United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, SEPTEMBER 29, 2004 No. 120

House of Representatives

The House met at 10 a.m.

The Reverend Bobby C. Dagnel, Pastor, First Baptist Church, Lubbock, Texas, offered the following prayer:

Our most gracious heavenly Father, we offer thanksgiving for this day of life and the opportunities it brings. We acknowledge that the freedoms afforded us by this great democracy creates within us not a license to do as we please, but a responsibility to act in a way that pleases You.

As this capable body of elected public servants entertain the multitude of issues before them, I pray they might have the wisdom of Solomon, who urged us to look neither right nor left but to keep our eyes fixed straight ahead; to do what is right; to do that which reflects the true spirit of democracy, giving consideration to and deeming of equal importance the rights and freedoms of every person, whether in the majority or the minority, of both the strong and the weak.

We remember, also, this day, those who stand in harm's way to protect and promote these very tenets of democracy we hold dear. In Your name we pray, O Lord, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN 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.

HONORING THE REVEREND BOBBY DAGNEL

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

Mr. NEUGEBAUER. Mr. Speaker, I rise today to honor someone who is very important to me in my life, and that is my pastor, Bobby Dagnel.

Bobby Dagnel opened today's session of the United States House of Representatives with an invocation that should guide us throughout the day as we do the people's business in the halls of the United States Congress.

Pastor Dagnel began his senior pastorship at First Baptist Church in Lubbock on August 4, 2002. He completed his undergraduate work at the University of Texas at Tyler in 1985. And he went on to Southwest Baptist Theological Seminary where he received his Master's in Divinity in 1987. He is currently pursuing his Doctor of Ministry at George W. Truett Seminary.

As Pastor Dagnel has traveled down this path, he has become a man of steadfast faith. He understands personally what it means to transform one's life from one without direction to one that is full of purpose and meaning. Pastor Dagnel is a wonderful family man, a loving husband to his wife, Patti, and a father to his daughter, Courtney, who is 14, and to his son, Hunter, who is 12.

I want to thank Pastor Dagnel for answering the call to help others find their way and serving as an example for all that follow. God Bless Pastor Dagnel.

RESIGNATION AS MEMBER OF CERTAIN STANDING COMMITTEES OF THE HOUSE

The SPEAKER laid before the House the following resignation as a member of the Committee on Agriculture, the Committee on Government Reform, and the Committee on the Budget:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the House Agriculture, Government Reform and Budget Committees due to my appointment to the House Committee on Rules.

Sincerely,

ADAM H. PUTNAM,
Member of Congress.

The SPEAKER. Without objection, the resignations are accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PENCE. Mr. Speaker, I offer a resolution (H. Res. 806) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 806

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Government Reform: Mr. Cantor.

Committee on Rules: Mr. Putnam.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE WAR ON TERROR

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

Mr. STEARNS. Mr. Speaker, whoever is elected President will face the prospect of another terrorist attack. The

Printed on recycled paper.

question is: Will we have the right policies in place to best protect our country?

George Bush has waged an aggressive war on terror by going on the offense. He has taken the fight to the terrorists rather than waiting to fight them in our cities and on our streets.

On the other hand, his critics have demonstrated, I believe, a fundamental misunderstanding of the war on terror, saying that by going on the offense, America has caused the creation of more terrorists. The critics fail to articulate how they would deal with the gathering threat and, if we are attacked again, what would be their strong response.

Mr. Speaker, as we wage the war on terror and determine which policy can best keep America safe, this is at the heart of our national debate and an important part of the choice that all Americans will have to make on November 2.

THE SITUATION IN IRAQ IS GETTING WORSE

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

Mr. EMANUEL. Mr. Speaker, today the Washington Post quotes a former CIA official who said, ''People at the CIA are mad at the policy in Iraq because it's a disaster . . . The best we can hope for is a failed state hobbling along.'' But this view is widely shared in every branch of government. The State Department official warning to travelers from September 17, ''Iraq . . . remains very dangerous.''

An army officer recently back from Iraq said, ''It is getting worse . . . They have infiltrators conducting attacks in the Green Zone. That was not the case a year ago.'' A National Intelligence Estimate from July said that among the three possible scenarios for Iraq, the best case was merely ''tenuous stability.'' A study by Kroll Security International shows that the number of daily attacks has increased from 40 per day to around 70 each day. On Meet the Press, General Abizaid said, ''We will fight our way through the elections.'' ''Through,'' not up to the elections.

And this weekend, Secretary of State Colin Powell said, ''Yes,'' Iraq is ''getting worse.'' It is getting worse, but we do not know it from the President's comments who says and sees Iraq as a success.

The President of the proud of the fact that he does not read the newspapers. Can somebody please arrange a briefing for the President?

RECOGNIZING THE CENTURY COUNCIL AND NICKELODEON

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate and recognize The Century Council and Nickelodeon for their creation of an innovative new program to educate middle-school-age students about the problems of underage drinking.

The Century Council is a national not-for-profit organization funded by America's leading distillers to develop and implement programs designed to stop drunk driving and underage drinking. Nickelodeon, the very popular children's TV network, has joined The Century Council on a creative multimedia program for middle-school-age kids and their parents called ''Ask, Listen and Learn: Kids and Alcohol Don't Mix.''

As a mother of two teenage daughters, I realize the critical role that parents play in the efforts to reduce and eliminate illegal underage drinking. I commend The Century Council and Nickelodeon for providing such a dynamic and valuable communications tool.

THE WAR IN IRAQ

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

Ms. SOLIS. Mr. Speaker, since the Iraqi War started, nine soldiers have died in my district, all under the age of 30, and I attended some of their funerals.

As of to date, 1,051 servicemen and women have been killed in Iraq, and more than 7,500 have been injured.

Our servicemen and women are serving this Nation with honor and demonstrating great courage beyond our belief. Yet the actions of our President are not helping to ensure their safety and security. While their job is to fight, ours is to protect them.

The violence is not stopping. The streets are not safer. Our soldiers and Iraqi citizens continue to be at risk and are dying.

The U.S. had a plan to topple Baghdad, but it did not have a plan to adequately win and secure the peace. We need to secure the Nation. We need to equip it with the tools to protect and defend itself. And we need to establish peace.

What we need is new direction in Iraq. We need strong leadership and accountability, and we need to make sure that whatever this government provides in terms of funding is actually made available so that all our military on the ground has sufficient equipment and supplies that are needed.

