the GPO are State and municipal workers. Public employees like educators, police officers, and firefighters should not suffer a penalty for dedicating their lives to public service.

Take, for example, a teacher who has worked for 30 years and with her husband has managed to raise a family. After her husband passes away, the law prevents her from receiving most, if not all, of the Social Security benefits that her husband earned and rightfully belong to her. She would lose the benefits simply because she worked for the government making a modest salary.

Mr. Speaker, Congressman BUCK MCKEON has introduced H.R. 594, which would address the Government Pension Offset issue. Even though the bill currently has 285 cosponsors,

the House leadership has failed to bring it up for a vote.

Mr. Speaker, I have heard countless people say that teachers, police officers and firefighters deserve to be paid better for their public service. Fixing the GPO is our chance to say thanks to these selfless individuals whose work has helped make this country what it is today. I ask my colleagues on both sides of the aisle to urge the leadership to bring this issue to the floor during this session of Congress.

Mr. REYES. Mr. Speaker, I rise in strong opposition to H.R. 743, the Social Security Protection Act. I support provisions in the bill to better protect Social Security beneficiaries from fraud. However, I cannot support the legislation because it would also seriously harm the retirement of teachers, firefighters, police officers, and other State and local government workers in my congressional district of El Paso, Texas by subjecting them to the government pension offset.

Some public employees in my State have found a way to protect their retirement benefits from the unfair government pension offset, which targets public servants by refusing them their full spousal benefits under Social Security. The bill before us today would block these employees from protecting their benefits, subjecting them to the government pension offset and denying them the spousal benefits they rightfully deserve.

Among those hardest hit by this legislation will be women, and particularly widows, who very often rely on spousal benefits to make ends meet in their retirement. Many are not aware of the government pension offset, and will only learn of it as they prepare for retirement, when it is too late to make alternative plans.

We need to do more to support those who have dedicated their working lives to serving the public, rather than undermining their opportunity for a secure retirement with this bill. Therefore, I have cosponsored H.R. 594, the Social Security Fairness Act, which would allow all public employees to collect full spousal benefits.

Mr. Speaker, I urge my colleagues to show their support for teachers, and all of our hard-working public servants, by opposing this terribly unfair bill.

Mr. DELAHUNT. Mr. Speaker, I rise today to highlight the inexplicable failure of the U.S. Congress to address the inequities of the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP). For more than 20 years, the GPO and WEP have created enormous burdens for many public service retirees.

More than half of the Members of this House want change; no fewer than 285 of my colleagues have co-sponsored bipartisan legislation for outright repeal of the GPO and WEP. But the House leadership won't even allow debate on the question.

The legislation before this chamber today will help protect many vulnerable beneficiaries from fraud and contains many other important provisions. However, once again, the House missed a perfect opportunity to repeal both the GPO and WEP.

Both the GPO and WEP unfairly reduce Social Security benefits for retirees who otherwise qualify, simply because they at some point worked in jobs covered by another government pension. In particular, the GPO and

WEP penalize those who had short or intermittent careers, or who blended private jobs with stints in public service.

Often, these are people already losing out in their overall earnings because they chose to make a meaningful contribution to society in roles that just don't pay well. Think of those in your community who teach your children, fight your fires and keep your streets safe. Chances are, you're thinking of people who are suffering the impact of the GPO or WEP.

Because most paid Social Security taxes somewhere along the way, these people planned for retirement fully anticipating both pension and Social Security benefits. But when these teachers, police officers, and firefighters retired, they discovered all or much of their expected Social Security benefits wiped out by the WEP or GPO. In the case of the WEP, the Social Security benefit is reduced by up to 60 percent. If the GPO is triggered, it reduces a retiree's spousal benefit by two-thirds.

A Barnstable teacher wrote to me about her circumstances:

I am a recently divorced woman, age 56, who has worked in the school district for five years. Before taking this job I was an at-home mother. Although I get very minimal alimony (which I don't always receive) I face the grim reality of what I will live on when—and if—I can retire. Having paid the Social Security system for many years before having children, the GPO and WEP would not permit me to collect on what I paid into the system. I also understand that if my ex-husband were to die, the amount I would be able to collect from his Social Security would also be cut.

Countless heart-wrenching personal stories dramatically illustrate the impact of these unfair benefit reductions. In my home state of Massachusetts, over 18,000 retirees are being penalized by the WEP. When it comes to the GPO, almost 15,000 are affected—and over a third are widows or widowers.

Consider this letter I received from a widow in Hull, MA:

I am being punished because I worked for the Town for the past 23 years. My husband passed away after only receiving Social Security disability for six months. He worked 40 years toward his Social Security. Many people do not know about this penalty and find out when they go to collect their Social Security that they cannot receive what they totally deserve . . .

From a Marshfield, MA teacher:

If my husband should pre-decease me, I am not eligible for his Social Security and would suffer a serious financial burden. I stayed at home to raise four children, while my husband worked six days a week and long hours and contributed the maximum to Social Security. I reentered the workforce late in life (to help pay for college tuitions) and made the mistake of getting employment with our local municipality.

From a 10-year employee of the town of Duxbury, MA:

As I have been a part-time employee, my pension will be quite small, about \$300 a month. I worked many years under Social Security with full and part-time jobs. As my Social Security would be reduced from \$600 to \$400 it does not leave much to live on, never mind paying for medical insurance.

From a Sagamore Beach widow:

I recently had two more friends die after waiting since 1983 to receive help on the Government Pension Offset issue. If Congress waits much longer, they won't have many of us left to help.

It is particularly heartbreaking that retired women comprise over 70 percent of those penalized by the GPO reduction of spousal benefits. Many sacrificed to stay home and raise children in the 1940s, 1950s and 1960s—then went to work later in life. In retirement, they are hit especially hard. Not only did they face the challenges of a workplace that paid them far less than their male counterparts; now they face similarly diminished opportunities to enjoy their senior years. Many are widows with meager pensions, who now face drastically reduced financial support with the death of a spouse—and must also contend with reduced spousal Social Security benefits.

During this 108th Congress, we had strong support for bills that would have modified or repealed the WEP and GPO. We had significant bipartisan endorsement and literally hundreds of senior organizations calling for action.

In May of last year, we heard compelling testimony about the impact of these provisions in the House Ways and Means Social Security Subcommittee hearing. Chuck Canterbury, National President of the Fraternal Order of Police described why police officers in particular are penalized by the WEP:

Owing to the physical demands of the job, a law enforcement officer is likely to retire between the ages of 45 and 60. After 20 or 25 years on the job, many law enforcement officers are likely to begin second careers and hold jobs that do pay into the Social Security system. Even more officers are likely to "moonlight," that is, hold second or even third jobs throughout their law enforcement career in order to augment their income. This creates an unjust situation that too many of our members find themselves in: they are entitled to a State or local retirement benefit because they worked 20 or more years keeping their streets and neighborhoods safe, and also working at a job or jobs in which they paid into Social Security, entitling them to that benefit as well. However, because of the WEP, if their second career resulted in less than twenty (20) years of substantial earnings, upon reaching the age they are eligible to collect Social Security, they will discover that they lose sixty percent (60%) of the benefit for which they were taxed! Actuarially speaking, I doubt many officers will live long enough to "break even"—that is collect the money they paid into the system, let alone receive any "windfall."

Even if the personal circumstances of today's public sector retirees fail to move you, consider the fact that it gets harder every day to recruit and retain people for public service jobs. Compared with the private sector, public services jobs offer significantly less pay and benefits. Personal satisfaction, while a powerful motivator, begins to fade when you realize you won't be able to put food on the table during retirement. We'll never attract the best possible candidates to public service unless we remove the stark disincentives characterized by the WEP and GPO.

Today this Congress failed to address the needs of almost one million former government employees who have already lost retirement dollars due to the GPO and WEP. Millions more face losses in the future. These are people we need, in every community, doing jobs that often keep us safe and secure in an era of unparalleled uncertainty.

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

The SPEAKER pro tempore. All time for debate having expired, pursuant to

House Resolution 520, the previous question is ordered.

The question is on the motion offered by the gentleman from Florida (Mr. SHAW).

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

Mr. GREEN of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Without objection, further proceedings on this motion will be postponed.

There was no objection.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the Senate amendment to H.R. 743.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3783) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The Clerk read as follows:

H.R. 3783

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 "Surface Transportation Extension Act of 2004".

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110) is amended by inserting "and the Surface Transportation Extension Act of 2004" after "as amended by this Act".

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) ADMINISTRATION OF FUNDS.—Section 2(b)(3) of such Act (117 Stat. 1110) is amended by striking "the amendment made under subsection (d)" and inserting "section 1101(c) of the Transportation Equity Act for the 21st Century".

(2) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amend-

ed by striking "\$1,166,666,667" and inserting \$2,100,000,000.

(3) EXTENSION OF OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking "February 29" inserting "June 30".

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111) is amended by striking "\$13,483,458,333 for the period of October 1, 2003, through February 29, 2004" and inserting "\$24,270,225,000 for the period of October 1, 2003, through June 30, 2004".

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111) is amended to read as follows:

"(e) LIMITATION ON OBLIGATIONS.—

"(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—Subject to paragraph (2), for the period of October 1, 2003, through June 30, 2004, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading '(LIMITATION ON OBLIGATIONS)' under the heading 'FEDERAL-AID HIGHWAYS' in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199) in accordance with section 110 of such Act; except that the amount of obligation limitation to be distributed for such period for each program, project, and activity specified in sections 110(a)(1), 110(a)(2), 110(a)(4), 110(a)(5), and 110(g) of such Act shall equal the greater of—

"(A) the funding authorized for such program, project, or activity in this Act and the Surface Transportation Extension Act of 2004 (including any amendments made by this Act and such Act); or

"(B) ½ of the funding provided for or limitation set on such program, project, or activity in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004.

"(2) LIMITATION ON TOTAL AMOUNT OF AUTHORITY DISTRIBUTED.—The total amount of obligation limitation distributed under paragraph (1) for the period of October 1, 2003, through June 30, 2004, shall not exceed \$25,232,250,000; except that this limitation shall not apply to \$479,000,000 in obligations for minimum guarantee for such period.

"(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—A State shall not obligate after June 30, 2004, any funds for any Federal-aid highway program project made available by this Act and the Surface Transportation Extension Act of 2004 (including any amendments made by this Act and such Act), until the date of enactment of a law reauthorizing the Federal-aid highway program.

"(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2004 for the purposes of the matter under the heading '(LIMITATION ON OBLIGATIONS)' under the heading 'FEDERAL-AID HIGHWAYS' in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004."

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

Section 3 of the Surface Transportation Extension Act of 2003 (117 Stat. 1112-1113) is amended by adding at the end the following:

"(e) PROHIBITION OF TRANSFERS.—Notwithstanding any other provision of this section, no funds may be transferred after February 29, 2004, by a State under subsection (a)—

"(1) from amounts apportioned to the State for the congestion mitigation and air quality improvement program; and

"(2) from amounts apportioned to the State for the surface transportation program and that are subject to any of paragraphs (1), (2), and (3)(A)(i) of section 133(d) of title 23, United States Code."

SEC. 4. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2003 (117 Stat. 1113) is amended by striking "\$187,500,000" and inserting "\$337,500,000".

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 117 Stat. 1113) is amended—

(i) in the first sentence by striking "\$114,583,333 for the period of October 1, 2003, through February 29, 2004" and inserting "\$206,250,000 for the period of October 1, 2003, through June 30, 2004"; and

(ii) in the second sentence by striking "\$5,416,667" and inserting "\$9,750,000".

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking "\$102,500,000 for the period of October 1, 2003, through February 29, 2004" and inserting "\$184,500,000 for the period of October 1, 2003, through June 30, 2004".

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking "\$68,750,000 for the period of October 1, 2003, through February 29, 2004" and inserting "\$123,750,000 for the period of October 1, 2003, through June 30, 2004".

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking "\$8,333,333 for the period of October 1, 2003, through February 29, 2004" and inserting "\$15,000,000 for the period of October 1, 2003, through June 30, 2004".

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 117 Stat. 1114) is amended by striking "\$58,333,333 for the period of October 1, 2003, through February 29, 2004" and inserting "\$105,000,000 for the period of October 1, 2003, through June 30, 2004".

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking "\$15,833,333 for the period of October 1, 2003, through February 29, 2004" and inserting "\$28,500,000 for the period of October 1, 2003, through June 30, 2004".

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2003 (117 Stat. 1114) is amended—

(i) in clause (i) by striking "\$4,166,667" and inserting "\$7,500,000";

(ii) in clause (ii) by striking "\$2,083,333" and inserting "\$3,750,000"; and

(iii) in clause (iii) by striking "\$2,083,333" and inserting "\$3,750,000".

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 117 Stat. 1114) is amended by striking "\$11,458,333 for the period of October 1, 2003, through February 29, 2004" and inserting "\$20,625,000 for the period of October 1, 2003, through June 30, 2004".

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking "\$4,583,333 for the period of October 1, 2003, through February 29, 2004" and inserting "\$8,250,000 for the period of October 1, 2003, through June 30, 2004".

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$2,083,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$3,750,000 for the period of October 1, 2003, through June 30, 2004”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$45,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$82,500,000 for the period of October 1, 2003, through June 30, 2004”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 117 Stat. 1114) is amended by striking “\$208,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$375,000 for the period of October 1, 2003, through June 30, 2004”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 117 Stat. 1114) is amended by striking “\$10,416,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$18,750,000 for the period of October 1, 2003, through June 30, 2004”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(F) and inserting the following:

“(F) \$105,000,000 for the period of October 1, 2003, through June 30, 2004.”;

(B) in subsection (a)(2) by striking “\$833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$1,500,000 for the period of October 1, 2003, through June 30, 2004”; and

(C) in the item relating to fiscal year 2004 in table contained in subsection (c) by striking “\$1,083,333,333” and inserting “\$1,950,000,000”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 117 Stat. 1115) is amended by striking “\$43,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$78,750,000 for the period of October 1, 2003, through June 30, 2004”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 117 Stat. 1115) is amended by striking “\$22,916,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$41,250,000 for the period of October 1, 2003, through June 30, 2004”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$8,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$15,750,000 for the period of October 1, 2003, through June 30, 2004”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$12,916,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$23,250,000 for the period of October 1, 2003, through June 30, 2004”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$47,916,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$86,250,000 for the period of October 1, 2003, through June 30, 2004”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 117 Stat. 1116) is amended by striking “\$51,666,667 for the period of October 1, 2003, through February 29,

2004” and inserting “\$93,000,000 for the period of October 1, 2003, through June 30, 2004”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 117 Stat. 1116) is amended by striking “\$11,250,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$20,250,000 for the period of October 1, 2003, through June 30, 2004”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1116) is amended by striking “\$100,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$180,000,000 for the period of October 1, 2003, through June 30, 2004”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116) is amended by striking “\$15,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$27,300,000 for the period of October 1, 2003, through June 30, 2004”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116) is amended by striking “\$7,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$14,100,000 for the period of October 1, 2003, through June 30, 2004”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117) is amended by striking “\$208,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$375,000 for the period of October 1, 2003, through June 30, 2004”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117) is amended—

(1) by striking “\$41,666,667” and inserting “\$75,000,000”; and

(2) by striking “February 29” and inserting “June 30”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117) is amended—

(1) by striking “\$41,666,667” and inserting “\$75,000,000”; and

(2) by striking “February 29” and inserting “June 30”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117) is amended by striking “\$312,500 for the period of October 1, 2003, through February 29, 2004” and inserting “\$562,500 for the period of October 1, 2003, through June 30, 2004”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118) is amended—

(1) by striking “\$2,187,500” and inserting “\$3,937,500”; and

(2) by striking “\$104,167” and inserting “\$187,500”; and

(3) by striking “February 29” each place it appears and inserting “June 30”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118) is amended—

(1) in paragraph (1) by striking “\$4,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$7,500,000 for the period of October 1, 2003, through June 30, 2004”; and

(2) in paragraph (2) by striking “\$4,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$7,500,000 for the period of October 1, 2003, through June 30, 2004”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2003 (117 Stat. 1118) is amended—

(1) by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “this section” the first place it appears; and

(2) by inserting “or the amendment made by section 5(a)(1) of such Act” before the period at the end.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (117 Stat. 1119) is amended—

(1) by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “but for this section”;

(2) by striking “both”;

(3) by striking “and by this section” and inserting “, by this section, and by section 5 of such Act”; and

(4) by inserting “and by section 5 of such Act” before the period at the end.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (117 Stat. 1119) is amended by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “this section”.

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking “\$46,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$84,000,000 for the period of October 1, 2003, through June 30, 2004”.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking “\$50,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$90,000,000 for the period of October 1, 2003, through June 30, 2004”.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119) is amended by striking “, and \$68,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “, and \$123,019,875 for the period of October 1, 2003, through June 30, 2004”.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119) is amended by striking “\$30,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$53,681,400 for the period of October 1, 2003, through June 30, 2004”.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by striking “\$8,333,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$14,911,500 for the period of October 1, 2003, through June 30, 2004”.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by striking “\$16,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$29,823,000 for the period of October 1, 2003, through June 30, 2004”.

(f) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120) is amended by striking “\$833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$2,684,070 for the period of October 1, 2003, through June 30, 2004”.

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120) is amended by striking “\$71,487,500 for the period of October 1, 2003, through February 29, 2004” and inserting “\$131,811,967 for the period October 1, 2003 through June 30, 2004”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

“(7) Not more than \$126,519,126 for the period of October 1, 2003, through June 30, 2004.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(5) of such title is amended to read as follows:

“(5) \$14,972,678 for the period of October 1, 2003 through June 30, 2004.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121) is amended—

(A) by striking “February 29,” and inserting “June 30,”; and

(B) by striking “\$416,667” and inserting “\$748,634”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act is amended—

(1) by striking “\$416,667” and inserting “\$748,634”; and

(2) by striking “February 29” and inserting “June 30”.

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “February 29” and inserting “June 30”; and

(2) in paragraph (2)(B)(iii)—

(A) by striking “FEBRUARY 29” in the clause heading and inserting “JUNE 30”; and

(B) by striking “\$4,333,333” and inserting “\$7,753,980”;

(C) by striking “February 29” and inserting “June 30”;

(3) in paragraph (3)(B) by striking “(and \$1,250,000 shall be available for the period October 1, 2003, through February 29, 2004)” and inserting “(and \$2,236,725 shall be available for the period October 1, 2003, through June 30, 2004)”;

(4) in paragraph (3)(C) by striking “(and \$20,833,334 shall be available for the period October 1, 2003, through February 29, 2004)” and inserting “(and \$37,278,750 shall be available for the period October 1, 2003, through June 30, 2004)”.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—The heading for paragraph (1) of section 8(b) of the Surface Transportation Extension of 2003 (117 Stat. 1121) is amended by striking “FEBRUARY 29” and inserting “JUNE 30”.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “FEBRUARY 29” and inserting “JUNE 30”; and

(2) in paragraph (2)(A) by striking clause (vi) and inserting the following:

“(vi) \$2,289,809,940 for the period of October 1, 2003, through June 30, 2004.”;

(3) in paragraph (2)(B) by striking clause (vi) and inserting the following:

“(vi) \$572,452,485 for the period of October 1, 2003, through June 30, 2004.”; and

(4) in paragraph (2)(C) by striking “February 29” and inserting “June 30”.

(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2003, THROUGH JUNE 30, 2004.—Section 8(d) of the Surface Transportation Extension of 2003 (117 Stat. 1122) is amended—

(1) in the subsection heading by striking “FEBRUARY 29” and inserting “JUNE 30”;

(2) in the matter preceding paragraph (1) by striking “February 29” and inserting “June 30”;

(3) in paragraph (1) by striking “\$2,020,813” and inserting “\$3,616,001”;

(4) in paragraph (1) by striking “\$20,833,334” and inserting “\$37,278,750”.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “FEBRUARY 29” and inserting “JUNE 30”;

(2) in paragraph (2)(A) by striking clause (vi) and inserting the following:

“(vi) \$1,871,393,250 for the period of October 1, 2003, through June 30, 2004.”; and

(3) in paragraph (2)(B) by striking clause (vi) and inserting the following:

“(vi) \$467,848,313 for the period of October 1, 2003, through June 30, 2004.”.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c) of such title is amended—

(1) in the heading to paragraph (2) by striking “FEBRUARY 29” and inserting “JUNE 30”;

(2) in paragraph (2)(A) by striking clause (vi) and inserting the following:

“(vi) \$43,690,695 for the period of October 1, 2003, through June 30, 2004.”; and

(3) in paragraph (2)(B) by striking clause (vi) and inserting the following:

“(vi) \$10,736,280 for the period of October 1, 2003, through June 30, 2004.”.

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d) of such title is amended—

(1) in the heading to paragraph (2) by striking “FEBRUARY 29” and inserting “JUNE 30”;

(2) in paragraph (2)(A) by striking clause (vi) and inserting the following:

“(vi) \$31,463,265 for the period of October 1, 2003, through June 30, 2004.”;

(3) in paragraph (2)(B) by striking clause (vi) and inserting the following:

“(vi) \$8,052,210 for the period of October 1, 2003, through June 30, 2004.”; and

(4) in paragraph (2)(C) by striking “February 29” and inserting “June 30”.

(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004.—Section 8(h) of the Surface Transportation Extension Act of 2003 (117 Stat. 1123)—

(1) in the matter preceding paragraph (1) by striking “February 29” and inserting “June 30”;

(2) in paragraph (1) by striking “\$2,187,500” and inserting “\$3,914,269”;

(3) in paragraph (2) by striking “\$3,437,500” and inserting “\$6,150,994”;

(4) in paragraph (3)—

(A) by striking “\$1,666,667” and inserting “\$2,982,300”; and

(B) by striking “\$416,667” and inserting “\$745,575”.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “FEBRUARY 29” and inserting “JUNE 30”;

(2) in paragraph (2)(A) by striking “\$2,020,833 for the period of October 1, 2003, through February 29, 2004” and inserting “\$3,578,760 for the period of October 1, 2003, through June 30, 2004”; and

(3) in paragraph (2)(B) by striking “\$505,833 for the period of October 1, 2003, through February 29, 2004” and inserting “\$894,690 for the period of October 1, 2003, through June 30, 2004”;

(4) in each of clauses (i) and (iii) of paragraph (2)(C) by striking “February 29” and inserting “June 30”.

(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1124) is amended—

(A) in the matter preceding subparagraph (A) by striking “February 29” and inserting “June 30”;

(B) in subparagraph (A) by striking “\$833,333” and inserting “\$1,491,150”; and

(C) in subparagraph (B) by striking “\$833,333” and inserting “1,491,150”.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857) is amended by striking “February 29” and inserting “June 30”.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “FEBRUARY 29” and inserting “JUNE 30”;

(2) in paragraph (2)(A) by striking clause (vi) and inserting the following:

“(vi) \$45,032,730 for the period of October 1, 2003, through June 30, 2004.”; and

(3) in paragraph (2)(B) by striking clause (vi) and inserting the following:

“(vi) \$11,258,183 for the period of October 1, 2003, through June 30, 2004.”.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391-392; 117 Stat. 1124) is amended—

(1) in paragraph (1)(A) by striking clause (vi) and inserting the following:

“(vi) \$74,557,500 for the period of October 1, 2003, through June 30, 2004.”;

(2) in paragraph (1)(B) by striking clause (vi) and inserting the following:

“(vi) \$18,639,375 for the period of October 1, 2003, through June 30, 2004.”; and

(3) in paragraph (2) by striking “February 29, 2004, \$4,166,667” and inserting “June 30, 2004, \$7,455,750 shall be used for such projects”.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of such Act (49 U.S.C. 5310 note; 112 Stat. 393; 117 Stat. 1125) is amended—

(1) in paragraph (1) by striking subparagraph (F) and inserting the following:

“(F) \$3,914,269 for the period of October 1, 2003, through June 30, 2004.”; and

(2) in paragraph (2) by striking “(and \$708,333 shall be available for the period of October 1, 2003, through February 29, 2004)” and inserting “(and \$1,267,478 shall be available for the period of October 1, 2003, through June 30, 2004)”.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking “FEBRUARY 29” and inserting “JUNE 30”; and

(2) in paragraph (2)(A) by striking “February 29” and inserting “June 30”.

(o) OBLIGATION CEILING.—Section 3040(6) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 117 Stat. 1125) is amended to read as follows:

“(6) \$5,449,407,675 for the period of October 1, 2003, through June 30, 2004.”.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of such Act (112 Stat. 361; 117 Stat. 1125) is amended by striking “February 29, 2004, \$2,020,833” and inserting “June 30, 2004, \$3,616,039”.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of such Act (49 U.S.C. 322 note; 112 Stat. 361; 117 Stat. 1125) is amended—

(1) by striking “February 29” and inserting “June 30”; and

(2) by striking “and \$2,083,333” and inserting “and \$3,727,875”.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of such Act (112 Stat. 373-381; 117 Stat. 1125) are each amended by striking “February 29” and inserting “June 30”.

(s) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379) are each amended by striking “February 29” and inserting “June 30”.

(t) TREATMENT OF FUNDS.—Section 8(t) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 101 note; 117 Stat. 1126) is amended by inserting “and by section 8 of the Surface Transportation Extension Act of 2004” before “shall be treated”.

(u) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (112 Stat. 357) is amended by inserting

"and for the period of October 1, 2003, through June 30, 2004" after "2003".

SEC. 9. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(6) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

"(6) \$7,500,000 for the period of October 1, 2003, through June 30, 2004."

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

"(4) FIRST 9 MONTHS OF FISCAL YEAR 2004.—For the period of October 1, 2003, through June 30, 2004, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$61,500,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) \$7,500,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) \$6,000,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)).

"(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code."

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "\$2,083,333" and inserting "\$3,750,000"; and

(2) by striking "\$833,333" and inserting "\$1,500,000".

SEC. 10. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking "March 1, 2004" and inserting "July 1, 2004";

(B) by striking "or" at the end of subparagraph (E);

(C) by striking the period at the end of subparagraph (F) and inserting ", or";

(D) by inserting after subparagraph (F), the following new subparagraph:

"(G) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004.", and

(E) in the matter after subparagraph (G), as added by this paragraph, by striking "Surface Transportation Extension Act of 2003" and inserting "Surface Transportation Extension Act of 2004".

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking "March 1, 2004" and inserting "July 1, 2004";

(B) in subparagraph (C), by striking "or" at the end of such subparagraph;

(C) in subparagraph (D), by inserting "or" at the end of such subparagraph;

(D) by inserting after subparagraph (D) the following new subparagraph:

"(E) the Surface Transportation Extension Act of 2004.", and

(E) in the matter after subparagraph (E), as added by this paragraph, by striking

"Surface Transportation Extension Act of 2003" and inserting "Surface Transportation Extension Act of 2004".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking "March 1, 2004" and inserting "July 1, 2004".

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking "Surface Transportation Extension Act of 2003" each place it appears and inserting "Surface Transportation Extension Act of 2004".

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking "March 1, 2004" and inserting "July 1, 2004"; and

(B) by striking "Surface Transportation Extension Act of 2003" and inserting "Surface Transportation Extension Act of 2004".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking "March 1, 2004" and inserting "July 1, 2004".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on June 30, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 3783, the legislation now under consideration by the House, will continue for an additional 4 months the highway construction, highway safety, transit, motor carrier, and surface transportation research programs. These programs will be continued under current-law program structure and conditions.

This bill is necessary in order to give the House Committee on Transportation and Infrastructure and our colleagues in the Senate time to complete a multi-year surface transportation bill.

Mr. Speaker, H.R. 3783 provides for over \$31 billion in new funding author-

ity, which reflects 9 months' work or nine-twelfths of the budget authority and associated outlays in the year 2004 budget resolution that Congress passed last year.

As my colleagues may know, Mr. Speaker, I have introduced H.R. 3550 with the gentleman from Minnesota (Mr. OBERSTAR), the Transportation Equity Act: A Legacy For Users, or TEA-LU. TEA-LU will begin to meet the needs and begin to improve our aging and deteriorating transportation infrastructure.

TEA-LU will address and resolve the funding inequity issue between the donor and donee States, create new jobs, and stimulate the economy. Unfortunately, the overall funding for transportation has not been resolved entirely; and, therefore, we must pass this 4-month extension.

Even though TEA-LU has been introduced, there are many issues remaining for this House to resolve. As I mentioned earlier, identifying the appropriate resources to support funding levels over the next 6 years is the primary challenge. If TEA-LU is reduced to the level of the Senate bill, many worthy projects and programs will be reduced or quite possibly eliminated from the bill.

In the interim, this 4-month extension is a must-pass bill. If we do not pass this bill and send it to the President before February 29, four Department of Transportation agencies will close their doors and furlough their employees: the Federal Highway Administration, the Federal Transit Administration, National Highway Traffic Safety Administration, and the Federal Motor Carrier Safety Administration.

If we do not pass this extension, new highway projects will be shelved, States will not be reimbursed the Federal share of the projects, safety grants will not be provided to the States, transit construction will be halted, and Federal enforcement of our motor carrier safety regulations on the highways and at the borders will suffer.

It is crucial that H.R. 3783 be passed by both the House and the Senate and delivered to the Senate before February 29. Our economy cannot withstand the shutdown of the national surface transportation programs.

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

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

Mr. Speaker, I rise today in support of H.R. 3783, the Surface Transportation Extension Act of 2004.

This bill would extend surface transportation funding for an additional 4 months, from March 2004 through June 2004. TEA-21 expired on September 30, 2003. Current funds are flowing because we passed a 5-month extension last year. The Surface Transportation Extension Act of 2003 extended our highway and transit programs through February 29. That is only a short 2 weeks away. That is why we need to once again pass another extension to avoid

disruption of Federal surface transportation programs. If we do not pass an extension by February 29, current law would essentially cut off highway and transit funding as of March 1. That would result in devastating impacts to every single State in the Union.

Mr. Speaker, H.R. 3783 would extend the current programs and authorize a total of \$32 billion in continued funding through June 2004. This bill would authorize \$26.4 billion for highway programs, \$5.4 billion for transit programs, and \$499 million for motor carrier safety and highway safety programs. We need to pass this bill because it will keep our Nation moving.

□ 1515

However, I believe the real debate today is not just about the need for this extension, because we all know we need to pass it and sign it into law. The real debate today is about the need to pass a multi-year authorization bill at a robust funding level that will adequately address our surface transportation needs. The real debate today is why the administration is shortsighted and shortchanging the great American middle class.

Last year, the administration's \$247 billion SAFETEA proposal was too little too late. Even with the revised funding level of \$256 billion, it is still too little and too late. Most recent figures showed the U.S. unemployment rate is at 5.6 percent. Millions of Americans are still unemployed. They are struggling to put food on their kitchen tables. With our sluggish national economy and millions of Americans out of work, we need something much more than the administration's SAFETEA proposal.

What this Nation needs is a robust public works funding package, and SAFETEA just is not it. What we need is H.R. 3550, the Transportation Equity Act, A Legacy for Users. Under the leadership of the gentleman from Alaska (Mr. YOUNG), the gentleman from Wisconsin (Mr. PETRI), and the gentleman from Minnesota (Mr. OBERSTAR), this proposal on the House Committee on Transportation and Infrastructure would authorize \$375 billion over 6 years.

Some have criticized that our proposed surface transportation funding will bust the budget and worsen the Federal deficit. Let us be clear about this, nothing could be further from the truth.

Ronald Wilson Reagan knew that fact. In 1982, he said that the highway program will not increase the Federal deficit because the Highway Trust Fund is off budget and because it is funded through user fees. It is a pay-as-you-go system that is deficit neutral.

In addition, I believe, just as Ronald Wilson Reagan believed when he asked Congress to raise the highway user fee by five cents, that highway user fees are simply good tax policy.

Let us pass the extension now because we need to do it. But, most im-

portantly, let us pass a robust multi-year transportation funding bill because we ought to do it. Just as George Herbert Walker Bush said when he signed ISTEA into law back in December of 1991, this bill really is about one thing. It is all about jobs, jobs, jobs.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Highways, Transit and Pipelines of the Committee on Transportation and Infrastructure.

Mr. PETRI. Mr. Speaker, I rise in support of the bill H.R. 3783, the Surface Transportation Extension Act of 2004.

Although a lot of work has been done on the reauthorization bill, there are challenges remaining, including identifying the needed resources to support funding levels over the next 6 years and addressing the concerns of donor States who want to get a better return on their contribution to the Highway Trust Fund.

This short-term extension is a must-pass bill and so, frankly, is the six-year reauthorization at some point. This is not, as some try to characterize it, pork. This is needed investment in our Nation's productive infrastructure.

If we fail to invest in our Nation's productive infrastructure, we will become less competitive as an economy, we will have a less productive economy, higher prices in the stores, less safe driving on our highways. It is estimated that one out of three deaths on our highways, some 40,000 a year, could be prevented if we had well-maintained, well-designed, modern transportation infrastructure.

This is an investment which, if we fail to make, we are going to pay anyway. The fact is we are not going to save any money by underinvesting in our transportation infrastructure as a country. We will pay in terms of blowing gas out of people's tailpipes, in terms of delay, in terms of inefficiencies in our economy or we can invest and have something to show for it: a first-rate transportation system linking our country together, making us competitive as an economy.

Today, we worry a lot in America about the growing economic competition we face from across the Pacific in China. Let me tell you what China is doing. They are taking a leaf out of our book. Back 60 years ago, Dwight Eisenhower, who knew something about war and about competitiveness and about our country, he stood back, put a cap as best he could on defense spending and pulled the lid full speed ahead on investing in our productive domestic transportation infrastructure. We built the interstate highway system.

What did the Soviet Union do? No roads to speak of. They relied on their railroads. Forty years later, who had the better investment strategy? We had something to save for. We were

more competitive as a country, and they collapsed.

What is happening today in the world? We are talking and debating about whether we are going to maintain our commitment to a first-rate infrastructure, grow it to accommodate growth in our economy, grow it to accommodate on the public sector side the tremendous investment the private sector has made in communication and computer technology, to manage data, which at the end of the day squeeze inventory out of the system, go to just-in-time delivery, wonderful things that make us much more productive. But if the goods cannot be moved efficiently, none of that pays off the way it otherwise can.

What is China planning to do today? They are planning over the next 15 years to replicate our interstate transportation system, four-lane highways linking that continent. They are planning on doing in 15 years what it took us 60 years to do. If we fail to meet this challenge, where will we be? What will we have to show for all this supposed savings that we make as a country by underinvesting in our infrastructure? We will leave our children and our grandchildren disarmed in the face of that challenge.

So I ask my colleagues to put aside the rhetoric, recognize that there are different kinds of spending in this world. Everyone says their spending is investment. This is real investment. You have got something to show for it. We will leave a legacy to our children and our grandchildren that we can be proud of and that they can benefit from. This is must-pass legislation, and we are going to have to pay for it if we are going to want to get something for it.

I urge my colleagues to support the passage of the continuing resolution before us today. It is vitally important that this bill be passed by both the House and the Senate and delivered to the President before February 29. Our economy cannot withstand the shutdown of the national surface transportation programs, and it cannot withstand a kind of gnawing away and erosion of our commitment in this area otherwise, either. If we do that, we will regret it in years to come.

Mr. LIPINSKI. Mr. Speaker, I want to compliment the gentleman from Wisconsin (Mr. PETRI) on those excellent remarks of his.

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

Ms. NORTON. Mr. Speaker, I thank the distinguished gentleman from Illinois (Mr. LIPINSKI) for yielding me time.

Mr. Speaker, I want to thank the three gentlemen who have preceded me in speaking, because what they have done is herculean. They have worked together in a bipartisan manner to try to get a bill for this House. I thought they were being wonderfully ambitious to try to get it this month; and I think

this House should be very grateful to them because they are having to contend with something that is very, very difficult.

There are three different figures here, Mr. Speaker. Our committee wants \$375 billion, the Senate has come forward with \$318 billion, and the administration has come forward with \$256 billion. And these three gentlemen are trying to find some way to thread this needle and get us all through it. I want to thank them for it.

I do want to say that you would think that this was taxpayers' money. When you think about these different figures, the average person would not believe that this money is in trust to be spent on exactly what we are here on the floor getting an extension for, on mass transportation, on roads, on infrastructure. What we have got is a seminal decision waiting for us.

The best case for going full way with the House bill, of course, is the failure of the recovery to generate any jobs. We cannot go on this way without having to pay a price for it.

The difference in the figures bothers me. The gentleman from the other body, Mr. INHOFE, has indicated that if the full figure that our committee wants is not forthcoming, and I am here using his words, cutting the costs would cause more problems than it would solve because the committee's allocation of funds among the States would be in jeopardy.

This money does not go flinging all around. It goes to States desperately in need of it now, particularly given the huge funding problems the States are having across the board. He is talking about a figure that is less than our figure of \$318 million, that the problem would go to the formula itself. So everybody would look to get a lot less money than they need if we cannot agree upon a formula that in fact uses the trust fund for what people paid at the pump to have it used for.

We would not be in this situation if we had passed the \$50 billion bill where we came forward last year with \$50 billion paid for bill, ready to go, projects in every Members' districts ready to go, sitting on the table, cannot go for lack of funds. That bill never made it to the floor. What jobs are flowing are flowing only anemically, left over from the old transportation bills.

I do not have any doubt that this bill will pass. I have come to the floor to speak about the bill that the gentlemen have been working on, a bill we must have, a bill that is adequately funded, a bill that will use the Highway Trust Fund for the purposes we have collected those funds for.

We must go forward, not backwards. If you need a reason besides the state of your own economy and your own State, think about drugs, think about jobs and the failure of our economy to recover.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the chairman of our committee for yielding me time.

I support this extension; and I recognize that, by supporting this extension, by the time this extension expires under the able leadership of the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Wisconsin (Mr. PETRI), we will have a bill produced in the House that will be worthy of our support.

There is a great American in Cleveland, Ohio, today speaking in support of the highway bill. It is the Secretary of the Department of Transportation, the former chairman of our committee, Norm Mineta, who I have nothing but respect for.

The problem is, he is supporting the wrong bill. He is supporting a bill that proposes to spend over 6 years about \$258 billion that does not come close to meeting the needs of America's infrastructure.

The chairman and I were in our Republican conference today, and the transportation bill was the subject of some discussion. I have to tell you that if you are looking, not to be partisan, but if you are looking for Republican principles when it comes to highway spending, you can go to Abraham Lincoln, you can go to Dwight Eisenhower, you can go to Richard Nixon, you can go to Ronald Reagan, you can go to George H.W. Bush. All of those presidents recognized that you need to have a strong infrastructure in this country, you need to have a strong infrastructure bill, that the return on infrastructure spending is about six to one back to the government, produces hundreds of thousands, millions of jobs over the six-year life of the bill; and this President should have a bill, too.

I hope that those who are sort of trying to do transportation on the cheap and maybe have the ear of the President at the moment recognize that if you want to draw a line in the sand on spending, this is the wrong beach to draw that line on. If we are going to stay competitive with our folks around the world in Asia and in Europe, we need to make this serious investment in our Nation's infrastructure.

I just had, at the invitation of the gentleman from Alaska (Mr. YOUNG), the opportunity to be in Iraq. There is some discussion in this Chamber about whether or not we should have approved \$18 billion for the reconstruction of Iraq. I happen to think it was money well spent. But I will say that if we can spend money building roads in Baghdad, and Tikrit and Um Qasr, we should be able to spend money in this country building roads in Anchorage and up in Duluth and in Portland and in Chicago and in Washington, D.C., and in Cleveland, Ohio.

So I hope that when this bill comes to the floor it is closer to the \$375 billion than it is the \$258 billion that our

good friend and former chairman, Secretary Mineta, is talking about in Cleveland, Ohio, today.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

□ 1530

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding the time and for his excellent management of the bill and the splendid work the gentleman from Illinois has invested over these many months on the bill, and our chairman of the full committee, the gentleman from Alaska, who has spearheaded the drive for the right policy for America. The gentleman from Ohio said a moment ago this is an investment in America; it is an investment in jobs at home.

The gentleman from Wisconsin talked about China's investment in highways. That is just a pittance of what China is investing: \$200 billion to double the capacity of their existing waterway ports; \$100 billion to modernize their airports, build six new airports, modernize 35 existing airports, build regional airports, to move goods and people more efficiently and effectively and to compete in the globalized marketplace.

Japan, 10 years ago, launched a \$1 trillion infrastructure investment program to upgrade the Shinkansen high-speed rail that carries 256 million passengers a year at speeds of nearly 200 miles an hour; upgrade their ports; build a new airport in the ocean as they have already done, extend that; and improve their existing international airport in Tokyo. Why are they doing that? Because they want to compete in the global marketplace more effectively, more efficiently; and every investment they make is a disadvantage to us if we do not keep up, if we do not make our infrastructure investments at home to keep America productive.