IN SUPPORT OF THE DISTRICT OF COLUMBIA PERSONAL PROTECTION ACT

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

Mr. PENCE. Mr. Speaker, I rise in strong support of a measure we will consider today in the Congress authored by the gentleman from Indiana (Mr. SOUDER). It is the District of Columbia Personal Protection Act, and there will be much sound and fury throughout the day and perhaps this evening on this measure.

The measure actually overturns local District of Columbia laws that ban the sale and possession of hand guns, ammunition and certain types of semiautomatic weapons to law-abiding citizens in the District of Columbia.

I believe that guns in the hands of law-abiding Americans actually save lives, and there will be arguments and statistics on both sides of that debate. But I rise very briefly to begin the argument, specifically to refute what I believe will be the false federalism argument that many will employ today, to say that the District of Columbia has the right to pass its own gun laws even when, in so doing, they ban and discriminate against the blood-bought right to keep and bear arms that is enshrined in the Constitution.

Let us be clear on this point and this definition of federalism: No State has the right to legislate away the blood-bought constitutional right of every law-abiding American to protect their person, their family and their liberty.

□ 1015

CONSISTENTLY WRONG ON IRAQ

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

Mr. PALLONE. Mr. Speaker, President Bush brags about how consistent he has been in his policy on Iraq. Unfortunately, Mr. Speaker, the President has been consistently wrong.

President Bush was wrong about weapons of mass destruction. He was wrong about any connection between Saddam Hussein and al Qaeda. He was wrong about not working to bring in our allies to join us in the war against Iraq. He was wrong about sending our troops into battle without the protective gear that they needed. He was wrong when he declared ''mission accomplished,'' and wrong again when he challenged terrorists to ''bring it on.'' Finally, He was wrong when he did not plan for the aftermath of the fall of Baghdad.

Mr. Speaker, President Bush has certainly been consistent about Iraq, but he has been consistently wrong.

INDONESIA HOLDS FIRST NATIONAL PRESIDENTIAL ELECTION

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

Mr. WILSON of South Carolina. Mr. Speaker, last week Indonesians voted directly for the first time to elect their new president. The Charleston Post

and Courier reported this marked ''a milestone on the road to democracy for the world's most populous Muslim nation.'' Both competing candidates were pro-American in the global war on terror.

This historic election is another nail in the coffin of the lie that Muslim nations cannot become democracies. India, the world's largest democracy, has over 200 million Muslims. In Afghanistan, 10 million have registered to vote, despite threats from remnants of the Taliban and al Qaeda. The same will happen in Iraq.

As Iraqi Prime Minister Ayad Allawi said to the defeatists last week in this room, ''Above all, they risk underestimating the courage, determination of the Iraqi people to embrace democracy, peace and freedom, for the dreams of our families are the same as the families here in America and around the world.''

Freedom and democracy are on the march throughout the Muslim world, and they are the greatest threat to the dark plans of terrorists who want to destroy American families.

In conclusion, may God bless our troops. We will never forget September 11.

PROVIDE ADEQUATE HUMANITARIAN ASSISTANCE TO THE CARIBBEAN

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

Ms. LEE. Mr. Speaker, I rise today to call attention to this devastating hurricane season's effect on the Caribbean. I urge Members of this body to cosponsor H. Con. Res. 496, a bipartisan effort supporting adequate humanitarian assistance to our neighbors in the Caribbean.

Americans, especially Florida and Californians, know firsthand the suffering caused by natural disasters, hurricanes, fires, tornadoes and earthquakes. Four hurricanes in 5 weeks, over 1,700 dead, 441,000 individuals displaced. More than 15 Caribbean countries are devastated.

In Grenada, the schools will not open until 2005. The land is barren and countless homes are destroyed. Many other Caribbean countries are so focused on assisting their neighbors that they have not even had the time and opportunity to assess their own damage.

Economies are overwhelmed. The tourism industry just barely recovered from 9/11, and now more harsh blows. Primary crops, bananas, nutmeg and sugar, destroyed.

Mr. Speaker, we really do need to step up and lend a helping hand. We cannot sit back and wait as people suffer in Florida and in the Caribbean.

Please support H. Con. Res. 496. Again, this is a bipartisan effort to support humanitarian assistance to our neighbors in the Caribbean.

MARKING 150TH ANNIVERSARY OF FOUNDING OF REPUBLICAN PARTY

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

Mr. COX. Mr. Speaker, this year is the 150th anniversary of the founding of the Republican Party. Over a century and a half, from the abolition of slavery, to the enactment of women's suffrage, to the liberation of millions of people in the Soviet Union, Afghanistan and Iraq, the Republican Party has been the most effective political organization in the history of the world in advancing the cause of freedom.

So that all of us can learn more about the achievements of this fundamentally American institution in its 105th anniversary year, the Republican Policy Committee has produced this 2005 Republican Freedom Calendar, each day recording a milestone Republican achievement in advancing the civil rights of every American.

This past Sunday, 144 years ago, Republicans honored suffragist leaders Elizabeth Cady Stanton and Susan B. Anthony for their work in electing Republican candidates. Over Democratic opposition, Republicans in Congress enacted the women's suffrage amendment to the Constitution, giving women the right to vote. And even before voting for women was legalized, Susan B. Anthony cast a ballot, and when she was arrested for voting illegally, she bragged to the press, ''I voted the Republican ticket straight.''

Mr. Speaker, the 2005 Republican Freedom Calendar is available on the Internet at policy.house.gov.

AMERICA'S PRIORITIES IN SUSPENDED ANIMATION

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

Mr. McDERMOTT. Mr. Speaker, I see the Republicans have planned a very busy week. The House passed nearly three dozen bills last night, all without debate. That has to sounds impressive. The House unanimously passed legislation on everything from naming a post office to snake control. It is known as the suspension calendar. It means its Republicans have placed the House in suspended animation until after the election.

Does a post office need a name? Sure. But America needs affordable health care first, and is not getting it; America needs consumer confidence, and the Republicans are not providing that; and America needs a plan to deal with the chaos in Iraq. But forget that under this administration. That is why they are changing the story of why we went to Iraq in the first place.

America's priorities have been in suspended animation for 4 years. But the wake-up call is coming on the 2nd of November.

OPPOSITION TO RELAXING GUN CONTROL LAWS IN THE DISTRICT OF COLUMBIA

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

Mr. MORAN of Virginia. Mr. Speaker, I have one question for those who want to strip D.C.'s elected Mayor and City Council of any ability to regulate firearms in our Nation's Capital: Are you insane?