Time is running out. I said that 7 years ago. I was on this floor saying time is running out on us. We need to extend this bill, but we need to pass this bill. This was then BESTEA in 1997, and we did, we extended; but we did get a bill passed.

So last fall we were here for the expiration of TEA-21; and I said in this well on this floor, I am afraid we will be back here on this floor once again pleading for another extension of time to keep transportation programs from once again expiring. I do not want to be back on this floor saying again what I said 6 years ago, time is running out, end of quote; but here we are, once again, not because we cannot get a bill accomplished in this committee.

I want it said on the record. We have had a very, how shall I say, competitive negotiation in committee, competing ideas, competing thoughts, competing policies; but we have worked them out. We have the major policy

issues agreed upon largely, a few things yet to be done; and we will get those done in the historic bipartisan spirit of this committee and practice of this committee.

What we cannot get done is the funding side. We cannot do that alone. We need the executive branch to participate with us. We need the Committee on Ways and Means to participate, and they will if they are released. Free the Committee on Ways and Means. Let them go ahead. I think the gentleman from California (Mr. THOMAS) will agree with us that we need a robust bill.

What we cannot have is a reverse option. We started off with \$375 billion. Do I hear \$350 billion? Do I hear 325? Do I hear 318? Do I hear 311? Do I hear 300? Auctions are supposed to go the other way. We are going in the wrong way, not for lack of effort by our chairman, by members of the committee on both sides.

The gentleman from Alaska (Chairman YOUNG) has stuck his neck out and said it time and again. He has led the way. He has told the White House what we need to do. He has told his Republican conference what we need to do. He has told every user group in America what we need to do. He sent us out on the road as missionaries advocating for a robust bill; and nowhere that I have been, nowhere the gentleman from Wisconsin (Chairman PETRI) has been, nowhere that the gentleman from Illinois (Ranking Member LIPINSKI) has been, nowhere the gentleman from Alaska (Chairman YOUNG) has been has anyone said we should not do five cents for America.

This investment in the highway trust fund is the best investment America makes. We have an anti-deficiency provision in the highway trust fund law that says you cannot run a deficit and never have in the nearly 50 years of the highway trust fund, never have, never will; and the users of the system understand that. That is why they are willing to pay the five cents.

Yesterday, OPEC announced that they are going to cut back on production of oil to drive the price of fuel up so that they can continue to generate profits in the face of an eroding American dollar. We are going to sit here and let them do that and say, oh, we cannot burden the American public with five cents? Thirty-six dollars per capita in America to get a better highway system, to get a better investment in transit.

If we were to pass this bill at \$375 billion now and the President sign it into law in the next 2 months, we would have 475,000 people in the construction trades working in America by Labor Day, \$60 billion of economic activity, putting America back to work. How can that be wrong? How can that be partisan? It is the best investment we can make in America. Get this country moving again, create the jobs. We did it under TEA-21, created 1.3 million jobs in construction trades. No one was

sitting on the benches of America. Today we have 800,000 construction workers out of a job and can put half of them to work in the next four months if we pass our bill, our committee bill, and leave a legacy for the chairman, leave a legacy for America. That is what we have got to do, do the right thing for America, not sit around here and fritter away our future and be subject to globalization.

We have seen textiles move offshore. We have seen leather goods move offshore. We have seen steel production move offshore. We now even have call centers moving offshore. We are bringing people from India into universities, community colleges in Indiana, Ohio, Iowa to train them with speech therapists in a Midwest accent so they can go back to India and run call centers. That is actually happening.

Well, one thing they cannot build in China is the Alameda Corridor. They cannot build CREATE in Tokyo for Illinois, for Chicago. They cannot build Anchorage roadways in Taiwan. You build them in America. You create those jobs in America, right here. This is an American program. This is an investment for the future of this country. Why are we quibbling around with five cents? Get over it.

We could have 200 Democrats voting for that bill if we could get it on the House floor, and how can that be a liability for the President if we all stand together and do the right thing for America?

Right now, we are going to kick the can down the road a little bit and hope the people come to their senses, do the \$375 billion bill so we do not have to be here another 3 months saying, well, sorry, we could not do it, folks; sorry, America, we could not put you back to work; sorry, we cannot do the right thing for this country, we will wait till next year.

Well, if that is what it comes to, we will wait till next year; but I want to do the right thing, want to do it now. We are going to join in partnership to get there. We have got to make the right investments. We have got to do the right thing. For the time being, the right thing is to pass this extension.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my good friend from Minnesota on his eloquent presentation. I want to thank the gentleman from Wisconsin (Mr. PETRI), the gentleman from Illinois (Mr. LIPINSKI), and the committee members and the staffs who have worked so hard on this legislation and the parent legislation.

There is not much I can add to what the gentleman from Minnesota (Mr. OBERSTAR) has said. Everybody knows where I am standing on this legislation; and by the way, the number 375 is not an artificial number. It is the number that came from the administration, what is needed to improve and maintain the existing highway system, when the interstate highway system

becomes 50 years old, or will be 50 years old 3 years from now; and that is an old system.

This is the legislation that can solve the economic woes of this country, not just because of jobs but because transportation provides the resources for the prescription drugs, for Medicare, for education, for Social Security. All those things thrive on our economy, and our economy cannot provide the basis for those systems without transportation.

Truck traffic alone will increase 90 percent over what it is now in the next 15 years. Car traffic, the mileage being used will increase a huge amount over the next 15 years. The most expensive thing we can do today is not the five cents, not the two cents, not even using the funds out of the general fund for the trust fund, but to do nothing. To do nothing is the most expensive cost to the American people. The most expensive cost to the American people is to do nothing.

I can assure my good friends that I am working and my colleagues are working, and we are going to try to achieve the goal we seek; but I will not support a bill that goes so far below the needs. My administration is wrong in this, and I have told them that. I think most of my colleagues have read my letter to the President. They are dead wrong. Because if we do not do this, the legacy we leave behind will, in fact, I think be a legacy of incompetency.

I do not want to wear that label. The gentleman from Minnesota (Mr. OBERSTAR) and myself and the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Wisconsin (Mr. PETRI) and the staffs and everybody, we are trying to do something that is right for this great Nation, a legacy for users, a need, jobs for America. That is the parent bill, H.R. 3550; and I hope we continue this discussion but reach a solution in the very near future.

The legislation we are addressing today is mandatory because if we do not do it, not only will the agency be shut down, but the States will not issue contracts for the upcoming building session; and so I urge full support for this legislation.

I will ask for a vote. I want my colleagues all to know that, because I think it is important we are on the record of where we stand as a body about building for the future of our great Nation in transportation.

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

Mr. LIPINSKI. Mr. Speaker, could the Chair inform me how much time I have left.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Illinois (Mr. LIPINSKI) has 4 minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 7½ minutes remaining.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I am honored to join with my colleagues

today on what is the most important economic, environmental, and public safety issue that we will be facing.

I for one was a little bit startled when we had the President refer to this transportation bill as an entitlement program. With all due respect, this is not an entitlement, except to the point that I think, as referenced by our committee chair, the American public is entitled to have infrastructure investment.

I find it striking that we can have conservative icons like Grover Norquist, Paul Weyrich, we have the Chamber of Commerce, along with environmentalists, with unions, with development interests, with Realtors, all coming together with one of the broadest coalitions we have seen. All understand that this transportation funding is a user fee. To keep pace with inflation is an important national goal that was endorsed by no less a conservative icon than President Reagan. We are attempting to move forward in this fashion. It does not have to be this hard.

I would hope that our membership across the aisles will support our leadership on this committee who have taken a principled and strong stand to fund needs, as the gentleman from Alaska (Chairman YOUNG) mentioned, that were identified by a study from the administration itself. It is not a hard sell to the American public. Eighty percent of the public feels that our highway and transit network are important to our economy. Sixty-nine percent of the public support increasing our Federal transportation investment, even if it means raising the gas tax.

TEA-21 has provided money for roads, for bridges, for virtually every metropolitan area. It has helped with air quality. It has helped with transportation enhancements, transit freight movement, bicycles. Communities large and small have used all of these provisions. Now is the time for all of us to step forward.

I am sorry we are not debating the 6-year reauthorization, but I hope that we will be using the next 4 months to actually do our job of legislating and passing a bipartisan bill that funds these needs, balances transportation, places a premium on environmental protection, and maintains local flexibility and control of decisionmaking.

□ 1545

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

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute 25 seconds to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise in support of the Surface Transportation Extension Act of 2004. Although we have made progress on the full reauthorization bill, we still have miles to go before we finish. However, I believe passing the full reauthorization as close as possible to the \$375 billion figure supported by many Members of this body will be one of our most significant accomplishments of this Congress.

The challenges we are working to meet through passage of this bill are very significant to the people of our Nation, especially during these difficult economic times. These challenges are central to the lives of working families like those in my district as well as those around the country.

Transportation is about more than concrete, asphalt and steel. It is about people and about providing them with the opportunity to lead safer, healthier and more fulfilling lives.

The much-needed investment in our steadily deteriorating infrastructure would provide a proverbial shot in the arm for the economy, while helping to improve America's prosperity and quality of life. Our country's economic strength, our ability to improve productivity, and our capacity to create jobs are all dependent upon expanded investment in transportation infrastructure. The 6-year reauthorization will have a lasting impact on all three of these areas.

This extension will provide funding for 4 months. In those 4 months, we have a lot of work to do. I hope the Bush administration will see the wisdom of passing a full 6-year reauthorization at a number far above the proposed \$256 billion figure. So far, they have missed the mark.

Mr. LIPINSKI. Mr. Speaker, I yield 35 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the temporary extension of the Transportation legislation for \$375 billion and to say that these types of transportation projects actually create jobs.

However, I go on record to say several things.

First, this is an engine that makes a difference for the 21st century. I hope we can work with local communities and our local agencies, like the Texas Department of Transportation to insure that they do more to enlist the input of citizens to make sure these projects are neighborhood friendly and supported.

In addition, we really must address the crisis of drunk driving on our freeways. Houston has recently had several deaths due to drunk driving. I hope to work with the chairman and the ranking member and the ranking member of the subcommittee to ensure that we have safe highways and freeways by addressing the question in the final bill. We should have full funding and an extension of the surface highway and transportation bill because it equates to jobs for America.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill, H.R. 3783, the Surface Transportation Extension Act of 2004. This four-month extension of the "Transportation Equity Act for the 21st Century (TEA-21; PL 105-178)" that was set to expire in 18 days is a very important legislative measure to the safety of our highways.

Under H.R. 3783, \$224 million will be awarded for the National Highway Traffic Safety Administration for various grant programs. Similarly, \$255 million will go to the Federal Motor Carrier Safety Administration for grants to enforce safety regulations and inspections along the Mexican border.

If this bill is not extended by February 29, 2004, the consequences will be grave for the safety of our motorists as well as for the construction workers who await the beginning of contracts of employment. This 4-month extension of TEA-21 will preserve the basic structure of our Federal surface transportation programs, which have proven to be extremely beneficial for our citizens' mobility and our national economy over the last 6 years.

The guaranteed funding, the program structure, and the balanced approach to transportation planning found in TEA-21 amount to positive growth and increased safety for the country. Transit has experienced the highest percentage of ridership growth among all modes of surface transportation, growing over 28 percent between 1993 and 2001. Therefore, I look forward to this legislation's preservation of the structure and programs of TEA-21 for the next 4 months.

The transportation needs of this Nation are significant, as more and more communities find themselves confronting the problems of traffic congestion and delay. According to the Texas Transportation Institute, in the year 2000, Americans in 75 urban areas spent 3.6 billion hours stuck in traffic, with an estimated cost to the Nation of \$67.5 billion in lost time and wasted fuel. As these figures show, congestion has a real economic cost to this Nation, in addition to the psychological and social costs of spending hours each day sitting in traffic.

With respect to highway safety, we need these funds to address the horrible problem of drunk driving. The National Highway Traffic Safety Administration grant programs will ensure that new drivers get the safety education that is so critical when the risk is so high. In Houston during the year 2000, there were a total of 48,025 motor vehicle accidents. There were 219 fatal accidents and 243 killed in accidents. Also in that year, there were 33,370 accidents that caused injuries and 60,105 were injured.

Furthermore, on January 27, 2004, three fatal accidents occurred in Houston.

First, a pickup truck ran into a parked 18-wheeler when it tried ducking into a service land to get ahead of another car. The passenger died in the crash and the driver was listed in poor condition.

Another accident at Jones Road and FM1960 in Houston occurred when a man's car jumped the curb, hit a car then rear-ended a big rig. Authorities said the driver was speeding when the accident happened near the parking lot of a Krogers grocery store.

Moreover, a 15-year-old Pasadena girl was killed in a drunk driving accident. In that instance, police said that the driver of the car she was in lost control and flipped over in southeast Houston. The driver was arrested for DUI and manslaughter charges are pending.

Therefore, for reasons related to the safety of our drivers, the safety of the narrow roads and to the availability of jobs, among other reasons, I urge my colleagues to pass H.R. 3738.

Mr. Speaker, for the above reasons, I support this legislation, and I urge my colleagues to join me.

Mr. DINGELL. Mr. Speaker, I rise today to call on the President and House Leadership to come together with Chairman YOUNG and Ranking Member OBERSTAR and complete a robust and comprehensive transportation bill that addresses the economic needs of our country. A little less than five months ago, I, along with a majority of the House, voted for an extension. I did so reluctantly then, and will do so again today. But, we cannot continue down this path of short-term extensions.

Short-term extensions shortchange our economy, leaving state and local governments in a difficult situation when planning and assessing highway and transit projects. In fact, these short-term extensions result in an estimated \$2.1 billion in project delays and the loss of more than 90,000 jobs. As I said last time, we cannot continue to operate the government through continuing resolution. To do so not only puts our infrastructure in jeopardy, but the well being of our nation. I would hope that those opposing Chairman YOUNG and Ranking Member OBERSTAR's efforts realize that they are hindering our economy at a time when we need to get things moving again.

Mr. Speaker, nearly 3 million private-sector jobs have been lost since January 2001. We should be doing everything in our power to help get this economy back on track. A good robust transportation policy is a good place to start. For every \$1 billion invested in federal highway and transit spending, 47,000 jobs are created. These are good paying jobs. Jobs that provide money to families to put food on the table and clothe their children.

Yet, the President remarked a robust bill is somehow an entitlement program. It seems to me that he should take a second look at the bill that was proposed and reconsider his position. 1.7 million jobs would be a good start in trying to make up for the losses we have experienced in the last 3 years.

In Michigan, a good robust transportation bill would help our state begin an economic recovery due to the heavy loss of manufacturing jobs. It also would ensure that Michigan receives its fair share of transportation dollars. Michigan and other states need action on this bill soon. To prolong this process after this extension will have undesirable consequences on our economy.

I support my Transportation and Infrastructure Chairman and Ranking Member in their goals for our nation. They understand the investment we can put into our great nation through a robust bill. I stand by ready to help in any way I can.

Mr. YOUNG of Alaska. Mr. Speaker, this extension is an important piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3783.

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. YOUNG of Alaska. 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. YOUNG of Alaska. 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. 3783.

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

There was no objection.

NATIVE AMERICAN TECHNICAL CORRECTIONS ACT OF 2003

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 523) to make technical corrections to laws relating to Native Americans, and for other purposes.

The Clerk read as follows:

S. 523

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

SECTION. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Technical Corrections Act of 2003".

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

Subtitle A—Technical Amendments

Sec. 101. Bosque Redondo Memorial Act.

Sec. 102. Navajo-Hopi Land Settlement Act.

Sec. 103. Tribal sovereignty.

Sec. 104. Cow Creek Band of Umpqua Indians.

Sec. 105. Pueblo de Cochiti; modification of settlement.

Sec. 106. Four Corners Interpretive Center.

Sec. 107. Mississippi Band of Choctaw Indians.

Sec. 108. Rehabilitation of Celilo Indian Village.

Subtitle B—Other Provisions Relating to Native Americans

Sec. 121. Barona Band of Mission Indians; facilitation of construction of pipeline to provide water for emergency fire suppression and other purposes.

Sec. 122. Conveyance of Native Alaskan objects.

Sec. 123. Pueblo of Acoma; land and mineral consolidation.

Sec. 124. Quinault Indian Nation; water feasibility study.

Sec. 125. Santee Sioux Tribe; study and report.

Sec. 126. Shakopee Mdewakanton Sioux Community.

Sec. 127. Agua Caliente Band of Cahuilla Indians.

Sec. 128. Saginaw Chippewa Tribal College.

Sec. 129. Ute Indian Tribe; oil shale reserve.

TITLE II—PUEBLO OF SANTA CLARA AND PUEBLO OF SAN ILDEFONSO

Sec. 201. Definitions.

Sec. 202. Trust for the Pueblo of Santa Clara, New Mexico.

Sec. 203. Trust for the Pueblo of San Ildefonso, New Mexico.

Sec. 204. Survey and legal descriptions.

Sec. 205. Administration of trust land.

Sec. 206. Effect.

Sec. 207. Gaming.

TITLE III—DISTRIBUTION OF QUINULT PERMANENT FISHERIES FUNDS

Sec. 301. Distribution of judgment funds.

Sec. 302. Conditions for distribution.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, except as otherwise provided in this Act, the term "Secretary" means the Secretary of the Interior.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

Subtitle A—Technical Amendments

SEC. 101. BOSQUE REDONDO MEMORIAL ACT.

Section 206 of the Bosque Redondo Memorial Act (16 U.S.C. 431 note; Public Law 106-511) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "2000" and inserting "2004"; and

(B) in paragraph (2), by striking "2001 and 2002" and inserting "2005 and 2006"; and

(2) in subsection (b), by striking "2002" and inserting "2007".

SEC. 102. NAVAJO-HOPI LAND SETTLEMENT ACT.

Section 25(a)(8) of Public Law 93-531 (commonly known as the "Navajo-Hopi Land Settlement Act of 1974") (25 U.S.C. 640d-24(a)(8)) is amended by striking "annually for fiscal years 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "for each of fiscal years 2003 through 2008".

SEC. 103. TRIBAL SOVEREIGNTY.

Section 16 of the Act of June 18, 1934 (25 U.S.C. 476), is amended by adding at the end the following:

"(h) TRIBAL SOVEREIGNTY.—Notwithstanding any other provision of this Act—

"(1) each Indian tribe shall retain inherent sovereign power to adopt governing documents under procedures other than those specified in this section; and

"(2) nothing in this Act invalidates any constitution or other governing document adopted by an Indian tribe after June 18, 1934, in accordance with the authority described in paragraph (1)."

SEC. 104. COW CREEK BAND OF UMPQUA INDIANS.

Section 7 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712e) is amended in the third sentence by inserting before the period at the end the following: ", and shall be treated as on-reservation land for the purpose of processing acquisitions of real property into trust".

SEC. 105. PUEBLO DE COCHITI; MODIFICATION OF SETTLEMENT.

Section 1 of Public Law 102-358 (106 Stat. 960) is amended—

(1) by striking "implement the settlement" and inserting the following: "implement—

"(1) the settlement;";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) the modifications regarding the use of the settlement funds as described in the agreement known as the 'First Amendment to Operation and Maintenance Agreement for Implementation of Cochiti Wetlands Solution', executed—

"(A) on October 22, 2001, by the Army Corps of Engineers;

"(B) on October 25, 2001, by the Pueblo de Cochiti of New Mexico; and

"(C) on November 8, 2001, by the Secretary of the Interior."

SEC. 106. FOUR CORNERS INTERPRETIVE CENTER.

Section 7 of the Four Corners Interpretive Center Act (113 Stat. 1706) is amended—

(1) in subsection (a)(2), by striking “2005” and inserting “2008”;

(2) in subsection (b), by striking “2002” and inserting “2005”; and

(3) in subsection (c), by striking “2001” and inserting “2004”.

SEC. 107. MISSISSIPPI BAND OF CHOCTAW INDIANS.

Section 1(a)(2) of Public Law 106-228 (114 Stat. 462) is amended by striking “report entitled” and all that follows through “is hereby declared” and inserting the following: “report entitled ‘Report of May 17, 2002, Clarifying and Correcting Legal Descriptions or Recording Information for Certain Lands placed into Trust and Reservation Status for the Mississippi Band of Choctaw Indians by Section 1(a)(2) of Pub. L. 106-228, as amended by Title VIII, Section 811 of Pub. L. 106-568’, on file in the Office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is declared”.

SEC. 108. REHABILITATION OF CELILO INDIAN VILLAGE.

Section 401(b)(3) of Public Law 100-581 (102 Stat. 2944) is amended by inserting “and Celilo Village” after “existing sites”.

Subtitle B—Other Provisions Relating to Native Americans**SEC. 121. BARONA BAND OF MISSION INDIANS; FACILITATION OF CONSTRUCTION OF PIPELINE TO PROVIDE WATER FOR EMERGENCY FIRE SUPPRESSION AND OTHER PURPOSES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to valid existing rights under Federal and State law, and to any easements or similar restrictions which may be granted to the city of San Diego, California, for the construction, operation and maintenance of a pipeline and related appurtenances and facilities for conveying water from the San Vicente Reservoir to the Barona Indian Reservation, or for conservation, wildlife or habitat protection, or related purposes, the land described in subsection (b), fee title to which is held by the Barona Band of Mission Indians of California (referred to in this section as the “Band”)—

(1) is declared to be held in trust by the United States for the benefit of the Band; and

(2) shall be considered to be a portion of the reservation of the Band.

(b) LAND.—The land referred to in subsection (a) is land comprising approximately 85 acres in San Diego County, California, and described more particularly as follows: San Bernardino Base and Meridian; T. 14 S., R. 1 E.; sec. 21: W $\frac{1}{2}$ SE $\frac{1}{4}$, 68 acres; NW $\frac{1}{4}$ NW $\frac{1}{4}$, 17 acres.

(c) GAMING.—The land taken into trust by subsection (a) shall neither be considered to have been taken into trust for gaming, nor be used for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

SEC. 122. CONVEYANCE OF NATIVE ALASKAN OBJECTS.

Notwithstanding any provision of law affecting the disposal of Federal property, on the request of the Chugach Alaska Corporation or Sealaska Corporation, the Secretary of Agriculture shall convey to whichever of those corporations that has received title to a cemetery site or historical place on National Forest System land conveyed under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) all artifacts, physical remains, and copies of any available field records that—

(1)(A) are in the possession of the Secretary of Agriculture; and

(B) have been collected from the cemetery site or historical place; but

(2) are not required to be conveyed in accordance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) or any other applicable law.

SEC. 123. PUEBLO OF ACOMA; LAND AND MINERAL CONSOLIDATION.

(a) DEFINITION OF BIDDING OR ROYALTY CREDIT.—The term “bidding or royalty credit” means a legal instrument or other written documentation, or an entry in an account managed by the Secretary, that may be used in lieu of any other monetary payment for—

(1) a bonus bid for a lease sale on the outer Continental Shelf; or

(2) a royalty due on oil or gas production; for any lease located on the outer Continental Shelf outside the zone defined and governed by section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

(b) AUTHORITY.—Notwithstanding any other provision of law, the Secretary may acquire any nontribal interest in or to land (including an interest in mineral or other surface or subsurface rights) within the boundaries of the Acoma Indian Reservation for the purpose of carrying out Public Law 107-138 (116 Stat. 6) by issuing bidding or royalty credits under this section in an amount equal to the value of the interest acquired by the Secretary, as determined under section 1(a) of Public Law 107-138 (116 Stat. 6).

(c) USE OF BIDDING AND ROYALTY CREDITS.—On issuance by the Secretary of a bidding or royalty credit under subsection (b), the bidding or royalty credit—

(1) may be freely transferred to any other person (except that, before any such transfer, the transferor shall notify the Secretary of the transfer by such method as the Secretary may specify); and

(2) shall remain available for use by any person during the 5-year period beginning on the date of issuance by the Secretary of the bidding or royalty credit.

SEC. 124. QUINULT INDIAN NATION; WATER FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary is authorized to carry out, in accordance with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)), a water source, quantity, and quality feasibility study for land of the Quinault Indian Nation to identify ways to meet the current and future domestic and commercial water supply and distribution needs of the Quinault Indian Nation on the Olympic Peninsula, Washington.

(b) PUBLIC AVAILABILITY OF RESULTS.—As soon as practicable after completion of a feasibility study under subsection (a), the Secretary shall—

(1) publish in the Federal Register a notice of the availability of the results of the feasibility study; and

(2) make available to the public, on request, the results of the feasibility study.

SEC. 125. SANTEE SIOUX TRIBE; STUDY AND REPORT.

(a) STUDY.—Pursuant to reclamation laws, the Secretary, acting through the Bureau of Reclamation and in consultation with the Santee Sioux Tribe of Nebraska (referred to in this subtitle as the “Tribe”), shall conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water treatment and distribution system for the Santee Sioux Tribe of Nebraska that could serve the tribal community and adjacent communities and incorporate population growth and economic development activities for a period of 40 years.

(b) COOPERATIVE AGREEMENT.—At the request of the Tribe, the Secretary shall enter into a cooperative agreement with the Tribe for activities necessary to conduct the study required by subsection (a) regarding which the Tribe has unique expertise or knowledge.

(c) REPORT.—Not later than 1 year after funds are made available to carry out this subtitle, the Secretary shall submit to Congress a report containing the results of the study required by subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$500,000, to remain available until expended.

SEC. 126. SHAKOPEE MDEWAKANTON SIOUX COMMUNITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further authorization by the United States, the Shakopee Mdewakanton Sioux Community in the State of Minnesota (referred to in this section as the “Community”) may lease, sell, convey, warrant, or otherwise transfer all or any part of the interest of the Community in or to any real property that is not held in trust by the United States for the benefit of the Community.

(b) NO EFFECT ON TRUST LAND.—Nothing in this section—

(1) authorizes the Community to lease, sell, convey, warrant, or otherwise transfer all or part of an interest in any real property that is held in trust by the United States for the benefit of the Community; or

(2) affects the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in that trust land.

SEC. 127. AGUA CALIENTE BAND OF CAHUILLA INDIANS.

(a) IN GENERAL.—Notwithstanding any other provision of law (including any restrictive covenant in effect under, or required by operation of, a State law), title to land that the Secretary of the Interior agrees is to be acquired by the United States in accordance with the Act of June 18, 1934 (25 U.S.C. 465), for the Agua Caliente Band of Cahuilla Indians shall be taken in the name of the United States.

(b) COVENANTS.—A restrictive covenant referred to in subsection (a) shall be unenforceable against the United States if the land to which the restrictive covenant is attached was held in trust by the United States for, or owned by, the Agua Caliente Band of Cahuilla Indians, or an individual member of the Band, before the date on which the restrictive covenant attached to the land.

SEC. 128. SAGINAW CHIPPEWA TRIBAL COLLEGE.

Section 532 of the Equity in Educational Land Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended—

(1) by redesignating paragraphs (22) through (31) as paragraphs (23) through (32), respectively; and

(2) by inserting after paragraph (21) the following:

“(22) Saginaw Chippewa Tribal College.”.

SEC. 129. UTE INDIAN TRIBE; OIL SHALE RE-SERVE.

Section 3405(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261) is amended by striking paragraph (3) and inserting the following:

“(3) With respect to the land conveyed to the Tribe under subsection (b)—

“(A) the land shall not be subject to any Federal restriction on alienation; and

“(B) notwithstanding any provision to the contrary in the constitution, bylaws, or charter of the Tribe, the Act of May 11, 1938 (commonly known as the ‘Indian Mineral Leasing Act of 1938’) (25 U.S.C. 396a et seq.), the Indian Mineral Development Act of 1982

(25 U.S.C. 2101 et seq.), section 2103 of the Revised Statutes (25 U.S.C. 81), or section 2116 of the Revised Statutes (25 U.S.C. 177), or any other law, no purchase, grant, lease, or other conveyance of the land (or any interest in the land), and no exploration, development, or other agreement relating to the land that is authorized by resolution by the governing body of the Tribe, shall require approval by the Secretary of the Interior or any other Federal official."

TITLE II—PUEBLO OF SANTA CLARA AND PUEBLO OF SAN ILDEFONSO

SEC. 201. DEFINITIONS.

In this title:

(1) **AGREEMENT.**—The term "Agreement" means the agreement entitled "Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract", entered into by the Governors on December 20, 2000.

(2) **BOUNDARY LINE.**—The term "boundary line" means the boundary line established under section 204(a).

(3) **GOVERNORS.**—The term "Governors" means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) **PUEBLOS.**—The term "Pueblos" means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) **TRUST LAND.**—The term "trust land" means the land held by the United States in trust under section 202(a) or 203(a).

SEC. 202. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) **IN GENERAL.**—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., sec. 25, excluding the 5-acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 203. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) **IN GENERAL.**—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and min-

eral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 204. SURVEY AND LEGAL DESCRIPTIONS.

(a) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 3102(b) and 3103(b), the boundaries of the trust land.

(b) **LEGAL DESCRIPTIONS.**—

(1) **PUBLICATION.**—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) **TECHNICAL CORRECTIONS.**—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 3102(b) and 3103(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) **EFFECT.**—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 205. ADMINISTRATION OF TRUST LAND.

(a) **IN GENERAL.**—Effective beginning on the date of enactment of this Act—

(1) the land held in trust under section 202(a) shall be declared to be a part of the Santa Clara Indian Reservation; and

(2) the land held in trust under section 203(a) shall be declared to be a part of the San Ildefonso Indian Reservation.

(b) **APPLICABLE LAW.**—

(1) **IN GENERAL.**—The trust land shall be administered in accordance with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.

(2) **PUEBLO LANDS ACT.**—The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the "Pueblo Lands Act") (25 U.S.C. 331 note):

(A) The trust land.

(B) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.

(C) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant.

(c) **USE OF TRUST LAND.**—

(1) **IN GENERAL.**—Subject to the criteria developed under paragraph (2), the trust land may be used only for—

(A) traditional and customary uses; or

(B) stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust.

(2) **CRITERIA.**—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation.

(3) **LIMITATION.**—Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 206. EFFECT.

Nothing in this title—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of a person or entity (other than the United States) that is—

(A) in or to the trust land; and

(B) in existence before the date of enactment of this Act;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land that is—

(A) based on Aboriginal or Indian title; and

(B) in existence before the date of enactment of this Act;

(3) constitutes an express or implied reservation of water or water right with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this Act.

SEC. 207. GAMING.

Land taken into trust under this title shall neither be considered to have been taken into trust for, nor be used for, gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

TITLE III—DISTRIBUTION OF QUINALT PERMANENT FISHERIES FUNDS

SEC. 301. DISTRIBUTION OF JUDGMENT FUNDS.

(a) **FUNDS TO BE DEPOSITED INTO SEPARATE ACCOUNTS.**—

(1) **IN GENERAL.**—Subject to section 302, not later than 30 days after the date of enactment of this Act, the funds appropriated on September 19, 1989, in satisfaction of an award granted to the Quinalt Indian Nation under Dockets 772-71, 773-71, 774-71, and 775-71 before the United States Claims Court, less attorney fees and litigation expenses, and including all interest accrued to the date of disbursement, shall be distributed by the Secretary and deposited into 3 separate accounts to be established and maintained by the Quinalt Indian Nation (referred to in this title as the "Tribe") in accordance with this subsection.

(2) **ACCOUNT FOR PRINCIPAL AMOUNT.**—

(A) **IN GENERAL.**—The Tribe shall—

(i) establish an account for the principal amount of the judgment funds; and

(ii) use those funds to establish a Permanent Fisheries Fund.

(B) **USE AND INVESTMENT.**—The principal amount described in subparagraph (A)(i)—

(i) except as provided in subparagraph (A)(ii), shall not be expended by the Tribe; and

(ii) shall be invested by the Tribe in accordance with the investment policy of the Tribe.

(3) **ACCOUNT FOR INVESTMENT INCOME.**—

(A) **IN GENERAL.**—The Tribe shall establish an account for, and deposit in the account, all investment income earned on amounts in the Permanent Fisheries Fund established under paragraph (2)(A)(ii) after the date of distribution of the funds to the Tribe under paragraph (1).

(B) USE OF FUNDS.—Funds deposited in the account established under subparagraph (A) shall be available to the Tribe—

(i) subject to subparagraph (C), to carry out fisheries enhancement projects; and

(ii) pay expenses incurred in administering the Permanent Fisheries Fund established under paragraph (2)(A)(ii).

(C) SPECIFICATION OF PROJECTS.—Each fisheries enhancement project carried out under subparagraph (B)(i) shall be specified in the approved annual budget of the Tribe.

(4) ACCOUNT FOR INCOME ON JUDGMENT FUNDS.—

(A) IN GENERAL.—The Tribe shall establish an account for, and deposit in the account, all investment income earned on the judgment funds described in subsection (a) during the period beginning on September 19, 1989, and ending on the date of distribution of the funds to the Tribe under paragraph (1).

(B) USE OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds deposited in the account established under subparagraph (A) shall be available to the Tribe for use in carrying out tribal government activities.

(ii) SPECIFICATION OF ACTIVITIES.—Each tribal government activity carried out under clause (i) shall be specified in the approved annual budget of the Tribe.

(b) DETERMINATION OF AMOUNT OF FUNDS AVAILABLE.—Subject to compliance by the Tribe with paragraphs (3)(C) and (4)(B)(ii) of subsection (a), the Quinault Business Committee, as the governing body of the Tribe, may determine the amount of funds available for expenditure under paragraphs (3) and (4) of subsection (a).

(c) ANNUAL AUDIT.—The records and investment activities of the 3 accounts established under subsection (a) shall—

(1) be maintained separately by the Tribe; and

(2) be subject to an annual audit.

(d) REPORTING OF INVESTMENT ACTIVITIES AND EXPENDITURES.—Not later than 120 days after the date on which each fiscal year of the Tribe ends, the Tribe shall make available to members of the Tribe a full accounting of the investment activities and expenditures of the Tribe with respect to each fund established under this section (which may be in the form of the annual audit described in subsection (c)) for the fiscal year.

SEC. 302. CONDITIONS FOR DISTRIBUTION.

(a) UNITED STATES LIABILITY.—On disbursement to the Tribe of the funds under section 301(a), the United States shall bear no trust responsibility or liability for the investment, supervision, administration, or expenditure of the funds.

(b) APPLICATION OF OTHER LAW.—All funds distributed under this title shall be subject to section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

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

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

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

There was no objection.

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

Mr. Speaker, S. 523, the Native American Technical Corrections Act of 2003, makes over 20 changes to current law to assist Indian tribes with matters that may seem relatively small to some of us but are quite important to individual tribes across this country.

I am pleased we are able to bring this legislation to the floor today. Tribal leaders from various regions have flown to Washington, D.C., for meetings, conferences and interaction with their congressional representatives.

The continual input from tribes and their willingness to work directly with the Congress as sovereign entities on a government-to-government basis brings us to our debate and vote on S. 523.

Specifically, the legislation will make technical corrections to laws relating to Native Americans, including the extension of expiring authorizations, amendments to statutes relating to particular Indian tribes, and modifications to certain Native American programs. It makes these beneficial changes in areas relating to tribal sovereignty and culture and will encourage economic development.

To illustrate the importance of this bill, let me offer an example of how one of the provisions will offer urgent assistance to a tribe that suffered the consequences of the recent wildfires in California. The Barona Band of Mission Indians was devastated by catastrophic wildfires last year. Section 121 of this bill places a certain amount of land in trust in order to facilitate the construction of a pipeline that will deliver water from the San Vicente Reservoir to the tribe's reservation. This pipeline is badly needed for fire suppression that may threaten the reservation in the future.

Numerous tribes will be able to move forward on projects that will help to strengthen their tribal government and better illuminate their history and culture. This includes reauthorization of sections of the Bosque Redondo Memorial Act, which memorializes lands on which members of the Navaho Nation were forcibly marched by the U.S. Army beginning in 1863 after they were forced to leave their traditional homes in northeastern Arizona and northwestern New Mexico. S. 523 improves the implementation of this Act.

There are many other provisions too numerous to mention here, and I am proud that the House can deliver this package to the President for his signature. This legislation represents a step in the right direction for Indian country, and I appreciate the bipartisan work of the ranking member, the gentleman from West Virginia (Mr. RAHALL), in bringing us to this point today. I look forward to continuing to work together on various initiatives as they relate to American Indians and Alaskan Natives.

Finally, I would also like to point out that S. 523, as amended, was passed

in the Senate by unanimous consent on July 30, 2003. I hope we can now act in the same bipartisan fashion. I urge adoption of this bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from California (Mr. POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their hard work on this bill. I am pleased to rise in support of Senate 523, the Native American Technical Corrections Act of 2003.

This bipartisan legislation, which reflects the work product of a number of Members, contains a variety of provisions that would benefit Indian tribes and Alaskan Natives. One provision of the bill extends the authorization through 2008 for the Four Corners Interpretive Center. This Center focuses on Native American culture through a cooperative agreement between the area's Indian tribes and my State of New Mexico as well as Colorado, Utah and Arizona.

Another provision of the bill clarifies the authority of the Secretary of Interior to issue bidding or royalty credits as a form of payment to acquire land and subsurface rights on the Acoma Indian Reservation for that tribe. This will permit the Pueblo to gain more control over lands within its reservation. This is related to legislation that the former Member from New Mexico, Joe Skeen, was involved with in the last session.

In addition, this bill authorizes the transfer of surplus lands from the Bureau of Land Management to the Pueblo of Santa Clara and the Pueblo of San Ildefonso to be used for traditional purposes only. Some Members may recall we passed similar legislation just last year. In an effort to get the other provisions of this bill signed into law without having to return to the other body, we have agreed to allow this provision pertaining to San Ildefonso and Santa Clara to remain in the bill knowing that it will not impede the transfer already under way.

In short, this bill makes minor changes to several laws by extending authorizations, clarifying congressional intent, and generally addressing some needs of various Indian tribes.

From the distribution of judgment funds to the Quinault Indian Nation in Washington State to the reauthorization of the Navaho-Hopi Land Settlement Act, passage of this legislation is important to each Indian tribe named in the bill.

Furthermore, this legislation is non-controversial, and I urge Members to support S. 523.

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

Mr. POMBO. Mr. Speaker, I yield such time as he may consume to the

gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the chairman, the gentleman from California (Mr. POMBO), for his great work in putting together this bill, particularly for a guy who represents the district where the Barona tribe have had major problems with water. They have had substantial water problems for the last several years. The tribe and the residents of the Old Barona Road have been working together to try to bring this pipeline up from the San Vincente reservoir, up over the saddle that separates the Barona Valley from the reservoir, and provide water in that area. It is expected that the rural residents of the Old Barona Road and the tribe will work together to make sure that there is a connection there off that main pipeline so that everyone can partake of this secure water supply that is not dependent on the well water level in that particular valley.

I thank the chairman, and ask him if that is his intent with this legislation.

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

Mr. HUNTER. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, I thank the gentleman for his statement and his continued involvement as this legislation has moved forward.

Obviously, the growth that we have experienced in California, coupled with the recent wildfires, have pointed out to a greater extent the need for this pipeline to be put in.

I agree that it is important that the Barona Band of Mission Indians continue to work with the local communities to address everyone's concerns. I did have an opportunity to tour the site of the proposed pipeline that was going to go in, as well as the neighbors and the issues that they have, and I will continue to work with Barona and make sure that everyone's concerns are addressed.

Mr. HUNTER. Mr. Speaker, I thank the gentleman. This is great legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would just like to congratulate Senator Ben Nighthorse Campbell on this legislation and all of the staff members that worked on it, and especially Marie Howard.

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

Mr. POMBO. Mr. Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the Senate bill, S. 523.

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

A motion to reconsider was laid on the table.

□ 1600

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, proceedings will resume on the motion to concur and on the motion to suspend the rules previously postponed.

Votes will be taken in the following order:

Motion to concur in Senate amendment to H.R. 743, by the yeas and nays; and

H.R. 3783, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

SOCIAL SECURITY PROTECTION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question on the motion to concur in the Senate amendment to the bill, H.R. 743, offered by the gentleman from Florida (Mr. SHAW) on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to concur in the Senate amendment.

The vote was taken by electronic device, and there were—yeas 402, nays 19, not voting 11, as follows:

[Roll No. 23]

YEAS—402

Abercrombie	Brown-Waite,	DeLauro
Ackerman	Ginny	DeLay
Aderholt	Burns	DeMint
Akin	Burr	Deutsch
Alexander	Burton (IN)	Diaz-Balart, L.
Allen	Buyer	Dicks
Andrews	Calvert	Dingell
Baca	Camp	Dooley (CA)
Bachus	Cannon	Doolittle
Baird	Cantor	Doyle
Baker	Capito	Dreier
Baldwin	Capps	Duncan
Ballance	Capuano	Dunn
Ballenger	Cardin	Ehlers
Barrett (SC)	Cardoza	Emanuel
Bartlett (MD)	Carson (IN)	Emerson
Barton (TX)	Carson (OK)	Engel
Bass	Case	English
Beauprez	Castle	Eshoo
Becerra	Chabot	Etheridge
Bereuter	Chocola	Evans
Berkley	Clay	Everett
Berman	Clyburn	Farr
Berry	Coble	Fattah
Biggert	Cole	Feeney
Bilirakis	Collins	Ferguson
Bishop (GA)	Conyers	Filner
Bishop (NY)	Cooper	Flake
Bishop (UT)	Costello	Foley
Blackburn	Cox	Forbes
Blumenauer	Cramer	Ford
Blunt	Crane	Fossella
Boehkert	Crenshaw	Frank (MA)
Boehner	Crowley	Franks (AZ)
Bonilla	Cubin	Frelinghuysen
Bonner	Culberson	Galgally
Bono	Cummings	Garrett (NJ)
Boozman	Cunningham	Gephardt
Boswell	Davis (AL)	Davis (AL)
Boucher	Davis (CA)	Davis (CA)
Boyd	Davis (FL)	Davis (FL)
Bradley (NH)	Davis (IL)	Davis (IL)
Brady (PA)	Davis (TN)	Davis (TN)
Brady (TX)	Davis, Jo Ann	Davis, Jo Ann
Brown (OH)	Davis, Tom	Davis, Tom
Brown (SC)	Deal (GA)	Deal (GA)
Brown, Corrine	DeFazio	DeFazio
	Delahunt	Delahunt

Green (WI)	McCarthy (MO)	Ryan (OH)
Greenwood	McCarthy (NY)	Ryan (WI)
Grijalva	McCollum	Ryun (KS)
Gutierrez	McCotter	Sabo
Gutknecht	McCrery	Sánchez, Linda
Harman	McDermott	T.
Harris	McGovern	Sanchez, Loretta
Hart	McHugh	Sanders
Hastings (FL)	McInnis	Saxton
Hastings (WA)	McIntyre	Schakowsky
Hayes	McKeon	Schiff
Hayworth	McNulty	Schrock
Hefley	Meehan	Scott (GA)
Hensarling	Meek (FL)	Scott (VA)
Herger	Meeks (NY)	Sensenbrenner
Hill	Menendez	Serrano
Hinchey	Mica	Sessions
Hobson	Michaud	Shadegg
Hoefl	Millender-	Shaw
Hoekstra	McDonald	Shays
Holden	Miller (FL)	Sherman
Holt	Miller (MI)	Sherwood
Hooley (OR)	Miller (NC)	Shimkus
Hostettler	Miller, Gary	Shuster
Houghton	Miller, George	Simmons
Hoyer	Mollohan	Simpson
Hulshof	Moore	Skelton
Hunter	Moran (KS)	Slaughter
Hyde	Moran (VA)	Smith (MI)
Inlee	Murphy	Smith (NJ)
Isakson	Musgrave	Smith (TX)
Israel	Myrick	Smith (WA)
Issa	Nadler	Snyder
Istook	Napolitano	Souder
Jackson (IL)	Neal (MA)	Spratt
Jefferson	Nethercutt	Stark
Jenkins	Ney	Stearns
John	Northup	Strickland
Johnson (CT)	Norwood	Stupak
Johnson (IL)	Nunes	Sullivan
Johnson, Sam	Nussle	Sweeney
Jones (NC)	Oberstar	Tancredo
Jones (OH)	Obey	Tanner
Kanjorski	Olver	Tauscher
Kaptur	Osborne	Tauzin
Keller	Ose	Taylor (MS)
Kelly	Otter	Taylor (NC)
Kennedy (MN)	Oxley	Terry
Kennedy (RI)	Pallone	Thomas
Kildee	Pascarell	Thompson (CA)
Kilpatrick	Pastor	Thompson (MS)
Kind	Paul	Thornberry
King (IA)	Payne	Tiahrt
King (NY)	Pearce	Tiberi
Kingston	Pelosi	Tierney
Kirk	Pence	Toomey
Kleczka	Peterson (MN)	Towns
Kline	Peterson (PA)	Petri
Knollenberg		Turner (OH)
Kolbe		Udall (CO)
LaHood		Udall (NM)
Langevin		Upton
Lantos		Van Hollen
Larsen (WA)		Velázquez
Larson (CT)		Porter
Latham		Portman
LaTourette		Price (NC)
Leach		Pryce (OH)
Lee		Putnam
Levin		Quinn
Lewis (CA)		Radanovich
Lewis (GA)		Ramstad
Lewis (KY)		Rangel
Linder		Regula
Lipinski		Rehberg
LoBiondo		Renzi
Lofgren		Reynolds
Lowey		Rogers (AL)
Lucas (KY)		Rogers (KY)
Lucas (OK)		Rogers (MI)
Lynch		Rohrabacher
Majette		Ros-Lehtinen
Maloney		Ross
Manzullo		Rothman
Markey		Roybal-Allard
Marshall		Royce
Matheson		Ruppersberger
Matsui		Rush

NAYS—19

Bell	Hall	Ortiz
Burgess	Hinojosa	Owens
Carter	Jackson-Lee	Reyes
Edwards	(TX)	Rodriguez
Frost	Johnson, E. B.	Sandlin
Gonzalez	Lampson	Stenholm
Green (TX)	Neugebauer	

NOT VOTING—11

DeGette Honda Solis
Diaz-Balart, M. Kucinich Turner (TX)
Doggett Murtha Watson
Granger Rahall

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1623

Messrs. HINOJOSA, SANDLIN, and BELL changed their vote from “yea” to “nay.”

Mr. INSLEE changed his vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 23 on H.R. 743, the Social Security Protection Act, I was unavoidably detained. Had I been present, I would have voted “yea.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the next vote will be conducted as a 5-minute vote.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3783.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3783, 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 421, nays 0, not voting 11, as follows:

[Roll No. 24]

YEAS—421

Abercrombie	Bilirakis	Burr
Ackerman	Bishop (GA)	Burton (IN)
Aderholt	Bishop (NY)	Buyer
Akin	Bishop (UT)	Calvert
Alexander	Blackburn	Camp
Allen	Blumenauer	Cannon
Andrews	Blunt	Cantor
Baca	Boehlert	Capito
Bachus	Boehner	Capps
Baird	Bonilla	Capuano
Baker	Bonner	Cardin
Baldwin	Bono	Cardoza
Ballance	Boozman	Carson (IN)
Ballenger	Boswell	Carson (OK)
Barrett (SC)	Boucher	Carter
Bartlett (MD)	Boyd	Case
Barton (TX)	Bradley (NH)	Castle
Bass	Brady (PA)	Chabot
Beauprez	Brady (TX)	Chocola
Becerra	Brown (OH)	Clay
Bell	Brown (SC)	Clyburn
Bereuter	Brown, Corrine	Coble
Berkley	Brown-Waite,	Cole
Berman	Ginny	Collins
Berry	Burgess	Conyers
Biggert	Burns	Cooper

Costello	Houghton	Nadler
Cox	Hoyer	Napolitano
Cramer	Hulshof	Neal (MA)
Crane	Hunter	Nethercutt
Crenshaw	Hyde	Neugebauer
Crowley	Inslee	Ney
Cubin	Isakson	Northup
Culberson	Israel	Norwood
Cummings	Issa	Nunes
Cunningham	Istook	Nussle
Davis (AL)	Jackson (IL)	Oberstar
Davis (CA)	Jackson-Lee	Obey
Davis (FL)	(TX)	Olver
Davis (IL)	Jefferson	Ortiz
Davis (TN)	Jenkins	Osborne
Davis, Jo Ann	John	Ose
Deal (GA)	Johnson (CT)	Otter
DeFazio	Johnson (IL)	Owens
DeLaunt	Johnson, E. B.	Oxley
DeLauro	Johnson, Sam	Pallone
DeLay	Jones (NC)	Pascrell
DeMint	Jones (OH)	Pastor
Deutsch	Kanjorski	Paul
Diaz-Balart, L.	Kaptur	Payne
Dicks	Keller	Pearce
Dingell	Kelly	Pelosi
Dooley (CA)	Kennedy (MN)	Pence
Doolittle	Kennedy (RI)	Peterson (MN)
Doyle	Kildee	Peterson (PA)
Dreier	Kilpatrick	Petri
Duncan	Kind	Pickering
Dunn	King (IA)	Pitts
Edwards	King (NY)	Platts
Ehlers	Kingston	Pombo
Emanuel	Kirk	Pomeroy
Emerson	Kleczka	Porter
Engel	Kline	Portman
English	Knollenberg	Price (NC)
Eshoo	Kolbe	Pryce (OH)
Etheridge	LaHood	Putnam
Evans	Lampson	Quinn
Everett	Langevin	Radanovich
Farr	Lantos	Ramstad
Fattah	Larsen (WA)	Rangel
Feeney	Larson (CT)	Regula
Ferguson	Latham	Rehberg
Filner	LaTourrette	Reyes
Flake	Leach	Reynolds
Foley	Lee	Rodriguez
Forbes	Levin	Rogers (AL)
Ford	Lewis (CA)	Rogers (KY)
Fossella	Lewis (GA)	Rogers (MI)
Frank (MA)	Lewis (KY)	Rohrabacher
Franks (AZ)	Lipinski	Ros-Lehtinen
Frelinghuysen	LoBiondo	Ross
Frost	Lofgren	Rothman
Gallegly	Lowe	Roybal-Allard
Garrett (NJ)	Lucas (KY)	Royce
Gephardt	Lucas (OK)	Ruppersberger
Gerlach	Lynch	Rush
Gibbons	Majette	Ryan (OH)
Gilchrest	Maloney	Ryan (WI)
Gillmor	Manzullo	Ryun (KS)
Gingrey	Markey	Sabo
Gonzalez	Marshall	Sanchez, Linda
Goode	Matheson	T.
Goodlatte	Matsui	Sanchez, Loretta
Gordon	McCarthy (MO)	Sanders
Goss	McCarthy (NY)	Sandlin
Granger	McCollum	Saxton
Graves	McCotter	Schakowsky
Green (TX)	McCrery	Schiff
Green (WI)	McDermott	Schrock
Greenwood	McGovern	Scott (GA)
Grijalva	McHugh	Scott (VA)
Gutierrez	McInnis	Sensenbrenner
Gutknecht	McIntyre	Serrano
Hall	McKeon	Sessions
Harman	McNulty	Shadegg
Harris	Meehan	Shaw
Hart	Meek (FL)	Shays
Hastings (FL)	Meeks (NY)	Sherman
Hastings (WA)	Menendez	Sherwood
Hayes	Mica	Shimkus
Hayworth	Michaud	Shuster
Hefley	Millender-	Simmons
Hensarling	McDonald	Simpson
Herger	Miller (FL)	Skelton
Hill	Miller (MI)	Slaughter
Hinchey	Miller (NC)	Smith (MI)
Hinojosa	Miller, Gary	Smith (NJ)
Hobson	Miller, George	Smith (TX)
Hoeffel	Mollohan	Smith (WA)
Hoekstra	Moore	Snyder
Holden	Moran (KS)	Souder
Holt	Moran (VA)	Spratt
Hoolley (OR)	Murphy	Stark
Hostettler	Musgrave	Stearns
	Myrick	Stenholm

Strickland	Tierney	Waxman
Stupak	Toomey	Weiner
Sullivan	Towns	Weldon (FL)
Sweeney	Turner (OH)	Weldon (PA)
Tancredo	Turner (TX)	Weller
Tanner	Udall (CO)	Wexler
Tauscher	Udall (NM)	Whitfield
Tauzin	Upton	Wicker
Taylor (MS)	Van Hollen	Wilson (NM)
Taylor (NC)	Velazquez	Wilson (SC)
Terry	Visclosky	Wolf
Thomas	Vitter	Woolsey
Thompson (CA)	Walden (OR)	Wu
Thompson (MS)	Walsh	Wynn
Thornberry	Wamp	Young (AK)
Tiahrt	Waters	Young (FL)
Tiberi	Watt	

NOT VOTING—11

DeGette	Kucinich	Renzi
Diaz-Balart, M.	Linder	Solis
Doggett	Murtha	Watson
Honda	Rahall	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1632

So (two thirds having voted in the 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.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 24 on H.R. 3783, I was unavoidably detained. Had I been present, I would have voted “yea.”

□ 1633

COMMENDING LOUISIANA STATE UNIVERSITY TIGERS FOR WINNING 2003 BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP GAME AND COMMENDING SOUTHERN UNIVERSITY JAGUARS FOOTBALL TEAM FOR WINNING 2003 SBN BLACK COLLEGE NATIONAL FOOTBALL CHAMPIONSHIP

Mr. BAKER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the majority leader or his designee to call up House Resolution 496; the resolution be considered as read; and the previous question be considered as ordered on the resolution to final adoption without intervening motion except (1) one hour of debate and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BAKER. Mr. Speaker, pursuant to the previous order of the House, and as the designee of the majority leader, I call up the resolution (H. Res. 496) commending the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game, and commending the Southern University Jaguars football team for winning the 2003 SBN Black College National Football championship, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 496 is as follows:

H. RES. 496

Whereas the Louisiana State University Tigers football team won the 2003 Bowl Championship Series national championship game, defeating Oklahoma University by a score of 21-14 in the Nokia Sugar Bowl at the Louisiana Superdome in New Orleans, Louisiana, on January 4, 2004;

Whereas the Louisiana State University football team won the Southeastern Conference Championship, defeating the University of Georgia by a score of 34-13 in the Southeastern Conference Championship game at the Georgia Dome in Atlanta, Georgia, on December 6, 2003;

Whereas the Louisiana State University football team won 13 games during the 2003 season, more games than in any other season in Louisiana State University history;

Whereas the Louisiana State University football team won 5 games against nationally ranked opponents during the 2003 season;

Whereas the Louisiana State University football team set 8 school records during the 2003 season;

Whereas in 2003 the Louisiana State University football team was first in the Nation in total defense, allowing only 252 yards per game, and scoring defense, allowing only 1 team to score more than 20 points in any game during the season;

Whereas Louisiana State University football head coach Nick Saban was named the National Coach of the Year by the Associated Press and the Football Writers Association of America;

Whereas 4 players—Chad Lavalais, Corey Webster, Skyler Green, and Stephen Peterman—were named first-team All-Americans;

Whereas offensive tackle Rodney Reed was named a National Scholar-Athlete by the National Football Foundation and was named first-team Academic All-American;

Whereas quarterback Matt Mauck threw 28 touchdown passes during the 2003 season, a Louisiana State University single season record, and was named second-team Academic All-American;

Whereas running back Justin Vincent was named most valuable player of the Southeastern Conference Championship game and the Nokia Sugar Bowl;

Whereas the Southern University Jaguars were named the 2003 SBN Black College National Football Champions;

Whereas on December 13, 2003, in front of 31,617 fans in Birmingham, Alabama, the Southern University football team defeated Alabama State University by a score of 20-9 to win the Southwestern Athletic Conference Championship game and Southern University's 19th Southwestern Athletic Conference title;

Whereas the Southern University football team beat Grambling State University by a score of 44-41 to win the 2003 State Farm Bayou Classic and a trip to the Southwestern Athletic Conference Championship game;

Whereas the Southern University football team finished the 2003 football season with a 12-1 record;

Whereas the Southern University Jaguars' football head coach, Pete Richardson, earned his 5th conference title in his 11th year of coaching at Southern University;

Whereas Southern University coach Pete Richardson was named Coach of the Year by the Southwestern Athletic Conference;

Whereas Southern University quarterback Quincy Richard led the most effective of-

fense in Black college football this year and was named Offensive Player of the Year by the Southwestern Athletic Conference;

Whereas 4 Southern University football players have been named to the 2003 SBN Black College All-American Team, including quarterback Quincy Richard, offensive linemen Arnold Sims and Miniya Smith, and defensive back Lenny Williams;

Whereas the Southern University football team was the most efficient and dominant football team in the Southwestern Athletic Conference in the 2003 season; and

Whereas over 1,000,000 devoted fans attended the top 30 Black college football games in the 2003 season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University football team during the 2003 football season;

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Louisiana State University for appropriate display and distribution to the coaches and members of the 2003 Louisiana State University football team;

(4) commends the Southern University Jaguars football team for winning the 2003 SBN Black College National Championship;

(5) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Southern University football team during the 2003 football season; and

(6) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Southern University for appropriate display and distribution to the coaches and members of the 2003 Southern University football team.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. BAKER) is recognized for 1 hour.

Mr. BAKER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Louisiana (Mr. JOHN), for purposes of debate only.

GENERAL LEAVE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 496.

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

There was no objection.

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

Mr. Speaker, I rise today with a particular note of pride to speak on behalf of two fine athletic achievements from institutions both domiciled within the great city of Baton Rouge.

It began last fall when LSU set eight school records during the 2003 season. They won 13 games during that season, more games than in any other season in Louisiana State University history. They won the Southeastern Conference championship, defeating the University of Georgia by a score of 34 to 13 in the Southeastern Conference championship game at the Georgia Dome in Atlanta

on December 6, 2003. This was followed by a terrific game and a victory in the 2003 Bowl Championship Series for the national championship, defeating Oklahoma University by a score of 21 to 14 in the Nokia Sugar Bowl on January 4, 2004.

Let me say a word about the excellent Oklahoma team and the manner in which their athletes competed. There was no giving up until the final whistle blew. It was a terrific game to watch.

But I want to express great appreciation to the young men of the LSU football team for their commitment to excellence and their hard work in pursuit of this championship. As a result of this effort, they were first in the Nation in total defense, allowing only 252 yards per game, and scoring defense, allowing only one team in a game to score more than 20 points. As a result of this outstanding effort, Coach Nick Saban was named the National Coach of the Year by the Associated Press and the Football Writers Association of America, and Chad Lavalais, Corey Webster, Skyler Green and Stephen Peterman were all named first-team All-Americans.

At the same time, as amazing as this accomplishment was for any athletic program, located just across the city is the great Southern University, also within the Sixth Congressional District of Louisiana.

They ended their football season, finishing with a 12 and 1 record, defeating Grambling State University in an exciting game, 44 to 41, to win the 2003 State Farm Bayou Classic and the right to go to the Southwestern Athletic Conference championship game.

On December 13, 2003, in front of 31,617 fans in Birmingham, Alabama, the Southern University team defeated Alabama State by a score of 20 to 9 to win the Southwestern Athletic Conference championship game and Southern University's 19th Southwestern Athletic Conference title, consequently were named the 2003 SBN Black College National Football Champions.

This is an extraordinary occurrence, when two programs of such excellence achieve national prominence and bring home the national championship.

Although there has been some discussion about the manner in which this championship was arrived at, I would be quick to point out that this resolution is the first such resolution to be considered on the House floor, and appropriately so, because I believe, without doubt, LSU and Southern University are first in the Nation in football excellence.

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

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

Mr. Speaker, first let me thank my good friend and colleague from Baton Rouge, Louisiana, for introducing this resolution, and, of course, thank him for extending me the time.

I am very proud to stand up here today to congratulate two national

championships from the same city. I think that is an accomplishment that we all in Louisiana, and certainly the Congressman from Baton Rouge, should be very proud of.

As the gentleman mentioned, on January 4, down in the Louisiana Superdome in the Sugar Bowl, which was the BCS national championship, the LSU Fighting Tigers, my alma mater, defeated the Oklahoma Sooners in the Bowl Championship Series national title. The Tigers did the State proud by bringing home the first national championship in 45 years, Mr. Speaker; and I think that is a proud accomplishment.

However, LSU, as the gentleman from Louisiana (Mr. BAKER) has mentioned, is not the only collegiate football team to excel this year. The Southern University Jaguars gave the fans throughout the country something to cheer about when they were recognized in the Sheraton Poll as the 2004 Historical Black College National Championship, completing the dual national championships from two universities from the same town.

The Southern Jaguars completed an impressive 12 and 1 season, including a very exciting football game in the Superdome in the Bayou Classic and also the Southwest Athletic Conference title championship game.

Mr. Speaker, but this was more than just about two football games. I am very proud to stand up here and congratulate the athletic programs of both universities, but this was also an opportunity to showcase the academic excellence of both of those universities. I am very proud of that.

LSU chancellor, Mark Emmert; Southern University chancellor, Ed Jackson; the LSU football coach, Nick Saban; the Southern football coach, Peter Richardson; all the students; the great fans from Louisiana should all be proud and join us in recognizing this wonderful accomplishment of the two national championships from my home State. I am very proud to stand here and congratulate them.

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

Mr. BAKER. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Chairman TAUZIN).

Mr. TAUZIN. Mr. Speaker, this is a very important resolution, because it recognizes a most unusual event in our Nation's sports history, when two college teams in the same town, Baton Rouge, Louisiana, not a big metropolitan town like Los Angeles or New York or what have you, but a small southern capital city, when two universities in that town achieve the ranking of number one in the Nation, national championships, both the Black College National Championship with Southern and the NCAA championship with the LSU Tigers, that is a remarkable event.

I missed the LSU game, by the way. My friend from Crowley should know

the fact I spent the night in Crowley Hospital in fact attending to a problem I was having that night and missed the game, and my wife had to tell me who won the next morning.

But I did watch the replay, and the gentleman is absolutely right, it was an amazing game. Unfortunately, I stayed there with my two tickets, knocked out for the evening, and did not see the game. But when I saw the replay, I realized how tough a game it was.

Oklahoma was a great team. The Oklahoma Sooners were supposed to be the "team of the century" as they began their season, stumbled with Kansas State, and again faced an incredibly improving LSU team under Nick Saban. Coach Richardson with the Southern team had an amazing run of great victories to a national championship as well. What an outstanding year Baton Rouge, Louisiana, had and our State of Louisiana had in these two national championships.

The most remarkable thing, of course, is the way these two coaches have brought these players along. If you watched the season of these two teams, you saw coaches really working with young men and bringing them along, both athletically and in many other ways, making great men of them as they proceeded through their schedule. When the end of the season came, they were all much better than when they started, both academically, athletically and in so many other ways.

I should also tell you one of my best friends in this world is a former Member, Bill Brewster. You should know that last Friday Bill Brewster went through open heart surgery here in Washington, D.C. He had five bypasses, and he is back at his desk today. He is doing great; he has recovered.

But I called him up when I knew he was going into that surgery, since he is from Oklahoma and he was a Congressman from Oklahoma, to offer him some LSU surgeons, since we had learned to cut up on Oklahoma pretty good in the stadium in New Orleans. He had a good laugh and said, "You are going to break my stitches. Don't do that, please."

The bottom line is we had a great year. The coaches and players at LSU, my son is an LSU senior right now, as you and I, all of us are LSU graduates, he is a senior now at LSU, and the thrill of those students, I know at LSU and Southern, to watch their team achieve such great heights is an inspiration for all those young people. They are going to be better students. They are going to be better people because they went through a great year, and they saw what hard work, determination and just gutting it out means in terms of winning a great victory the way the teams won those victories.

So, again, our great congratulations to the LSU Tigers and the Southern Jaguars, our great appreciation to the coaches and their staffs and the students and those folks who run those

two great institutions, and our congratulations to the fans of our great State, who stuck with our teams through some hard times until this great year we experienced.

So, again, thank you for bringing this resolution forward, Richard, and again congratulations at Mardi Gras time to the State of Louisiana.

"Laissez les bon temps rouler," let the good times roll.

Mr. BAKER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, I appreciate the gentleman bringing this resolution to the floor.

Mr. Speaker, I am a graduate of LSU Law School, so, of course, I am very proud of the LSU Tigers and their national championship this year. But I have to tell you not only LSU graduates are proud of the LSU Tigers. LSU is an institution in Louisiana that exceeds just the confines of the campus and the student body and the alumni. Everybody in Louisiana takes great pride in watching the LSU Tigers play, so, of course, the State is just very excited still about the national championship.

Southern University, the Jaguars, have a long history of great football teams, this year, of course, winning the national championship for Black Colleges. So Baton Rouge, as the gentleman from Louisiana (Mr. TAUZIN) pointed out, is the home of two national champions, and we all of us in Louisiana, north Louisiana and south Louisiana alike, are very proud of those two schools and our capital of Baton Rouge.

I took my two boys and my wife to the Sugar Bowl; and just to give you some idea of the excitement that was generated by LSU, my two boys, who are 10 and 8, I have never seen them get so excited about anything, whether it is Christmas morning or birthday presents. These guys were excited. Just throughout the stadium, people were excited about what was going on in our State and with our football team, the LSU Tigers.

□ 1645

So it was a great victory not only for LSU but for everybody who lives in Louisiana and who enjoys watching the LSU Tigers play football. The same thing I am sure for the alumni fans, children of graduates of Southern University. So, all in all, this year we just could not have asked for a better ending to the football season at both Southern and LSU.

So I thank the gentleman for bringing this resolution to the floor.

I commend the coaches of both schools and the players. I want to particularly point out Nick Saban's performance not only on the football field and not only on the sideline but before the cameras. In every interview leading up to the Sugar Bowl, I think Coach Saban was extremely gracious in his

comments about the BCS and who might be the eventual champion, who should be and what game. He never, ever got cross-wise with the press. He never stuck his nose up and said LSU ought to be here or there. He just said, look, we are just going to play the game and see what happens; and whatever game they tell us to go to and play, that is where we will go and play. I thought he exhibited a great deal of character and class in that whole time period leading up to the game.

So congratulations to Coach Saban for a fine performance on the field and off the field.

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

I have the gentleman from New Orleans, Louisiana, (Mr. JEFFERSON) who is on his way to also join in this celebration of two national championships.

Of course, I am very proud of being not only an alumnus of that great institution but also for being present at the game. It was an incredible game. It was a defensive game. Of course, Coach Saban always said, and borrowed a line from many famous coaches, that defense wins national championships. Of course, the 21-to-14 score at the end of the game I think reiterated the fact that the defense indeed did win this national championship.

I am actually looking forward to the 2004 season with the BCS to ending up very similar to this year, but the only difference is it will happen in Miami and not New Orleans.

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

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

I wish to read into the RECORD additional commendations that are certainly appropriate. I recognize that Coach Saban was named the Associated Press Coach of the Year. I would like to also recognize the Southern University Coach, Pete Richardson, who was named Coach of the Year by the Southwestern Athletic Conference, as well as having young men named to the SBN Black College All American Team, including quarterback Quincy Richard, offensive linemen Arnold Sims and Miniya Smith, and defensive back Lenny Williams. So the achievements and recognition coming to both universities, their football leadership, and the members of the team have been extraordinary.

It is with great pleasure that I participate in this discussion this afternoon and note, as I did a few moments ago to the gentleman from Louisiana, that this is also the first resolution to be considered in the House on this matter. Although there appeared to be controversy, I do not consider it so. There was merely discussion about the efficacy of Louisiana State University being named number one as a result of some expressed concerns about the BCS. Those concerns only became apparent when the calculations turned out the way they did at the end of the day. Many people were quite happy to

abide by the BCS scientific analysis as long as LSU remained in third position.

So I just wanted to enter into the RECORD that once again, with the consideration of this resolution, LSU is moving forward in first place through the legislative process.

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

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

As the gentleman mentioned, I happen to be, I guess notwithstanding anything else, a big fan of the BCS. I believe that it is a system that is maybe far from perfect, but I am very supportive of the theory of what it is all about. It puts to strength the schedule and also puts the games, who you play, and not just how many points you score. And I think that, in the end, it was very close. It was in the decimal points.

But I also want to congratulate the University of Southern California, who had a very excellent season and ended on a very positive note. But the BCS, I think we will hear lots of controversy about it, but I think it worked. I think it was something that is far from perfect, as I mentioned before, but it is something that is needed in college football, and we are moving towards that.

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

Mr. JOHN. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, I would like to point out that when we start a political campaign as hopeful candidates to be elected to Congress, we set up a standard of rules, we conduct the campaign, and we finalize the campaign based on those pre-determined sets of rules. Rarely do we get engaged in a discussion about changing the rules during the course of the campaign.

I think, although I had some differences myself with the way the BCS calculations were to ultimately be determined, once the BCS was put in place, win or lose, we had to abide by those rules until that season was over.

Now next season may bring us new opportunities to talk about perhaps playoff opportunities. Some were interested in seeing a playoff game between LSU and USC. I would personally have enjoyed that to a great extent.

Mr. JOHN. Mr. Speaker, reclaiming my time, it is also just interesting to note that all of the conferences across the NCAA signed off on those rules before the season started, so we must play by those rules.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Orleans (Mr. JEFFERSON), my friend and colleague.

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

I hope the Nation can appreciate this bipartisan effort here that is being made to bring to the attention of those

who are still unconvinced that LSU is the undisputed national champion of college football. I hear no objection to that on this floor from any of my colleagues, because it is a fact.

I am very proud that this event that established LSU as the undisputed national champion was held in my home district in New Orleans in the Super Dome. It was a rousing crowd and a wonderful event; and, of course, the right team won.

I am also here to say for Southern University how proud we are of that university. That is a school to which I went some 35 years ago now, from which I graduated before law school and which I hold very close to my heart. Southern University has won the National Black College Championship Award for this year. So two schools from Louisiana, both from Baton Rouge, from the biggest district have distinguished themselves and therefore brought honor on our State and I believe for our entire Nation.

We ought to be very proud of them. They not only distinguish themselves in football, as my colleagues know. They have wonderful records of accomplishments in academia, which is their major function. They graduate as athletes, and they do a wonderful job all the way around.

So Louisiana is in the spotlight tonight for something that is very, very good. All of us are proud of them, Republicans and Democrats across this country. We are proud of our schools and proud of what they stand for and proud of the tradition that they represent, the best of competition in college football. This year that competition being rewarded in the fact that both of them are undisputed national champions in their respective fields of operation.

Mr. JOHN. Mr. Speaker, I have no more speakers, and I yield back the balance of my time.

Mr. BAKER. Mr. Speaker, I am proud to offer this resolution for consideration by the House. I look forward to its final adoption and, more importantly, next season.

Mr. VITTER. Mr. Speaker, I rise to today to congratulate the Louisiana State University Fighting Tigers football team for winning the 2003 National Championship and the Southern University Jaguars for being named the 2003 SBN Black College Football championship. Both of these schools brought great excitement to the people of Louisiana, including myself, and undoubtedly deserving champions.

As I watched the game in the Superdome I knew I was watching something special, a part of history that folks in Louisiana would be proud of for a long time. LSU defensively dominated Oklahoma on its way to a 21-14 victory over the heavily favored Sooners to bring the national title back to Baton Rouge for first time since the "Chinese Bandits" secured it in 1958. Led by coach of the year Nick Saban, the Tigers won a school record 12 games this year and their 9th Southeastern Conference Championship beating arch rivals Ole Miss, Auburn, Alabama, and Arkansas by a combined score of 130-48.

The Tigers got outstanding performances from several players during the season. True Freshman Justin Vincent was named the most valuable player of the Southeastern Conference Championship game against Georgia, where he rushed for 201 yards and the Sugar Bowl where he ran for 117 yards with 1 touchdown.

LSU's defense led by first team all-American Chad Lavalais ranked number 1 in the Nation this season in scoring defense allowing only an average of 11 points per game and only yielding more than 20 points in 1 game. The defense was the difference in the National Championship game as Defensive End Marcus Spears intercepted a Jason White pass and ran it back for what turned out to be the go ahead touchdown.

But this is not the only title that now resides in Louisiana. The Southern University Jaguars defeated Alabama State University 20–9 to win their 19th Southwestern Athletic Conference title and become the SBN Black College Football National Champions.

Under the guidance of Pete Richardson, this year's Southwestern Conference coach of the year, the Jaguars earned their 5th conference title in Coach Richardson's 11 year tenure and defeated Grambling State University in a 44–41 shootout to win the annual Bayou Classic held in the New Orleans Superdome.

Southern Quarterback Quincy Richard was named the Offensive Player of the year and was named to the SBN Black College All American Team, along with offensive lineman Arnold Sims, Miniya Smith, and defensive back Lenny Williams.

It is an honor to congratulate both these teams on a memorable and historic season that will forever bring great pride to each University and the people to Louisiana.

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

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GOOD NEWS AND BAD NEWS FOR AMTRAK

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

Mr. BLUMENAUER. Mr. Speaker, I rise this afternoon with some good news and bad news for Amtrak. I congratulate Amtrak for having the highest ridership ever experienced in the Nation's intercity passenger rail service in its 32-year history. In my region of the Pacific Northwest, we have seen ridership increase 520 percent since the inception just 10 years ago of service between Eugene and Seattle and on to Vancouver, BC. It has had massive improvements in its infrastructure; very, very exciting.

The bad news is that, despite all of this progress with Amtrak, we have a proposal from the administration that would break it apart, it would privatize it, it would lease out its assets and

abandon some of its routes, which would jeopardize the very existence of this important transportation mode. It would place heavy financial burdens on the States to fund what is essentially a national system, the only country in the world that has abandoned its commitment to rail passenger service.

I sincerely hope, Mr. Speaker, that this Chamber will once again rise to the support of a strong intercity rail passenger system, support Amtrak, support the new leadership there under President David Gunn, and provide a service that the American public desperately wants.

LIABILITY REFORM MEANS HUGE SAVINGS

(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 have heard a lot of discussion in the past couple of days about the Medicare bill that we passed at daybreak on November 22 of this past year, and a lot of that discussion has centered around the fact of was that prescription drug benefit \$400 billion over 10 years or was it \$500 billion over 10 years.

The fact of the matter remains, whether it is \$40 billion or \$50 billion a year over the next 10 years, Mr. Speaker, there is an equal amount of money that could be saved right now, this year, in the Medicare program if we would simply pass the liability reform that this House took up over a year ago.

Mr. Speaker, in my home State of Texas, we recently passed a constitutional amendment to allow the same type of caps on noneconomic damages in medical liability suits; and we have seen medical liability insurance prices fall in our State. But, more importantly, the cost of defensive medicine is estimated by a study out of Stanford University to be \$50 billion a year. That is the same amount of money that the prescription drug benefit will cost at the higher estimate from Health and Human Services.

Mr. Speaker, if Texas has passed a law we might say, why do we think the Nation needs a law? Just because of that reason: because of the cost to the Medicare system. Mr. Speaker, we could generate that savings tomorrow if we could urge our colleagues in the other body to take up that bill.

GENERAL DAVID H. PETRAEUS JOINS RANKS OF AMERICA'S GREAT MILITARY LEADERS

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

Mrs. BLACKBURN. Mr. Speaker, America has a long tradition of producing great generals; and Major General David Petraeus, the Commander of the 101st Airborne Division, has joined

the ranks of America's great military leaders. Like his predecessors, Generals Washington, Patton, and Eisenhower, to name a few, he has spent a career defending our Nation and bringing freedom to people all over the world.

I have been to Iraq and I have seen General Petraeus' leadership firsthand, and the awards and distinctions that he has received in his career are not empty. The true meaning behind each of these commendations is crystal-clear when you meet the men, women, and children who would have lived a lifetime of terror under the old Iraq had the General of the 101st Airborne from Fort Campbell not helped lead Operation Iraqi Freedom. He is an example of why the American military is so great. He is a true leader.

Today, we join the newly-free people of Iraq to thank him for his dedication to our Nation and our belief that no people should be denied freedom.

□ 1700

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will recognize Members for Special Order speeches without prejudice to possible further legislative business.

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.

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 New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WARMING OF THE EARTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, what I would like to do this evening is give the Members some ideas of a phenomenon that is occurring in the oceans that is clearly observed by the scientific community that is having an effect on the Earth's climate.

Ocean currents that flow throughout the entire world stabilize the heat balance on the planet so that the northern

hemisphere does not get frigidly cold and many people that live in the southern hemisphere are not forced to move because of the increased heat.

To give some example of this, if you look in this area of Canada, you know that it is quite cold there. But if you go right across the Atlantic Ocean and visit England, you will know that the weather is quite moderate. In fact, the weather in England is often and most often is much more moderate than much further in latitude to the south and mid-Atlantic part of the United States.

If you look at the Scandinavian countries and their latitude, in Labrador you will see that their climate is more moderate than the climate we see on that latitude in North America. The reason for this is the ocean has currents that take warm from the equatorial regions to the northern regions that moderate their temperature. At the same time, when those warm waters reach the north, because they get colder and because of the salinity they drop to the ocean bottom and come to the south. As they gradually warm, they rise, because we know that warm air rises and colds air falls. Well, that is the same thing that happens with water.

Part of what I am trying to explain here is that there is a constant dispute about whether or not there is such a thing as global warming. Is the climate changing? Does human activity put more greenhouse gasses into the atmosphere to cause a warming in the atmosphere?

What I would like to do in just a brief minute here is to explain the fact that there is clear, unequivocal evidence that the ocean surface water is warming. As a result of that, there is more evaporation in the equatorial regions of the ocean. With more evaporation, that means there is more rain further north, and so the northern ocean is becoming more fresh.

Now what does that mean? What that means is, as the ocean current moves from the equatorial regions north in its current and it moves into the northern hemisphere, as the water becomes more fresh, it becomes less dense. That means it will sink a lot slower. As the water evaporates more, it leaves more saltwater in the southern hemisphere, less saltwater in the northern hemisphere.

There are two things that cause this ocean current to occur, fresh water and salinity. As the ocean water becomes more salty, it sinks up here; and when it sinks to the bottom, it returns down to the equatorial regions like we have here. When the ocean becomes saltier up here and more or less saltier, that water sinks.

Without becoming too complicated, the phenomenon is that the ocean currents are changing as a result of the increase in temperature of surface water. The increase in temperature of surface water is happening because, over the last 40 years, the warmth or the in-

crease in temperatures in the atmosphere is moving up.

Now, whether or not you think there is more CO₂, more greenhouse gasses, is almost at this point beside the point, because the fact of the matter is here, over the last 40 years, temperatures on the planet have been increasing, thereby causing the temperatures of the surface of the ocean to increase. As a result of that increase in temperature of the ocean, we are actually redistributing fresh water and saltwater so we are having an effect on ocean current.

Saltwater, the density of salt, the amount of fresh water in its distribution of the ocean are fundamental to moving water from one place to another. As a result of that, as a result of the current moving in this way, the cycle of ocean current is slowing down; and when the cycle of currents slow down there is less warm water moving north and less cold water moving south. The result of that, this region of the United States receiving less warm water, this region of Europe is moving into an era when it is becoming colder. So that is a counterintuitive observation when you consider that the Earth is getting warmer.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

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

There was no objection.

SAFEGUARDING ASSETS FOR EMPLOYEES IN BANKRUPTCY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. GUTIERREZ) is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, today I rise to introduce the Safeguarding Assets for Employees in Bankruptcy Act, along with my colleagues, the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Illinois (Mr. DAVIS), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Illinois (Mr. COSTELLO), the gentleman from Illinois (Mr. RUSH), the gentleman from Illinois (Mr. JACKSON), and the gentleman from Illinois (Mr. EMANUEL).

The SAFE in Bankruptcy language is designed to protect workers' claims when their employer files for bankruptcy.

My bill would create a priority for claims arising under the Worker Adjustment and Retraining Notification,

or what is commonly known as the WARN Act. The WARN Act requires an employer to provide 60-days notice to workers before closing its doors. If a company fails to comply with the law and gives fewer than 60-days notice, workers are entitled to salary and benefits, according to the Federal legislation, for up to 60 days. My legislation provides a priority for those claims of 60 days in bankruptcy court.

When a company closes its doors and files for bankruptcy, the effects on the employees and the community are often devastating. A number of my constituents have lost their jobs at the Fannie May Candy Company in Chicago, which has closed its doors and filed for bankruptcy. These employees, many of whom had loyally served the company for decades, up to 37 years, were provided with only 10 days notice before they lost their jobs.

Too often, companies hope to duck their responsibilities of 60 days of pay under the WARN Act by filing for bankruptcy, assuming that the claims for the workers would be paid last and only if there is any money left to all the others owed in the estate. My legislation makes these claims a priority, ensuring that companies will think twice before ignoring their responsibilities to employees under Federal law.

In addition, my legislation provides a long overdue increase in the wage cap for employees from \$4,000 to \$20,000 and eliminates the lookback periods for these claims. The current lookback period limits the recovery of benefits to those earned within the last 90 days, which unfairly penalizes employees whose benefits have accrued over a longer period.

As in the case of Fannie May, the contract said for every year of employment they would get one week of severance pay. Well, we have employees that were there for 37 years, and they are getting nothing.