It is unbelievable that the House Republican leadership would push this kind of a bill. We are spending billions of dollars trying to protect our Nation's Capital from terrorists because we have the highest concentration of potential terrorist targets in our Nation's Capital, and you want to arm every D.C. resident with every firearm imaginable, from handguns to Uzis to AK–47s, and enable them to walk around our streets to go into churches, theaters, schools and public buildings?

This is unbelievably irresponsible. I cannot believe that the Republican leadership would promote this kind of a bill, just to give the NRA the kind of vote that asserts its dominance over this House.

Last year, the District of Columbia confiscated 1,982 firearms from criminals. This year, so far 1,400 have been taken from criminals because it is illegal to carry a gun here. Virtually all of them would be able to carry around those firearms without any regulation if this bill was passed.

This is not the Wild West of the 19th Century. This is our Nation's Capital in the 21st Century. Please do the decent thing and defeat this radical affront to the citizens of our Nation's Capital.

ADMINISTRATION UNHINGED FROM REALITY

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

Ms. DELAURO. Mr. Speaker, today we see an administration in denial, a denial of problems here at home and abroad.

Today's Washington Post says an increasing number of career professionals within our own national security agencies believe that the situation in Iraq is much worse than is being expressed in public by top administration officials. It says, ''The rebellion is deeper and more widespread than is being publicly acknowledged.''

These are not the words of ''pessimists and naysayers,'' as the President's spokesperson so glibly put it. These are not, as President Bush said last week, ''guesses.'' These are the findings of those fighting the Iraqi insurgency and studying at CIA, the State Department, and within the Army officer corps.

Yet the administration insists that, ''Freedom is on the march in Iraq.''

This comes on the heels of a New York Times piece that found 120,000 hours of terrorism-related recordings that have not even been translated by the FBI, this after this administration and the majority have repeatedly refused to appropriate the funds to hire the necessary translators.

We are seeing an administration unhinged from reality, with incompetence at the highest levels, incapable of prosecuting this war successfully. Their mistakes have put the lives of our valiant soldiers already serving in harm's way at even greater risk.

AMERICA NOT BEING MADE SAFER

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

Mr. DEFAZIO. Mr. Speaker, the administration says time and time again, as if that would make it so, that Americans are safer today. After all, they are spending $10 billion to deploy a defective Star Wars system that has not been tested and could not hit missiles that will not be launched against us, and that makes us safer.

Yet our ports are wide open. Three percent of the containers coming into America will be inspected this year. That is the most likely route of a weapon of mass destruction to the United States, and we are only inspecting 3 percent of them, and 2 percent of the trucks coming across the Mexican border?

No one is going to shoot a missile at us, but they darn well might smuggle it in a truck or container and bring it in and detonate it in a city in the United States. And they are doing nothing about it.

They are doing nothing about plastic explosives being carried on to airplanes, even after the incidents in Russia. We have been warning them for 2 years that they are likely to take planes down. They are still doing nothing to detect plastic explosives at passenger checkpoints or keep people who clean the planes from secreting bombs on to the plane.

America is safer today? Maybe it is safer in an undisclosed location where DICK CHENEY is hiding out, but if is not safer for average Americans.

PROVIDING FOR CONSIDERATION OF H.J. RES. 107, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2005

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 802 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 802

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 107) making continuing appropriations for the fiscal year 2005, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

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

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my friend 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, H. Res. 802 is a closed rule that provides for the consideration of H.J. Res. 107, a continuing resolution that will ensure ongoing appropriations for fiscal year 2005 until November 20, 2004, except for the Defense Department appropriations bill, which has already been enacted into law.

The rule provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution and provides for one motion to recommit.

Mr. Speaker, tomorrow is the last day of fiscal year 2004. At this point in time, there are a total of 12 regular appropriations bills that have not been enacted into law. Approving this CR will allow the Federal Government to continue its activities and operations for an additional 7 weeks.

To its credit, the House has passed 12 of the 13 regular appropriations bills. Unfortunately, the other body has passed only 5 regular appropriations bills and we need to pass a continuing resolution to allow the Federal Government to remain open while the House and Senate leadership, the House and Senate Appropriations Committees, and the respective bodies work through the process of resolving their differences on the remaining 12 regular appropriations bills.

The underlying resolution, H.J. Res. 107, is designed to allow the many different Federal departments and agencies covered by those 12 outstanding bills to continue operating under the terms and conditions of their fiscal year 2004 appropriations bills, while generally not allowing for the initiation of new programs, activities or projects.

Mr. Speaker, I urge all of my colleagues in the House on both sides to join me in supporting this rule and the underlying CR.

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, as my Republican friend and former colleague on the Committee on Rules, Porter Goss of Florida, once said about a continuing resolution, ''Congress is failing to fulfill its obligation in a timely and responsible way, choosing to fall back on one CR after another instead of putting in the time to do our job.'' Or as he said on another occasion, ''A continuing resolution erodes the credibility of the Congress.''

Well, Mr. Speaker, I am not sure how much credibility this Republican Congress will have after we pass this continuing resolution and scurry off to our districts until November.

□ 1030

This Congress is unable to finish even its most basic duties, which is amazing, considering that the Republicans control both Chambers and the White House. Let us take a look at what we are leaving behind.

We have yet to pass a transportation bill to reduce congestion on our roads, reduce pollution in our air, or create new, good-paying jobs in our communities.

We have yet to pass legislation implementing the recommendations of the 9/11 Commission, to strengthen America's intelligence community, strengthen America's homeland security, and effectively fight terrorism around the globe.

We have yet to pass a higher education reauthorization bill to help students across America pursue a higher education.

And we have yet to pass the majority of our mandatory spending bills to fund the government for the next year. In fact, we have only passed one out of 13 appropriation bills through the entire Congress.

By refusing to stay in Washington and do our work our constituents sent us here to do, we are harming our economy, leaving our young students behind, and endangering the safety and security of this Nation.

Yesterday, Mr. Speaker, the House spent the entire day debating and passing 38 suspension bills, including passing a bill to rename a river basin in Colorado and a number of bills to name several post offices around the country; and it has been that way for months. We spend more time naming post offices than doing the people's business and doing the work they sent us here to do. Our constituents expect us to fund this Nation's government, they expect us to pass a higher education bill to give our students the opportunity to pursue a college degree, a transportation bill to keep our highways being developed, and they certainly expect us to implement the recommendations of the 9/11 Commission so that we can continue to wage the war on terror and keep our country safe.

But instead, Mr. Speaker, this Congress is taking the easy way out, leaving the hard work until after the election. I wonder, will this Congress be

able to finish its work even then. Truly, this has been a do-nothing Congress.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

STAND UP FOR THE SANCTITY OF MARRIAGE

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

Mr. GINGREY. Mr. Speaker, I rise today to commend this House for having the courage to protect the sanctity of marriage.