These small reforms are designed to soften the blow to employees who have had the rug pulled out from under them without warning. Unfortunately, in the current economy, this problem is not limited to my constituents but is occurring in every district.

I urge all of my colleagues to join me in supporting these needed reforms for the loyal workers of Fannie May and other hard-working employees across the country. I think it is important, Mr. Speaker, that when a company closes its doors and does not even follow Federal law under the WARN Act and gives them the 60 days, they simply walk into court and say, we filed bankruptcy, now we do not have to pay them the 60 days, that those employees that were owed 60 days are properly adjusted in bankruptcy court.

That is what my legislation wishes to do to honor the work of hard-working Americans.

With that, I will bring this up to the desk and introduce this legislation.

The SPEAKER pro tempore (Mr. BEAUPREZ). 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.)

VIOLATION OF HUMAN RIGHTS

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. Mr. Speaker, I come to the floor this afternoon to inform this body that, for the first time in the history of the United States, our country has been found guilty of a major human rights violation.

The Commission on Human Rights of the Organization of American States, a body in which we proudly participate, a body which we helped to finance, has made public its finding today after an 11-year investigation. I would like to quote what the Commission found.

"The commission concludes that the State," meaning the United States, "has failed to justify the denials of the petitioners of the effective representation in their Federal Government and, consequently, that the petitioners have been denied an effective right to participate in their government, directly or through freely chosen representatives and in general conditions of equality, contrary to Articles XX and II of the American Declaration" of rights of man.

The Commission was referring to the denial of voting representation in the Congress of the United States to the residents of the capital of the United States who are second per capita in the Federal income taxes they pay to support their government and who have fought and died in every war, fought and died, since the Revolutionary War, since the establishment of our government.

This ruling comes at a very important time in our history because we have not only declared that democracy and democratic principles must be universal, we have invaded another country. We are, as I speak, around the world proclaiming that each and every government must give full democracy, equal democracy to all the people of that government.

This government does not do that for the people of the District of Columbia, and an international body for the first time has so found. The international body, the Commission on Human Rights of the OAS, enjoys great prestige. We cannot say that this is not a body that does not enjoy our respect, and it is a body in which we have proudly participated.

The United States defended fully, and its defense was found wanting. We have every reason to desire the full confidence of the world. We need the world with us as we fight against terrorists bent on destroying us. We have lost much of that confidence because of the

invasion of Iraq. We have rallied around our troops in Iraq and around our country because our country is at war. But our country now needs the world more than the world needs our country.

I cannot imagine anything that would go further to restore the waning confidence of the world in our leadership then for the Congress, for the administration to reach out and say to the people who live here, you are entitled to no fewer rights than any other American citizens.

Even as our country decided when I was a child going to segregated schools in the Nation's capital, no less that we could apply our own self-corrective and, indeed, integrate those schools and declare discriminatory practice off limits in our country, so we can take this last remaining scar on our democracy and wipe it from us. We simply must do it now.

The shame of having a violation of human rights declared upon us even as we have a long list of violators that we publish every year cannot be long-standing. This country has always stepped up to correct its own problems. This is a problem that stares in the face of the Congress of the United States every day that we open for business and meet because the 600,000 people who live here do not have a vote on this floor and have no senators who represent them.

□ 1715

This country, our people would not stand for this anywhere in the world; and if I may say so, our people do not stand for it now. Polls show they do not even know it, that the American people think that the people who live in their Nation's capital have the same rights that they do. Shame on us that they do not.

I ask the Congress of the United States to, in fact, adhere to the decision of the Commission on Human Rights of the Organization of American States and grant full and equal voting rights in the Congress of the United States to the people of the District of Columbia.

The SPEAKER pro tempore (Mr. BEAUPREZ). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

THE NON-NEGOTIATION CLAUSE IN THE MEDICARE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, we have heard since the passage of the Prescription Drug and Medicare Modernization Act that this law is a Republican giveaway to the pharmaceutical industry. Why, or maybe more importantly, who is telling American seniors this important legislation is bad for them but good for the drug companies? In this election year, it seems that some individuals are using disingenuous political rhetoric to scare our seniors.

Mr. Speaker, I would like to discuss one provision in the bill that is called out as the "drug company giveaway." There is a clause in the legislation that directly states, "Noninterference. In order to promote competition under this part and in carrying out this part, the Secretary may not interfere with the negotiations between drug manufacturers and pharmacies and prescription drug plan sponsors; and may not require a particular formulary or institute a price structure for the reimbursement of covered drugs under part D."

Simple enough, right? The government cannot interfere with negotiations between private entities and cannot set price controls. The marketplace, free enterprise, will set the price of prescription drugs and do a much better job of driving down prices than some government bureaucrat.

Mr. Speaker, this is not a new idea. This language has been used in the same context before by one of the prescription drug bill's biggest detractors. This may come as a surprise to many of my colleagues on both sides of the aisle, but it is probably an even bigger surprise to the American people who are listening to the rhetoric from the opponents of the Medicare Modernization and Prescription Drug Act.

Let me quote a section from a prescription drug bill introduced in the Senate by the minority leader, TOM DASCHLE. MR. DASCHLE's bill reads: "Noninterference. In administering the prescription drug benefit established under this part, the Secretary may not require a particular formulary or initiate a price structure for benefits; may not interfere in any way with negotiations between private entities and drug manufacturers or wholesalers; or otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities."

Democrats have been blasting the ban on negotiations as a giveaway to the drug industry. Yet their Senate minority leader included in his own bill a provision with the exact same effect as the non-negotiation provision found in H.R. 1. It seems to me that the minority leader and the Democrats are not being straight with America's seniors. On the one hand, the Senate minority leader says a non-negotiation clause is

a Republican-led, taxpayer giveaway to the pharmaceutical industry; and on the other hand, he includes the very same provision in his own prescription drug bill. Plain as day, in black and white. It can be no clearer.

As a side note, Mr. Speaker, just in case my colleagues were wondering, the non-negotiation language also appeared in legislation introduced by the gentleman from California (Ms. ESHOO) and the gentleman from Texas (Mr. FROST), Democratic Representatives, in 2000, a bill by the gentleman from California (Mr. STARK) in 2000, which, by the way, 204 Democrats voted for as their floor alternative to H.R. 4680 in the previous Congress; and in the other body, Mr. Speaker, the non-interference or non-negotiation clause was used in legislation authored by Democratic Senator WYDEN in 2001 and again in the Jeffords-Breaux-Landrieu legislation in 2002.

A version of the noninterference language also appeared in the underlying Senate Medicare bill that passed the Senate June 27, 2003, by a bipartisan vote of 76 to 21. Thirty-five Democrats voted for it, a number of Senators, and I will not name their names, but a number of Democratic Senators all voted for that bill.

So why, Mr. Speaker, if this language has appeared so many times in legislation sponsored by both sides of the aisle, in both Chambers of Congress, do we continue to hear the negative rhetoric about such a great bill for our seniors? My guess, Mr. Speaker, it is just political posturing during an election year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from improper references to the Senate.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey (Mr. PALLONE).

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

There was no objection.

PRESCRIPTION DRUG BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I did not come to the floor to speak about pre-

scription drugs, but I cannot let what the gentleman before me in the well said. He voted to prevent the Federal Government, unlike any other industrial nation on Earth, any other developed country, negotiating with the pharmaceutical industry for lower drug prices, unlike the private insurance industry, that can negotiate lower prices.

He says market forces will do better. Well, that is funny. Maybe the pharmaceutical industry would have fought against market forces. They plain and simple want to continue to gouge American consumers. The Bush administration's working day and night on this.

The Australian Free Trade Agreement prohibits the reimportation of U.S.-manufactured, FDA-approved drugs from Australia if they are cheaper than sold in the United States. They are working day and night to get Canada to agree to raise the price of FDA-approved, U.S.-manufactured drugs exported and sold in Canada at a lower price. They want the price lifted for the reimportation to the United States, and he comes to give us this little joke here after he has voted to prevent the one most effective measure we could have taken to give seniors and everyone else in this country a better deal on prescription drugs than market forces would do better. Yeah, sure.

JOB CREATION IN AMERICA

Mr. DEFAZIO. Mr. Speaker, here is another thing that the Republicans have been talking a lot about. The President is concerned about jobs. Despite the worst job-loss record of any President since Herbert Hoover, he is really concerned. He has been appearing around the country with people and actually I kind of doubted him, but I found out yesterday in reading the Los Angeles Times that he does really care about jobs. The President really does care about creating jobs. The only problem is, he does not put any priority on where those jobs are created.

Here it is right here. Los Angeles Times, Bush supports shift of jobs overseas.

Whoa. Where is that coming from? Well, we have a few quotes to back it up. The administration's top economic adviser, "Outsourcing," i.e., moving American jobs overseas, "is just a new way of doing international trade. More things are tradeable than were tradeable in the past. And that's a good thing," says the President's own personally chosen senior economic adviser, Mr. Mankiw, chairman of the Council of Economic Advisors.

He goes on to say, "The market is the best determinant of where the jobs should be," and that is according to Bush and Mankiw, overseas, not in the United States of America because there is cheaper labor over there.

He says here, people are concerned, maybe we will outsource a few radiologists. What does that mean? That means the false promise that was heard for years, do not worry about the industrial jobs; they are obsolete. They

say, I wonder how you are a great Nation if you do not make things. Let us accept their argument for a moment.

Then they said they would retrain American workers for those high-tech knowledge industry jobs. Radiology, that is a pretty educated job. We are going to export those. We are going to export a whole host of IT jobs. In fact, the prediction is we will export 3 million U.S. IT jobs over the next 10 years. This is the next huge hemorrhaging of U.S. jobs overseas, and what does the President think? He thinks it is a good thing because the labor is cheaper over there. It gives a better bottom line for the corporations.

What about the American workers? What are they going to do? Here are a couple of other quotes from Mr. Mankiw: "Shipping jobs to low-cost countries is the 'latest manifestation of the gains from trade.'" Shipping U.S. jobs overseas by the Bush administration is considered to be a gain from trade.

This is unbelievable, but at least they are finally being honest with us what they really believe, and they are now engaged in negotiating an expansion of NAFTA through the entire Central America, and they tell us this will be good for America. Why? Well, because the jobs would not have to travel quite as far from the United States. They would not have to go all the way to India or China. Maybe we can just export the jobs 1,000 miles down to South America so the owners of the corporations, the few managers that are left in the United States, can more easily get there to occasionally supervise their new workforce working down there in Chile or Argentina or someplace else.

That is their bottom line agenda here. They do not give a darn about American workers, American jobs, the industrial might of this country, the economic base of this country, the huge and growing trade deficit.

We are going to borrow more than \$500 billion from overseas this year because of our trade deficit. That is not sustainable. The dollar is dropping like a rock, and the Bush administration says that is a good thing because our goods will become cheaper. Guess what. We do not make much in America anymore; and if Bush has his way, we will not make anything in America anymore.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LESSONS LEARNED FROM MY TRIP TO IRAQ AND AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise today to offer my reflections on a trip I recently took with the gentlewoman from California (Ms. PELOSI), leader, and the gentleman from North Carolina (Mr. HAYES) to Iraq and Afghanistan. I think it is important to publicly discuss the situation in those countries because events there have implications for all of us here in our country, as well as for the future of our foreign policy.

We are less than 5 months from the planned transfer of sovereignty to a new Iraqi government. Yet it seems clear from talking to many groups in Iraq that the administration's proposed deadline for the transfer of power is unrealistic. Commanders we talked to indicated it would be logistically difficult, if not impossible, to conduct an election before July 1. There is no census. There are no registered voters. The likelihood of fraud would be great, and I think there is a strong likelihood that the United Nations representatives now in Iraq will reach the same conclusions. By the same token, Shia religious leaders in Iraq do not support the caucus system for choosing a new government that the administration has advocated.

Finally, I do not think we can transfer sovereignty to a new Iraqi government until the rules of engagement for our forces are agreed upon. We simply cannot afford to have restrictions on the ability of our forces to pursue terrorists and to protect themselves.

Simply put, we must handle the transition right, even if it means rethinking our original timeline. The outcome must be a government with legitimacy, a process that prevents civil war from erupting, and rules of engagement that leave our forces free to continue to fight against the insurgents.

A second related conclusion from my trip is that it is clear that whatever new government assumes power must not be seen as a puppet of the United States Government or it will lack legitimacy. One way to help build that legitimacy is to get NATO involved in helping to establish security and provide stability in Iraq, as they are already doing constructively in Afghanistan. NATO involvement will reinforce the perception that it is the international community, not just the United States, that wants a new representative government in Iraq to succeed. Bringing NATO troops to Iraq to supplement our forces will also likely reduce the number of American military casualties, something I know we are all concerned about.

My third conclusion about Iraq is that we are in a guerilla war there. It is not really terrorism because I do not think the attacks against Iraqi citizens and our forces are aimed just at terrorism. Their purpose is to prevent the installation of a new, stable regime and to expel our forces, a classic goal of guerrilla warfare.

□ 1730

I also want to mention Afghanistan. The simple truth is we are short-changing our effort to establish a viable Federal government and rebuild the country of Afghanistan. I understand that, on the face of it, Afghanistan is not as strategically as important as Iraq, but our efforts there are critical.

Mr. Bin Laden and other leaders of al Qaeda and the leadership of the former Taliban regime remain at large. In the near term, the United States must bring renewed attention to our offensive operations there to flush those forces out. Over the long term, we need to ensure that a terrorist harboring the regime never again gains hold. If we poured half as many people and resources into Afghanistan as we have into Iraq, I think that country would be well on the way to recovering from the 20-plus years of warfare that have plagued that country.

With few natural resources, little infrastructure, and a long history of tribalism, Afghanistan has a long way to go. I do not think we are making progress as fast as we need to in order for the Karzai government to survive in the long term. Simply put, we need to do more in Afghanistan.

My final observation concerns our great men and women in uniform. They are doing a fantastic job under the most trying circumstances. They are living under the most arduous of conditions, and are literally putting their lives on the line every day. They are superbly trained, superbly led, and they are the finest force the world and our country have ever seen. We owe them a deep debt of gratitude. As we go into this budget cycle, we owe it to them to provide them everything they need in order to succeed, in Iraq as well as Afghanistan.

The SPEAKER pro tempore (Mr. BEAUPREZ). 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.)

TRUE COST OF WAR TO BE HIDDEN UNTIL AFTER ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COOPER) is recognized for 5 minutes.

Mr. COOPER. Mr. Speaker, I addressed the House last night on the subject of President Bush's State of the Union message and compared his words on that evening in this Chamber just some 3 weeks ago in which he said he would present to us a budget which paid for the war, and let me read his words exactly. "In 2 weeks, I will send you a budget that funds the war."

Well, 2 weeks later, the President failed to do that. He failed to include any of the cost for the conflict in Iraq

and Afghanistan in his budget. You might think that is just a conflict, maybe a miscommunication with speech writers. But yesterday on the Senate side in a very important hearing the service chiefs of the Marines, Army and Air Force all said that this funding gap, the possible failure of our forces in Afghanistan and Iraq to have the money that they need come this fall, could create serious consequences.

Let me read the article from today's New York Times. "In an unusual display of difference with the White House, the top officers of the Army, Marine Corps and Air Force all raised questions on Tuesday about how the Bush administration plans to pay for operations in Afghanistan and Iraq after the current financing runs out at the end of September.

"Appearing before the Senate Armed Services Committee, three of the four chiefs of the Armed Services expressed concerns about a financing gap, perhaps of 4 months, for the two missions, whose combined cost is about \$5 billion a month.

"They were left out of President Bush's budget request for the 2005 fiscal year, with the administration saying it would make a supplementary request for up to \$50 billion probably next January, after the elections this year.

"I am concerned," General Peter J. Schoomaker, the Army Chief of Staff, said in response to a question from Senator Jack Reed, Democrat of Rhode Island, 'on how we bridge between the end of this fiscal year and whenever we could get a supplemental in the next year.'

"General Michael W. Hagee, the Commandant of the Marine Corps, and General John P. Jumper, the Air Force Chief of Staff, agreed with General Schoomaker's concerns."

A little further down in the article, General Schoomaker stated, "We are all concerned about maintaining continuity of operations. We want to make sure that we minimize the bridge." He emphasized that the timing and mechanics of seeking a supplemental spending bill were up to the Defense Secretary Donald Rumsfeld and White House officials. He said that he was simply describing the possible consequences for the Army.

Mr. Speaker, America knows we are at war. We know that 120,000 of our men and women in uniform are in daily, constant danger in Iraq, and 10,000 more troops are at danger in Afghanistan. Yet none of the cost of this war is in the President's budget. The President has said that he will get a supplemental request to us after the election. That is probably not time enough, according to these top military officials.

Our men and women in uniform deserve better treatment. They deserve full funding, full continuity of funding, and full, honest accounting of how much this operation costs, and the American taxpayer is ready to step up

to those needs. We should not hide the true cost until after the election and risk undercutting our men and women in uniform in the field when they are at war because of politics in this political season. Let us do better in this House to fully fund our men and women in uniform.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

(Mr. KIRK 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 Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

BUSH ADMINISTRATION'S GROWING CREDIBILITY PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last week the President of the United States introduced a budget with a \$520 billion deficit. If we look across the spectrum, not only does this budget have a fiscal deficit of historic highs of \$521 billion, the budget has a credibility deficit, blaming 9/11 and corporate scandals for the creation of this deficit. In fact, the Bush administration is continually facing a growing credibility problem not just in fiscal terms but also in policy terms at home and also overseas. America's word must be respected abroad as well as here, but the administration's word is coming under question.

If we take it from issue to issue, whether it is on the deficit, and we are running a record-high deficit, and the President wants to claim to be a fiscally responsible President, but not once in any of his budgets has he introduced a budget that is either balanced or gets to a road to balance. Not once.

In November, this House debated a \$400 billion prescription drug bill, and yet we learn that all along the administration knew it cost \$550 billion. That is for a program that we debated and understood to be \$400 billion, and not the \$400 billion, not even the \$500 billion, is paid for, driving the American taxpayer as well as our seniors further into debt.

The other day they talked about the importance of manufacturing jobs, yet they cut the manufacturing extension program which has helped small- and medium-sized manufacturers compete in the world market and add jobs.

The other day, a senior adviser to the President for economic policy announced that outsourcing of jobs was a good thing for the economy.

Mr. Speaker, the outsourcing of American jobs are a good thing for the Indian economy, not the American economy. Any administration who has a top economic adviser who believes outsourcing of jobs is a good thing is an administration with a record that has lost three million jobs in 3 years.

Whether it is on the budget that is out of whack with our values and our principles and our priorities, and as Goldman Sachs and the international monetary funds have announced, it is not even a credible budget. There is not a cent or direction in how we are going to reduce this deficit.

This President, from day one when he came into office, had a surplus north of \$100 billion. In his last budget before his reelection, he submits a deficit of \$521 billion.

In the area of jobs, three million Americans since he has been President have lost their jobs. They fake an interest in offering a manufacturing extension program and then call for its election or cuts by two-thirds.

Take the funding of police. They have advocated the importance of helping police and firefighters, talked about funding them, and in the President's budget a billion dollars was cut from the police and over \$500 million from helping our firefighters.

If we take it from area to area, from section to section, this administration says one thing and then does another. The budget is a blueprint and a document representing the values, principles and priorities of the administration as well as for the United States. I cannot think of a worse example, to have a policy in which we are presented a budget with a \$521 billion deficit, record numbers for the country. They are numbers that in my view put us at grave economic risk. We are now beholden to the Chinese and Japanese to continue to buy our securities where, God forbid, at any moment if we need their support they hold our economic security and determine our economic future, which puts us in a terribly vulnerable position.

Across the board on any number of subjects, we can watch how this administration continues both here at home to have its word questioned and also overseas has its word questioned. When a President of the United States has a credibility gap like that, it is not only endangering in my view his administration but our own economic security as Americans. We can see from the value of the dollar and the way it is falling people's judgment about the importance of our word and credibility.

On the issue of weapons of mass destruction in the recent report, that, too, is another example, and a glaring example, where the word of this administration now will be questioned rather than heeded.

In closing, as written in Time magazine, "Any of those challenges may have been manageable. The problem was that each news cycle brought a new question about the President's

judgment and candor, which Democrats lost no time exploiting. Fiscal conservatives had been howling for months about a budget that seemed totally out of control."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BUSH SPIN-DOCTORS ALTER HEALTH DISPARITIES REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the gentleman from Illinois (Mr. EMANUEL) has just talked about the credibility of this administration, and there was an incident which happened yesterday which I think was really quite stunning.

Tommy Thompson, the Secretary of Health and Human Services, came before the Committee on Ways and Means. I have know him a long time. He is a dedicated, hard-working public servant. He is a straight shooter. When he appeared before us, I reluctantly had to ask my old friend tough questions. His answers were stunning. They were stunning because, without equivocation, Tommy Thompson told the truth.

Tommy Thompson acknowledged that someone significantly altered a report on health disparities in America, and he was having none of it. This is the guy who ought to be in charge, and we need help. He told the truth and took the fall for the political spin doctors inside his own agency, inside the White House, or both. We commissioned a report by the Institute of Medicine, and when it came back, it was changed. The American people need to know who did this. Significantly altering a report about health disparities in America is a betrayal of public trust. People of color, everyone in America ought to be outraged and demand accountability.

□ 1745

Political spin doctors turned science, and serious data about national health disparities affecting Native Americans, people of color and others, into a whitewash that taints anyone near it.

Let me give my colleagues an example. The first sentence of the original health disparities report circulated last June said, and I quote, "Inequalities in health care that affect some racial, ethnic, socioeconomic and geographic subpopulations in the United States ultimately affect every American." The alteration was, "The overall health of Americans has improved dramatically over the last century." One

would hardly think they were talking about the same subject. It is a whitewash. It is a blatant disregard for the American people and an insult to every person of color. This was a study we commissioned to find out about the health disparities between groups in this country. Congress asked for science, and the administration's spin doctors buried it. They hid it from view and substituted their own version of the country.

In the June original document, the Department's scientists found "significant inequality" in health care. The last one, the doctored one, became "national problems." The scientists emphasized that these disparities are "pervasive in our health care system." The whitewash omitted those conclusions. Text describing data tables inside the paper was altered. In the key findings section, the whitewash omitted 28 of the 30 references to disparity. Everything was done to hide the real facts from people of color, from every citizen in America.

What does the administration say tonight to people of color? What does this administration say tonight to every American? Somebody ordered this whitewash. The American people need to know who did it. I would think there ought to be an investigation to find out who was responsible and take appropriate action. We cannot allow someone to hide the truth from Americans, no matter who they are. We cannot permit someone to deceive Members of Congress and every American. We cannot tolerate someone who alters a report that directly affects people of color and their health status in this country.

Someone is trying to trick us into thinking that the administration has all the answers and that everything is hunky-dory. This is one more evidence for the fact that this administration will not tell the truth, whether it is about weapons of mass destruction or about al Qaeda connections or even down to a health report. They will not even tell us what happens in communities of color with respect to diabetes, with respect to high blood pressure.

They said about Native Americans, Native Americans have a lower cancer rate. That sounds good. But not one single mention of the fact that they have the lowest life expectancy and the highest infant mortality rate among all Americans. How can they put a report out like that and let people believe that everything is equal in this country? It is not. We have not paid attention. When we put more money into national health institutes, and I agree with that, we ought to use science as the basis on which we allocate the money for the problems that affect the most people.

Mr. Speaker, we ought to ask the President to find out who did this in his administration. It is a travesty.

The SPEAKER pro tempore (Mr. BEAUPREZ). Under a previous order of

the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND 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 Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

(Mr. HOEFFEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WAS AMERICA AT WAR IN THE 1990S?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I am joined tonight by my colleague from Georgia. What we would like to talk about tonight is the issue of whether America is at war. Were we at war in the 1990s? What was the reaction of the administration in the 1990s? What do we see in the year 2000 and beyond? And what have we found about the weapons of mass destruction in Iraq?

First, were we a country at war during the 1990s? We have all the examples of the attacks on the United States. In 1993, the World Trade Center was bombed. In 1996, our military barracks were bombed in Saudi Arabia. Our embassies were attacked in Africa. The USS *Cole* was attacked in 2000. In 1995, two unidentified gunmen killed two U.S. diplomats and wounded a third in Karachi. A Palestinian sniper opened fire on tourists atop the Empire State Building. In 2000, a bomb exploded across the street from the U.S. embassy in Manila. It is not only the high-profile attacks that we should be concerned about, but what we saw during the 1990s was a pattern of attacks against the U.S., against our embassies, against our economic interests, against our military personnel, and against American civilians.

If we take a look at the quotes and the things that folks said about the 1990s and what was going on specifically, and maybe focused more on Iraq than anywhere else, you kind of get a feeling as to whether in the 1990s people in the administration understood the threat that terrorist groups and that Saddam Hussein posed to the United States.

The question that some ask today, or the facts that they state today is that, well, you know, this all came up after 2001, that the data was fabricated.

What did Bill Clinton say during his administration? February 17, 1998:

"Iraqi agents have undermined and undercut U.N. inspectors. They've harassed the inspectors, lied to them, disabled monitoring cameras, literally spirited evidence out of the back doors. And they will be all the more lethal if we allow them to build arsenals of nuclear, chemical and biological weapons and the missiles to deliver them. We simply cannot allow that to happen."

Again continuing, President Clinton in 1998:

"There should be no doubt Saddam's ability to produce and deliver weapons of mass destruction poses a grave threat to the peace of that region and the security of the world. There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of his region and the security of all the rest of us. In the next century, the community of nations may see more and more the very kind of threat Iraq poses now, a rogue state with weapons of mass destruction ready to use them or provide them to terrorists who travel the world. If we fail to respond today, Saddam will be emboldened tomorrow by the knowledge that they can act with impunity. I have no doubt he would use them again if permitted to develop them." A clear case that on February 17, 1998, President Clinton was not only aware of the threats that Saddam Hussein and Iraq posed but that the threat extended to people like Saddam and to different terrorist organizations.

I do not know if my colleague from Georgia has any other quotes from President Clinton or not. I yield to the gentleman.

Mr. GINGREY. I thank the gentleman for yielding. Yes, certainly I do. Here is one, and I quote, from President Clinton:

"Iraq repeatedly made false declarations about the weapons that it had left in its possession after the Gulf War. When UNSCOM would then uncover evidence that gave a lie to those declarations, Iraq would simply amend the reports."

Another quote, again from President Clinton:

"And someday, some way, I guarantee you he'll use the arsenal, and I think every one of you who has really worked on this for any length of time believes that, too."

Mr. HOEKSTRA. Reclaiming my time, in comments by President Bill Clinton at the meeting of the National Security Council, comments on the bombing of strategic interests in Iraq: "I am convinced the decision I made to order this military action, though difficult, was absolutely the right thing to do. It is in our interest and in the interest of people around the world. Saddam has used weapons of mass destruction and ballistic missiles before. I have no doubt he would use them again if permitted to develop them."

I yield to my colleague from Georgia.

Mr. GINGREY. Here are another couple of quotes. Again, President Clinton: "We want to seriously reduce his capacity to threaten his neighbors."

President Clinton again:

"We have learned through harsh experience that the only answer to aggression and illegal behavior is firmness, determination and, when necessary, action."

Mr. HOEKSTRA. There is no doubt that in the 1990s the Clinton administration, or at least the President, voiced the concerns about terrorist organizations, Iraq and specifically Saddam Hussein; but it was not only the President. The Vice President, May 23, 2000, during a conference breakfast with the American-Israeli Public Affairs Committee:

"Despite our swift victory and our efforts since, there is no doubt in my mind that Saddam Hussein still seeks to amass weapons of mass destruction. You know as well as I do that as long as Saddam Hussein stays in power, there can be no comprehensive peace for the people of Israel or the people of the Middle East. We have made it clear that it is our policy to see Saddam Hussein gone."

Al Gore, May 23, 2000: "We have made it clear that it is our policy to see Saddam Hussein gone."

Mr. GINGREY. Just listen to former, actually Senator Gore at the time and former Vice President Gore in a speech, a major policy speech made on September 29, 1992 by then Senator Al Gore, and I quote:

"He, Saddam, had already launched poison gas attacks repeatedly and Bush"—referring to Bush I—"looked the other way."

Mr. HOEKSTRA. If the gentleman will yield, this is the Vice President, or at that point in time the Senator?

Mr. GINGREY. The Senator running for Vice President.

Mr. HOEKSTRA. Referring to Bush I, and, what, accusing him of inaction?

Mr. GINGREY. Absolutely.

I will finish that quote:

"He, Saddam, had already conducted extensive terrorism activities and Bush looked the other way. He was already deeply involved in the effort to acquire nuclear weapons and other weapons of mass destruction and he, President Bush, looked the other way."

"Well, in my view the Bush administration was acting in a manner directly opposite to what you would expect with all of the evidence that it had available at the time. Saddam Hussein's nature and intentions were perfectly visible." Again, a major policy speech made by then Senator and Vice Presidential candidate Al Gore, September 29, 1992.

Mr. HOEKSTRA. We go on through the administration. Remarks by Madeleine Albright, the Secretary of State:

"In this struggle our adversaries are likely to avoid traditional battlefield situations because there American dominance is well established. We must be concerned instead by weapons of

mass destruction and by the cowardly instruments of sabotage and hidden bombs. These unconventional threats endanger not only our Armed Forces but all Americans and America's friends everywhere."

Madeleine Albright in the Clinton administration got much of this right in perceiving the threat, as was so brutally proved on September 11.

Mr. GINGREY. If the gentleman will yield, continuing on, then Secretary of State Madeleine Albright as quoted in the Chicago Tribune, November 16, 1997: "Hussein's weapons will not discriminate if and when they are used, and therefore it is important for the region to understand that he is a threat."

□ 1800

Mr. HOEKSTRA. Mr. Speaker, we are going to talk a little bit more about some of these quotes, and then we will talk about exactly what the Clinton administration did in the 1990s as they laid out the threat from terrorist organizations, as they laid out the threat from Saddam and Iraq.

Madeleine Albright, subject: Tonight's air strikes against strategic targets in Iraq. "This is a moment of grave determination. We have decided to use force because other means simply have not worked. Saddam's capacity to develop and brandish such armaments poses a threat to international security and peace that cannot be ignored. Month after month we have given Iraq chance after chance to move from confrontation to cooperation. We have explored and exhausted every diplomatic action. We will see whether force can persuade Iraq's misguided leaders to reverse course and to accept at long last the need to abide by the rule of law and the will of the world."

It took 3 years before inspectors on a limited basis were ever allowed back.

I yield to my colleague from Georgia.

Mr. GINGREY. Mr. Speaker, I think it would be informative to people who are paying attention, and I think all Americans are paying attention and they are listening to a lot of political rhetoric during this Presidential election year and the criticism that they are hearing not only from the leaders of our military, from the chairman of the Joint Chiefs, but especially to the Secretary of Defense, the honorable Donald Rumsfeld.

Listen to what former Secretary of Defense William Cohen had to say: "Noted again Tuesday that in the past Iraq imported enough material to produce up to 200 tons of the deadly chemical agent VX, 'theoretically enough to kill every man, woman, and child' on earth. Finding and eliminating all such chemical and biological warfare stocks must be an international priority." L.A. Times, November 26, 1997, Secretary of Defense William Cohen under the Clinton administration.

Mr. HOEKSTRA. Mr. Speaker, he goes on in another talk with an interview with Katie Couric on December 18.

"One of reasons we are taking this action," and this is the Secretary of Defense, "is we don't want to see it taken with chemical or biological agents, but we do know," not we estimate, we think, "but we do know that Iraq has been in process of building that kind of capability. But we're looking at the intelligence very closely. We anticipate there will be terrorist attacks in a variety of areas of the globe, and we are taking whatever precautions we can against it."

Remember those words, because we will get back to it in a few minutes. "We are taking whatever precautions we can against it."

And what is against it? The variety of terrorist attacks in all areas of the globe.

I yield to my colleague.

Mr. GINGREY. Mr. Speaker, this next quote from former President Bill Clinton, I think, really speaks to it as much as any that we have given tonight, and here is the quote: "In the next century, the community of nations may see more and more the very kind of threat Iraq poses now, a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers, or organized criminals who travel the world among us unnoticed. If we fail to respond today, Saddam, and all those who would follow in his footsteps, will be emboldened tomorrow by the knowledge that they can act with impunity, even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass destruction program."

And what was done then, Mr. Speaker? It was just drawing lines in the sand and then another line in the sand and another line in the sand and a dare and a double dare and a double-dog dare, and nothing was happening to deal with this until, of course, we had to strike the strike on 9/11 that resulted in over 3,000 lives lost.

Mr. HOEKSTRA. Mr. Speaker, here we go on and we go back to President Clinton on February 17, 1998, talking about the kind of environment that we see in Iraq and the kind of folks that we are trying to work on and taking a look at denial and deception. But how did Iraq work? This is President Clinton's description in 1998:

"Iraq repeatedly made false declarations about the weapons that it had left in its possession after the Gulf War. When UNSCOM," that is, the UN inspectors, "would then uncover evidence that gave lie to those declarations, Iraq would simply amend the reports."

"Iraqi agents have undermined and undercut UNSCOM. They've harassed the inspectors, lied to them, disabled monitoring cameras, literally spirited evidence out of the back doors of suspect facilities as inspectors walked through the front door. And our people were there observing it and had the pictures to prove it."

"If he refuses or continues to evade his obligations through more tactics of

delay and deception, he and he alone will be to blame for the consequences."

September 9: "We've pushed and pushed some more to help UNSCOM," this is Secretary of State Madeleine Albright, "break through the smoke-screen of lies and diction put out by the Iraqi regime . . ."

". . . UNSCOM was able for the first time to conduct inspections of sensitive sites where it found new evidence that Iraq had lied about the size of its chemical weapons stock."

These are really interesting quotes, considering the debate. We have gone into this war situation with a number of allies, but the President has been critiqued because there were not enough partners in the process.

Here is what President Clinton said in a debate with Robert Dole on October 6, 1996: "Sometimes the U.S. has to act alone, or at least has to act first. Sometimes we cannot let other countries have a veto on our foreign policy."

Madeleine Albright's quote in 1998: "I am going to explain our position. And while we always prefer to act multilaterally, we are prepared to go unilaterally."

President Clinton, *Time Magazine*, 1998: "Would the Iraqi people be better off if there was a change in leadership? I certainly think they would be." Remember, by the year 2000, the official policy of the United States was regime change in Iraq.

1998, President Clinton: "If we fail to respond today, Hussein, and all those who would follow in his footsteps," and I think the President was referencing terrorist organizations that would attack America and other freedom-loving people around the world, "and all those who would follow in his footsteps, will be emboldened tomorrow by the knowledge that they can act with impunity." This is President Clinton.

And "what if he fails to comply and we fail to act? . . . Some day, some way, I guarantee you, he'll use the arsenal." President Clinton, August 31, 1998.

What we are seeing throughout the 1990s, whether it is President Clinton, whether it is the Vice President, whether it is the Secretary of State, or whether it is the Secretary of Defense, there is a clear pattern that the Clinton administration, rightfully so, identified terrorist threats, Saddam Hussein, and Iraq as a threat to the people of Iraq, as a threat to Israel, as a threat to the stability of the Middle East, and as a threat to the United States and the rest of the world.

I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, continuing on the line of reason the gentleman from Michigan is presenting, again Secretary of State Madeleine Albright in 1998, in fact, November 23, and this was in *Time Magazine*: "Up to now we've had diplomacy backed by force. Now we need to shift to force backed by diplomacy."

And listen to what she says less than a month later: "Month after month we have given Iraq chance after chance to move from confrontation to cooperation, and we have explored and exhausted every diplomatic action. We will see now whether force can persuade Iraq's misguided leaders to reverse course and to accept at long last the need to abide by the rule of law and the will of the world."

These were remarks made by Secretary of State Madeleine Albright on the night of the air strikes, the very limited air strikes, against strategic targets in Iraq, her comments made December 16, 1998.

What happened over the next 2 years? Nothing. These limited air strikes did nothing, and Saddam continued with his weapons of mass destruction, his terrorism on his own people, his refusal to let the weapons inspectors come back into the country and make sure he was complying with the U.N. resolutions.

Mr. HOEKSTRA. Mr. Speaker, there are those who say that this administration was the first to try to create a link between al Qaeda and Iraq. That is absolutely wrong.

In 1998, again with the attack on the plant in Sudan: "U.S. officials who declined to be identified told reporters that there were contacts as the Sudanese company was being developed between Al Shifa officials and Iraqis working on their country's VX program. 'Iraq is the only country we are aware of that had planned to use WMD,' the officials said. The officials also said there is evidence linking Osama bin Laden. Defense Secretary Cohen has publicly stated that bin Laden had some financial interest in contributing to this particular facility in Khartoum."

Where is that? How do we know if Secretary of Defense William Cohen said that? "We know that he, bin Laden, had contributed to this particular facility," Secretary of Defense William Cohen, *New York Times*, August 29, 1998.

Another quote: "And indeed we have information that Iraq has assisted in the chemical weapons activity in Sudan." That is an op-ed by Samuel Berger, the national security advisor, the *Washington Times*, October 16, 1998.

He goes on in that activity: "And, indeed, we have information that Iraq has assisted in the chemical weapons activity in Sudan . . . We had information linking bin Laden to the Sudanese regime and the Al Shifa plant." National security advisor, Samuel Berger, op-ed, October 16 in the *Washington Times*.

It is interesting. This link between Saddam Hussein, Iraq, terrorist organizations, and the threat that they combine to depose the United States and the rest of the world is not new. It has been outlined through the 1990s.

I yield to my colleague.

Mr. GINGREY. Mr. Speaker, if the gentleman from Michigan will allow

me, I would just like to shift a little bit now and talk about the testimony and put it in the right, proper context that we are hearing from David Kay.

Mr. HOEKSTRA. Mr. Speaker, let us not go there yet, all right? Because every year there is something that is put out. It is called the Report on Global Terrorism. And if my colleague will take a look, he has got the 1999 review of Iraq. I have got the 1998.

□ 1815

Here is what it says in 1998. The global terrorism overview of state-sponsored terrorism. Iraq continues to provide safe haven to a variety of Palestinian rejectionist groups, including the Abu Nidal Organization, the Arab Liberation Front, and the former head of the now defunct 15 May Organization, Abu Ibrahim, who masterminded several bombings of U.S. aircraft.

In December, press reports indicated that Abu Nidal had relocated to Iraq and may be receiving medical treatment. Abu Nidal's move to Baghdad would increase the prospect that Saddam may call on the ANO to conduct anti-U.S. attacks.

Iraq also provides bases, weapons and protection to the MEK, a terrorist group that opposes the current Iranian regime. Back in 1998, through much of the 1990s, it was clear, at least in the global terrorism overview of state-sponsored terrorism, Iraq has consistently been identified as a state sponsor of terrorism on a global basis.

What did the report say in 1999?

I yield to my colleague from Georgia. Mr. GINGREY. Well, Iraq continued to plan and sponsor international terrorism in 1999. Although Baghdad focused primarily on the anti-regime opposition, both at home and abroad, it continued to provide safe haven and to support various terrorist groups.

Many press reports stated that according to a defecting Iraqi intelligence agent, the Iraqi Intelligence Service had planned to bomb the offices of Radio Free Europe in Prague. Radio Free Europe offices include Radio Liberty, which began broadcasting news and information to Iraq in October of 1998. The plot was foiled when it became public in early 1999.

The Iraq opposition publicly stated its fears that the Baghdad regime was planning to assassinate those opposed to Saddam Hussein. A spokesman for the Iraqi National Accord in November said that the movement security organs had obtained information about a plan to assassinate its secretary general, Dr. Allawi, and a member of the movement's political bureau, as well as other Iraqi leaders.

Iraq continued to provide safe haven to a variety of Palestinian rejectionist groups, including the Abu Nidal Organization; the Arab Liberation Front, ALF; and the former head of the now defunct 15 May Organization, Abu Ibrahim, who masterminded several bombings of United States aircraft.

Iraq provided bases, weapons and protection to the MEK, an Iranian terrorist group that opposes the current

Iranian regime. In 1999, MEK cadre based in Iraq assassinated or attempted to assassinate several high-ranking Iranian government officials, including Brigadier General Ali Sayyad Shirazi, deputy chief of Iran's Joint Staff, who was actually killed in an assassination attack.

Mr. HOEKSTRA. If I now take a look at the report on global terrorism in 2001, what does it say?

In addition, the regime continued to provide training and political encouragement to numerous terrorist groups, although its main focus was on dissident Iraqi activity overseas. But Iraq provided bases to several terrorist groups, including the Mujahedin-e-Khalq, the MEK, the Kurdistan Worker's Party, the Palestine Liberation Front, the Abu Nidal Organization.

In 2001, the Popular Front for the Liberation of Palestine, the PFLP, raised its profile in the West Bank and Gaza Strip by carrying out successful terrorist attacks against Israeli targets. In recognition of the PFLP's growing role, an Iraqi vice president met with the former PFLP secretary, General Habbash, in Baghdad. In January 2001, there was continued Iraqi support for the intifadah. Also in mid-September, a senior delegation from the PFLP met with an Iraqi deputy prime minister. Baghdad also continued to host other Palestinian rejectionist groups, including the Arab Liberation Front and the 15 May Organization. There is no doubt that Iraq continued its connection with terrorist organizations.

What happened in 2002? I yield to my colleague from Georgia.

Mr. GINGREY. Well, Iraq planned and sponsored international terrorism in 2002, that is what they did. Throughout the year, the Iraqi Intelligence Service, IIS, laid the groundwork for possible attacks against both civilian and military targets in the United States and other Western countries. The IIS reportedly instructed its agents in early 2001 that their main mission was to obtain information about United States and Israeli targets. The IIS also threatened dissidents in the Near East and Europe and stole records and computer files detailing anti-regime activity.

In December of 2002, the press claimed Iraq intelligence killed Walid Ibrahim Abbas al-Muhah al-Mayahi, a Shi'ite Iraqi refugee who was living in Lebanon and a member of the Iraqi National Congress. Iraq was a safe haven, a transit point and an operational base for groups and individuals who direct violence against the United States, Israel and other countries.

Baghdad overtly assisted two categories of Iraqi-based terrorist organizations, Iranian dissidents devoted to toppling the Iranian Government and a variety of Palestinian groups opposed to peace with Israel. The groups include the Iranian Mujahedeen-e-Khalq and the Abu Nidal Organization, although Iraq reportedly killed its leader.

The Palestinian Liberation Front, PLF, and the Arab Liberation Front, ALF. In the past year, the PLF increased its operational activities against Israel and sent its members to Iraq for training for future terrorist attacks.

Baghdad provided material assistance to other Palestinian terrorist groups that are in the forefront of this intifadah. The Popular Front for the Liberation of Palestine General Command, Hamas, and the Palestine Islamic Jihad are the three most important groups to which Baghdad has extended outreach and support efforts. Saddam paid the families of Palestinian suicide bombers to encourage Palestinian terrorism, channeling \$25,000 since March through the ALF alone to families of suicide bombers, both in Gaza and on the West Bank. Public testimonials by Palestinian civilians and officials and cancelled checks captured by Israel in the West Bank verify the transfer of a considerable amount of Iraqi money.

The presence of several hundred al Qaeda operatives fighting with the small Kurdish Islamist group Ansar al Islam in the northeastern corner of Iraqi Kurdistan where the IIS operates is well documented. Iraq has an agent in the most senior levels of Ansar al Islam as well.

In addition, small numbers of highly placed al Qaeda militants were present in Baghdad and areas of Iraq that Saddam controls. It is inconceivable that these groups were in Iraq without the knowledge and acquiescence of Saddam's regime.

In the past year, al Qaeda operatives in Northern Iraq concocted suspect chemicals under the direction of senior al Qaeda associate Abu Mussab Zarqawi; and they tried to smuggle them into Russia, Western Europe, and the United States for terrorist organizations and operations. Iraq is a party to five of the 12 international conventions and protocols relating to terrorism.

That is what Iraq has been doing in the year 2002.

Mr. HOEKSTRA. I think the record is relatively clear. In many ways, the Clinton administration in the 1990s got the message. After the World Trade Center bombing, after the U.S. barracks bombings, after our embassy bombings, after the USS *Cole* and as American civilians were attacked around the world, the rhetoric was very, very good.

The rhetoric that came out of the Clinton administration said we are at war. We are prepared to punish and hold those accountable who have attacked us. We are willing to go in and preemptively attack and be on the offense against those who may attack us in the future; and we may even go it alone, because we will not allow another country to hold veto over American national security.

They defined the war. They said we are at risk at home and abroad. Civil-

ian, military individuals would be at risk; our allies would be at risk. Madeleine Albright identified that it would be an unconventional war. Parts of it would be conventional; parts of it would be unconventional. Some battles would be in the open; some would be in secret. We would use both conventional weapons and weapons of mass destruction. It is a violent and a dangerous world. Truck bombs, improvised explosive devices, small labs for chemical and biological weapons, weapons that could be delivered by plane, ships, missiles, or backpacks.

You go back to the one quote I think you had from, I am not sure if it was the President or Al Gore, but I got the quotes here again.

From William Cohen: "We anticipate there will be terrorist attacks in a variety of areas of the globe and we are taking whatever precautions we can against it."

Al Gore in 2000: "We have made it clear that it is our policy to see Saddam Hussein gone."

I am not sure what quote my colleague has over there, but we ought to take a look at what the Clinton administration did in the 1990s.

Mr. GINGREY. I think what the gentleman so clearly pointed out is the previous administration made the case against Saddam Hussein. They made the case based on the intelligence that they were receiving at that time. What they did is they talked the talk, and we have spent some time here this evening giving you some quotes, various members, including the President, the Vice President, the Secretary of State.

Mr. HOEKSTRA. It is a consistent message through all levels of their policy chain.

Mr. GINGREY. Absolutely. The point I was going to make is they were willing, the previous administration, to talk the talk; but what they were not willing to do was to walk the walk.

This administration has walked the walk; and because of that, this world is a safer place with the capture of Saddam Hussein.

Mr. HOEKSTRA. There is an interesting article I would like to reference that talks a little bit about what the previous administration did during the 1990s. The article is "Show Stoppers," and it is out of the Weekly Standard, January 26, 2004. It is written by Richard Shultz, who is director of International Security Studies at the Fletcher school, Tufts University, and director of research at the Consortium for the Study of Intelligence in Washington, D.C.

He brings up an interesting point. America has the best trained military in the world, regular Army; but then we also have some very special folks, Special Operations folks.

Remember, the policy as he lays out here was that we were prepared to preemptively and offensively attack those individuals who we thought might be a threat to the United States. We knew

who they were. The Clinton administration identified al Qaeda; they identified bin Laden as being threats. We heard that in our quotes tonight.

But what Richard Shultz goes on to point out, he says not once during the 1990s, even though we on occasion might have known where bin Laden was, we knew where his terrorist camps were, not once did we take and use our Special Operations forces to neutralize the capability of these folks who we were relatively confident and who the Clinton administration were selling the American people on that these were a threat to the American public and to our military and to our allies around the world.

We never used our Delta Force, we never used our Seals, we never used our Rangers to kill or capture bin Laden or attack al Qaeda training bases.

Mr. GINGREY. If the gentleman will yield further, one of the most preposterous facts is that during of the previous administration in the late 1990s, Osama bin Laden was offered up to our country, and we refused to accept him saying that he was not that much of a threat. We did not need him.

Mr. HOEKSTRA. Taking back my time, Mr. Shultz goes on to talk about the Clinton administration's desire for preemptive and offensive actions. But they never took the step. Terrorism is a crime, they said. They said we will prosecute it afterwards. We will not use our forces for minimizing the capability of these people to wage war against us. It does not meet the Pentagon's definition of war. We are risk-averse.

That sent a very clear message to terrorist organizations and rogue regimes like Iran, Iraq, Syria and a number of other countries that said the United States is not going to do anything.

□ 1830

They may respond, but even if we attack their battle ships, even if we attack their embassies or their barracks, they will not respond or they will respond in a very minimal way, and they will allow us to keep moving forward and to prepare other attacks.

I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding. No question, when we keep drawing lines in the sand and making threats and dares and double dares, as was done by the previous administration, attack after attack after attack, the other side is rightly going to assume that you are just so much bluster, that you are no threat. So they continue in their terroristic ways, and that really is essentially what has happened. Thank God that this President, our 43rd President, George W. Bush, had the courage to finally say, enough is enough.

Mr. HOEKSTRA. Mr. Speaker, a couple of other things. We never used our Special Operations forces. But with all of this discussion about what capabilities

do we have in intelligence, it is helpful to have a discussion as to what the Clinton administration did during the 1990s with intelligence. From 1992 to 1999, the intelligence agency, we decreased the number of agents we had in the field by 27 percent, we decreased the number of stations or locations that we had around the world by 30 percent, and we decreased the number of assets. What is an asset? An asset is a spy. We reduced the number of assets we had by 40 percent. We gutted our human intelligence capability. We have phenomenal satellites and different things that can do wonderful things in trying to help us figure out what is going on, but unless we have the human intelligence to determine intent and planning or to go inside of a building and see what is going on inside of a building and to hear and be part of the discussions, we cannot figure out exactly what is going on; and even if we have those people in certain places, it is still difficult to pull together the entire practice.

But the reason we were kind of blind in Iraq in 2000 is that Bill Clinton's administration, President Clinton's administration, gutted our human intelligence. I yield to the gentleman.

Mr. GINGREY. Well, no question. And of course it reminds me, thinking back, of I think it was the Clinton administration had decided that they wanted to have a nicer, a nicer, kinder, gentler intelligence agency; and anybody that was ever known to have jaywalked or spit on the sidewalk, they were not eligible to be an intelligence officer because they did not project that image.

I am going to tell my colleagues right now, it is clear that when the going gets tough, the tough get going; and we need tough people. And as the gentleman from Michigan was saying, we cut down on the number of personnel involved in intelligence operations and the kind of people that we need to deal with these people on an international basis. This is dangerous work, and we need tough, dangerous people to fight fire with fire. We did not have that in the previous administration.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, what my colleague is talking about is that in 1995 and 1996 the Clinton administration implemented what was called the Deutsch Doctrine. John Deutsch was the director of the CIA. And, after some things happened in 1995, the Deutsch Doctrine becomes the official policy of the CIA.

What does the Deutsch Doctrine say? It does what my colleague said, although maybe not quite as strict as what my colleague said; but it said, we are not going to recruit as human assets those individuals who have human rights records or who have criminal records; we are not going to recruit those kinds of people to spy for the United States. As a matter of fact, we are not only going to not recruit those people in the future, we are going to go

and do what is called the "Deutsch scrub." We are going to go back and take a look at those people who are working for us today. They have made that choice, they have left the dark side, they are spying for the United States, they are giving us the information that we need to be safe, but the Clinton administration says, thanks, but no thanks. You have a dark record in your background, you are out of here, leaving these people in no man's land and saying, well, let me see. I was a bad guy, I came over to the good side, and now you are cutting me loose.

It was a chilling effect for the work of the CIA and the people that were doing the work in the CIA. It was a chilling effect, obviously, for those spies who were spying for us and now were cut off; and the basic message was, you are not good people to do business with. They think, one day you are going to use us, and the next day we are out in the cold.

We get to 2000. And I wonder how many people in Saddam's cabinet room, when we watch him sitting at the table, I wonder how many of them had clean human rights records. I mean, remember, they hung thousands of people in their jails. There is evidence they might have used chemical or biological testing on some of their prisoners. They killed over 300,000 of their own people. They gassed the Kurds, they gassed the Iranians. Sitting in that room, I do not think there were a lot of Eagle Scouts. I yield to my colleague.

Mr. GINGREY. Mr. Speaker, there is no question that I am sure there were no Eagle Scouts. When we are dealing with an international terrorist, a brutal, rogue dictator like Saddam Hussein and the terrorists associated with him, the only thing they understand is an eye for an eye and a tooth for a tooth. And it is like our military leaders have said many times in testifying before Congress, before committees, before the Committee on Armed Services, if the die-hards insist, they are going to die hard, and we have given it to them. I commend the President for that, and I think this world is a safer place because of it. It is not over, and we do not need to be thinking about an exit strategy until it is over. Our men and women deserve better than that. Many of them have paid the ultimate sacrifice, and they deserve a victory, and we shall have a victory.

Mr. HOEKSTRA. Mr. Speaker, candidate Governor Bush in 1999, he echoed the understanding of the threat that President Clinton, Vice President Gore, and others laid out. He called to mind an earlier time when free people were confronted with what he called rapid change and momentous choices. In was the 1930s, Nazi Germany is arming, the British are reluctant to respond. Winston Churchill outlines to the people, the United Kingdom, what they are facing. Winston Churchill: "The era of procrastination, of half measures, of soothing and baffling expedience, of delays is coming to a

close. In its place, we are entering a period of consequences."

For the United States, that day of consequences, the day where we suffered the consequences of half measures, of soothing and baffling expedience, of delays through the 1990s, we suffered that day of consequence on 9-11, 2001.

We want to move on a little bit and talk a little bit about what Dr. Kay has found relative to what the National Intelligence Estimate indicated we might find, and this is the backdrop of what President Clinton outlined during the 1990s and the Clinton administration outlined during the 1990s about the dangers of Saddam Hussein and Iraq. It is in the backdrop of what happened on 9-11, 2001; and the National Intelligence Estimate indicated that since inspections ended in 1998, Iraq has maintained its chemical and biological weapons effort. What has Dr. Kay found? This is from a statement by Dr. Kay on the "Interim Progress Report." He talks about discovering dozens of WMD-related program activities. Concealment efforts. So it is very, very public that Dr. Kay has recognized and found that the National Intelligence Estimate said Iraq has maintained its chemical and biological weapons effort programs. I did not say weapons; I said programs. It is exactly what Dr. Kay found when he got to Iraq.

Mr. GINGREY. Mr. Speaker, in regard to that, I just wanted to point out, and I started to mention this a little bit earlier, that Dr. Kay was a consultant to the Iraqi Survey Group. The Iraqi Survey Group is 1,300 individuals in Iraq continuing, as we speak tonight, continuing to look for weapons of mass destruction. The Iraqi Survey Group is not led by consultant Dr. David Kay; the Iraqi Survey Group is commanded by Lieutenant General Keith Dayton. Dr. Kay worked for General Dayton as a consultant, and General Dayton told a group of us when we were in Iraq over the Christmas season that Dr. Kay had been out of Iraq for over a month, and I do not think that Dr. Kay has been back in Iraq since that time.

So it is very possible that he does not actually know what the Iraqi Survey Group is doing and what they are finding right now. I will tell my colleagues one thing that they are finding. We talk about weapons of mass destruction. If we want to very narrowly define that as chemical weapons or nerve gas or biological anthrax, that is one definition of weapons of mass destruction.

But I am going to tell my colleagues, the ultimate weapon of mass destruction was found in Iraq; and he was in a little hole just south of Tikrit, and we got rid of him. And in the process of looking for these other weapons of mass destruction, what have we found? Hundreds, literally hundreds of mass graves with thousands, hundreds of thousands of people, his own people that Saddam had gassed, and also un-

told numbers of caches of weapons of conventional destruction. My colleagues tell me one of these road-side devices is not a weapon of mass destruction or a shoulder-mounted SA-7 rocket from Russia or a grenade launcher? Absolutely. We are finding and destroying as we continue to seek, and I truly believe that we will find those chemical and biological weapons.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, the National Intelligence Estimate said, if left unchecked, Iraq probably will have a nuclear weapon during this decade.

Here is what Dr. Kay had to say, George Stephanopoulos, October 5, 2003: "I think if they had, if someone had given them the enriched material or the plutonium, I think that it would have taken them a year or less to fabricate a weapon from that material. They had the capability, they had the knowledge, once given the proper material to very quickly develop a nuclear weapon."

I yield to my colleague from Georgia.

Mr. GINGREY. Mr. Speaker, this is a comment, speaking of Dr. Kay's report, here is what Dr. Kay says, among many things that Dr. Kay is saying. There is something to link them, Saddam, to weapons of mass destruction, and that is the equipment. The equipment was on the prohibited list that had to be declared. The fact that they did not declare the equipment, not only did they not declare it, it was imported equipment. A lot of it we dated was imported from after 1998 in spite of U.N. sanctions.

He went on to say, another quote from Dr. Kay: "We tend to, when we analyze a failure, look at our own failures and forget there is another side to the equation."

Again, this is Dr. Kay: "I am convinced the Iraqis tried to deceive us and, in part, they tried to deceive us and others into believing that they really did have those weapons."

Mr. HOEKSTRA. Mr. Speaker, here we have NIE key judgments: In view of most agencies, Baghdad is reconstituting its nuclear weapons program.

Here is the interview, or here is his testimony in front of the Senate Committee on Armed Services last week or a week and a half ago. The NIE concluded that Iraq could build its first nuclear weapons when it acquires efficient weapons-grade material. Do you think that is accurate?

Kay: Yes. You have to realize that this was a country that had designed and gone through a decade-long nuclear program. They knew the secrets.

Mr. Speaker, much of the assessment that was done, the National Intelligence Estimate, was pretty accurate. Obviously, the expectation of finding stockpiles of weapons of mass destruction, I thought we would find them quicker. We have not found them. Dr. Kay believes that there is a high probability that they do not exist and we may not find them, but recognizes that he has talked about and he has seen

the Iraqis' ability to gut, and they looted their information files and burned the records, destroyed the records.

□ 1845

They were great at denial and deception. They loved to bury things. Not only did Saddam Hussein go in a spider hole, but they took Mig-29s, pulled them out in the countryside, dug a hole, had the cockpit open and filled them with sand and dirt and buried them. There were things that were moved to Syria.

I think Dr. Kay with the interviews and things he has done has a very good assessment, but he will acknowledge that the search is not complete. That particular part he says is 85 percent complete, but there will always be a level of uncertainty because of how well the Iraqis did denial and deception.

Mr. GINGREY. He went on to say, and again this is part of the Dr. Kay's report, "The surprising thing we have found in the biological program is a vast network of laboratories. It is now over two dozen labs that were not declared to the U.N. even though they had equipment and were clearly conducting activities that were declarable. Now, quite frankly, we are not sure fully what they were doing right now. They had biological and chemical production equipment in them. Most of them are relatively small by historic Iraqi standards. They are mostly in houses and residential areas. Some are in business establishments. One was in a hospital. These are facilities that at the minimum carried out research and development and kept the scientific skill level."

When you think about the fact that it took us months and months to find Saddam in the country, a country the size of California, buried in a six-by-three-foot hole south of Tikrit, and probably would not have found him without accurate, absolutely, the most accurate human intelligence, I do not think it is surprising that we are having difficulty finding these weapons of mass destruction.

There are any number of things that he could have done with them, from shipping them out of the country, to destroying them, to burying them, to putting them in very small vials. It does not take a footlocker to store some of these weapons of mass destruction. They are easily hidden.

So we need to keep looking, absolutely. The Iraqi Survey Group under General Dayton will continue that search.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for joining me in this Special Order this evening. I think we firmly established that the record clearly outlines that, for the last decade and more, Iraq has been identified as a terrorist regime, dangerous to its neighbors, its own people and the rest of the world.

As a matter of fact, I think in one of the quotes that the gentleman went

through, then-Senator Al Gore attacked the previous Bush administration for not doing enough to rein in Saddam Hussein in Iraq. And this was a President who took them to war once and that was not enough. This was an administration that talked about attacking unilaterally.

The Clinton administration laid the foundation for the dangers of the Iraqi regime under Saddam Hussein. They did not respond. September 11 happened. It is a whole new world. The threat was outlined. The intelligence was there. The President responded. And the Iraqi people, as the gentleman and I have found out as we have gone over there, the Iraqi people are better off and are thankful that Saddam has been removed from power and that they can move and move forward in building a free and democratic Iraq.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. HOEKSTRA. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 361) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 361

Resolved by the House of Representatives (the Senate concurring). That when the House adjourns on the legislative day of Wednesday, February 11, 2004, it stand adjourned until 2 p.m. Tuesday, February 24, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 12, 2004, Friday, February 13, 2004, or Saturday, February 14, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 23, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT OF THE HOUSE TO SATURDAY, FEBRUARY 14, 2004

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. on Saturday, February 14, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent

Resolution 361, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. BEAUPREZ). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 25, 2004

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 25, 2004.

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

There was no objection.

APPOINTMENT OF HON. WAYNE T. GILCHREST TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTION THROUGH FEBRUARY 24, 2004

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

WASHINGTON, DC,
February 11, 2004.

I hereby appoint the Honorable WAYNE T. GILCHREST to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 24, 2004.

DENNIS HASTER, T.

Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

WHAT ARE THEY THINKING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I come to the floor this evening to give voice to the voiceless. Millions of Americans are filling out unemployment forms and are filling our unemployment rolls. Many more are dropping off the lists because they simply see no hope and no prospects for jobs in the future.

According to recent reports, in the last 3 months, more than 40 percent of the unemployed have been out of work for more than 15 months, for over a year. We have not seen record numbers like this since 1983. Jobs are becoming scarcer.

In my own State of Ohio, we have lost 264,700 jobs since President Bush took office. And last week in our district, Dixie Cups, owned by Georgia Pacific, announced its closure; 207 more Americans will be without work. Nationwide, we have seen the disappearance of over 3 million private sector jobs. Now the Bush administration appears to be supporting outsourcing of even more of our jobs overseas.

It used to be that it was only the workers on the line who had to worry.

Now, in Silicon Valley, the high-tech areas of the country have to worry, too; and in our medical community, if we are to read the President's report, even radiologists and those in medical tech are feeling the pain and will feel the pain.

We are not just talking about the manufacturers and the farmers anymore. Even the previously sacred service sector jobs are under threat. Even telephone solicitors are now being outsourced to India and to Ireland as the ranks of our unemployed continue to grow.

Earlier this week, the top Bush economic advisor, the head of the President's Council of Economic Advisors, stated, outsourcing of jobs is a form of free trade, and that is probably a plus for the economy in the long run.

It is hard to read those words and really think he believes them. What is going on in the minds of the people over there at the White House? Maybe the President needs to get out from behind his desk in the Oval Office, travel around the country and meet with real workers who are worried and the millions who are out of work.

Just last month President Bush came to my district. Unfortunately, his motorcade did not make any stops in our community where he had an opportunity to meet these people, those who are really worried and those who have been out of work for a very long time. If he had done that, he might have heard from people who used to work at Dixon-Ticonderoga, manufacturing school supplies and whose jobs have been moved to Mexico; nearly 2,000 workers from Phillips Electronics, who had the same thing happen to them; or Georgia Pacific-Dixie Cup, the workers who just lost their jobs last week; or those at Acuity Lighting in Vermillion, Ohio, whose jobs are being moved to Matamoros, Mexico; or the workers from Spangler Candy out in Williams County in Bryan, Ohio, whose jobs have been moved and more will be moved to Mexico, making candy canes and various sugar candies; or any number of workers on the line in our tool and die shops who have been moved out of those shops and on to the unemployment lines.

But, instead, for him it was just another campaign stop in Ohio. In fact, the day after his visit, the unemployment rate in Ohio ticked up again.

My constituents know what is important, a dependable job with a decent wage. They want to help their children complete their education, first high school and, if possible, college beyond that; and they want to be able to depend on a pension that will be there for them when they need it. But, instead, we are turning our students into debtors, our pensions are becoming more risky, and it is harder and harder for our kids to go on to school.

The 2003 trade deficit will set a record of nearly half a trillion dollars, more products being made, more services being done in other countries rather than here at home. Over a half a

trillion dollars. Imagine if we could invest that here at home. The Federal deficit, as a result, is also at record highs.

And what is the President's plan to secure Social Security and Medicare for our generations and beyond? More budget-busting tax breaks for the super rich, while wages for ordinary people are stalled or declining or they are thrown on to unemployment lines.

Again, I really do have to ask, what is the White House thinking? I have repeatedly called for a new Declaration of Independence for our country, a declaration of economic independence for our families, for our workers. We must ensure first the economic security of our Nation. It must be one of our Nation's number one priorities. Instead, leading Republicans think it is a great idea to send more of our jobs overseas.

It makes me wonder what kind of future is in store for our future generations. This Congress must draw the line in the sand here. I urge my colleagues on both sides of the aisle to stand up for working families immediately for the extension of unemployment benefits and no more stealing from the Social Security Trust Fund to pay off the White House's pet projects; no more tax breaks for the super rich; no more unfair trade deals like NAFTA; and no Chairman of the President's Council of Economic Advisors that had the idea of sending more of our jobs overseas is the answer to these problems.

□ 1900

TOBACCO BUYOUT LEGISLATION

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

Mr. GOODE. Mr. Speaker, I rise in support of tobacco buyout legislation. The consensus measure is H.R. 3160. We need to eliminate the Federal quota program. If we do such, American tobacco will be more competitive with foreign tobacco. A buyout would end the tobacco quota system; and a number of tobacco farmers, particularly the older ones, will cease to grow tobacco.

Many quota holders and growers have invested a considerable amount of money in the current tobacco program over the years. They deserve compensation for their loss, and that compensation can come from tobacco.

If we adopt legislation for a tobacco buyout, it will greatly benefit south Virginia, southwest Virginia, much of North Carolina, South Carolina, Georgia, Florida, Tennessee, Kentucky, and several other States.

I hope we can see positive action on tobacco buyout legislation soon.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. LEE)

is recognized for 60 minutes as the designee of the minority leader.

Ms. LEE. Mr. Speaker, I rise tonight to join my colleagues from the Congressional Black Caucus to discuss the President's reckless, very reckless budget for fiscal year 2005 and to really examine the terrible toll that it will take on our country as a whole and specifically African Americans. And, Mr. Speaker, I would now like to yield to the gentleman from Maryland (Mr. CUMMINGS), our distinguished chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise this evening to raise serious concerns about the Bush administration's fiscal year 2005 budget proposal, along with my colleagues in the Congressional Black Caucus.

This budget contains misplaced priorities that leaves all Americans behind. In the first place, this budget adds \$521 billion to our national debt for the next fiscal year. This is on top of \$7 trillion national debt that our Nation has already incurred. That is roughly \$2,000 for every woman, man, and child in America today.

This is extremely disappointing, Mr. Speaker, given that at the beginning of the Bush administration we had a \$280 billion surplus, and we were expecting record surpluses for years yet to come.

Many economists say that increased deficits signal danger for our economy because increased deficits cause or result in higher interest rates, slow economic growth, lower national savings, and reduce economic productivity. Given this, I am appalled that the Bush administration's budget fails to account for spending in Iraq and Afghanistan in its proposal and also plans to implement further tax cuts.

In fact, just today, it was reported that the military chiefs are saying that the \$87 billion we have just appropriated for the war will run out by September 30.

Moreover, the Congressional Budget Office has said that if the \$1.7 billion tax cut were allowed to expire in 2011, the budget would be balanced by 2014. However, it is my understanding that the administration still plans to introduce its permanent tax cut proposal and press for continued defense spending while cutting or eliminating Federal programs that will also strengthen our Nation.

Again, this budget has misplaced priorities that leave all Americans behind.

Mr. Speaker, as my colleagues may be aware, the White House released its annual economic report of the President this week, which stated that 2.6 million jobs would be created by the end of 2004. It seems as though the President is promising that he will spin straw into gold, which is an impossible task. It is impossible because every year since President Bush took office this report has been completely wrong.

In 2002, the administration estimated that 800,000 new jobs would be added to

the economy; but, instead, the United States economy lost a net total of 1.9 million jobs just in 2002. In 2003, the administration projected that the tax breaks would add 510,000 additional jobs by the end of 2003. Instead, 53,000 jobs were lost. All together, since President Bush took office, 3 million jobs have been lost; and the last President to have a net job loss during his administration was President Herbert Hoover.

Mr. Speaker, we cannot grow as a Nation with 9 million Americans out of work, 43 million without health insurance, and a future generation that lacks the educational resources to compete in the 21st century global economy; yet this budget proposes to cut more than 60 programs that would uplift this Nation. But tonight I would like to specifically highlight one Federal program that has made a tremendous impact in my district. Although the program is fully funded in my district, the President's current budget will keep this program from starting in new communities.

Mr. Speaker, I am specifically referring to the Empowerment Zone Program administered by the United States Department of Housing and Urban Development. Created under the Clinton administration, this Empowerment Zone Program creates economic development in the Nation's most distressed urban communities through public-private partnerships.

In my district, this program has created 12,000 jobs in neighborhoods that were previously deteriorating, abandoned, and had high crime rates. With the \$100 million Federal grant, the Baltimore Empowerment Zone provided customized job training to thousands of residents and helped them obtain jobs in health care, biotechnology, manufacturing, retail, and hospitality. Many of these jobs provided higher pay, benefits, and career growth that were not previously available to these residents.

In one particular instance, a former Army veteran who could not find a civilian job received training through the Empowerment Zone. Today, he works in an operating room at the world-renowned Johns Hopkins University hospital.

The Empowerment Zone also helped thousands of families to buy their first home, as well as provide small business loans. This is a classic example of how the Bush administration should be stimulating the economy. However, instead of expanding this program to other cities, the administration has decided to completely cut all funds to this program by fiscal year 2005. This would essentially dissolve the program.

Like the Empowerment Zone, 65 other programs are being abandoned through the President's fiscal year 2005 budget. While looking at the list of 65, I notice that all Americans in some way or another would be affected by these cuts.

Programs for homeland security, the environment, women, people of color,

children, the disabled, microloans for small business, the HOPE VI housing program, and health care are all being targeted for cuts in this budget. Therefore, Mr. Speaker, this budget should be called the Leave All Americans Behind budget.

Before I conclude, Mr. Speaker, I would urge my colleagues on both sides of the aisle to think about how these cuts will have an impact on their constituents. While I strongly support giving our troops the funding and the resources they need to do their jobs and while I support increasing homeland security, I strongly urge that we maintain a balance and continue giving America all it needs to remain a superpower.

With that, Mr. Speaker, I thank the gentlewoman for her leadership and for conducting this hour for the Congressional Black Caucus.

Ms. LEE. Mr. Speaker, let me thank the chairman again for his diligence, vigilance, and really helping the Congressional Black Caucus educate the public and hopefully many of our colleagues on the other side about the most pressing issues confronting our constituents and our country. I want to thank the gentleman from Maryland (Mr. CUMMINGS) for his leadership and for, once again, I will say helping us to wake up America.

Mr. Speaker, let me just say a few things about this budget tonight. First of all, no documents are more important to the health and the welfare of American people than our Nation's budget. It can give the 44 million Americans without health insurance access to affordable health care, including the 7.4 million African Americans without health insurance. It can put the millions of unemployed people back to work, including the 1.7 million African Americans and the 1.4 million Hispanics seeking work. It can honor our commitment to veterans instead of raising their health care costs, including over 2.6 million African American veterans, and the list goes on and on.

Instead of sending us a budget for the American people, this President has sent us a budget that turns its back on people and on our future. It sacrifices our children, our senior citizens, our security, our veterans, our environment, our economy in order to advance special interests and to promote tax breaks for the wealthy.

Incredibly, the budget does all of this damage to Americans at home and does not even include the cost of our operations in Iraq and Afghanistan, a clear failure, a very clear failure to come clean with the American people about the staggering costs of the war.

I think we all know, and we heard that today, that we can expect another very large supplemental appropriations request for the war after the November election. The President, I believe, needs to really stop playing politics and to start paying attention to our needs right here at home.

To merely call this budget a reflection of misplaced priorities really does

not go far enough in describing the injustices that it promotes. It represents nothing less than an assault on the American people. The Bush administration is at war with the working poor, the middle class, working families and, yes, people of color. This budget, I tell my colleagues, is proof of that.

The repercussions of this budget will be felt in cities and towns and rural communities across America. They will certainly be felt in my district in northern California where the high-tech economy has struggled and where housing costs are sky high, where seniors and veterans are struggling each and every day just to pay medical costs and grocery bills, where crime is taking the lives of our young people and threatening our communities, where infrastructure is crumbling, where our first responders and our ports are still not receiving the Federal funds that they need to keep our homeland safe and prepared, and where the State budget is being squeezed and slashed, and the repercussions of this budget will be felt for decades to come due to the record deficits that it creates.

It is truly mind-boggling to think how the administration turned a \$5.6 trillion surplus, projected just 3 years ago, into record deficits as far as the eye can see. Our children and our grandchildren will be paying off the reckless tax cuts for the rich, the lavish breaks for offshore corporations, and the huge overpayments to HMOs that are in this budget. They will be paying for this for the rest of their lives. This \$4 trillion deficit will haunt our children for years to come.

These outrageous and very reckless breaks for special interests and the wealthy help explain why this budget leaves so many behind. It explains why this President decimates housing programs in his 2005 budget. It represents a \$350 million cut compared to last year's funding level.

The budget cuts are again focused on section 8 and public housing, the program that serves the Nation's poorest families, seniors and the disabled. The budget is \$1.6 billion below the level needed to renew all section 8 vouchers; and it proposes to block grant the voucher program, dismantling low-income tenant protections.

It eliminates funding for HOPE VI programs, a program that Congress reauthorized last year on a bipartisan basis; and it cuts the McKinney-Vento homeless prevention grants by \$2 million.

Mr. Speaker, instead of spending billions on missile defense and other Cold War inventions, we could put more resources into housing, which is a national emergency and a national disgrace; and instead of spending \$1 trillion in tax breaks, we could put more resources into our communities by providing the tools that they desperately need to combat crime and to deter crime.

Let me just tell my colleagues for a minute a little bit about violent crime

in my own district. Last year, in Oakland, 114 lives were ended in senseless killings, and 17 people have already been killed in the first 6 weeks of this year.

□ 1915

It is not unlike any other urban area where opportunities just do not exist. It is a vicious and deadly cycle, and it must end.

But to end the bloodshed and the pain, not only in Oakland but throughout our country, we must have a comprehensive approach and put the resources to address the root problem that fuel the cycle. We know many of the factors that contribute to violence among young people: drugs, the lack of job training, employment opportunities, and a lack of options. The hard truth of the matter is that young people have no hope, and homelessness breeds anger, despair and crime, so we need to offer hope.

By sending jobs offshore, outsourcing, moving manufacturing, technology and service jobs offshore, today I asked Mr. Greenspan in our Committee on Financial Services, what do we tell our young people? What do they go to school for and for what jobs? These jobs are nonexistent, so what are our options for our young people?

What does the President offer to our law enforcement agencies to help them combat and to deter crime? The administration has offered cuts, cuts and more cuts. The budget cuts juvenile justice and delinquency prevention grants by 43.9 percent, and it eliminates the Edward Byrne formula and discretionary grants, the State criminal alien assistance program, and local law enforcement block grants. The budget cuts \$655 million from the COPS program which provides grants and other assistance to help communities hire and train and retain police officers and improve law enforcement technologies.

I can say that this directly harms our community where every night 9 out of the 35 beats in Oakland are not covered because they simply cannot afford the staff.

In addition to community policing, we need to make a local and a national investment in violence prevention. We need a real plan, a real plan for the reentry of ex-offenders. There are 1.4 million inmates in America's State and Federal prisons, and more than 600,000 will be released to return to their communities this year. These inmates are parents to 1.5 million children. If adults recently released from prisons and jails and those on parole are included, the number of affected children more than doubled to an estimated 3.2 million.

Clearly, the President's meager offering of a \$300 million 4-year program, or \$75 million a year for reentry, is a drop in the bucket. We could use that just in my congressional district. This program amounts to about \$125 per inmate leaving prison this year. What in the world is that about?

Mr. Speaker, the Bush budget underfunds our communities and our country. We need a jobs program. The unemployment rate among African Americans rose to 10.5 percent last year, significantly higher than the unemployment rate at the beginning of the Bush administration. The unemployment rate for Hispanics rose from 6.6 percent to 7.3 percent in 1 month. This rate is 24 percent higher than when Bush took office. Despite these realities, the Bush budget squanders an additional \$1 trillion over the next 10 years on additional tax cuts for the wealthy. The President's budget does nothing to create jobs, to create good-paying jobs here at home.

We also need job training, yet the President's budget contains \$286 million in cuts for job training and employment services. These cuts come on top of \$1.5 billion in cuts to job training and related services already enacted that President Bush has proposed since he took office.

We need to invest in education and after-school programs. But, instead, this President's budget underfunds Leave No Child Behind by about \$9.4 billion.

It leaves 40 percent of children eligible for Head Start out in the cold, and it provides only half of the funding promised to after-school programs, meaning the 1.3 million children who were promised after-school services just will not get them.

We need to invest in basic health and mental health services, but, instead, this budget freezes funding for the Maternal and Child Health Block Grant title 10 family planning program and also the Healthy Start program. It freezes all of this funding.

It also proposes an additional \$25 billion in tax breaks for health savings accounts, a proposal which benefits the healthy and the wealthy and will raise premiums for most Americans. The President's association health plans will raise premiums for about 20 million Americans and reduce benefits for millions more.

Mr. Speaker, this President is really more interested in the future of the bank accounts of the rich in this country than he is about the future of our communities. It is really about choices. We could choose to invest in the future, grow our economy, enhance our security, look out for our children and our seniors and those who are struggling economically, the poor. Or we could provide tax cuts for multimillionaires and special interests. That is the choice the Bush budget offers; and, unfortunately, the choice is very grim in terms of this budget, which is a road map, which is a budget that speaks to, really, the values of this administration which I believe are very unAmerican values.

I urge my colleagues to continue to speak the word about this dangerous Bush budget and to let them know in November what we think about his budget priorities.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. BALLANCE).

Mr. BALLANCE. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE), my leader, before I got to Washington; and I thank the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Congressional Black Caucus, and the gentleman from Florida (Mr. MEEK), who will speak later on.

I am proud to stand here tonight as an American, indeed, an African American. I am proud to live in America, the land of the free and the home of the brave, the land of opportunity. But there is a problem. There are some for whom the promise of America is not being realized. They are the unemployed, the laid off, the jobless, those whose unemployment has run out, and those who have been looking for a job so long that they have given up.

America can do better. Why are we not doing better? I submit it is because we have the wrong priorities, and I submit that the budget that our President presented to us last week has the wrong priorities.

I want to talk just briefly about a section of the country, North Carolina, a section of North Carolina, rural, poor, eastern, that I represent. It is called the First Congressional District. It is largely rural, largely African Americans, Native Americans, facing devastating job losses and obviously sweeping economic concerns. I am deeply concerned about the well-being of thousands of families, thousands of unemployed, thousands of laid off who live in my district.

During the President's State of the Union address in January, I listened carefully and I heard nothing that would tend to address the needs, the hopes and desires of those of whom I speak. Yes, after reviewing the proposed budget, my concerns continue to grow. With a staggering 31,767 people unemployed in the First District as of December 1, 2003, additional plant closings and layoffs threaten to raise that number even higher and to stress and distress an already unstable economy.

In fact, just last week Rubbermaid of Greenville, North Carolina, announced plans to lay off another 315 workers this coming month. They join the ranks of other plant closings, dozens in my area, since the summer of 2003.

During his State of the Union address, the President promised more tax cuts, more permanent tax cuts. He had already promised that those would generate jobs. We have heard that pitch before. It has not materialized, and we do not believe it is going to materialize this time around, so that is why we are here tonight. We have to continue to speak out and cry out and make a plea that we will change our policies and provide opportunities for families, for jobless, for people who are hurting, people who are losing hope.

Since 2001, this Nation has lost 2.9 million jobs. Locally, in Vance County, one of the counties I represent, they

suffer an unemployment rate of 12.5 percent, more than double the national unemployment rate. The President's priorities do not appear to match those of working families in eastern North Carolina. We have a few millionaires in eastern North Carolina, but they are very few.

With jobs continuing to disappear, despite 3 years of promises through tax cuts, our families want to enjoy the same quality of life afforded every other family throughout the Nation. They want to live in a sound economy, free of the fear of losing their jobs. They want to raise their families, have good health care, and to continue to express their patriotic values as Americans.

This budget relies on tax cuts which sacrifice priorities for funding at home for those items that I just mentioned. On last year's tax cuts, the poorest 20 percent of North Carolinians received a mere \$69. We know about the theory, if you give it to the rich, it will trickle down, but it is not working. We are losing jobs.

I sent the President a letter last week inviting him as he travels to please come to northeastern North Carolina, please visit Roanoke Rapids, Henderson, and Rutherford, North Carolina, to see what is happening when people lose their jobs, lose their hope, are standing in the unemployment line, and finding that their unemployment has run out.

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As I said earlier, America can do better. We have the ability. We have the technology. We simply have to get our priorities straight in order to help those who are most in need. I thank the gentlewoman from California so very much for this opportunity.

Ms. LEE. I want to thank the gentleman from North Carolina for his very eloquent and very clear statement. One thing that the gentleman from North Carolina pointed out was that this unemployment and the fact that poverty is rampant now speaks to rural, as well as to urban, communities. This is something that I do not think the President has recognized in this budget. I do hope he accepts the gentleman's invitation to come to his district because maybe then we will see a revision of this budget to speak to some of those issues.

Mr. BALLANCE. I thank the gentlewoman. I look forward to that.

Ms. LEE. Mr. Speaker, I yield to my good friend from Florida (Mr. MEEK), a leader in the Committee on Armed Services, who has truly and is truly making his mark here in the House of Representatives.