In today's society, we find ourselves constantly fending off attacks aimed at the foundation of our Nation. Whether it is those that would take ''in God we trust'' off of our currency or ''one Nation under God'' out of our Pledge, we must stand up for the basic tenets on which this Nation was founded.

This week, Mr. Speaker, we continue our fight to defend one of the most basic institutions of our Nation: the traditional family.

It is true that the recognition of the family unit has traditionally been a State issue; but with the recent onslaught against the traditional family in our Nation, I believe it is now time for the Federal Government to act decisively.

As a cosponsor of H.J. Res. 106, I encourage my colleagues to stand up in defense of the traditional family and in defense of traditional marriage between one man and one woman.

PROVIDING FOR CONSIDERATION OF H.R. 3193, DISTRICT OF COLUMBIA PERSONAL PROTECTION ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 803 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 803

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3193) to restore second amendment rights in the District of Columbia. The bill shall be considered as read for amendment. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 803 is a closed rule providing for the consideration of H.R. 3193, the District of Columbia Personal Protection Act. The rule provides 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform.

The rule waives all points of order against consideration of the bill, and provides that the amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 3193 is a bipartisan measure sponsored by the gentleman from Indiana (Mr. SOUDER). The bill has 228 cosponsors from across the country, including 44 Democrats.

The bill simply permits law-abiding citizens of the District of Columbia to own firearms, a right currently denied them by act of the D.C. City Council. The Nation's capital has the toughest laws and regulations in the country prohibiting gun ownership by citizens. This bill would repeal the most onerous of those laws, thereby permitting individuals to protect themselves and their families in their own homes and otherwise enjoy privileges of gun ownership comparable to those enjoyed by most American citizens.

This bill would not affect any laws currently aimed at criminals and would place strict penalties on criminals who use guns to commit crimes. In addition, all penalties are doubled for illegal possession of a firearm in a ''gun-free zone'' within 1,000 feet of a school, day care center, college, or various youth facilities such as swimming pools and video arcades. Possession or use of a firearm while committing a crime of violence would remain punishable by up to 30 years in prison with a minimum 5 years served before eligibility for parole or probation.

Mr. Speaker, some have suggested that passage of H.R. 3193 may lead to an increase in violent crime, but I have to say that the facts suggest otherwise. Before the D.C. City Council imposed a handgun and home-defense ban in 1976, D.C.'s homicide rate had been declining. After the ban was instituted, however, D.C.'s homicide rate rose by more than 200 percent by 1991, while during the same period, the national homicide rate rose by just 12 percent. It is clear that this misguided and overly restrictive gun ban has not only failed to decrease violent crime in the District of Columbia, but it may have contributed to its increase. We have a chance today to do something about that.

So accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the so-called District of Columbia Personal Protection Act and to this closed rule.

Mr. Speaker, today the Republican leadership is, once again, letting the American people down by considering the wrong bill at the wrong time under the wrong circumstances. Once again, we are considering legislation in the shadow of the November elections. With 5 weeks to go until Election Day, the Republican leadership has put the country's agenda on hold in order to force an unnecessary vote on a bad and stupid bill. Once again, the Republican leadership is catering to the special interests at the expense of the public good; and once again, the Republican leadership is squandering the House's very limited time with this foolish, misguided, election-year legislation.

Mr. Speaker, we are just one day away from the end of the fiscal year, and only one, and I repeat, one, appropriation bill has been sent to the White House. Not only are the remaining 12 appropriations bills left on the table, not only has the House failed to complete consideration of all of the appropriations bills, but the Republican leadership, which controls both Houses of Congress, cannot even agree upon a budget.

Mr. Speaker, the Republican leadership cannot get its act together on the highway bill, a bill that would create thousands of good-paying jobs. The Republican leadership cannot find the time to work on a bill to increase the minimum wage, even though wages are stagnant and over 4 million Americans have fallen out of the middle class and into poverty since George Bush became President. And the Republican leadership cannot even get its act together on the Department of Defense authorization or the FSC/ETI bill, each of which has languished in conference for months.

Mr. Speaker, as the House takes up this frivolous legislation today, the Republican leadership has yet to act on the recommendations of the 9/11 Commission report.

□ 1045

Although the other body is working on legislation to implement the 9/11 report and the Democratic leader of this

House has introduced legislation that addresses the report's recommendations, here we are today wasting precious time that could be used to debate the 9/11 report's recommendations. Will it take another September 11 anniversary before the Republican leadership will act? Will we see the Republican leaders' bill before the election? Will we have to wait until after November for the necessary reforms that will help make our country and our citizens safer against terror?

Mr. Speaker, if the American people want real leadership on real issues facing the Nation, they certainly should not look to this House of Representatives. Under this Republican leadership, this House has become a place where trivial issues are debated casually, and serious and important ones not at all.

In fact, today, we are debating H.R. 3193, a bill that would overturn Washington, D.C.'s laws and restrictions on the possession of firearms. Among its provisions, H.R. 3193 repeals the District's ban on semi-automatic assault weapons, its gun registration requirements and its ban on cop-killer ammunition.

That is right, Mr. Speaker, this bill puts cop-killer ammunition on the streets of our Nation's capital. Simply put, this legislation makes the Nation's capital a more dangerous place to be a police officer.

As D.C. Mayor Anthony Williams wrote to the congressional leadership, ''It is unthinkable that, while the Nation's capital is under alert, Congress should take action to expose more than half a million residents, almost 200,000 Federal workers and 20 million tourists to greater danger.''

It is unthinkable, Mr. Speaker, to put our officers at greater risk at a time when Capitol Police expect $20 million in additional unbudgeted expenditures to secure the Capitol Building for this year. The last thing they need to hear is that semi-automatic weapons can now be carried on the National Mall or cop-killer bullets are legal in the District of Columbia.

While the bill changes the law to allow District of Columbia residents to carry pistols, open or concealed, in their homes and places of business, it does not repeal another District of Columbia gun law. The law we will not repeal today is the provision outlawing people carrying or having readily access to firearms ''upon the United States grounds or within the Capitol Buildings.''

So we will vote to approve guns in another person's workplace in the District but not in our offices.

It is unthinkable that only 2 years after the Washington area was terrorized by snipers who killed ten people in the region and while the Nation's capital is still under terrorist alert, Congress would take action to expose more than half a million District residents, almost 200,000 Federal workers and 20 million tourists to greater danger.