Mr. MEEK of Florida. I want to thank the gentlewoman from California for her comments earlier about what this budget is doing to America versus for America. I think it is important in our democracy to be able to outline not only the pitfalls but where we can play offense, moving forward, moving this country forward.

As I speak about moving our country forward, it is important that we have a budget that is going to reflect our qualities and our values here in the United States. When I see a budget such as the President has sent here to the Hill, I cannot help but question the priorities of the administration versus the priorities of families that are living here in the United States, those that are working and those that are looking for work.

I must say that being a past creature of State government, I think it is important that we understand when the Federal commitment is cut, then the State commitment has to be cut. And when the State commitment is cut, then the local government commitment to communities and families is cut also. When I am talking about local government, I am not just talking about your counties or your parishes or just a city, I am talking about school boards. We call it devolution of taxation here in Washington, D.C. We cut it here, and they raise it there. Property taxes have gone up throughout this country, in all communities, not because local governments are saying that we like to raise revenue locally; they are doing it because the Federal Government is no longer supporting and helping and assisting local communities in vital programs that put forth the quality of life in America that we enjoy.

I just want to share a few figures. I am going to speak briefly tonight. States are currently facing their worst fiscal crisis in decades, with 41 States facing a cumulative budget gap of \$48 billion for 2004 alone. States are facing budget deficits of approximately \$40 billion for States in fiscal year 2005 and nearly \$200 billion. How are they going to make up that gap? They are going to make up that gap by raising tuition on students and working families, individuals that are going to community colleges trying to better themselves, prepare themselves as it relates to having an educated and prepared workforce which makes this country strong; also as it relates to making sure that we do not spend billions and millions of dollars in incarcerating individuals since we cut the COPS program.

I was so glad to hear my colleague speak of the cuts that are in the COPS program. Not only am I a member of the Committee on Armed Services, as was mentioned earlier, but also the Select Committee on Homeland Security. I think it is very, very important that we protect the homeland, and I know it is important that we defend our country. But at the same time I must say that we are going to fall short in having young people who may make youthful indiscretions due to the fact that its government and its local community failed them by making sure that we have vital direction programs to be able to build the kind of integrity and the kind of culture that we would like to build here and continue to maintain here in the United States.

Let us talk just for a moment about local governments. Being a past State trooper, I have a great appreciation for what police chiefs are trying to do in this country, and sheriffs, all of them. I believe that all sheriffs and all police chiefs genuinely would like to see a community that works towards harmony and also works towards making sure that they do not have to carry out the act of having to arrest individuals in a given community. If we continue to follow the track of this budget that has been sent by this administration to the Congress, and I am speaking to my colleagues here because we have to really man up and woman up and go see the wizard not only to get courage but also to get heart and making sure that we stand up on behalf of those individuals who cannot stand for themselves. We see a rural housing and economic development program that is cut by \$25 million, and we also at the same time see dropout programs that are also cut. We also have a HOPE VI revitalization for severely stressed public housing that is cut by \$149 million. Someone may say, well, we have to cut spending; but, ladies and gentlemen, we are not cutting spending. We are going further into spending, away from what we may say are mom and apple-pie issues here in the United States.

As we start looking at our democracy and as we start looking at what we must do as Americans, and all of us have been elected to lead, doing common things uncommonly well in this country, of making sure that we do not hand a mandate to local governments to where they have to fulfill that mandate by raising taxes on everyday working Americans. Yes, we may receive a \$400 check or a \$300 check in the mail; but also on the other hand, out of our left pocket money is being pulled out, through property taxes, money is being pulled out on local referendums and bond referendums because the Federal commitment has been cut.

I just want to say, ladies and gentlemen, as we look at this deficit that has grown under this administration, as we look at our commitment as Americans of making sure that we stand up for our children's future, as we make sure that children that are born, newly born in a hospital as I speak now already owe the Federal Government \$24,500, and dollars that are not in a deficit, and paying on a deficit that we are creating, that this administration is creating, then we are going to find ourselves in a very sad situation looking at the abuses of contracting and all of these things that are going on as relates to the war in Iraq.

I just want to say that it is important that we continue to share these bread-and-butter, literally, bread-and-butter issues with Americans about where this administration is falling short as it relates to providing the kind of leadership. It is just something fundamentally wrong, if you are a Democrat, Republican, independent, socialist, whatever you want to be a

member of, the Green Party, you name it, for a President to speak passionately on making sure that we make tax cuts permanent on behalf of the wealthiest Americans and not speak passionately about making sure that we provide the necessary, not the funding that it deserves but the necessary funding to educate our children, to be able to provide a health care system that is going to make our country healthy and to be able to help local governments as it relates to their commitment of protecting the home front and our local communities. Because with the defensive budget that the President has sent to the Hill, it leaves very little room for us to play offense in solving and hopefully stopping some of the issues that are going to be far more expensive than it would be if we were able to prevent them.

I thank the gentlewoman so very much, and I want to commend my colleagues for coming to the floor and sharing with America about what is going on and what we are going to fight against to make sure that we maintain the America that we celebrate today.

Ms. LEE. I want to thank the gentleman from Florida for really laying it out in terms of his very clear presentation. As I was listening to him explain the relationship between the Federal budget, local budgets and State budgets, he was really talking about the dismantling of America as we know it. I think that his voice and his breaking it down like that helps the public understand that what this budget does is not what America is, is not what we stand for. I just want to thank the gentleman for coming this evening and for being a part of this.

Mr. MEEK of Florida. I am so glad once again that the Congressional Black Caucus saw fit to share with all Americans what is happening to them versus for them, because we are here to make sure that good things happen in America and that we push programs that are putting people to work and that are making sure that our children are not left with a bill, that we are willing to eat steak and have a good time right now, so that we dismantle our future in America. We want to have it better for them than it was for us.

Ms. LEE. Let me now yield to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary, someone who is a strong fighter in terms of protecting our Constitution, who works tirelessly not only for her constituents but for children and families throughout our country and throughout the world.

Ms. JACKSON-LEE of Texas. I want to thank the distinguished gentlewoman from California. First of all, I want to thank her for her determinedness. Some would wonder why we would spend time on the floor late into the evening trying to dissect, whether it is HIV/AIDS and the funding that she worked so hard for and we are

finding now that the funding is falling short, working on questions of war and peace, and they would simply wonder why we are here at this time of night speaking to our colleagues and debating an issue. I want to thank her for always being ready to educate not only Americans but our colleagues on these issues that are so particularly sensitive and important to many people who cannot speak for themselves. I thank her for allowing me to join in this evening with my colleagues from Florida and North Carolina and Maryland. I want to read the roll tonight, because this is, I think, the way to shock a lot of us into realizing what has happened when you begin to spend moneys that do not have priority, are not prioritized.

I know that the gentlewoman did not call me to the floor, and I did not come to the floor, to begin a debate on the question of Iraq and the expenditure of \$87 billion and the mounting billions. I guess we are up to \$175 billion, going up to 200 at this point because we are spending, as I understand it, I know we are spending a billion a month in Afghanistan. I know we need more troops in Afghanistan; and I think none of us, if I can just repeat the statement that I make all the time, are divided amongst our support to the troops, and we respect the young men and women that are on the front lines in Afghanistan, Bosnia, Germany and Iraq. But I think many of us made the point that we questioned the value of going to war in the first place, and now where we find ourselves as we look toward the future, one, in an unsolved resolution of the conflict in Iraq. It is unsolved, there is no resolution to it, there is no plan; and so we continue to spend money in Iraq, and we have many ills and problems with it which really has created, where I am going, the \$551 billion deficit that we now face and that is because we have not made priorities, we have not had an administration that has been willing to make the hard choices.

I heard a discussion of the President and I always tell my constituents, I respect the office, I respect the person, but I heard a discussion, I think, this past Sunday where there was no reason given for going to war and there was no reason to give response to the state of this economy. It was that we will get jobs, or they are coming; and it does not really address the fact that as the Commander in Chief and the CEO of this Nation, you have to sit down and make hard decisions. Are you going to put together a domestic spending budget that addresses the needs of our people, all of our people, the hurt, the pain of the people? Or are you going to say, it is going to fix itself? And I think what I heard in the President's presentation is, it will fix itself. We'll go ahead and put \$1.1 trillion in permanent tax cuts, mostly to both the richest of Americans and also to corporations. In doing that, we will then put ourselves in a position to see the \$551

billion deficit continue to grow, and as well we will see it grow into 4 to \$5 trillion.

The gentlewoman and I were together over the weekend in a very important meeting, and we heard the point being made that what that symbolizes, what that means is that the President and the Vice President are sitting late at night and, like me, have their glasses on, I imagine, and looking over Social Security checks that need to be going out to our constituents and literally endorsing them to pay our bills and to pay the permanent tax cuts, taking your Social Security fund, if we do not put a stop to it, and literally endorsing them for this increasing deficit and the tax cuts that are now being made permanent, or at least proposed to be permanent. That is what I say when I am talking about priorities.

We are now facing a 10-year deficit of at least \$4 trillion. We have about \$551 billion in deficit right now, \$146 billion more than we projected in 2003. So what has happened is, let me just begin to read the roll. In the budget proposals, here is what is happening to programs that Americans have become used to depending on. I am not even listing the crisis that we have with the Medicare prescription drug question where we started out saying it was \$400 billion, now it has risen to \$534 billion, and we have got a lot of complaining in the United States Congress. I think we have said that when we debated on the floor of the House, we needed a precise, narrow bill that dealt with giving a guaranteed prescription drug benefit to seniors.

□ 1945

We did not need an investment in our good friends in the pharmaceutical industry. We did not need an investment in the HMOs. We did not need to tell this government that it could not even negotiate a cheaper price, but that is a whole other story.

But listen to this: No moneys for the advanced technology program. That is a program that typically, \$171 billion, used to help, if one will, put together programs and technology programs for the benefit of small companies. That is gone.

Technology opportunities programs. We have talked a long time about digital divide. That is now gone. We will not get that.

Programs dealing with alcohol abuse reduction. We used to have a program that would help deal with alcohol abuse in our systems. Let me tell my colleagues that is important. More teenagers are drinking now. That is gone.

Arts in Education. That helps to, if one will, expose our children to art of many kinds. That is gone.

Community Technology Centers. Gone, no money for it.

Dropout prevention programs. Texas has one of the highest dropout rates among Hispanics and African Ameri-

cans. I was just at a school this past week, and they said one of their major issues was dropout among middle school students. That is gone.

Elementary and secondary school counseling. I recall when we were all concerned about the number of shootings in our schools, and what did we do? Pass a lot of bills dealing with enhancing school counseling opportunities so we would have more school counselors. Gone.

Literacy programs for prisoners. Many of our incarcerated persons from our neighborhoods are illiterate. That is gone.

State grants for incarcerated youth offenders. Gone.

Women's educational equity. Gone.

National youth sports. Gone.

Empowerment zones. Funding not needed.

As I recall, I think I heard even the chairman of the Congressional Black Caucus get up and speak about the value of empowerment zones and what lives have been changed, how lives have been changed and how neighbors have been changed and how valuable they were.

Brownfields redevelopment. In my community alone we are still fighting to clean up brownfields, and I see that we have zeroed that out with an explanation, accomplishments not reported. What do they mean, "not reported?" We are still working to clean up brownfields, and I can assure the Members what that means to inner-city communities.

Let me cite Acres Home in my congressional district that has been working and working, the community has been working to get their brownfields cleaned up, and we are still going back in there with the EPA to see what has been done. That is gone.

COPS hiring grants, \$119 million, gone. They say that it has merged with other programs. I do not know how one can do that. If it is merged, it is gone, and it means there is no money.

For those who come from areas where there are migrant and seasonal workers, there were moneys in order to enhance their quality of life. This is our farming industry that needs migrant and seasonal workers. We have eliminated resources that can help them with their better quality of life.

Let me conclude with the Microloan program from the Small Business Administration. Gone. Microloan program. Gone.

As I show this picture to our friends and colleagues, it seems to me that we have got a Swiss cheese here, a budget with a lot of holes. It seems to me, Mr. Speaker, that what happened is that the priorities were disproportionately weighted toward those who already have, and if they can come up with a budget to the floor of the House or to the Congress and tell us that they have cut arts education and so many other things that impact people's lives, then I think that it is now time for us to rally and to be able to address needs of the American people.

I thank the gentlewoman for allowing me to come. I am going to keep this somewhere visible in my office to know how many people have been hurt by this budget and to suggest that this Congress is obligated to fix the problem on behalf of the American people.

I thank the gentlewoman for allowing me to share this list of the have-nots, because I think the only way the have-nots will gain their rightful place is for us to begin the fight and to be able to write a budget that makes sense on behalf of the American people.

I rise today once again begin disappointed with this Administration's efforts to truly represent the values of average Americans and of the African American community. President Bush's latest efforts in the form of his 2005 national budget continues his irresponsible economic policies that have resulted in so many Americans suffering. This Administration has a credibility crisis. President Bush has said his tax cuts would act as a stimulus for our flagging economy and create jobs, this clearly has not happened. Instead of adopting more inclusive policies this President has decided to give even more tax cuts to benefit the wealthy. This Administration has misplaced priorities that are leaving average working Americans and our community in a bind.

EDUCATION

We all know that education is one of the most important priorities for our African American community. Our children's success or failure will be the true indicator of our effectiveness in this body. The generation of African American leaders who preceded us spent their lives making sure that we were able to get educated and have the ability to succeed that every American was entitled to. This President's budget threatens that very core principle. This is more than rhetoric; this idea is based on staggering facts. Of the 65 programs cut completely from the Bush budget, 39 of them were education programs. This President believes America will be better off if the richest Americans get \$66,000 tax cuts, but he doesn't believe our children will be better with programs like Dropout Prevention, Even Start and School Leadership, all of which are now obsolete. This President has a different set of priorities when he believes that hundreds of millions of dollars in cuts for our children's education will be better for America. We as a united community and an integral part of this Nation can not allow this flawed budget proposal to stand. Our children's future and in turn the future of the African American community is at stake.

DEFICIT

The most disturbing aspect of President Bush's flawed budget proposal is the soaring deficits that will result from his policies. This administration has tried to say that deficits don't matter; we know that this is simply not true. History has proven that chronic deficits threaten our economic strength by crowding out private investment, driving up interest rates, and slowing economic growth. Indeed foreign investment in the United States has dried up because foreign investors have no confidence in the Bush economic agenda. This Administration's irresponsible budget policies have turned a surplus into a large deficit that is choking off growth in the American economy.

President Bush likes to say his budget is geared towards tax cuts for all Americans.

When in fact the average American won't receive a substantial tax cut, but will instead be hit with a tax hike in the form of an ever-growing deficit. A large deficit means taxpayers have to shoulder the costs of paying the interest on this new national debt. The end result will be a debt tax on the great majority of Americans. This will be a tax on lower and middle class Americans; it will be a tax on our heroic war veterans; it will be a tax on the elderly and most unfortunately it will be a tax on our children. The truly sad part of the President's budget is that while it is bad for America today it is even worse for future generations of American taxpayers.

TAX CUTS

I want to highlight some of the most egregious examples of this Administration's misplaced priorities. President Bush believes we can spend tens of billions of dollars a year to provide \$66,000 tax cuts to the top 1% of tax payers, but he does not feel we can afford many vital programs many of which are tied to our national security.

Perhaps the most blatant example of this Administration's irresponsibility is the fact that the FAA budget was actually cut. At a time when our national security is under such great scrutiny I can not think of too many agencies that face greater pressure than the FAA to keep our nation safe. How can this President spend so much time and effort stressing the importance of homeland security and then cut the budget of the agency on the front line of stopping terrorists from attacking our nation? The irresponsibility does not stop there; the President's budget fails to provide the U.S. Postal Office with \$779 million needed for bioterrorism technology that guards against anthrax-like attacks. After the Ricin incident in the Senate Office Buildings a few days ago, how can anyone in this body in good conscious approve a budget that does not address our vulnerability for bioterrorism attacks through the mail? This is where President Bush lacks credibility, he has taken drastic and some would say unconstitutional measures in the name of national security, but now when it comes to fully funding our most sensitive security concerns he decides it is more important to appease the richest 1% of Americans with irresponsible tax cuts.

Unfortunately the misplaced priorities do not stop with our national security. The "No Child Left Behind" initiative is left under funded by \$9.4 billion a full 27% less than Congress authorized. Funding for America's veterans will be cut by \$13.5 billion over the next five years. Its truly sad how this President not only doesn't fully fund sensitive security issues, but he is also cutting funding to two of our most sensitive constituencies; our children who are our future and our veterans who in the past have sacrificed so much so that we may live freely. Instead of supporting those constituencies this President believes that the richest 1% of Americans deserve yet another tax cut. These misplaced priorities are evident throughout the President's budget and demonstrate a fundamental lack of understanding about the needs of the average American.

JOB LOSS

President Bush has been one of the worst Presidents ever to take office when it comes to job creation. Simply put, our economy can never truly be considered successful until Americans who want jobs can find jobs. This is simply not the situation that the average

American faces today. Under the Clinton Administration job growth continually improved. In contrast, under the Bush Administration the rate of unemployment has soared. In his State of the Union Address the President stated that jobs are on the rise, unfortunately the rise in employment he spoke of amounted to 1,000 jobs created over the last month. At that rate of job growth, it will take 192 years and eight months for the economy to return to the number of jobs at the beginning of President Bush's term of office. We are 8.4 million jobs behind where we are supposed to be at this point. That is a staggering number and it should be unacceptable to every member of this body. The Bush Administration assured the American people that tax cuts would result in job growth. The American people are still waiting to see this growth, too many of them are waiting unemployed and fearing for their prosperity. This Administration has argued that deficits do not matter and that job growth is not an economic priority. I can't think of too many Americans who would agree with that assessment. This President is not in touch with the needs and aspirations of the American people. This budget continues to reflect his irresponsible agenda based on a few special interests.

IRAQ AND AFGHANISTAN

It's unfortunate that this Administration does not understand the necessity of proper planning and vision. It has become painfully obvious to many of us in this body that this President did not have a plan to deal with post-war Iraq and Afghanistan. That point is once again made obvious by the fact that in this entire budget there is no funding included for the 2005 costs of ongoing military operations in Iraq and Afghanistan. This is truly irresponsible, our brave fighting men and women are risking their lives in Iraq and Afghanistan and this President can not even provide figures for the costs that these military operations will incur. Does this President want us to believe that the costs for this War on Terror have disappeared? Or is he telling us that he plans to pull our troops out of Iraq and Afghanistan? Once again, this President's irresponsible agenda is being exposed; he does not have the credibility to allow yet another flawed budget to pass this body.

NASA

I was there a few weeks ago at the White House when President Bush announced his new NASA initiative to return America to the moon and eventually man missions to Mars. The funding for NASA has been increased in this budget, but it only begins to pay for future exploration efforts, a detailed plan on how the President plans to achieve his NASA initiatives is still needed. I believe the President when he says he has the aspiration to get America back to the moon, its just unfortunate that he does not have the proper planning to do so. His actions in Iraq and Afghanistan leave him no credibility in this body to believe that he can achieve his ambitious agenda. This entire budget in fact is riddled with false promises and under funded ambitions.

CONCLUSION

This President has spent a great deal of time while in office talking about patriotism. He has stood in full gear on board an aircraft carrier in an effort to show the American people how patriotic he is. However, in my mind a patriot is a person who stands with their nation.

In submitting this flawed budget this President has shown that he does not stand with real average Americans. It is not patriotic when you bring your nation from a point of success to the point of failure in the form of an enormous federal deficit. It is not patriotic when you side with the interests of the richest one percent of Americans and then cut or eliminate the programs that serve the great majority of Americans. It is not patriotic when our children are left behind without the proper resources to truly succeed. It is not patriotic when you ignore the wishes of an entire community in order to push through your own ideological agenda. This President talks about patriotism but when it comes to standing with average Americans and standing with the African American community to serve the interests of the entire nation this President has consistently failed.

This President has time and again asked for patience from this body and from the American people to allow time for his policies to start showing progress, unfortunately time has run out. Too many Americans are suffering and it is clear that President Bush's vision for America is not one that coincides with that of the average American or with the African American community. I hope we will continue to stress the danger of this budget, together we will be the ones to push the true interests of our constituents, to push for a real vision of America.

Ms. LEE. Mr. Speaker, I thank the gentlewoman from Texas for really calling the roll and for putting it out there and for reminding the country that, yes, the President did indicate that, for the most part, that the economy and our job crisis would just about fix itself. How do we tell young people that as we encourage them to go to school to develop skills and knowledge to get a job when, in fact, the economy does not allow for that?

Again, I must repeat that today we talked with Chairman Greenspan, and his response in essence was the same thing. It will just have to fix itself.

How do we allow a government as great as ours to just give those kinds of responses when we know that tax cuts for the wealthy are there, we know that the war, as the gentlewoman indicated earlier, is being funded to the tune of billions and billions and billions of dollars?

I think that what the gentlewoman from Texas (Ms. JACKSON-LEE) talked about tonight shows us that it cannot just fix itself. It is a matter of misplaced priorities, and we have got to demand that our priorities be reordered.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentlewoman would yield, I see the gentlewoman from Florida (Ms. CORRINE BROWN), and I know she is going to pick up on this because I know anything that helps her district she has already gotten. So I know she is an empowerment lady, she is a Hope VI lady, and I just want her to know that we are struggling.

I see this, and I did not mention it because I am a little bit confused. I was trying to be factual before I said it, but I am going to read this. Hope VI revi-

talization of severely distressed public housing, I know, in fact, my community is saying they are getting ready to send an application for Hope VI moneys, and I see that that has been deleted \$149 million, and it says "goals achieved." I did not want to call it because I thought maybe I had missed something, but it just came to me that my community was doing that.

I guess one other point I want to bring in about what the gentlewoman said about Mr. Greenspan is that there are some people who have been unemployed so long that they are not even in the system. They are not even getting unemployment. They are not even in line to get it. So we are looking at a budget that has to address those needs and to address this big whopper of a number, and it tells me that goals are achieved when I just left home and I have a community that is applying for a Hope VI grant.

Ms. LEE. Yes, Mr. Speaker, and Hope VI is being dismantled based on the President's budget.

I yield to the gentlewoman from Florida (Ms. CORRINE BROWN), member of the Committee on Transportation and Infrastructure, a member of the Committee on Veterans' Affairs, who fights each and every day for the protection of our democracy, for our veterans, for jobs, for the economy, for children and families throughout, again, our country and throughout the world.

Ms. CORRINE BROWN of Florida. Mr. Speaker, first of all, let me commend both the gentlewoman from Texas (Ms. JACKSON-LEE) and, of course, the gentlewoman from California (Ms. LEE) and the chairman of the Congressional Black Caucus and other Members for forging these kinds of debates and discussions on the floor of the House of Representatives, the people's House.

I have got to just take a moment to remind everyone that I am the congresswoman from Florida, the Third Congressional District of Florida. I, along with the gentleman from Florida (Mr. HASTINGS) and Carrie Meek, was the first Member of African American descent that was elected to Congress in 129 years. So we have a tremendous amount of responsibility.

I have to mention just for a moment the 2000 election. I do not think I can ever come to this floor and not mention the 2000 election, because I want the American people to know that it matters who is in charge. I want everyone to know that not just 500,000 people nationally voted for Gore, over 50,000 people in Florida voted for Gore. And if we are not careful, and if we look at the reports, the same thing will happen again. We can have another election stolen from the people, and the people will not have a voice in this House.

We have three separate branches of government. We have the administrative branch. We have the House and the Senate. It is a real honor to serve in the people's House, but the people do

not have a voice in the people's House. The House voted against privatizing FAA. The House voted, the Senate voted, and it came back in the appropriations bill. The House voted against doing away with overtime pay. The Senate voted against it. It came back in the appropriations bill. We can only vote up or down.

So we do not have a dictatorship in this country, but we have a void, and that void needs to be taken care of in November.

One can tell something about a country, something about an organization, something about a church by their budget, the priorities of that budget. Just think about it. If one is in a church and they are concentrating on building and if they are in an organization that is just building and building, that tells one something about the organization. But if the organization is interested in the children, the senior citizens, the elderly, that tells one something about that group.

I can tell the Members that this budget is what I call "reverse Robin Hood," robbing from the poor and working people to give tax breaks to the rich.

I want to extend that a little further because it is more than tax breaks to the rich. It is the rich that contributes to the Bush campaign re-election fund. All one has to do is follow the money. I say follow the money.

If we look at the budget, what has been cut? Veterans' programs, homeless, public education. And that is the real joke. They stole this, just like the election, "Leave No Child Behind," but this administration are not only leaving the children behind, they are leaving their grandmothers and everybody else.

Public transportation, seven out of the 15 Cabinet-level agencies cut; EPA cut; HUD cut; Department of Agriculture cut; Commerce cut; Health and Human Services cut; Justice, Transportation, and Treasury, to give huge tax breaks to those who have contributed to the President's reelection campaign. And I stand by that. All one has to do is follow the money.

What is most disturbing to me, and there are many things that are disturbing, but how the veterans' budget is being cut. When the President made this great discovery that he wanted to go to Mars, and I guess he is going, it comes out of the VA HUD budget. They are already cutting up HUD, and now they are going to squeeze the veterans' budget even more. So that additional money for NASA is going to be taken right out of the hides of the veterans in this country. Misplaced priorities.

There is one area that I want to ask questions in before we end, and I will turn my statement in. Under the area of homeland security, in Florida I guess we have got some kind a scheme. I have talked to mayors on both sides of the aisle, first responders. They have not received a dime under homeland security. I have talked to other Members

of Congress. They have received the moneys in the area, but they have taken off a portion for administrative. But in Florida they come up with this list and in Tallahassee they can decide whether or not to send any of that money to the community. They are not sending them money, but they may send them flight suits or something. But the community is using COPS programs and they are using additional police or fire as first responders because that is where the money is needed.

We are not checking the ports. We are not checking the containers that are coming in. So homeland security is a failure under this administration, just like so many other areas.

But would the gentlewoman respond to what is happening in her area under homeland security?

This budget is another clear example of reverse robin hood: robbing from the veterans, the homeless, public education, public transportation, and 7 of the 15 Cabinet level agencies (the EPA, HUD, The Departments of: Agriculture, Commerce, Health and Human Services, Justice, Transportation, and the Treasury), to give away huge tax breaks to those who contribute to President Bush's re-election campaign.

Once again President Bush came out with a budget that is too little, too late. It is a budget that short changes the middle class, a budget that does nothing for minorities. And it is mind blowing that the Administration is going ahead to make the trillion dollar deficit they created even worse by building another budget around more tax cuts, and making them permanent! As is obvious from the budget introduced today, President Bush is the president of special interest groups.

Time and time again our veterans get the shaft. The fiscal year 2005 budget is a perfect example of how the Bush administration is failing to treat our veterans with the respect that they have earned. We show potential and current members of the armed forces how America honors their sacrifice by how well we treat our veterans. We owe it to the soldiers, airmen, sailors and marines, who have served as a source of pride in our Nation, to begin enrolling Priority 8 veterans into the VA healthcare system; increase the VA home loan guaranty to 90 percent of Fannie Mae-Freddie Mac's conforming limit so that the guaranty keeps pace with the rising cost of housing; maintain VA staff at an adequate level so that already backlogged claims can be processed; and fully fund concurrent receipt for every eligible veteran. This budget is not adequate to meet the needs of 25 million of our nation's finest individuals.

Ironically, the President's budget plan, which rhetorically proposes to strengthen our economy and our national defense, will only weaken them. Economically, the huge budget deficits are more than just an accounting problem, they will be injurious to our children, and our children's children, who will be forced to repay the record amounts of debt we are borrowing today. And it is not necessary to be an economist to know that chronic deficits threaten our economic strength because they crowd out private investment, drive up interest rates, and slow economic growth.

The budget proposed today makes it quite evident that the Bush Administration does not

have any plan to eliminate the budget deficits, and in fact, is pushing headlong toward expanding the size of the deficits. The \$5.6 trillion ten-year surplus projected when the President took office has been replaced by deficits year after year. For 2004, the budget proposes a record deficit of \$21 billion—\$146 billion more than the 2003 deficit, which was also a historic record. Deficits for every year are worse than projected a year ago.

Moreover, it is mind blowing that the Administration, in the face of these deficits is only making them worse by building its budget around yet another set of tax cuts! These tax cuts will reduce revenues by \$1 trillion, and driving the budget further into the red. And what's more, the President is doing everything he can to make them permanent!

This budget is completely unrealistic because it leaves out countless items. Once Administration initiatives like additional costs for military operations in Iraq and Afghanistan, Medicaid giveaway and space travel to Mars are included, the Nation's deficit will spiral even higher. This is an administration that is not only without a plan to erase the deficit, but by proposing to make their tax cuts permanent, they will push the current deficit to sky high levels."

Ms. LEE. Mr. Speaker, I thank the gentlewoman, first of all, for a very powerful statement.

Secondly, just to paint a picture very quickly, my area is an area that is a very vulnerable area. We have a great port. We have a major transit system. We have laboratories, universities, a very high-risk area.

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We are severely underfunded. Our first responders do not have the resources, our schools do not have the resources, our ports still do not have the resources. We need to be able to check containers before they are put on the ships and brought over to our country. Our police officers are getting cut. We do not have the funding for police officers. Our county submitted an excellent application 2 years ago. It is still not fully funded. I believe for the most part the majority of California has not been funded in terms of homeland security.

This budget I do not think steps up to the plate. Domestic security should be our first priority in terms of the fight against terrorism. Again, I do not believe that our budget and this budget reflects that.

So I say to the gentlewoman from Florida (Ms. CORRINE BROWN), we are going to have an uphill battle this year. But I think the American people are waking up and understanding that we do have some issues with regard to national security. But those issues should be prioritized in terms of our domestic security, and this budget and last year's budget did not fund our first responders, our firefighters, police officers and homeland security efforts in my arena.

Ms. CORRINE BROWN of Florida. As the gentlewoman said, as far as HUD is concerned, with the cutting out of the programs, prevention programs that

were supported, and in addition we are cutting the COPS program that helped the community.

Ms. LEE. That means that crime will increase.

I thank my colleagues for joining me tonight.

Mr. HOYER. Mr. Speaker, as we honor Black History Month fifty years after the landmark *Brown v. Board of Education* decision, one would think that we would be able to celebrate the end of the "separate but equal" doctrine and laud the accomplishments of America's black community.

There is no doubt that we have come a long way from the days of Jim Crow and segregated schools, but the "separate but equal" doctrine did not disappear with the waving of a magic wand by the courts fifty years ago.

Today, in some instances, it seems to be one accepted by the current White House. The President's Fiscal Year 2005 Budget released earlier this month is a potent example of this Administration's willingness to tolerate two Americas. But now, like then, the doctrine is better characterized as "separate and not equal."

Instead of celebrating the achievements of black entrepreneurs like Madame C.J. Walker, Earl Graves and Bob Johnson, I am obligated by the economic plight of many black Americans to discuss how the President's economic policies are failing minority communities.

Under the President's budget the White House seems to believe that "separate but equal" is acceptable in our nation's economy.

The President did not make job creation a priority in his budget. While he increased funding for some job programs as a campaign ploy, he cut funding for other programs. Meanwhile, the unemployment rate among African Americans increased last month to 10.5 percent, more than double that of white Americans. When the President assures Americans that the economy is getting better and that jobs are being created, he certainly can't be addressing black America.

In addition, the Bush budget cuts nearly \$80 million in funding for the Small Business Administration, which plays a key role in helping minority owned small businesses grow.

Finally, the SBA programs targeted at low-income and minority communities—the Microloan Program, the New Markets Venture Capital Program, the Business Information Centers, and others—received no funding.

This month should also be a time for celebrating the black Americans who have contributed to education. Carter G. Woodson was a visionary who established Black History Month. Woodson realized that white and black America knew little of African Americans' accomplishments and he was determined to educate America on those achievements.

Instead, I am forced to talk today about the fight against a budget that will shortchange America's children, including African American children who disproportionately attend poorly performing schools. The President's budget would fail to provide \$9.4 million in promised education funding, eliminate the Even Start program and freeze funding for Pell grants and cut the funding of Perkins loans by nearly \$100 million, shutting the door on college for many minority students.

We should also laud this month the pioneering efforts of Dr. Charles Drew, whose groundbreaking medical work with blood and

transfusions have saved lives around the world. Instead, we must focus our hearts and minds on the 7.4 million African Americans without healthcare insurance and the millions more who can barely afford to pay their premiums. The President makes no serious attempt to address these issues in his budget.

In addition, the President's budget cuts by 15 percent funding for the Office of Minority Health. This office supports disease prevention, health promotion, and educational efforts in minority communities. Black Americans suffer proportionally higher rates of heart disease, obesity and diabetes and are in need of such services.

The disparities between the lives of many African Americans and the rest of our country are unconscionable. Whether one looks to jobs, education and healthcare the President's budget fails to address problems facing the African American community at virtually every turn.

Mr. Speaker, I would like to be here today speaking of African American contributions and achievements. Instead, I am compelled to talk about the persistence of "separate but equal" in our society, and the sad fact that the President's budget does little to confront this entrenched separation in our country.

A WISE CONSISTENCY

The SPEAKER pro tempore (Mr. BEAUPREZ). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, a wise consistency is the foundation of a free society, yet everyone knows or thinks they know that consistency is the hobgoblin of little minds.

How many times has Ralph Waldo Emerson been quoted to belittle a consistent philosophy defending freedom? Even on this floor I have been rebuked by a colleague with this quote for pointing out the shortcomings of Congress in not consistently and precisely following the oath to uphold the Constitution.

The need to discredit consistency is endemic. It is considered beneficial to be flexible and pragmatic while rejecting consistency. Otherwise, the self-criticism would be more than most Members could take.

The comfort level of most politicians in D.C. requires an attitude that consistency not only is unnecessary, but detrimental. For this reason, Emerson's views are conveniently cited to justify pragmatism and arbitrary intervention in all our legislative endeavors.

Communism was dependent on firm, consistent, and evil beliefs. Authoritarian rule was required to enforce these rules, however. Allowing alternative views to exist, as they always do, guarantees philosophic competition.

For instance, the views in Hong Kong eventually won out over the old communism of the Chinese mainland, but it can work in the other direction. If the ideas of socialism within the context of our free society are permitted

to raise their ugly head, it may well replace what we have if we do not consistently and forcefully defend the free market and personal liberty.

It is quite a distortion of Emerson's views to use them as justification for the incoherent and nonsensical policies coming out of Washington today. But the political benefits of not needing to be consistent are so overwhelming that there is no interest in being philosophically consistent in one's votes.

It is a welcome convenience to be able to support whatever seems best for the moment, the congressional district or one's political party. Therefore, it is quite advantageous to cling to the notion that consistency is a hobgoblin. For this reason, statesmanship in D.C. has come to mean one's willingness to give up one's own personal beliefs in order to serve "the greater good," whatever that is.

But it is not possible to preserve the rule of law or individual liberty if our convictions are no stronger than this. Otherwise, something will replace our Republic that was so carefully designed by the founders. That something is not known, but we can be certain it will be less desirable than what we have.

As for Emerson, he was not even talking about consistency in defending political views that were deemed worthy and correct. Emerson clearly explained the consistency he was criticizing. He was most annoyed by a foolish consistency. He attacked bullheadedness, believing that intellectuals should be more open-minded and tolerant of new ideas and discoveries.

His attack targeted the Flat Earth Society types in the world of ideas. New information, he claimed, should always lead to reassessment of our previous conclusions. To Emerson, being unwilling to admit an error and consistently defending a mistaken idea, regardless of facts, was indeed a foolish consistency. His reference was to a character trait, not sound, logical thinking.

Since it is proven that centralized control over education and medicine has done nothing to improve them, and instead of reassessing these programs, more money is thrown into the same centralized planning, this is much closer to Emerson's foolish consistency than defending liberty and private property in a consistent and forceful manner while strictly obeying the Constitution.

Emerson's greatest concern was the consistency of conformity. Nonconformity and tolerance of others obviously are much more respected in a free society than in a rigidly planned authoritarian society. The truth is that Emerson must be misquoted in order to use him against those who rigidly and consistently defend a free society, cherish and promote diverse opinions, and encourage nonconformity.

A wise and consistent defense of liberty is more desperately needed today than at any time in our history. Our foolish and inconsistent policies of the

last 100 years have brought us to a critical juncture, with the American way of life at stake. It is the foolish inconsistencies that we must condemn and abandon. Let me mention a few.

One: conservatives who spend. Conservatives for years have preached fiscal restraint and balanced budgets. Once in charge, they have rationalized huge spending increases and gigantic growth in the size of government, while supporting a new-found religion that preaches deficits do not matter. According to Paul O'Neill, the Vice President lectured him that Reagan proved deficits do not matter.

Conservatives who no longer support balanced budgets and less government should not be called conservatives. Some now are called neo-conservatives. The conservative label merely deceives the many Americans who continuously hope the day of fiscal restraint will come. Yet if this deception is not pointed out, success in curtailing government growth is impossible.

Is it any wonder the national debt is \$7 trillion and growing by over \$600 billion per year? Even today, the only expression of concern for the deficit seems to come from liberals. That ought to tell us something about how far astray we have gone.

Number two: free trade fraud, neomercantilism. Virtually all economists are for free trade. Even politicians express such support. However, many quickly add, yes, but it should be fair. That is, free trade is fine unless it appears to hurt someone. Then a little protectionism is warranted, for fairness' sake. Others who claim allegiance to free trade are only too eager to devalue their own currencies, which harms a different group of citizens, like importers and savers in competitive devaluations in hopes of gaining a competitive edge.

Many so-called free trade proponents are champions of international agreements that undermine national sovereignty and do little more than create an international bureaucracy to manage tariffs and sanctions. Organizations like NAFTA and WTO and the coming FTAA are more likely to benefit the powerful special interests than to enhance true free trade.

Nothing is said, however, about how a universal commodity monetary standard would facilitate trade, nor is it mentioned how unilaterally lowering tariffs can benefit a nation. Even bilateral agreements are ignored when our trade problems are used as an excuse to promote dangerous internationalism.

Trade as an issue of personal liberty is totally ignored; but simply put, one ought to have the right to spend one's own money any way one wants. Buying cheap foreign products can have a great economic benefit for our citizens and serve as an incentive to improve production here at home. It also puts pressure on us to reassess the onerous regulations and tax burdens placed on our business community.

Monopoly wages that force wage rates above the market also are challenged when true free trade is permitted; and this, of course, is the reason free trade is rejected. Labor likes higher-than-market wages, and business likes less competition.

In the end, consumers, all of us, suffer. Ironically, the free traders in Congress were the most outspoken opponents of drug reimportation, with the convoluted argument claiming that the free trade position should prohibit the reimportation of pharmaceuticals. So much for a wise consistency.

Number three: following the Constitution, arbitrarily, of course. Following the Constitution is a convenience shared by both liberals and conservatives, at times. Everyone takes the same oath of office, and most Members of Congress invoke the Constitution at one time or another to make some legislative point. The fact that the Constitution is used periodically to embarrass one's opponents when convenient requires that no one feel embarrassed by an inconsistent voting record.

Believing that any consistency, not just a foolish one, is a philosophic hobgoblin, gives many Members welcome reassurance. This allows limited-government conservatives to massively increase the size and scope of government while ignoring the deficit. Liberals who also preach their own form of limited government in the areas of civil liberties and militarism have no problems with a flexible, pragmatic approach to all government expenditures and intrusions. The net result is that the oath of office to abide by all constitutional restraints on government power is rarely followed.

Number four: paper money, inflation and economic pain. Paper money and inflation have never provided long-term economic growth, nor have they enhanced freedom. Yet the world, led by the United States, lives with a financial system awash with fiat currencies and historic debt as a consequence.

No matter how serious the problems that come from central bank monetary inflations, the depressions and inflations, unemployment, social chaos and war, the only answer has been to inflate even more. Except for the Austrians, free market economists, the consensus is that the Great Depression was prolonged and exacerbated by the lack of monetary inflation. This view is held by Alan Greenspan and is reflected in his January 2001 response to the stock market slump and slower economy, namely, a record monetary stimulus and historically low interest rates.

The unwillingness to blame the slumps on the Federal Reserve's previous errors, though the evidence is clear, guarantees that greater problems for the United States and the world economy lie ahead. Though there is adequate information to understand the real cause of the business cycle, the

truth and proper policy are not available.

Closing down the engine of inflation at any point does cause short-term problems that are politically unacceptable, but the alternative is worse in the long run.

It is not unlike a drug addict demanding and getting a fix in order to avoid the withdrawal symptoms. Not getting rid of the addiction is a deadly mistake. While resorting to continued monetary stimulus through credit creation delays the pain and suffering, it inevitably makes the problems much worse. Debt continues to build in all areas, personal, business and government; inflated stock prices are propped up, waiting for another collapse; malinvestment and overcapacity fail to correct; insolvency proliferates without liquidation.

These same errors have been prolonging the correction in Japan for 14 years, with billions of dollars of non-performing loans still on the books. Failure to admit and recognize that fiat money, paper money, mismanaged by central banks gives us most of our economic problems, along with a greater likelihood for war, means we never learn from our mistakes.

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Our consistent response is to inflate faster and borrow more, which each downturn requires to keep the economy afloat. Talk about a foolish consistency. It is time for our leaders to admit the error of their ways, consider the wise consistency of following the advice of our founders, and reject paper money and central bank inflationary policies.

Number five: Alcohol prohibition. For Our Own Protection.

Alcohol prohibition was a foolish consistency engaged in for over a decade, but we finally woke up to the harm done. In spite of prohibition, drinking continued. The alcohol being produced in the underground was much more deadly, and related crimes ran rampant. The facts stared us in the face and, with time, we had the intelligence to repeal the whole experiment.

No matter how logical this reversal of policy was, it did not prevent us from moving into the area of drug prohibition, now in the more radical stages for the past 30 years.

No matter the amount of harm and cost involved, very few in public life are willing to advise a new approach to drug addiction. Alcoholism is viewed as a medical problem, but illicit drug addiction is seen as a heinous crime. Our prisons overflow with the cost of enforcement, now into the hundreds of billions of dollars, yet drug use is not reduced.

Nevertheless, the politicians are consistent. They are convinced that a tough stand against usage, with very strict laws and mandatory sentences, sometimes life sentences for non-violent offenses, is a popular political stand. Facts do not count, and we can-

not bend on consistently throwing the book at any drug offender. Our prisons are flooded with nonviolent drug users.

Mr. Speaker, 84 percent of all Federal prisoners are now nonviolent drug users, but no serious reassessment is considered.

Sadly, the current war on drugs has done tremendous harm to many patients' needs for legitimate prescribed pain control. Doctors are very often compromised in their ability to care for the seriously and terminally ill by overzealous law enforcement.

Throughout most of our history, drugs were legal and, at times, were abused but, during that time, there was no history of the social and legal chaos associated with drug use that we suffer today. One hundred years ago a pharmacist openly advertised, "Heroin clears the complexion, gives buoyancy to the mind, regulates the stomach and the bowels and is, in fact, a perfect guardian of health." Obviously, this is overstated as a medical panacea, but it describes what it was like not to have hysterical busybodies undermine our Constitution and waste billions of dollars on a drug war serving no useful purpose.

This country needs to wake up. We should have more confidence in citizens making their own decisions and decide, once again, to repeal Federal prohibition, while permitting regulations by the States alone.

Six: The FDA and legal drugs. For Our Own Protection.

Our laws and attitudes regarding legal drugs are almost as harmful. The FDA supposedly exists to protect the consumer and patients. This conclusion is based on the assumption that consumers are idiots and all physicians and drug manufacturers are unethical or criminals. It also assumes that bureaucrats and politicians, motivated by good intentions, can efficiently bring drugs onto the market in a timely manner and at a reasonable cost. These same naive dreamers are the ones who say that in order to protect the people from themselves we must prohibit them from being allowed to reimport drugs from Canada or Mexico at great savings.

The FDA virtually guarantees that new drugs come on line slower and cost more money. Small companies are unable to pay the legal expenses and do not get the friendly treatment that politically connected big drug companies receive. If a drug seems to offer promise, especially for a life-threatening disease, why is it not available with full disclosure to anyone who wants to try it? No, our protectors say that no one gets to use it or make their own decisions until the FDA guarantees that each drug has been proven safe and effective. And, believe me, the FDA is quite capable of making mistakes, even after years of testing.

It seems criminal when cancer patients come to our congressional offices begging and pleading for a waiver to try some new drug. We call this a

free society. For those who cannot get a potentially helpful drug, but might receive a little comfort from some marijuana raised in their own backyard legally in their home State, the heavy hand of the DEA comes down hard, actually arresting and imprisoning ill patients. Federal drug laws blatantly preempt State laws, adding insult to injury.

Few remember that the first Federal laws regulating marijuana were written as recently as 1938, which means just a few decades ago our country had much greater respect for individual choices and State regulations in all health matters.

The nanny state is relatively new but well entrenched. Sadly, we foolishly and consistently follow the dictates of prohibition and government control of new medications, never questioning the wisdom of these laws.

The silliness regarding illegal drugs and prescription drugs was recently demonstrated. It was determined that a drug used to cause an abortion can be made available over the counter. However, Ephedra, used by millions for various reasons and found in nature, was made illegal as a result of one death after being misused. Individuals no longer can make their own decisions at an affordable price to use Ephedra. Now it will probably require a prescription and cost many times more. It can never be known, but weight loss by thousands using Ephedra may well have saved many lives, but the real issue is personal choice and responsibility, not the medicinal effects of these drugs. This reflects our moral standards, not an example of individual freedom and responsibility.

Number seven: Foreign Policy of Interventionism.

Our foreign policy of interventionism offers the best example of Emerson's foolish inconsistency. No matter how unsuccessful our entanglements become, our leaders rarely question the wisdom of trying to police the world. Most of the time, our failures prompt even greater intervention, rather than less. Never yielding to the hard, cold facts of our failures, our drive to meddle in nation-building around the world continues. Complete denial of the recurrent blow-back from our meddling, a term used by our own CIA, prompts us to spend endlessly, while jeopardizing the lives of hundreds of thousands of people.

Refusing to even consider the failure of our own policies is outrageous. Only in the context of commercial benefits to the special interests and the military industrial complex, molded with patriotic jingoism, can one understand why we pursue such a foolish policy. Some of these ulterior motives are understandable, but the fact that average Americans rarely question our commitment to these dangerous and expensive military operations is disturbing. The whipped-up war propaganda too often overrules the logic that should prevail. Certainly, the wise consistency of fol-

lowing the Constitution has little appeal.

One would think the painful consequences of our militarism over the last 100 years would have made us more reluctant to assume the role of world policeman in a world that hates us more each day.

A strong case can be made that all the conflicts, starting with the Spanish-American war up to our current conflict in the Middle East, could have been avoided. For instance, the foolish entrance into World War I to satisfy Wilson's ego led to disastrous peace at Versailles, practically guaranteeing World War II. Likewise, our ill-advised role in the Persian Gulf War I placed us in an ongoing guerilla war in Iraq and Afghanistan, which may become a worldwide conflict before it ends.

Our foolish antics over the years have prompted our support for many thugs throughout the 20th century, Stalin, Somoza, Batista, the Shah of Iran, Noriega, Osama bin Laden, Saddam Hussein and many others, only to regret it once the unintended consequences became known. Many of those we supported turned on us or our interference generated a much worse replacement, such as the Ayatollah in Iran.

If we had consistently followed the wise advice of our early presidents, we could have avoided the foreign policy problems we face today and, if we had, we literally would have prevented hundreds of thousands of needless deaths over the last century. The odds are slim to none that our current failure in Afghanistan and Iraq will prompt our administration to change its policies of intervention.

Ignoring the facts and rigidly sticking to a failed policy, a foolish consistency as our leaders have repeatedly done over the past 100 years unfortunately will prevail, despite its failure and huge costs.

This hostility toward principled consistency and common sense allows for gross errors in policymaking. Most Americans believed, and still do, that we went to war against Saddam Hussein because he threatened us with weapons of mass destruction and his regime was connected to the al Qaeda. The fact that Saddam Hussein not only did not have weapons of mass destruction but essentially had no military force at all seems to be of little concern to those who took us to war.

It was argued, after our allies refused to join in our efforts, that a unilateral approach without the United Nations was proper under our notion of national sovereignty. Yet resolutions giving the President authority to go to war cited the United Nations 21 times, forgetting the U.S. Constitution that allows only Congress to declare war. A correct declaration of war was rejected out of hand.

Now, with events going badly, the administration is practically begging the U.N. to take over the transition, except, of course, for the Iraqi Develop-

ment Fund that controls the oil and all of the seized financial assets. The contradictions and distortions surrounding the Iraqi conflict are too numerous to count. Those who wanted to institutionalize the doctrine of preemptive war were not concerned about the Constitution or consistency in our foreign policy and, for this, the American people and world peace will suffer.

Number eight: Promoting Democracy. An Obsession Whose Time Has Passed.

Promoting democracy is now our Nation's highest ideal. Wilson started it with his ill-advised drive to foolishly involve us in World War I. His Utopian dream was to make the world safe for democracy. Instead, his naivete and arrogance promoted our involvement in the back-to-back tragedies of World War I and World War II. It is hard to imagine the rise of Hitler in World War II without the Treaty of Versailles, but this has not prevented every President since Wilson from promoting U.S.-style democracy to the rest of the world.

Since no weapons of mass destruction or al Qaeda have been found in Iraq, the explanation given now for having gone there was to bring democracy to the Iraqi people. Yet we hear now that the Iraqis are demanding immediate free elections not controlled by the United States, but our administration says the Iraqi people are not yet ready for free elections. The truth is that a national election in Iraq would bring individuals to power that the administration does not want. Democratic elections will have to wait.

This makes the point that our persistence in imposing our will on others through military force ignores sound thinking, but we never hear serious discussions about changing our policy of meddling and empire-building, no matter how bad the results. Regardless of the human and financial costs for all of the wars fought over the past 100 years, few question the principle and legitimacy of interventionism.

Bad results, while only sowing the seeds of our next conflict, concern few here in Congress. Jingoism, the dream of empire, and the interests of the military industrial complex generates the false patriotism that energizes supporters of our foreign entanglements.

Direct media coverage of the more than 500 body bags coming back from Iraq is now prohibited by the administration. Seeing the mangled lives and damaged health of thousands of our other casualties of this war would help the American people to put this war in proper perspective.

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Almost all war is unnecessary and rarely worth the cost. Seldom does a good peace result.

Since World War II, we have intervened 35 times in developing countries, according to the L.A. Times, without a single successful example of a stable democracy. Their conclusion, "American engagement abroad has not led to

more freedom or more democracy in countries where we have become involved."

So far the peace in Iraq, that is, the period following the declared end of hostilities, has set the stage for a civil war in this forlorn, Western-created, artificial state. A U.S.-imposed national government unifying the Kurds, the Sunnis, and the Shiites will never work. Our allies deserted us in this misadventure, dumping the responsibility on the U.N., while retaining control of the spoils of war as a policy of folly that can result only in more Americans being killed. This will only fuel the festering wounds of Middle East hatred toward all Western occupiers.

The Halliburton scandals and other military industrial connections to the occupation of Iraq will continue to annoy our allies and, hopefully, a growing number of American taxpayers.

I have a few suggestions on how to alter our consistently foolish policy in Iraq. Instead of hiding behind Wilson's utopianism of making the world safe for democracy, let us try a new approach.

First, the internal affairs and the needs for nation-building in Iraq are none of our business. Our goal in international affairs ought to be to promote liberty and private property, free market order through persuasion and example and never by force of arms, clandestine changes or preemptive war.

We should give up our obsession with democracy, both for ourselves and others, since the dictatorship of the majority is just as destructive to a minority, especially individual liberty, as a single Saddam Hussein-like tyrant.

Does anyone really believe that the Shiite majority can possibly rule fairly over the Sunnis and the Kurds?

A representative republic loosely held together with autonomy for each state or province is the only hope in a situation like this. But since we have systematically destroyed that form of government here in the United States, we cannot possibly be the ones who will impose the system on a foreign and very different land 6,000 miles away, no matter how many bombs we drop or people we kill.

This type of change can only come with a change in philosophy and an understanding of the true nature of liberty. It must be an intellectual adventure, not a military crusade.

If for no other reason, Congress must soon realize that we can no longer afford to maintain an empire circling the globe. It is a Sisyphean task to rebuild the Iraq we helped to destroy while our financial problems mount here at home. The American people eventually will rebel and demand that all job and social programs begin here at home before we waste billions more in Iraq and Afghanistan and many other forlorn lands around the world.

The Constitution places restraints on Congress and the executive branch so as not to wage war casually and with-

out proper declaration. It provides no authority to spend money or lives to spread our political message around the world. A strict adherence to the rule of law and the Constitution would bring an immediate halt to our ill-advised experiment in assuming the role of world policeman.

We have been told that our efforts in Iraq has been worth the 500-plus lives lost and the thousands wounded. I disagree. With great sadness for the families who have lost so much and with so little hope for a good peace, I can only say I disagree and I hope I am wrong.

Number nine: Fighting terrorism with big government, a convenience or necessity?

Fighting terrorism is a top concern for most Americans. It is understandable, knowing how vulnerable we now are to an attack by our enemies, but striking out against the liberties of all Americans with the Patriot Act, the FBI, or the Guantanamo-type justice will hardly address the problem.

Liberty cannot be enhanced by undermining liberty. It is never necessary to sacrifice liberty to preserve it. It is tempting to sacrifice liberty for safety, and that is the argument used all too often by the politicians seeking more power. But even that is not true.

History shows that a strong desire for safety over liberty usually results in less of both. But that does not mean that we should ignore the past attacks or the threat of future attacks that our enemies might unleash.

First, fighting terrorism is a cliché. Terrorism is a technique or process, and if not properly defined the solutions will be hard to find. Terrorism is more properly defined as an attack by a guerilla warrior who picks the time and place of the attack because he cannot match the enemy with conventional weapons. With too broad a definition of terrorism, the temptation will be to relinquish too much liberty, being fearful that behind every door and in every suitcase lurks a terrorist-planted bomb. Narrowing the definition of terrorism and recognizing why some become enemies is crucial.

Understanding how maximum security is achieved in a free society is vital.

We have been told that the terrorists hate us for our wealth, our freedom and our goodness. This war cannot be won if that belief prevails. When the definition of terrorism is vague and the enemy pervasive throughout the world, the neo-conservatives who want to bring about various regime changes for other reasons conveniently latch onto these threats and use them as the excuse and justification for our expanding military presence throughout the Middle East and the Caspian Sea region.

This is something they have been anxious to do all along. Already plans are being laid by neo-conservative leaders to further expand our occupations to many other countries, from Central America and Africa to Korea.

Whether it is invading Iraq, threatening North Korea or bullying Venezuela or even Russia, it is now popular to play the terrorist card. Just mention terrorism and the American people are expected to grovel and allow the war hawks to do whatever they want. This is a very dangerous attitude.

One would think that with the shortcomings of the Iraqi occupation becoming more obvious every day more Americans would question our flagrant and aggressive policy of empire building.

The American people were frightened into supporting this war because they were told that Iraq had 25,000 liters of anthrax; 38,000 liters of botulinum toxin; 500 tons of sarin, mustard, and VX nerve gas; significant quantities of refined uranium and special aluminum tubes used in developing nuclear weapons.

The fact that none of this huge amount of material was found and the fact that David Kay resigned from heading up the inspection team saying none will be found does not pacify the instigators of this policy of folly. They merely look forward to the next regime change as they eye their list of potential targets, and they argue with conviction that the 500-plus lives lost were worth it.

Attacking a perceived enemy who had few weapons, who did not aggress against it and who never posed a threat to us does nothing to help eliminate the threat of terrorist attacks. If anything, deposing an Arab Muslim leader, even a bad one, incites more hatred towards us, certainly not less. This is made worse if our justification for the invasion was in error.

It is safe to say that in time we will come to realize that our invasion has made us less safe and has served as a grand recruiting tool for the many militant Muslim groups that want us out of their countries, including the majority of those Muslims in Saudi Arabia, Pakistan, Afghanistan and the entire Middle East.

Because of the nature of the war in which we find ourselves, catching Saddam Hussein or even killing Osama bin Laden are almost irrelevant. They may well simply become martyrs to their cause and incite even greater hatred toward us.

There are a few things we must understand if we ever expect this war to end. The large majority, especially all the militant Muslims see us as invaders, occupiers, and crusaders. We have gone a long way from home and killed a lot of people, and none of them believe it is to spread our goodness.

Whether or not some supporters of this policy of intervention are sincere in bringing democracy and justice to the region, it just does not matter. No one over there believes us.

This war started a long time before 9/11. That attack was just the most dramatic event of the war so far. The Arabs have fought Western crusaders

for centuries, and they have not yet forgotten the European Crusades centuries ago. Our involvement has been going on to some degree since World War II but was dramatically accelerated in 1991 with the Persian Gulf War invasion and with the collapse of the Soviet system.

Placing U.S. troops on what is considered Muslim holy land in Saudi Arabia was pouring salt in the wounds of this already existing hatred. We belatedly realized this and have removed these troops.

If these facts are ignored, there is no chance that the United States-led Western occupation of the oil-rich Middle East can succeed. Seventy percent of the world's oil is in the Persian Gulf and Caspian Sea regions. Without a better understanding of the history of the region, it is not even possible to define the enemy, know why they fight or understand the difference between guerrilla warrior attacks and vague sinister forces of terrorism.

The pain of recognizing that the ongoing war is an example of what the CIA calls blowback and an unintended consequence of our foreign policy is a great roadblock to ever ending the war.

Number ten: Judicial review.

Respect for the original intent of the Constitution is low in Washington. It is so low it is virtually non-existent. This causes much foolish inconsistency in our Federal courts. The Constitution, we have been told, is a living, evolving document; and it is no longer necessary to change it in the proper manner. That method is too slow and cumbersome, it is claimed.

While we amended it to institute alcohol prohibition, the Federal drug prohibition is accomplished by majority vote by the U.S. Congress. Wars are not declared by Congress but pursued by executive orders to enforce U.N. resolution.

The debate of the pros and cons of the war come afterwards, usually following the war's failure, in the political arena rather than before with the proper debate on a declaration of war resolution. Laws are routinely written by unelected bureaucrats with themselves becoming the judicial enforcement authority.

Little desire is expressed in Congress to alter this monster that creates thousands of pages each year in the Federal Register. Even the nearly 100,000 bureaucrats who now carry guns stir little controversy. For decades executive orders have been arrogantly used to write laws to circumvent a plodding or disagreeable Congress. This attitude was best described by a Clinton presidential aide who bragged, "Stroke of the pen, law of the land, kinda cool."

This is quite a testimonial to the rule of law and constitutional restraint on government power.

The courts are no better than the executive or legislative branches in limiting the unconstitutional expansion of the Federal monolith. Members of Con-

gress, including committee chairmen, downplay my concern that proposed legislation is unconstitutional by insisting that the courts are the ones to make such weighty decisions, not mere Members of Congress.

This was an informal argument made by House leadership on the floor during the debate on campaign finance reform. In essence, they said, we know it is bad, but we will let the courts clean it up. And look what happened. The courts did not save us from ourselves.

Something must be done, however, if we expect to rein in our ever-growing and intrusive government. Instead of depending on the courts to rule favorably when Congress and the executive branch go astray, we must curtail the courts when they overstep their authority by writing laws rubber-stamping bad legislation or overruling State laws.

Hopefully, in the future we will have a Congress more cognizant of its responsibility to legislate within the confines of the Constitution.

There is something Congress by majority vote can do to empower the States to deal with their first amendment issues. It is clear that Congress has been instructed to write no laws regarding freedom of speech, religion or assembly. This obviously means that Federal courts have no authority to do so either. Therefore, the remaining option is for Congress to specifically remove jurisdiction of all first amendment controversies from all Federal courts, including the Supreme Court.

Issues dealing with prayer, the Ten Commandments, religious symbols or clothing or songs, even the issue of abortion are properly left as a prerogative of the States. A giant step in this direction could be achieved with the passage of my proposed legislation, *We The People Act*.

In conclusion, Mr. Speaker, Emerson's real attack was on intellectual conformity without a willingness to entertain new ideas based on newly acquired facts. This is what he referred to as a "foolish inconsistency."

The greatest open-minded idea I am aware of is to know that one does not know what is best for others, whether it is in the economic, social or moral policy or in the affairs of other nations. Believing one knows what is best for others represents the greatest example of a closed mind. Friedrich Hayek referred to this as a pretense of knowledge. Governments are no more capable of running the economy made fair for everyone than they are of telling the individual what is best for their spiritual salvation.

□ 2045

There are a thousand things in between that the busybody politicians, bureaucrats, and judges believe they know and yet do not. Sadly, our citizens have become dependent on government for nearly everything from cradle to grave and look to government for all guidance and security.

Continuously ignoring Emerson's advice on self-reliance is indeed a foolish consistency which most of the politicians now in charge of the militant nanny state follow, and it is an armed state, domestic as well as foreign. Our armies tell the Arab world what is best for them, while the armed bureaucrats at home harass our own people into submission and obedience to every law and regulation, most of which are incomprehensible to the average citizen.

Ask three IRS agents for an interpretation of the Tax Code and you will get three different answers. Ask three experts in the Justice Department to interpret the anti-trust laws and you will get three different answers. First, they will tell you it is illegal to sell too low. Then they will tell you it is illegal to sell too high, and it is certainly illegal if everybody sold products at the same price. All three positions can get you into plenty of trouble and blamed for, first, undermining competition; second, for having too much control and gouging the public; and, third, for engaging in collusion. The people cannot win.

Real knowledge is to know what one does not know. The only society that recognizes this fact and understands how productive enterprise is generated is a free society, unencumbered with false notions of grandeur. It is this society that generates true tolerance and respect for others.

Self-reliance and creativity blossom in a free society. This does not mean anarchy, chaos or libertine behavior. Truly, only a moral society can adapt to personal liberty. Some basic rules must be followed and can be enforced by government, most suitably by local and small government entities. Honoring all voluntary contractual arrangements, social and economic, protection of all life, and established standards for private property ownership are the three principles required for a free society to remain civilized. Depending on the culture, the government could be the family, the tribe, or some regional or State entity.

The freedom philosophy is based on the humility that we are not omnipotent but also the confidence that true liberty generates the most practical solution to all our problems, whether they are economic, domestic security, or national defense. Short of this, any other system generates authoritarianism that grows with each policy failure and eventually leads to a national bankruptcy. It was this end, not our military budget, which brought the Soviets to their knees.

A system of liberty allows for the individual to be creative, productive, or spiritual on one's own terms, and encourages excellence and virtue. All forms of authoritarianism only exist at the expense of liberty. Yet the humanitarian do-gooders claim to strive for these very same goals. To understand the difference is crucial to the survival of a free society.

GENERAL LEAVE

Mr. DELAHUNT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the gentlewoman from California's (Ms. LEE) Special Order.

The SPEAKER pro tempore (Mr. BEAUPREZ). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

Mr. DELAHUNT. Mr. Speaker, we are here again this evening. As I am sure many of our colleagues are aware, during the course of the past 8 months, several of us have taken to the floor to discuss issues surrounding Iraq, Afghanistan, and other issues of concern related to the war on terror, particularly as it is focused in the Middle East.

I am joined tonight by two members of that group. We call ourselves the Iraq Watch, my colleague who is sitting to my right, the gentleman from Washington (Mr. INSLEE); and I know that the gentleman from Ohio (Mr. STRICKLAND) will soon join us.

Earlier today before the House Committee on International Relations, Secretary of State Colin Powell appeared and testified concerning the budget proposal put forth by the Department and by the administration for the coming year. The Secretary had to leave earlier than some of us would have hoped, but I commend him for bearing up, if you will, for some 3 hours before the House Committee on International Relations.

During the course of his testimony, he mentioned the tragedy that occurred in the town of Halabjah, a town he well knows because during the course of President Reagan's last 4 years he served in the capacity as the national security adviser and during the administration of George Herbert Walker Bush he served in the capacity of chief of staff of the Joint Chiefs. So he was very familiar, obviously; and many of us remember his service to the country during the Gulf War and prior to that what was occurring in the region.

If I had had an opportunity to question him, I was going to indicate to him that I have a profound concern about what we are currently doing in terms of establishing alliances and relationships with some extremely unsavory regimes that very well might come back to haunt us. Some can only be described as extremely harsh dictatorships with abysmal human rights records. Uzbekistan and Turkmenistan come to mind immediately.

Now we have a base in Uzbekistan where last year the Department of

State used the following language in describing the abuse of human rights in that particular Nation. Let me quote, "The security services routinely torture, beat and otherwise mistreat detainees. They allegedly use suffocation, electric shock, rape and other sexual abuse." The list goes on and on and on.

Of course, the budget proposal put forth by the Department of State, under the leadership of Colin Powell, directs millions of dollars to Turkmenistan, whose leader has created a Stalinist personality cult that rivals anything we saw with Saddam Hussein. He even went so far as to rename the month of January after himself and the month of April after his mother.

I remember observing the interview between Mr. Russert and President Bush this past Sunday; and the President described, appropriately so, Saddam Hussein as a madman. I might have used a different word. He might be crazy but he is not stupid, I guess is what I would say; but the new President, if you will, of Turkmenistan, who has changed his name to Turkmenibashi certainly seems to fit that particular description, and Karimov in Uzbekistan is nothing more than a thug with ambitions for regional power, again, very similar to Saddam Hussein.

When the Secretary of State alluded to Halabjah, it provoked me to think that, are we repeating the same mistakes that we made in the 1980s when the United States Government supported Saddam Hussein? Let us remember, it was the United States Government that removed Saddam Hussein from the terrorist list. We now hear that he supported terrorist groups. He was doing that in the 1980s, but the Reagan-Bush administrations removed him from the terrorist list, but they did not stop there. They went further. They restored full diplomatic relations with Saddam Hussein. In fact, they provided him credits and loan guarantees and, in fact, provided him intelligence during the course of his war with Iran.

What I found particularly disturbing, and later when one of my colleagues speaks, I have a chart that shows just a minuscule number of transfers of dual-use technologies that were approved by the Reagan-Bush administration, the Reagan-Bush White Houses, if you will, that no doubt became the building blocks of the tools for Saddam Hussein to develop that nuclear program that was discovered in the aftermath of the Gulf War. I mean, it was those White Houses, those administrations, that allowed the transfer of those dual-use technologies.

Let me tell my colleagues where I received that information: not from a newspaper report, not from a think tank with a particular bias, but with an institution that everyone in this Chamber would acknowledge is free of bias, is what we all rely on to do our research, the Congressional Research Service.

□ 2100

That particular report was authored and produced in June of 1992. But I guess what is particularly disturbing is when I hear the Secretary of State refer to Halabjah and say that we know he used chemical weapons against his own people. In this case, it was the Iraqi Kurds in the north who had aligned themselves with the Iranian forces with which Iraq was at war at the time.

The only action that I can discover in terms of my research was mild, off-the-record condemnations by the United States Government. And when this Congress back in 1988, 1989 and 1990 passed legislation, both branches independent of each other, that would have imposed sanctions on Saddam Hussein, it was the administration of George Herbert Walker Bush that blocked it. I agree obviously with the Secretary of State, he did use these weapons against his own people.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, the fact is, at the time he used those weapons we were cooperating with him. The first Bush administration was cooperating with him. He was a part of our team, so to speak, because we felt it was best if Iraq would be able to prevail over Iran at the time. And then to think that, 10 or 12 years later, there is no evidence that I know of or that the administration has brought forth to show that Saddam Hussein used chemical weapons following that incident some 12 or so years ago. And then to come back after a decade and use that as an excuse to launch a preemptive war simply does not make sense.

When Saddam Hussein used these chemical weapons against his own people, our government was silent. We knew it was happening, and we were silent. And then for these self-righteous statements to be made a decade later does not make sense.

Mr. DELAHUNT. Mr. Speaker, not only were we silent, and it is very important that the historical record be revealed to the American people, and that is why we are tonight. If any viewer has any questions about the accuracy of what we state, I am sure that the gentleman from Ohio (Mr. STRICKLAND) and the gentleman from Washington (Mr. INSLEE) and any other member of Iraq Watch, we would be happy to respond and see that the reports, unbiased, that were authored back in 1992, would be provided to anyone who has an interest. They can contact our office.

But it was not just silence. It was absolutely, according to this report, action to block the imposition of sanctions at that point in time. I dare say what would have happened if in 1988 and 1989 and 1990 there were sanctions on Iraq, that would have been a message to Saddam Hussein. We can speculate that maybe we would have avoided the first Gulf War if we had taken on that thug then. But, no, we were not

sending that message. We continued after the conclusion of the war. I have heard the argument while we tilted towards Iraq, that was the language that was used, we tilted towards Iraq because of our concern with Iran and the Ayatollah Khomeini.

As I said earlier, what are we doing now? We are allying ourselves with two more despots, two more thugs who I dare say years from now could very well be the new Saddam Husseins.

Mr. STRICKLAND. Mr. Speaker, if I may just respond, I think many of us watched the President's interview last Sunday morning with Tim Russert, and the President continuously called Saddam Hussein a madman. I have no problem with that. He is a despicable human being. The President talked about the chemical and biological threat, and he talked about the fact that he used chemicals on his own people.

What the President failed to say was that he did that in the late 1980s when the President's father was in the Oval Office, when Colin Powell was a part of the administration, and we did nothing except block the efforts of Congress to impose sanctions.

My point is all of these years later to come forth and try to use that argument to convince the American people that we should launch a preemptive war that to this point has cost over 530 precious American lives, has resulted in the injury of thousands of our troops, has consumed about \$150 billion of resources, the word "hypocrisy" comes to mind here.

The American people, when we hear that Saddam Hussein used chemical weapons against his own people, assume that we are talking about something that happened within the last few months or last few years, not over 10 years ago. When you tell a half truth or a partial truth, it gets pretty close to being a lie. I think the American people really have been manipulated, misled and purposely deceived in the kind of information that they have been given about why we needed to enter into this preemptive war.

Mr. DELAHUNT. Mr. Speaker, to point out two other facts, the initial approach to Saddam Hussein in 1983 at the direction of President Reagan was done by a special envoy.

Mr. STRICKLAND. I think that special envoy is our current Secretary of Defense.

Mr. DELAHUNT. Mr. Speaker, that is correct.

Mr. STRICKLAND. That is Mr. Donald Rumsfeld, and we have pictures of Mr. Rumsfeld shaking hands with Saddam Hussein. Back in those days, the fact that he was a dictator and cruel and vicious to his own people and used chemical weapons against the Kurds, back in those days it did not seem to mean a lot, apparently, because we took no action. In fact, the administration at that time actually blocked, proactively blocked, the imposition of sanctions.

Mr. DELAHUNT. In 1988, 1989, and 1990 the United States Congress took action.

Mr. STRICKLAND. Tried to, certainly.

Mr. DELAHUNT. Both the House and the Senate passed legislation that would have imposed sanctions, and it was the White House of George Herbert Walker Bush that blocked it.

Pausing again, going back in memory, who was the Secretary of Defense?

The Secretary of Defense was Mr. CHENEY, the current Vice President. His Under Secretary of Defense was Paul Wolfowitz.

So, again, the dots here have to be connected. It is important, I believe, to present that historical record to the American people to give them the information that they need to conduct their own analysis.

I challenge anyone from the administration or a Member of Congress to come to the floor and debate that particular unfortunate reality. If congressional action had been approved and the President, this President's father, had signed a bill that would have imposed sanctions, we can only speculate what would have happened.

What I would have suggested, if we knew it and we speak again of human rights and how bad and claim a certain moral authority, what should have occurred is the President of the United States should have stepped up and requested an international tribunal and brought that thug, Saddam Hussein, before it for a trial, for a prosecution, and let justice happen.

Mr. STRICKLAND. Absolutely. If I can just point out something that I think the observer of this Iraq Watch may be asking, why are these Members going so far back in history? Why are they regurgitating facts that happened more than 10 years ago?

I think it is important to point out that the same people that were responsible then are making decisions now, and the same people who I think neglected to do the right thing more than 10 years ago are the people who have advised this President and urged this President to engage in preemptive war. They are the same individuals who want to remain in power. We can only guess what their next adventure may be if, in fact, they are allowed to remain in power. They continue to advise the President. They continue to justify this preemptive war.

Mr. Speaker, I would like to take a moment to share something else which I think many Americans do not fully understand, and I think they will find it interesting.

There is a story in The Hill newspaper here, which is one of the Capitol Hill newspapers, about an effort by the gentleman from California (Mr. WAXMAN) to get some answers regarding something that happened in this country following the attack on September 11.

As it turns out, when our country was attacked, there were a number of

Saudi citizens, some of them relatives of Osama bin Laden, in this country. They were here in this country. As we know, most of those who flew those airplanes into the Towers and into the Pentagon and those that were responsible for the plane crash in Pennsylvania were Saudi citizens. They were not from Iraq or Iran or Syria. They were from Saudi Arabia. Now this is what gets interesting.

A few days after 9/11, a significant number of those Saudi citizens, including relatives of Osama bin Laden, were allowed to leave this country. Apparently, they were allowed to leave this country before they were ever questioned. Did they know anything about the al Qaeda terrorism network? Did Osama bin Laden's relatives who were in this country at the time perhaps know of his whereabouts?

□ 2115

We do not know. The FBI does not know because apparently they did not bother to ask the question. We are trying to find out from Attorney General John Ashcroft who made the request that these Saudi citizens be allowed to leave our country. Who made the decision to allow them to leave without being questioned? Can you imagine a few days after the attack upon our country when these pilots were Saudi citizens and we knew almost certainly that Osama bin Laden was responsible for those attacks, that members of his family, two members especially, Abdullah bin Laden and Omar bin Laden, were allowed to get on an airplane and be taken out of this country.

Mr. DELAHUNT. Has the Attorney General responded? Has he identified those officials that were responsible?

Mr. STRICKLAND. He has not responded. If I can just share this with the gentleman, at a Senate Banking, Housing and Urban Affairs Committee hearing just last year, Richard Clarke, who has headed the National Security Council's counterterrorism security group said, and this is a quote: "What happened was that shortly after 9/11 when it became clear that most of the terrorists of 9/11 were Saudis, the Saudi government feared that there would be retribution and vigilantism in the United States against the Saudis. That seemed to be a reasonable fear."

If our government felt that vigilantism and retribution was going to endanger the lives of these Saudi citizens and Osama's relatives who were here in this country at the time, why did they not just simply take them into protective custody, at least until the FBI had an opportunity to question them? Is it possible that the Saudi citizens and Osama bin Laden's relatives could have known about the attacks? Might they have known where Osama bin Laden was located? We will never know because our government let them leave without first of all subjecting them to questioning.

Mr. INSLEE. If the gentleman will yield, there is some additional information he may be interested in that I

have read in press accounts. Again, these are press accounts because our government to date has not shared this information with the public; but not only did this administration allow these people to leave without being fully interrogated by the FBI but the press accounts that we have read stated that while everybody else was grounded from traveling, and we know how many people had to drive across America to get home for a week or so after September 11, that this administration actually cleared a special jet that flew around the country as one of the only few planes flying in America at that time to pick up members of the bin Laden family to shepherd them out of this country as soon as possible. So not only did we not fully question these folks, we actually accommodated them flying around while John Q. Citizen could not fly himself to get from Dubuque back to Seattle.

Let me also indicate that to my knowledge, and again we do not have full information from our administration to date, but to our knowledge these people have never been interrogated by the FBI, even today, about what happened. And now we have a war in Iraq, rather than adequate research and interrogation of Saudi citizens today as to what happened on September 11.

Mr. STRICKLAND. I think it is legitimate to ask this question: Were these Saudis, were these members of Osama bin Laden's family given special treatment? Why would they have been given special treatment? Can you imagine how we would have felt, how we would have reacted if those who piloted those planes into our trade towers had been Iraqi citizens? Or Syrian citizens? Can you imagine how we would have reacted if there had been relatives of Iraqis or of Saddam Hussein in this country after such an attack? Why were the Saudis given such special treatment? Could it be because of the oil and because of the close connection between the oil industry and the Saudi government and the Bush family and the Saudi royal family? I think these are questions that deserve to be answered.

I think Attorney General Ashcroft should answer questions regarding who made the request that these citizens be allowed to leave the country without questioning. I think we should find out for certain that the FBI had said they had no interest in questioning them. I cannot imagine the FBI within days of the towers being struck saying we have no interest in questioning relatives of Osama bin Laden. I just cannot imagine that that is the case.

Mr. INSLEE. I feel very strongly that these are just some of the questions that our government has a duty to answer. One of the reasons I feel so strongly about that is that this afternoon, I had a very painful discussion with a family in Bremerton, Washington, with whom I have been working for about a week or two now whose son

and husband has been missing in Iraq, a soldier in Iraq. I have been working with this family to try to do what we could to assuage their concerns and make sure that we were doing everything we could to bring him home. Today I had to talk with that family, and they found out this morning that their son and husband would never be returning to them.

Mr. STRICKLAND. I think it is appropriate that we bring this back to the human price that is being paid for our policies, because Sunday evening back in my district in southeastern Ohio, I visited a funeral home, attended the wake of a young soldier who had just returned, a man leaving a 14-year-old son, a 5-year-old daughter, three sisters, a mother, and wife. Saturday morning I went to the air base in Youngstown, Ohio. I met with about 30 soldiers and their families and their children; and in that early morning hours as the snow was falling, I saw those soldiers get on that plane, and I saw that plane take off down that snowy runway and disappear into the heavens. Tonight those soldiers are in the desert. The fact is that as we talk about the policies of our Nation, I do think it is appropriate, and I thank the gentleman from Washington for bringing our attention to the fact that we talk about policies, we talk about decisions in an almost theoretical sense sometimes here, but the fact is that there are real families, real soldiers, real deaths, real injuries.

I also, and I will end my remarks with this, over this past weekend was able to attend a happy occasion because I went to the homecoming party of a young soldier who had just returned from Iraq. He was there with his grandfather, his father and his 4-year-old son, four generations. The mother of this 4-year-old son, the wife of this young soldier who had just returned, told me that during this soldier's absence, their 4-year-old son was so disturbed that the pediatrician suggested that he may need to go see a child psychiatrist, and she said his daddy is home and he is back to normal. Everything that we do here in this Chamber, but especially the decisions that we make regarding war and peace, affect real people, real families. I think we should never, ever forget that.

I thank the gentleman for bringing up that situation that occurred in his district as well as giving me a chance to talk about the situation in my district.

Mr. INSLEE. Unfortunately, all of us probably in every district have had these tough times with families.

Mr. DELAHUNT. I can tell of a very sad moment when I attended a funeral in my hometown of a young man, 36 years old. His widow was there; his parents were there. His dad, Charlie Caldwell, taught my daughter in the local public school. He was killed. He was killed in a humvee. When we pause and think of it, the pain that this has caused. We have had this discussion be-

fore. Not only is it causing pain today; but in very real terms with the cost of this effort, if you will, we have already spent \$187 billion. And while it is not in the President's budget, because clearly he has an interest in not increasing the deficit any more than it is and it is absolutely out of control, we know that and I think the American people know that, but we hear, and it has been reported that there is an additional \$50 billion that will be in a supplemental. Of course, it will not happen before the election. But if I can just for one minute, because I want to go back, I want to let those who are watching, and maybe it is impossible, they cannot see this list; but this is just a small piece of exports to Iraq by U.S. companies from the year 1985 to 1990.

Mr. STRICKLAND. Can I ask a question about that, because the heading across the gentleman's chart says "Licensed Dual Use Exports to Iraq by U.S. Companies, 1985 to 1990." When we use the phrase "dual use," does that mean that what has been exported can be used perhaps for legitimate purposes but also could be used for illegitimate military purposes or offensive purposes if that government chose to use them in that way?

Mr. DELAHUNT. That is absolutely the correct definition. I think sometimes when we speak among ourselves because we know the terms, we seem to forget that oftentimes viewers and constituents and others, really, I am sure they are wondering, what are we talking about. I really thank the gentleman for making that clear. Yes, dual use means they can be used for peaceful purposes, or they can be used for the development of programs such as the nuclear program that Saddam Hussein began, started. It was well along the way in terms of its development when in 1990 during the Gulf War he was defeated, and under the agreement, the U.N. inspectors went in and found that, yes, he did have a nuclear program at that point in time. Actually, the United Nations inspection team did a superb job. But where did the technologies come from for the development of Saddam Hussein's nuclear weapon program? It is right here.

Let me just read several. There are computers for possible use in nuclear weapons development. Computers useful for missile development. Computers that U.N. inspectors believed monitored uranium enrichment for atomic bomb fuel. Computers useful for graphic design of atomic bombs and missiles. Computers for manufacturing tool design and graphics. Computers for possible use in atomic bomb or missile development. This is the moneys that were paid to American firms under a license approved in the first Bush administration.

Mr. STRICKLAND. From 1985 to 1990?