This bill will make the District of Columbia a more dangerous place to live, to work and to study.

Although Members of this body may disagree on gun issues, surely, we can all agree that the citizens of the District of Columbia should not have to face fully-loaded assault weapons on their streets, in their neighborhoods and around their schools.

But, Mr. Speaker, this bill and this rule did not have to be so lousy. Last night, the Committee on Rules had the chance to make this a better bill and a better process. Instead, the leadership of the Committee on Rules decided to pass a rule that makes a mockery of the deliberative process Congress is supposed to follow when we consider bills.

First of all, the Republican leadership brought this bill to the floor without consideration by the committee of jurisdiction, the Committee on Government Reform. Then, last night, when members from both parties brought amendments to our committee, the Committee on Rules rejected them all. The rule does not make in order the gentlewoman from California's (Mrs. BONO) and the gentlewoman from New York's (Mrs. MCCARTHY) amendment addressing the fact that this bill repeals the ban on cop-killer bullets. This closed rule guarantees that this bill would emerge from this House with no real debate or consideration. This House floor has become a ''legislation-free zone.''

Mr. Speaker, this issue is about more than guns. This issue is about how the residents of Washington, D.C., are treated. Mr. Speaker, I do not believe that the Members of Congress from Indiana or Texas or Massachusetts have a monopoly on wisdom when it comes to local laws, and I would not presume to impose on the citizens and elected officials of the District of Columbia something that would never, never, never be allowed or accepted by my own city council or State legislature.

Mr. Speaker, not one constituent of any voting Member of Congress will benefit by today's action. As the Fort Wayne Journal Gazette stated in an editorial published just last week on September 21, 2004, ''This page believes Washington should be able to set its own gun-control laws but acknowledges that honest people can disagree regarding the city's second amendment rights. But there is little doubt that, right now, Souder's bill is simply a waste of Congress' time and does nothing to improve good government or help his constituents in Indiana.''

Mr. Speaker, let us follow what the Fort Wayne Journal Gazette wrote and address the real needs of our constituents.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I thank the gentleman for the time.

I just wanted to speak on another issue, if I can just for a minute. An earlier speaker mentioned the FBI and funding, and I just wanted to make sure the record, since the CONGRESSIONAL RECORD is supposed to be a factual document, to let the Members know on both sides, since September 11, 2001, the Committee on Appropriations has supported the FBI's transformation, increasing the FBI's budget nearly 50 percent from $3.1 billion in fiscal year 2000 to $4.6 billion in fiscal year 2004.

These funding increases have allowed the FBI to increase the number of Joint Terrorism Task Forces to 100; create the Office of Intelligence; create the Terrorist Threat Integration Center, which the administration has done with FBI, CIA, Homeland Security, who meet together every day; the Foreign Terrorist Tracking Task Force; and the Terrorist Screening Center; hire thousands of new agents and analysts and support staff, including 620 additional linguists; create new training programs for agents and analysts; and upgrade the technology capabilities.

We have National Academy of Public Administration looking at the reformation of the FBI. The General Accounting Office, the Congressional Research Service, and the 9/11 Commission in its report referenced the work of the House Committee on Appropriations. It must have been a misunderstanding, but I just want the Members to know that, as we look in the record, this Congress, both sides, and this administration have increased the FBI budget by dramatic numbers.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I never could have thought I would see it, a House that is run by a conservative majority that is bent on imposing its will on the minority.

We have seen it many times, but, Mr. Speaker, it is so interesting to see that, this morning, we are taking up an issue, we are enforcing our will upon the people of this District of Columbia. Whereas, we would not even allow any other State or this Congress to dictate its will against the interests of our own local communities, we are prepared to do that to the District of Columbia.

It should not be any surprise, I suppose, to our delegate, the gentlewoman from the District of Columbia (Ms. NORTON). She has seen it too many times where she represents a populace here in Washington, D.C., that does not have the vote, does not have the vote here in the Halls of Congress. It does have a vote, however, on the local management of the city, not until today.

Today, the Congress says, not only will you not have a vote in the Halls of the Congress, not only as United States citizens will you be denied the right to vote, but you will also be denied in your own local government to decide what is in the best interests of your people.

We look at Washington, D.C., and see one of the most murderous capitals in this country, where every single day mothers worry about whether their children are going to get home at the end of the day, whether their children are going to be killed in drive-by shootings, whether their children are going to be safe.

To the mothers in the District of Columbia, terrorism means drive-by shootings, not Osama bin Laden. To the people of Washington, D.C., terrorism is defined by semi-automatic weapons and unrestricted access to all kinds of guns.

Mr. Speaker, this rule and this bill says terrorism is all right. Terrorism for the people of this city, who now will have to wonder how many guns are staring them down when they go outside every single day of the week, are going to have to wonder, when they see all of the complement of anti-terrorist measures in this town and know that those anti-terrorist measures are for everyone else but them, the inhabitants of Washington, D.C.

Mr. Speaker, this rule and this bill eliminate all of those laws that the people of this city have determined are in their best interest in defending their people, and it says, no, we are going to make you an example to the NRA that, whatever they want, they will get. When it comes to the repeal of the assault weapons ban, not only will this President not have fallen through on his commitment, but furthermore, they will have retreated on their commitment to defend the people of this Capital City and the Capitol Police of this Capital City. They ought to be ashamed of themselves.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Georgia (Mr. LINDER), the vice chairman of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank my friend from the Committee on Rules, the gentleman from Washington (Mr. HASTINGS), for the time.

Mr. Speaker, I rise in support of H. Res. 803, a closed rule that provides for the consideration of H.R. 3193, the District of Columbia Personal Protection Act. This is an appropriate rule that will allow the House to work its will on the underlying legislation, and I urge my colleagues in the House to join me in voting for its approval.

Mr. Speaker, I can certainly appreciate the position of those who oppose the underlying legislation. As a consistent proponent of home rule, I believe that the Federal Government should be limited in its influence over State and local laws.

The crux of this debate, however, is not whether the Congress has the authority to repeal the District's prohibition of owning firearms. The Founders were explicit in their desire for congressional oversight and responsibility in the affairs and laws of the District of Columbia.

The heart of the matter before us today is whether the District of Columbia should continue to prevent its citizens from exercising their full rights under the Constitution. We do not get to pick and choose our amendments, and the second amendment was written with just as much force and meaning as the first and the fifth and the tenth.

In 1975, the District's government enacted measures to prevent citizens from owning certain firearms in an ill-advised effort to reduce its violent crime rate. My colleagues have just heard about that from the previous speaker. As many of my colleagues can attest, however, the District, despite these laws, continues to be known across the country as the ''murder capital.''

It is beyond me to understand how we can stand here in the well of this House and say this is the most violent city in the Nation, this is the murder capital of the world, people are being gunned down, please do not change anything; leave it as it is. Does it ever strike anybody that, perhaps, perhaps, there would be less violence if the bad guys who do get guns, who have guns, would think for a moment that the people they are approaching might have guns, too?

This is not the kind of wild west life we want to live, but it is a fact of life that, in those areas where we have concealed-carry laws, there is less violent gun crime because the bad guys who have an easy time getting guns are concerned that maybe they are approaching someone who has one, too. There are some nations or some jurisdictions in this Nation that actually require people to keep guns in their houses, and it is an uncomfortable fact for those who would like to get rid of guns, but it is a fact.

□ 1100

They have less crime. They have far less crime.

So, Mr. Speaker, I urge my colleagues to support this rule and support the underlying law.

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

Mr. Speaker, I am a little bit baffled by the previous speaker to imply that somehow the passage of this bill would make the residents of D.C. safer. If this bill is enacted, the following weapons would be lawful to possess:

The AK–47, the Israeli Semiautomatic Uzi Carbine, the Bushmaster X–15, which was used by the D.C. area snipers to kill 10 people in 2002; the Barrett M82 A–1 50-caliber sniper weapon, which has the range of about 1 mile and is used by U.S. troops in Iraq and Afghanistan and worldwide to penetrate bunkers, to disable armored personnel carriers, and to take down enemy aircraft. This bill would allow fully-loaded assault weapons to be carried in public. This bill would allow armor-piercing ammunition, including cop-killing bullets. This bill would eliminate the District's registration program even for assault weapons. This bill would allow individuals to carry concealed hand guns in their places of business and property.

Mr. Speaker, I cannot believe that anybody can say with a straight face that this will make the residents of D.C. and this country safer.

Mr. Speaker, I yield 10 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. Speaker, when this law was first introduced, it was simply regarded as another absurd piece of legislation. There are lots of them during a session of Congress. When we moved toward a vote on this law, it left the realm of the absurd and entered the realm of the truly reckless, particularly reckless and callous at a time when 16 of our children are dead from guns in this city, far more than in any recent year; and at a time when, to their credit, the mayor of the city and the police chief of the city have reduced adult homicides by 25 percent.

I am on the floor this morning largely because this repeal will largely affect kids in the District of Columbia, and I cannot believe that that is the will of the great majority of the people of this House. There could not be a more wrong time or a more wrong place, a more wrong city, a more wrong region. This region still has not recovered from the sniper attack of 2002, which left 10 people in Maryland, Virginia and the District of Columbia dead, 5 more injured from a Bushmaster assault weapon that would now be legal to have in your homes, to have in your businesses, to have in your workplaces in the District of Columbia, in the Nation's Capital, which is now under an orange alert.

This bill did not move anyplace, Mr. Speaker. It was referred to the Committee on Government Reform, on which the gentleman from Indiana (Mr. SOUDER) and I both serve. He is the primary sponsor of this bill. There was no interest in the committee in this bill. The committee is deep into matters affecting Iraq and Homeland Security and Federal reorganization in the DOD, in the Department of Homeland Security, and even in the Subcommittee on Criminal Justice, Drug Policy and Human Resources, which I am pleased to serve on with the gentleman from Indiana (Mr. SOUDER).

Of course, this bill had to leap over every subcommittee and leap over the committee, because it never got a hearing, because there was no interest and there was no view that this is the kind of bill, particularly after 9/11, that any self-respecting Member of Congress would want to bring to the floor of the House. Yet here it has come, courtesy of the leadership of this House.

Moreover, this matter was considered a settled matter, if ever any matter is. The one group of local matters most prized as local in our country are criminal justice matters. And this matter has been settled by the people who

will be overwhelmingly affected if you vote for repeal today. It has been settled by the people of the District of Columbia, who alone have the right to make decisions as to how to safeguard their lives.

Thank you very much, you of the paternalistic variety who are going to tell us how to safeguard our lives. I am not going to tell you I do not expect you to tell my mayor, I do not expect you to tell my unanimous city council, I do not expect you to tell me, that is to say, if you still believe this is a Federal Government and you believe that we are as much citizens of the United States as you are, and we are.

When this bill came to the floor, with no opportunity to make any changes, of course, the only thing you can do is to go to the Committee on Rules. There we found a hostile attitude toward amendments, except amendments from one Member. Members came forward from both sides. This is a matter of compelling interest to the entire country. And the only Member to in fact get an amendment in order was the sponsor of the bill. He happens to be a Republican. No partisanship there, of course.

Actually, that fact, the one amendment coming from the gentleman from Indiana (Mr. SOUDER), the sponsor, is the front end of the partisanship of this bill. This bill is not about whether it will pass or fail. It comes a month before election, for reasons that the Members have not even tried to deny: Close to the election, let us hold up the Democrats, especially the Democrats from rural areas, from southern areas, from western areas. Let us dare them to vote for home rule, as they usually do. Let us take them down with NRA ads if they do. Everybody gets it. That is the only reason Democrats are on this bill. They saw Democrats taken out by NRA distortions of their positions on weapons just a few years ago.

The Souder amendment is really an amendment to wipe the red off the sponsor's face because he had sent a Dear Colleague, advising that a previous Dear Colleague saying that the bill would allow fully-loaded assault weapons to be carried in public was a matter of scare tactics. I can understand why the gentleman from Indiana made the mistake. It is not his law, it is not his business, he does not know what he is talking about, and he made the kind of mistake I would make if I tried to mess in the business of his jurisdiction. I am not familiar with what they do. He made a straight-out error. He said, oh, no, we were wrong; he was right.

Then, of course, he comes forward with an amendment, which is a mea culpa that admits that he was wrong. Actually, his amendment does not help very much, because it assumes an assault weapon, a Bushmaster, a loaded handgun which you could keep in your home, in your business, that somehow they are going to be contained in your homes, in your businesses, in your workplaces. Everybody knows that once you have a gun there, it stays there. That is, unless you have the experience of running the District of Columbia or living in the District of Columbia. And as our police chief says, there would be a moment, a moment in time before weapons in people's homes would find their ways to the streets to settle domestic violence matters, acquaintance quarrels, kids settling matters among themselves.