Mr. DELAHUNT. From 1985 to 1990. Again, I just do not think that we can overstate the historical record because I think it provides the American people, particularly those who are watching us here tonight, with information

for them to reach their own conclusions. The reality is, he did have chemical weapons; and as Secretary Powell indicated today, they knew he had chemical weapons when they launched Desert Storm in the first Gulf War and our soldiers were prepared; but, of course, he did not use them.

□ 2130

He did not use them. He only used them against his own people.

Mr. STRICKLAND. More than 10 years ago.

Mr. DELAHUNT. In 1988 in Halabja, and he murdered somewhere between 5,000 and 10,000 Iraqi Kurds, and we were silent then when we should have imposed the sanctions and insisted that he be brought to trial. So that is the full story. That is the full story.

Again, today, Secretary Powell continued to talk about intent. And there was evidence of intent, and I hear Dr. Rice, Condoleezza Rice, we know he used them. Yes. Back in 1988 and 1989, and we did nothing then, and here we are in 2002.

Mr. STRICKLAND. Mr. Speaker, may I point out something to my friend. The U.N. inspections worked. The U.N. inspectors were in Iraq. They were asking for additional time. It was this government that terminated the inspections right before this war began. And the fact is that if the inspections had continued, we would have uncovered the fact that these weapons of mass destruction did not exist in Iraq at the present time. And it is so sad, it is tragic that we rushed to a decision, that we told the U.N. inspectors their time was up and that we initiated this preemptive war. And we cannot, we must not, forget that over 530 of our fellow Americans have lost their lives, and we are losing lives in Iraq every day, and there is no end in sight.

Mr. DELAHUNT. Mr. Speaker, just to pick up on the gentleman's point that in terms of the work that the U.N. teams did, respectively it has been established that there were no stockpiles. There were no weapons of mass destruction. In fact, David Kay, appointed by President Bush, came back and told the American people, to use his words, we were all wrong. I think it is so important to analyze and understand all of the dots here and what lies in the future. As I said in my opening remarks, we are now creating alliances and working with people who rival Saddam Hussein in terms of their tyranny, their abuse of human rights, and their willingness to do anything to enhance their power.

I mentioned earlier we have a military base in Uzbekistan. And the President of Uzbekistan, here he is with our Secretary of Defense. The gentleman, if the Members will, to Secretary Rumsfeld's right, his name is Karimov, Islam Karimov. He is a tyrant. He is a thug, and we are in bed with him. The American people should know that. In Turkmenistan, I had mentioned earlier the leader of Turkmenistan, and we are

sending him millions of dollars. Talk about a madman. He is a certifiable nut, changing the names of the calendar, April for his mother and January for himself. What are we doing? We are making the same mistake, and that is why it is important that those that are watching Iraq Watch tonight take this information, read on their own, and look to the future and understand that we are now or could be planting the seeds for another Saddam Hussein that will wreak havoc in the region, that obviously these two will continue to abuse human rights and what about our claim to moral authority when we are losing prestige in the world today?

Mr. INSLEE. Mr. Speaker, if the gentleman would yield, because he is bringing up moral authority, which is very important; and we were talking about the families we have been working with who have lost their sons and daughters in Iraq, and there is a moral obligation by the United States Government to come forward and answer some of these questions that we have been asking tonight. And the gentleman mentioned something about reading and some folks may find some reading material of interest. I want to refer to people about a moral question that our government owes to the American people, and that is the question of how this war was started based on what, according to Mr. Kay, was a false premise.

The people of this country, the families who have servicepeople serving in Iraq, those who have lost members of their families, they deserve a clear, cogent, and complete answer of how a war was started based on a false premise about what the status of weapons was in Iraq. And the gentleman mentioned things he was reading. I read something extremely disturbing to me this weekend. It was printed in the Knight Ridder newspapers. I read it in the Seattle Times February 10, an article entitled "Doubts and Dissent Removed from Public Report on Iraq. Secret version President Bush received was more cautious about threat."

We know at this point, according to Mr. Kay, our expert in the field and now even according to the President apparently, that the premise that gave rise to this war was false about the status of weapons of mass destruction in Iraq. And that is disturbing enough. It is it disturbing for our soldiers and sailors. It is disturbing of our standing in the world, starting a war on a false premise. But this article was more disturbing to me because the conclusion and premise of this article was not only was this premise false but that the Government of the United States of America in a sense distorted in significant ways the nature of intelligence that it had available to it before the war started. For instance, and again this is in the newspaper, and I cannot vouch for its authenticity. It makes reference to some intelligence reports. This is not coming from myself. It is coming from the Seattle Times and the

Knight Ridder newspaper. But they made reference to a statement essentially by the President that there is no doubt, and that is a quote from this President, that the President of the United States looked at the American people and said there is no doubt, no doubt, that Iraq had some of the most lethal weapons systems devised by man before this war started.

But this article disclosed that the intelligence reports given to the President of the United States showed there was tremendous doubt about this situation. And I will quote from this article: "Whereas the President of the United States was essentially saying there is no doubt that Iraq had reconstituted, in the words of the Vice President, a nuclear program." Listen to what the intelligence report said, according to this article, that was given to the President of the United States. This was an intelligence report prepared by the State Department's intelligence arm, which is called the Bureau of Intelligence and Research, known as the INR.

This is a quote. That report said "the activities we have detected do not, however, add up to a compelling case that Iraq is currently pursuing what INR would consider to be an integrated and comprehensive approach to acquire nuclear weapons. Iraq may be doing so, but INR considers the available evidence inadequate to support such a judgment." The report goes on to say, "INR is unwilling to project a timeline for the completion of activities it does not now see happening."

So while the President of the United States, the leader of the free world, was telling the world and American soldiers and sailors and citizens that there was no doubt that this country had a meaningful, real, and contemporaneous nuclear program, our own intelligence services, at least one of them, was telling him they did not think so. This was not told to the American people. And even if one believes today that this war was totally justified based on the civil rights of the Iraqi citizens, and I respect people who have that view, even if one believes that, it is a moral wrong not to share this information with the American people and the U.S. Congress when this debate is going on.

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

Mr. INSLEE. I have one more point I want to be sure I make, but I yield to the gentleman.

Mr. STRICKLAND. Mr. Speaker, when the President was interviewed on Sunday, he told the American people that the Congress had the same intelligence available to them as he had available to him. And that was not true. No one told us that there was ambiguity. The President and the Vice President spoke with surety. They said, as the gentleman has pointed out, there was no doubt.

Mr. DELAHUNT. I should interrupt the gentleman to say that Secretary

Powell made that statement again. And not having had the opportunity because he left early, I was stunned by that particular remark. I do not know any Member in this body that had these different reports. With the caveats and the qualifiers, what we got was something different, Mr. Speaker.

Mr. STRICKLAND. We cannot even find out who served on the Vice President's energy task force, let alone have access to all the intelligence that the President has available.

Mr. INSLEE. Mr. Speaker, let me make a point, because I think it is important. It is not just this nuclear threat. As the gentlemen know, Condoleezza Rice made repeated references to the mushroom cloud, which is a most disturbing image to all of us having suffered through September 11, and a real potential threat from Iran and North Korea. But it is not just the nuclear threat, but the American people were not given the full scoop in this regard.

The gentlemen will recall when the President and others made repeated references to the unmanned aerial vehicles that they told us was a threat to the continental United States, that Iraq could fly over American cities and spray biological material over the United States and none of us can always ever eliminate any threat. Today somebody may be planning to do that today as we speak. I do not want to be Pollyanna-ish about this, but the President told us that our intelligence services were telling us that was going on.

According to this article, let me tell the gentlemen what the United States Air Force was telling the President of the United States. What it said was: "The Air Force does not agree that Iraq is developing UAVs, unmanned aerial vehicles, primarily intended to be delivery platforms for chemical and biological warfare, CBW agents. The small size of Iraq's new UAV strongly suggests a primary role of reconnaissance, although CBW delivery is an inherent capability." We were told that Iraq was developing these weapons that could fly over Philadelphia and spray biological and anthrax over it when the Air Force was telling the President of the United States they did not believe that was the case.

Let me finish one more point. During our national debate, I respected the President of the United States' statement that Saddam Hussein was a tyrant and a thug and was massively abusive to his own people, and perhaps he rightfully argued that he believed preemptive action was appropriate. That is an argument we would respect and listen to. But during this national debate, before this President sent our citizens to die in the sands of Iraq, he did not owe us 30 percent of the truth. He did not owe us 75 percent of the truth. He owed us the whole truth and nothing but the truth. Hans Blix, who was defamed mightily by this administration prior to this war, I think said it

best when he got this information. He said, "We deserve more than what a car salesman might give.

□ 2145

We deserve the whole truth."

If these reports are accurate, again, I have not seen these, but I read about them in the newspaper, if these reports are accurate, we need to get to the bottom of what happened here. That is why this commission that the President has appointed needs to take it upon itself not only to look at the bureaucracy at the Central Intelligence Agency, but they need to know why the President of the United States and his administration was not entirely forthcoming about the intelligence in this regard.

Mr. DELAHUNT. You know what I would like to do? I would commend for reading, to those that are watching us have this conversation tonight, this Newsweek article. It is the publication of November 17, 2003, 4 or 5 months ago. Obviously, this is a picture of the Vice President, and it is entitled "How Dick Cheney Sold the War: The Inside Story."

Again, I think we and the citizens have an obligation to do as much homework as we can to fully understand the reality. Those points that the gentleman made, I have heard them on the floor today. Earlier the President went to Poland and spoke about those two mobile trailers that allegedly were being used in a bio-weapon program. The CIA refuted that. Again, it is important to be accurate.

It is interesting, everybody in Washington at least knows and the American people should know that there has been tension within the administration between the Vice President on one side and Secretary Powell on the other side. If I had had an opportunity today, I was going to ask the Secretary if this story in The Washington Post was accurate.

There was a lengthy article; and it was, again, published on February 1 of this year. If you remember, when Secretary Powell went before the United Nations, what the article relates is that he was very careful and thorough in terms of what he believed to be accurate intelligence, and he had this CIA analyst come in and discuss it with him.

The CIA originally drafted his speech, which then went to the White House. But when it emerged, it looked entirely different. The Vice President's chief of staff, one individual by the name of Scooter Libby, and his National Security Advisor, Stephen Hadley, and other national security staffers had produced draft language for Powell, 45 pages on weapons of mass destruction, 38 pages on alleged links to terrorism, and 16 pages on Iraq's human rights abuses. Within 1 day, Powell's task force had largely abandoned the 45-page document on Iraq's weapons of mass destruction produced by Cheney's office and the National Se-

curity Council, using instead a classified National Intelligence Estimate assembled by the CIA in October.

Again, let me suggest this: a vision and a view and an ideology that had a conclusion and was looking for facts. We all know in the selection of facts, and, again, this can be done without even a conscious intent to deceive, but the attempt to make the case like lawyers do in a courtroom. But this is not a courtroom; this is not advocacy.

But, again, I was going to ask the Secretary, was that report true. When that speech that he had prepared had come out of the White House, out of the Vice President's office, changed so dramatically, did he abandon it and go and rely on the National Intelligence Estimate?

Do you know what? The American people have a right to know that process, the world has a right to know that process, because that was a presentation to the world by the representative of the United States to the world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HONDA (at the request of Ms. PELOSI) for February 10 and the balance of the week on account of personal reasons.

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. GUTIERREZ) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.
 Mr. BROWN of Ohio, for 5 minutes, today.
 Ms. NORTON, for 5 minutes, today.
 Mr. PALLONE, for 5 minutes, today.
 Mr. EMANUEL, for 5 minutes, today.
 Mr. LIPINSKI, for 5 minutes, today.
 Mr. DEFAZIO, for 5 minutes, today.
 Ms. JACKSON-LEE of Texas, for 5 minutes, today.
 Mr. GUTIERREZ, for 5 minutes, today.
 Mr. SKELTON, for 5 minutes, today.
 Mr. CONYERS, for 5 minutes, today.
 Mr. COOPER, for 5 minutes, today.
 Mr. STRICKLAND, for 5 minutes, today.
 Mr. HOEFFEL, for 5 minutes, today.
 Ms. KAPTUR, for 5 minutes, today.
 Mr. MCDERMOTT, for 5 minutes, today.
 Mr. BLUMENAUER, for 5 minutes, today.
 (The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)
 Mr. GILCHREST, for 5 minutes, today.
 Mr. PENCE, for 5 minutes, today.
 Mr. SOUDER, for 5 minutes, today.
 Mr. BURGESS, for 5 minutes, today.
 Mr. GINGREY, for 5 minutes, today.
 Mr. KIRK, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 610. An act to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

ADJOURNMENT

Mr. STRICKLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Saturday, February 14, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 361, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 9 o'clock and 50 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 4 p.m. on Saturday, February 14, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 361, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6728. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Patricia A. Tracey, United States Navy, and her advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6729. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Patricia A. Tracey, United States Navy, and her advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6730. A letter from the Secretary, Department of Health and Human Services, transmitting the Centers for Disease Control and Prevention's final report to Congress on Human Papillomavirus, as required by Public Law 106-554; to the Committee on Energy and Commerce.

6731. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990; to the Committee on International Relations.

6732. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations (RIN: 1400-Z) received February 5, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on International Relations.

6733. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6734. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; General Dynamics, Electric Boat Corporation, Groton, CT [CGD01-03-012] (RIN: 1625-AA00) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6735. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-03-036] (RIN: 1625-AA00) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6736. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Milwaukee Zone, Lake Michigan [CGD09-03-277] (RIN: 2115-AA97) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6737. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Puget Sound, WA [CGD13-03-018] (RIN: 1625-AA00) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6738. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Puget Sound, WA; Correction [CGD13-03-018] (RIN: 1625-AA00) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6739. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Upper Mississippi River, Louisiana, Missouri [CGD08-03-050] (RIN: 1625-AA09) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6740. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Hoquiam River, Aberdeen, WA [CGD13-04-001] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6741. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Southern Branch of the Elizabeth River, Chesapeake, VA [CGD05-04-010] (RIN: 1625-AA09) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6742. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Intracoastal Waterway, Beach Thorofare, NJ [CGD05-04-002] received

February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6743. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Berwick Bay, Morgan City, LA. [CGD08-04-003] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6744. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a draft bill entitled the "Abandoned Mine Reclamation Program Extension and Reform Act of 2004"; jointly to the Committees on Resources and Ways and Means.

6745. A letter from the Secretary, Department of Transportation, transmitting the Department's 2003 annual report on the recommendations received from the National Transportation Safety Board regarding transportation safety, pursuant to 49 U.S.C. 1135(d); to the Committee on Transportation and Infrastructure.

6746. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 912. A bill to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles "Pete" Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories; with an amendment (Rept. 108-418). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 3389. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations (Rept. 108-419). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. 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; with an amendment (Rept. 108-420 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of the rule XII the Committee on Armed Services discharged from further consideration. H.R. 1997 referred to Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILL SEQUENTIALLY
REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3261. A bill to prohibit the

misappropriation of certain databases, with an amendment; referred to the Committee on Energy and Commerce for a period ending not later than March 12, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X (Rept. 108-421, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1997. Referral to the Committee on Armed Services extended for a period ending not later than February 11, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TERRY (for himself, Mr. SKELTON, Mr. HAYES, Mr. EDWARDS, Mr. SAXTON, and Mr. RYUN of Kansas):

H.R. 3795. A bill to amend the Impact Aid program under the Elementary and Secondary Education Act of 1965 to improve the distribution of school construction payments to better meet the needs of military and Indian land school districts; to the Committee on Education and the Workforce.

By Mrs. CUBIN (for herself and Mr. RAHALL):

H.R. 3796. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program, and for other purposes; to the Committee on Resources.

By Mr. TOM DAVIS (for himself and Ms. NORTON):

H.R. 3797. A bill to authorize improvements in the operations of the government of the District of Columbia, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 3798. A bill to amend the Homeland Security Act of 2002 to improve aviation security; to the Committee on Transportation and Infrastructure, 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. ADERHOLT (for himself and Mr. PENCE):

H.R. 3799. A bill to limit the jurisdiction of Federal courts in certain cases and promote federalism; to the Committee on the Judiciary.

By Mr. HENSARLING (for himself, Mr. RYAN of Wisconsin, Mr. CHOCOLA, Mr. COX, Mr. BARRETT of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mrs. MYRICK, Mr. GUTKNECHT, Mr. BEAUPREZ, Mr. FRANKS of Arizona, Mr. OTTER, Mr. HERGER, Mr. DEMINT, Mr. CULBERSON, Mr. TOOMEY, Ms. HART, Mr. ROYCE, Mr. GARRETT of New Jersey, Mr. THORNBERRY, Mrs. MUSGRAVE, Mr. PENCE, Mr. SHADEGG, Mr. CARTER, Mr. NEUGEBAUER, Mr. HOEKSTRA, Mr. RYUN of Kansas, Mr. CANTOR, Mr. BOOZMAN, Mrs. CUBIN, Mr. GOODE, Mr.

AKIN, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. SMITH of Michigan, Mr. PITTS, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. GINGREY, Mr. CHABOT, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. KLINE, Mr. TANCREDO, Mr. NORWOOD, Mr. SESSIONS, Mrs. BLACKBURN, Mr. BARTON of Texas, Mr. KENNEDY of Minnesota, Mr. FLAKE, Mr. SCHROCK, Mr. COLE, Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, and Mr. TURNER of Ohio):

H.R. 3800. A bill to reform Federal budget procedures, to impose spending safeguards, to combat waste, fraud, and abuse, to account for accurate Government agency costs, and for other purposes.

By Mr. BARTLETT of Maryland (for himself, Mr. FLAKE, Mr. CRANE, Mr. OTTER, Mr. DOOLITTLE, Mr. MANZULLO, Mr. PAUL, Mrs. MUSGRAVE, Mr. BLUNT, Mr. SAM JOHNSON of Texas, Mr. AKIN, Mrs. CUBIN, and Mr. PENCE):

H.R. 3801. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on House Administration.

By Mr. BASS (for himself, Mr. BRADLEY of New Hampshire, Mr. FERGUSON, and Mr. SIMMONS):

H.R. 3802. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes; to the Committee on Education and the Workforce.

By Ms. BERKLEY (for herself and Mr. BURGESS):

H.R. 3803. A bill to amend the Older Americans Act of 1965 to provide information and outreach for the prevention of osteoporosis; 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. BROWN of South Carolina:

H.R. 3804. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make beach nourishment projects eligible for inclusion in mitigation plans and for hazard mitigation assistance; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself and Mr. FARR):

H.R. 3805. A bill to withdraw the Los Padres National Forest in California from location, entry, and patent under mining laws, and for other purposes; to the Committee on Resources.

By Mr. GERLACH (for himself, Mr. ENGLISH, Mr. GILLMOR, and Mr. EHLERS):

H.R. 3806. A bill to amend the Internal Revenue Code of 1986 to allow a credit against the alternative minimum tax where stock acquired pursuant to an incentive stock option is sold or exchanged at a loss; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. CANON, Mr. HUNTER, Mr. LEWIS of California, Mr. SESSIONS, Mr. TAYLOR of Mississippi, Mr. MOLLOHAN, Mr. CUNNINGHAM, Mrs. EMERSON, Mr. ISSA, Mr. OTTER, Mrs. MUSGRAVE, Mr.

KING of Iowa, Mr. FEENEY, Mr. BURTON of Indiana, Mr. HALL, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. CALVERT, Mr. BACHUS, Mr. BOOZMAN, Mr. BISHOP of Utah, Mr. CRANE, Mr. BARTLETT of Maryland, Mr. DUNCAN, Mr. FRANKS of Arizona, Mr. HOSTETTLER, Mr. DEMINT, Mr. HERGER, Mr. JONES of North Carolina, Mr. PENCE, Mr. LEWIS of Kentucky, Mr. WILSON of South Carolina, Mr. AKIN, Mr. WHITFIELD, Mr. PEARCE, Mr. CULBERSON, Mr. BAKER, Mr. PETERSON of Minnesota, Mr. TERRY, Mr. SCHROCK, Mr. SHIMKUS, Mr. TIBERI, Mr. GOODE, Mr. MCCOTTER, Mr. SIMPSON, Mr. TANCREDO, Mr. KENNEDY of Minnesota, Mr. ROGERS of Alabama, Mr. HEFLEY, Mr. MILLER of Florida, Mr. MANZULLO, and Mr. SHUSTER):

H.R. 3807. A bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes; to the Committee on the Judiciary, 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. GUTIERREZ:

H.R. 3808. A bill to amend title 11 of the United States Code to provide priority for the payment of employee claims arising under the Worker Adjustment and Retraining Notification Act; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. DELAURO, Ms. PELOSI, Ms. SLAUGHTER, Mr. MEEKS of New York, Ms. WOOLSEY, Mrs. CHRISTENSEN, Ms. NORTON, Ms. LEE, Ms. SOLIS, Mr. FRANK of Massachusetts, Mr. FROST, Mr. KUCINICH, Mr. RODRIGUEZ, Mr. GREEN of Texas, Mr. BERMAN, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. DAVIS of Illinois, Mr. NADLER, Mrs. MALONEY, Ms. WATSON, Mr. TIERNEY, Mr. BROWN of Ohio, Mr. RANGEL, Mr. OWENS, Mr. KILDEE, Mr. FARR, Mr. MATSUI, Mr. MCGOVERN, Mr. HONDA, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. SERRANO, Mr. BALLANCE, Mr. WATT, Mr. RYAN of Ohio, Mr. BLUMENAUER, Mr. BACA, Ms. KAPTUR, Ms. WATERS, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM, Mr. FATTAH, Mr. ANDREWS, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. DELAHUNT, Mr. LANGEVIN, Mr. BISHOP of New York, Mr. ALLEN, Mr. FILNER, Ms. KILPATRICK, Ms. BALDWIN, Mr. RUSH, Mr. CUMMINGS, Ms. LINDA T. SANCHEZ of California, Mrs. DAVIS of California, Mr. GEPHARDT, Mr. UDALL of New Mexico, Mr. WEINER, Mr. GUTIERREZ, Ms. LOFGREN, Mr. STARK, Mr. STRICKLAND, Ms. MCCARTHY of Missouri, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Mr. OLVER, Mr. HOLT, Mr. CLAY, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Mr. MEEK of Florida, Mr. HOEFPPEL, Mr. EMANUEL, Mr. HINOJOSA, Mr. MCNULTY, Mr. PASTOR, Ms. CARSON of Indiana, Mr. WYNN, Mr. BISHOP of Georgia, Ms. MAJETTE, and Mr. SCOTT of Georgia):

H.R. 3809. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on

the Judiciary, and in addition to the Committees on Education and the Workforce, and 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 Mrs. MALONEY (for herself, Mr. TOWNS, Mr. CROWLEY, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. SCOTT of Georgia, Mr. STARK, Mr. KENNEDY of Rhode Island, Ms. MCCOLLUM, Mr. ISRAEL, Mr. WAXMAN, Mr. DOGGETT, Mr. NADLER, Mr. EVANS, Mr. GRIJALVA, Mr. LANTOS, Ms. NORTON, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Ms. LEE, Mr. OWENS, Ms. MILLENDER-MCDONALD, Mrs. LOWEY, Ms. SLAUGHTER, and Ms. ROYBAL-ALLARD):

H.R. 3810. A bill to provide a United States voluntary contribution to the United Nations Population Fund only for the prevention, remedy, and repair of obstetric fistula; to the Committee on International Relations.

By Mr. PAUL:

H.R. 3811. A bill to amend the Internal Revenue Code of 1986 to waive the employee portion of Social Security taxes imposed on individuals who have been diagnosed as having cancer or a terminal disease; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 3812. A bill to require the Secretary of Veterans Affairs to carry out a demonstration project on priorities in the scheduling of appointments of veterans for health care through the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROHRBACHER:

H.R. 3813. A bill to provide for a Near-Earth Object Survey program to detect, track, catalogue, and characterize certain near-earth asteroids and comets; to the Committee on Science.

By Mr. SESSIONS:

H.R. 3814. A bill to enhance peace between the Israelis and Palestinians; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself and Mr. HOUGHTON):

H.R. 3815. A bill to amend title 18, United States Code, to provide expanded protections against the misuse of public safety officer uniforms, and for other purposes; to the Committee on the Judiciary.

By Mr. STRICKLAND:

H.R. 3816. A bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of Florida:

H. Con. Res. 362. Concurrent resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. BLUNT, Mr. ENGEL, Mr. ACKERMAN, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. CROWLEY, Mr. PENCE, Mr. MCCOTTER, Mr. TANCREDO, Mr. BERMAN, Mrs. JO ANN DAVIS of Virginia, Mr. BURTON of Indiana, Ms. BERKLEY, and Mr. LANTOS):

H. Con. Res. 363. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian people by the Government of the Syrian Arab Republic; to the Committee on International Relations.

By Mr. TURNER of Texas (for himself, Mr. BELL, Ms. EDDIE BERNICE JOHN-

SON of Texas, Mr. DOGGETT, Mr. EDWARDS, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. LAMPSON, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Mr. SANDLIN, and Mr. STENHOLM):

H. Res. 523. A resolution providing for consideration of the bill (H.R. 594) to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Rules.

By Mr. ENGEL (for himself and Mr. BURTON of Indiana):

H. Res. 524. A resolution supporting the goals and ideals of Anti-Slavery Day; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut:

H. Res. 525. A resolution urging the Secretary of Homeland Security and the Secretary of State to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act if Poland satisfies the requirements in subsection (c)(2) of such section; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. LANTOS, Mr. BLUNT, Mr. SNYDER, Mr. BEREUTER, Mr. BERMAN, Mr. BURGESS, Mr. DELAHUNT, Mr. GUTKNECHT, Mrs. JONES of Ohio, Mr. WEXLER, Mr. CUNNINGHAM, Mr. BURTON of Indiana, Ms. ESHOO, Mr. HONDA, Ms. GINNY BROWN-WAITE of Florida, and Mr. UDALL of Colorado):

H. Res. 526. A resolution expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003, in Bam, Iran; to the Committee on International Relations.

By Mr. RODRIGUEZ:

H. Res. 527. A resolution celebrating the 50th anniversary of the opening of the Falcon International Dam, recognizing the dam's importance as a source of water and power and as a symbol of friendship and cooperation between the United States and the United Mexican States, and urging Mexico to honor all of its obligations under the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande; to the Committee on International Relations.

By Mr. SHERMAN (for himself and Mr. HONDA):

H. Res. 528. A resolution expressing the sense of the House of Representatives that France should modify or abandon its ban on religious articles and symbols in state schools and respect the freedom of all to practice their religious faith without state interference; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under Clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. EDWARDS and Mr. NEAL of Massachusetts.

H.R. 173: Ms. MCCARTHY of Missouri, Mr. LEWIS of Georgia, Mr. TURNER of Texas, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 218: Mr. ROTHMAN, Mr. BRADY of Pennsylvania, and Mr. TURNER of Ohio.

H.R. 290: Mr. ABERCROMBIE, Mr. PAYNE, Mr. GEORGE MILLER of California, and Ms. KAPTUR.

H.R. 339: Mr. JOHN and Mr. BACHUS.

H.R. 370: Mr. STARK and Mr. FILNER.

H.R. 371: Mr. ANDREWS.

H.R. 391: Ms. PRYCE of Ohio.

H.R. 442: Mr. PAYNE.

H.R. 476: Mr. SANDERS.

H.R. 504: Ms. JACKSON-LEE of Texas.

H.R. 547: Mr. BROWN of Ohio.

H.R. 571: Mr. BROWN of Ohio and Mr. HOLT.

H.R. 594: Mr. SIMPSON, Ms. HART, and Ms. PRYCE of Ohio.

H.R. 685: Mr. HONDA.

H.R. 687: Mr. FRANK of Massachusetts.

H.R. 727: Mr. DAVIS of Florida.

H.R. 768: Mr. KENNEDY of Rhode Island and Mr. GREENWOOD.

H.R. 785: Ms. KILPATRICK.

H.R. 814: Ms. MILLENDER-MCDONALD, Mr. RENZI, and Mr. STARK.

H.R. 839: Mr. GUTIERREZ, Mr. REYNOLDS, and Mr. GILLMOR.

H.R. 932: Ms. JACKSON-LEE of Texas.

H.R. 962: Mr. FATTAH, Mrs. MCCARTHY of New York, Ms. LINDA T. SANCHEZ of California, Mr. EVANS, and Mr. PRICE of North Carolina.

H.R. 1004: Mr. SCHIFF.

H.R. 1057: Mr. ISSA, Mr. SESSIONS, and Mr. SHIMKUS.

H.R. 1080: Mr. MICHAUD and Mr. BRADLEY of New Hampshire.

H.R. 1088: Mr. DOGGETT.

H.R. 1127: Mr. BRADLEY of New Hampshire, Mr. BALLENGER, and Mr. EVANS.

H.R. 1155: Mr. LARSEN of Washington.

H.R. 1179: Mr. BALLENGER and Mr. CRANE.

H.R. 1196: Mr. ANDREWS.

H.R. 1200: Ms. DELAURO and Mr. TIERNEY.

H.R. 1214: Mr. HINCHEY, Mr. ROGERS of Michigan, and Mr. ROTHMAN.

H.R. 1304: Ms. SLAUGHTER.

H.R. 1325: Mr. FOLEY.

H.R. 1336: Mr. CARDIN.

H.R. 1478: Mr. DEMINT.

H.R. 1480: Mr. SNYDER.

H.R. 1483: Mr. ANDREWS.

H.R. 1532: Mr. GREEN of Texas, Mr. COBLE, and Mr. TOWNS.

H.R. 1567: Mr. COLLINS.

H.R. 1608: Mr. SOUDER, Mr. OWENS, Mr. BURTON of Indiana, Mr. MCNULTY, Mr. FILNER, and Mr. PASTER.

H.R. 1622: Mr. DAVIS of Alabama and Mr. MILLER of North Carolina.

H.R. 1631: Mr. WICKER, Mr. KLINE, Mr. HERGER, Mr. JONES of North Carolina, Mr. SESSIONS, Mr. GALLEGLY, Mr. BARRETT of South Carolina, and Mr. SIMPSON.

H.R. 1639: Ms. LORETTA SANCHEZ of California.

H.R. 1726: Ms. BORDALLO, Mr. WICKER, and Ms. WOOLSEY.

H.R. 1784: Mr. MILLER of North Carolina.

H.R. 1916: Mr. UDALL of New Mexico.

H.R. 2096: Ms. BERKLEY, Mr. JOHN, Mr. RODRIGUEZ, and Mr. SIMPSON.

H.R. 2227: Mr. PAYNE.

H.R. 2262: Mr. BELL and Mr. ACKERMAN.

H.R. 2318: Mr. TURNER of Texas.

H.R. 2694: Mr. OBERSTAR.

H.R. 2632: Mr. FROST.

H.R. 2720: Mr. GREENWOOD.

H.R. 2724: Mr. FILNER.

H.R. 2743: Mr. MICA.

H.R. 2797: Mr. UPTON.

H.R. 2849: Mr. BALLENGER.

H.R. 2852: Mr. KENNEDY of Minnesota and Mr. EVERETT.

H.R. 2863: Mrs. NAPOLITANO, Ms. SOLIS, Mr. SPRATT, Mr. DICKS, Mr. HAYES, and Mr. BURR.

H.R. 2952: Mr. WU.

H.R. 2963: Mr. BACA.

H.R. 2967: Mr. BRADY of Pennsylvania, Mr. ANDREWS Ms. PRYCE of Ohio and Mr. DUNCAN.

H.R. 2987: Ms. NORTON.

H.R. 3015: Mr. SHIMKUS.

H.R. 3026: Mr. NADLER.

H.R. 3104: Mr. SCHIFF, Mr. FROST, Ms. LORETTA SANCHEZ of California, Mr. PETRI, Mr. DEFazio Mr. MURTHA, Mrs. MALONEY, Mr. CROWLEY, Mr. BAIRD, Ms. GONZALEZ, Mr. MARSHALL, Mr. STARK, Mr. GUTIERREZ, Mrs.

MCCARTHY of New York, Mr. KENNEDY of Rhode Island, Mr. JOHN, Ms. MCCARTHY of Missouri, Ms. DELAURO, and Mr. MCINTYRE.

H.R. 3180: Ms. SLAUGHTER and Mr. DEUTSCH.

H.R. 3192: Mr. FILNER and Mr. KLECZKA.

H.R. 3193: Mr. HEFLEY and Mr. SKELTON.

H.R. 3215: Mrs. CUBIN, Mr. DOOLITTLE Mr. CRANE, Mr. ISSA, Mr. HEFLEY, Mr. TOOMEY, Mr. BONNER, Mr. HENSARLING, Mr. JENKINS, Mr. BONILLA, Mr. MILLER of Florida, and Mr. KING of Iowa.

H.R. 3243: Mr. OXLEY, Mr. SMITH of New Jersey, Mr. CLAY, and Mr. FARR.

H.R. 3246: Mr. BRADLEY of New Hampshire, Mr. JONES of North Carolina, and Mr. KENNEDY of Minnesota.

H.R. 3274: Mr. GINGREY, Mr. NEY, Mr. DEAL of Georgia, Mr. TOM DAVIS of Virginia, Mr. WHITFIELD, Mr. DAVIS of Tennessee, and Mr. HOEKSTRA.

H.R. 3281: Mr. GILCREST.

H.R. 3293: Mr. EMANUEL and Mr. PAYNE.

H.R. 3310: Mr. CRANE.

H.R. 3344: Mr. CLAY and Mrs. MCCARTHY of New York.

H.R. 3362: Mr. NADLER and Mr. PAYNE.

H.R. 3378: Mr. CASE, Mr. GREENWOOD, Mr. VAN HOLLEN, Mr. SHAW, and Mr. HASTINGS of Florida.

H.R. 3416: Mr. NADLER.

H.R. 3438: Mr. EMANUEL, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. KENNEDY of Rhode Island, Mr. MARKEY, and Mrs. MILLER of Michigan.

H.R. 3473: Mr. LEACH, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, and Mr. SHADEGG.

H.R. 3482: Mr. PASTOR.

H.R. 3510: Mr. MARKEY.

H.R. 3528: Mrs. MCCARTHY of New York and Mr. FRANK of Massachusetts.

H.R. 3539: Mrs. DAVIS of California.

H.R. 3570: Mr. CAMP, Mr. DINGELL, and Mr. STUPAK.

H.R. 3574: Mr. SMITH of Texas, Mr. MOORE, Mr. DAVIS of Tennessee, Mr. BOUCHER, Mrs. BIGGERT, Mr. SESSIONS, Mr. HINOJOSA, Mr. DAVIS of Alabama, Mr. GONZALEZ, Mr. TOM DAVIS of Virginia, Mr. HEFLEY, Mr. PUTNAM, Mr. THOMPSON of California, Mr. ROSS, and Mr. GOODLATTE.

H.R. 3593: Ms. MCCOLLUM.

H.R. 3619: Mr. BOUCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHUGH, and Ms. LOFGREN.

H.R. 3676: Mr. GRIJALVA and Ms. JACKSON-LEE of Texas.

H.R. 3684: Mr. MCDERMOTT.

H.R. 3687: Mr. BOEHLERT, Mr. LEWIS of Kentucky, Mr. CULBERSON, Mr. FERGUSON, and Mr. WILSON of South Carolina.

H.R. 3695: Mr. FERGUSON.

H.R. 3707: Mr. SKELTON, Mr. WEINER, Mr. LANGEVIN, Mr. MCGOVERN, Mr. CONYERS, Mr. HINOJOSA, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, Mr. RUSH, Mrs. JONES of Ohio, Mr. GREEN of Texas, Mr. CRAMER, Ms. LEE, Ms. CARSON of Indiana, Mr. DAVIS of Alabama, Mr. BELL, Mr. CLYBURN, and Mr. GEPHARDT.

H.R. 3711: Mr. FILNER and Mr. HINCHEY.

H.R. 3717: Mrs. JO ANN DAVIS of Virginia, Mr. RUSH, Mr. GOODLATTE, and Mr. GOODE.

H.R. 3722: Mr. BEREUTER.

H.R. 3726: Mrs. MALONEY, Mr. SERRANO, Mr. BISHOP of New York, Mrs. LOWEY, Mr. NADLER, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, and Mr. OWENS.

H.R. 3728: Mr. GILCREST.

H.R. 3736: Mr. NORWOOD, Mr. ISAKSON, Mr. TAYLOR of Mississippi, Mr. SHIMKUS, Mr. FORBES, Mr. GOODE, Mr. STEARNS, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. GINGREY, and Mr. MILLER of Florida.

H.R. 3737: Mr. TOM DAVIS of Virginia.

H.R. 3743: Mr. MARSHALL, Mr. PETERSON of Minnesota, and Mr. MCINTYRE.

H.R. 3757: Mr. ADERHOLT, Mr. PENCE, Mr. TANCREDI, Mrs. MYRICK, Mr. FEENEY, Mr. JONES of North Carolina, and Mr. AKIN.

H.R. 3763: Mr. TOM DAVIS of Virginia, Mr. LEWIS of Kentucky, Ms. ESHOO, Mrs. WILSON of New Mexico, and Mr. BURNS.

H.R. 3777: Mr. BEREUTER, Mr. OSBORNE, Mr. BARTLETT of Maryland, Mr. STENHOLM, and Mr. HEFLEY.

H.R. 3780: Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Ms. NORTON, and Mrs. CHRISTENSEN.

H.R. 3784: Mr. BEAUPREZ, Mr. FEENEY, Mr. HENSARLING, Mr. GINGREY, Mr. PENCE, Mr. GARRETT of New Jersey, Mr. SMITH of Michigan, Mr. KING of Iowa, Mrs. MYRICK, Mr. AKIN, Mr. GOODE, and Mrs. CUBIN.

H.R. 3791: Mrs. JO ANN DAVIS of Virginia.

H.J. Res. 45: Mrs. WILSON of New Mexico and Mr. LANTOS.

H.J. Res. 72: Mr. SIMMONS and Mr. DINGELL.

H.J. Res. 87: Mr. TAYLOR of Mississippi, Mr. RANGEL, and Mr. MENENDEZ.

H. Con. Res. 218: Mr. CUMMINGS.

H. Con. Res. 247: Mr. LYNCH.

H. Con. Res. 266: Mr. BISHOP of Georgia.

H. Con. Res. 298: Mr. LATOURETTE.

H. Con. Res. 318: Mr. BURTON of Indiana, Mr. AKIN, and Mr. KING of Iowa.

H. Con. Res. 326: Mr. INSLEE.

H. Con. Res. 327: Mr. FILNER and Mr. PITTS.

H. Con. Res. 332: Mr. BONNER, Mr. LOBIONDO, Mr. SCHROCK, Mr. ROTHMAN, Mr. JOHN, Mr. BURTON of Indiana, Mr. BONILLA, Mr. ROGERS of Alabama, Mr. KLINE, Mr. BACHUS, and Mr. FERGUSON.

H. Con. Res. 344: Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. GORDON, Mr. CUMMINGS, Mr. FILNER, Mr. RANGEL, and Mr. COSTELLO.

H. Con. Res. 352: Ms. MCCOLLUM, Mr. PALLONE, Mr. FALCOMA, Mr. MEEK of Florida, Mr. CROWLEY, Mr. LANTOS, Mr. UDALL of New Mexico, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mrs. MALONEY, Mr. MEEHAN, Mr. BERMAN, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. LOBIONDO, Mr. McNULTY, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. FILNER, Ms. ROSELEHTINEN, and Mr. DAVIS of Florida.

H. Res. 60: Mr. MATHESON.

H. Res. 101: Mr. DEUTSCH and Mr. WATT.

H. Res. 125: Mr. KINGSTON.

H. Res. 313: Mr. SANDERS.

H. Res. 381: Mr. WEXLER, Mr. WAMP, Mr. RUSH, and Mr. ENGEL.

H. Res. 402: Mr. DUNCAN.

H. Res. 482: Mr. LEWIS of Kentucky, Mr. QUINN, and Mr. ETHERIDGE.

H. Res. 552: Mrs. MALONEY, Mr. TOWNS, Mr. KING of New York, Mr. GREEN of Wisconsin, Mr. FEENEY, Mrs. DAVIS of California, Ms. BALDWIN, Mrs. CHRISTENSEN, Ms. NORTON, Ms. MILLENDER-MCDONALD, and Mr. KILDEE.

PETITIONS, ETC.

Under clause 3 of rule XII,

56. The SPEAKER presented a petition of the Wisconsin Commercial Ports Association, relative to Resolution #02-03 authorizing funding for modernization of lock and dam infrastructure on upper Mississippi and Illinois rivers' inland waterways transportation system, as also approved by the Brown County Harbor Commission and the Brown County Board of Supervisors; which was referred to the Committee on Transportation and Infrastructure.