And, Mr. Speaker, we have even seen some of that when guns have gotten into kids' hands. We know what would happen with those guns because we live here and we know our people. They would make their way into Ward Six, where I live, which is close to the Capitol, and they would surely make their way to the streets in the poorest wards of the city, across the Anacostia River, where most of the killings of residents, and particularly of children, have taken place.

The gentleman from Indiana (Mr. SOUDER) does not know any better, and I can forgive him that. What I cannot forgive him is introducing and pressing this bill at a time when we have child killings at a record we have not seen in many years. Why in the world would anybody want to make laws for somebody else's jurisdiction?

So I said, well, if I could do only one amendment, what would I do? Because I knew that you would not want to put in a great many amendments to a bill that was being put forward for transparently political reasons. And I said, I know the one I would do, because I know what I have heard from my police chief. I would put in an amendment to say at least if you are going to have ammunition, let there be no cop killers' ammunition. And I came forward with an amendment that was aimed chiefly at doing whatever little we could do to protect our police officers and our children, the two categories of people most vulnerable because they are the disproportionate victims.

This amendment, however, like every Democratic amendment, was not made in order. I think it goes without saying that most Members would prefer not to have armor-piercing incendiary ammunition floating around their districts. The fact is that the kind of ammunition that my amendment would bar are not barred by Federal law. In fact, Congress, in fiscal year 2001, fiscal year 2002, and fiscal year 2003, in the DOD appropriation, actually added to the appropriation language that barred armor-piercing incendiary ammunition being transferred from DOD to private parties.

In the name of my children and police officers, I thought maybe they will throw me this sop. There are no sops to be thrown here. This bill not only is brought forward for political purposes, this bill is brought forward in callous disregard of these children. Their parents have been to the Hill, begging to have this vote rescinded. Our mayor, our new superintendent of schools, and our police chief were here yesterday to say this is exactly what we do not need.

I ask you to respect the people who know best, the people who will have to pay the price, the people who have had to go to the funerals. I ask you to defeat this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Washington State, the distinguished member of the Committee on Rules, for yielding me this time, and I want to thank my colleague, the gentleman from Indiana (Mr. SOUDER), for introducing legislation to restore our constitutionally protected right to keep and bear arms in the District of Columbia. H.R. 3193, the District of Columbia Personal Protection Act, would eliminate penalties for the legal possession of a firearm, and it would permit the storage of legal firearms in an individual's home or place of business.

This debate is fundamental in its nature. Americans should have the right to defend themselves against a violent assault. They should have the right to protect their own lives. In 2002, the District of Columbia earned the rare distinction of being the murder capital of America for 14 out of 15 years, yet all handguns have been banned in the District since 1976. This simple fact shows that firearm bans do not work to decrease crime. D.C. laws should not make it a criminal offense to possess a firearm and self-defense in one's own home or business.

Mr. Speaker, the Washington Times reported on December 14, 1994, that Rebecca Griffin heard her daughter screaming one night, only to find her bound and gagged by two potential kidnappers. With one carrying a knife, she was quick to end the attack after retrieving her 32-caliber revolver from the basement. Although her daughter was left cut and bleeding, by using a firearm to protect her family in her own home, she saved her daughter from abduction and, yes, possibly death.

It is interesting to note that crime was on the decline in Washington, D.C., before the gun ban was imposed. Yet in only the first 15 years of the ban, from 1976 to 1991, the homicide rate increased by more than 200 percent while the rest of the United States had only a 12 percent increase.

When Congress chose to delegate home rule in the 1970s, it specified that legislation by the District must be consistent with the Constitution of the United States, and I hope that the gentleman from Rhode Island and the gentlewoman from the District of Columbia, who previously spoke about the rights of D.C. citizens, are listening. However, the District of Columbia consistently violates the second amendment right to keep and bear arms. It violates the right to self-defense.

Mr. Speaker, I ask my colleagues to pass the rule for the District of Columbia Personal Protection Act and to restore second amendment rights to the law-abiding citizens of our Nation's Capital.

Mr. MCGOVERN. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from Massachusetts (Mr. MCGOVERN) has 8 minutes remaining and the gentleman from Washington (Mr. HASTINGS) has 20 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

□ 1115

Mr. SULLIVAN. Mr. Speaker, I rise in strong support of H.R. 3193, the District of Columbia Personal Protection Act. This is a commonsense piece of legislation that will rightfully restore the second amendment rights of Americans living in the District of Columbia.

Mr. Speaker, I know there are Members of this House who support gun control. The issue today, however, is not gun control but it is self-defense. The right to be able to protect yourself and your family is always important, but the right to do so in your home is the most important of all.

In America, we consider the home a special place and give greater weight to people's liberties in the home. The faulty bureaucratic logic of allowing District of Columbia residents to defend themselves is refuted by common sense. D.C. has some of the strongest gun laws in the Nation, and yet the recent FBI figures show that the District has regained its former title as the murder capital of the Nation for 14 of the last 15 years. Common sense and the love of life and liberty tells us that D.C. residents should have the right to defend themselves in their own home.

According to the FBI, the street and highway robbery rate has decreased by 59 percent, which is a greater decrease than other types of robbery, so the theory that gun-related street crimes will increase because of this bill is not supported by the facts nor by common sense. That leaves with us only one question really: Are law-abiding residents of this city entitled to the same rights as other Americans? I think our answer can be nothing other than a resounding yes.

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

Mr. Speaker, I include for the RECORD a letter from Mayor Anthony Williams and a letter from the Chief of Police, Charles Ramsey, in strong opposition to this legislation.

We have heard from the gentleman from Oklahoma and we have heard from the gentleman from Georgia who think they know everything about what the people of the District of Columbia need and deserve; how about listening to the mayor of this city and to the police chief of this city who say this is a bad bill which will make the streets of this city more dangerous?

Washington, DC, September 16, 2004.

Hon. TOM DELAY,
Majority Leader, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE DELAY: Princess Hansen. James Richardson. Chelsea Cromartie. Myesha Lowe. These are the names of four children who will never see adulthood. These are the names of four children whose parents are devastated by grief. These are the names of four children out of 14 who were killed by illegal guns in the District since January.

On behalf of the residents of the nation's capital, I am writing to express strong displeasure upon learning that federal legislation to repeal the city's gun control laws could shortly come to a vote in the House of Representatives. The District of Columbia Personal Protection Act of 2004 is not just a step back in our efforts to control crime—it is a couple of football fields back.

I take sharp exception to this wholly inappropriate intrusion into what is clearly a local matter. On behalf of the residents of the District of Columbia, I urgently ask you to take no further action on this legislation. It is unthinkable that while the nation's capital is under alert, Congress would take action to expose more than a half a million District residents, almost 200,000 federal workers and 20 million tourists to greater danger.

The District of Columbia has been governed by an elected Mayor and thirteen elected Council members since 1975. During the Council's first legislative session in 1976, the District passed legislation that restricted the possession, use and transfer of handguns and semiautomatic weapons. The courts have upheld the constitutionality of this law and no bill has been passed in the District to water down our gun-control laws since.

District leaders have enacted gun safety legislation based on our citizens' view that any increase in the number of guns in the District increases the likelihood that crimes will be committed with those guns. We have made significant progress in reducing crime, although we still have work to do. This year alone, District residents have witnessed a 24 percent reduction in homicides and a 13 percent decrease in overall crime. There is no way to argue that lifting our weapons bans will not jeopardize this progress. My administration has worked very hard to produce these results and I ask you to respect our efforts by leaving one of our most important anti-crime tools in place. My greatest frustration is that in spite of the significant reduction in homicides, 14 children, the largest number in five years, have been killed by guns this year. These killings, some by children, are reason enough to do no more harm by allowing more guns in our city.

Our residents know all too well the human costs exacted by guns and violence. Eighty percent of all homicides in the District last year were committed with guns, all of which were brought into the city illegally. Because of the porous nature of our borders, we can never rely on laws alone to keep guns out of our city, but these laws are indispensable local tools to combat crime. Our ability to reduce homicides would be severely compromised if—in addition to confiscating guns brought in from other jurisdictions—we were required to combat gun violence from weapons maintained, carried and bought within the District.

We are taking aggressive measures to further reduce homicides and violent crime in the city by increasing the number of sworn officers to 3,800, restructuring our Patrol Service Areas, strengthening our investigative capacity, and improving 911 response times.

For Princess Hansen. For James Richardson. For Chelsea Cromartie. For Myesha Lowe. I implore you to take no further action on the District of Columbia Personal Protection Act of 2004. The citizens of the District of Columbia want nothing more than other American citizens would demand and get—the right to make our own decisions about our public safety.

Sincerely yours,

ANTHONY A. WILLIAMS,
Mayor.

Washington, DC, February 25, 2004.

Hon. ELEANOR HOLMES NORTON,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN NORTON: I am writing to express my strong opposition to any efforts in Congress to eliminate or weaken current laws regulating handgun ownership and possession in the District of Columbia.

As a law enforcement officer with more than 35 years of experience, I know firsthand the devastation of handgun violence in our urban neighborhoods. One need look no farther than Ballou and Anacostia Senior High Schools in Southeast DC for recent examples of gun tragedies: two young student-athletes gunned down this school year, either inside or just outside their school building. Like these two killings, nearly 80 percent of the homicides in the District of Columbia are committed with a firearm, not to mention countless assaults, robberies and other crimes of violence.

The District is facing nothing short of a crisis when it comes to gun crime and gun violence. Every day, our residents—and our police officers—are confronted by far too many firearms, that are easily accessible to far too many people—including young people—who should not possess them. Last year alone, Metropolitan Police officers recovered nearly 2,000 firearms, and we are on track to increase that total this year. To somehow suggest that the District would be safer by introducing even more lethal firepower into our city is pure folly. To reduce crime and prevent more senseless tragedies like the recent killings at Anacostia and Ballou, we need fewer—not more—weapons on our streets. And we need to have strong laws that allow our police officers to identify and arrest criminals who carry guns in our city.

I appreciate your strong support of DC's gun laws, and I stand ready to assist in working to retain and, if necessary, strengthen those laws. You know, as I do, that tough and sensible gun laws help make our communities—and our police officers—safe. The District of Columbia cannot afford to go backwards when it comes to combating gun violence.

Sincerely,

CHARLES H. RAMSEY,
Chief of Police.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I rise in opposition to the rule; and more importantly, I rise in opposition to the underlying bill. When I looked at this bill, I was compelled to ask the question of the supporters of this legislation: What were they thinking?

Number one, we need less guns in the District of Columbia, not more guns.

Mr. Speaker, I represent the suburban districts in Prince George's County and Montgomery County, Maryland, just outside of Washington, D.C. The gun violence in D.C. bleeds over, excuse the expression, into our communities

so I have a great concern that we not have more violence and more guns.

Let me talk for a moment about the question of rights and the rights of D.C. citizens. My colleagues on the other side who are sponsoring this legislation are the same folks who are saying we have to have democracy in Iraq, we need to let the Iraqis decide. They would have the Iraqis decide their fate, but they will not let the citizens of the District of Columbia decide their fate. That does not make sense.

The citizens of the District of Columbia have not asked for this bill. The mayor is opposed to it, the police chief is opposed to it, the elected Representative is opposed to it. That is the democratic position, that the citizens of the District of Columbia, under the concept of home rule, should be allowed to make this decision, not people from Indiana and Georgia.

It is appalling to think that this measure would repeal the District of Columbia's ban on the sale and possession of handguns and semiautomatic weapons and eliminates criminal penalties for possessing unregistered handguns.

Earlier a gentleman talked about the facts. Let us talk about the reality. The reality is that most if not all of these young people did not die as a result of burglaries in their home, they died on the streets. They died on the streets as a result of handgun violence, not as a result of handguns purchased in the District of Columbia, but from Virginia and Maryland and other places.

That is the problem we have here. There are already too many handguns, too many semiautomatic weapons, too much street crime, and the sponsor of this measure would allow for more.

It is very interesting, we are in a period in which there is a great deal of concern about terrorism. And of course here in the capital, we are greatly concerned for obvious reasons. Why would we want more handguns in the possession of individuals in the District of Columbia that might pose a terrorist threat, or semiautomatic weapons in the hands of the people of District of Columbia who might pose a terrorist threat? It just does not make any sense. What were they thinking?

Under this bill, if a crime is committed and the weapon is found because they eliminate the registration process, detectives could not determine whose gun it was. It just does not make any sense.

And then how could people in this body forget the fact that on July 24, 1998, a gunman came into this Capitol and fired a handgun, killing Jacob Chestnut, a United States Capitol Police Officer, and Special Agent John Gibson? How can we forget the effects of handgun use, not to mention the handgun that was used to shoot at President Ronald Reagan?

The issue is not well, there is crime in the District of Columbia; yes, that is true. There is crime in every city. The issue is, do we want more crime and more violence as weapons are more readily available under this bill? Again, it just does not make any sense. Let me tell Members about the reality of what actually happens. Thieves not only break into homes for cash and jewelry, they also break into homes for weapons, weapons that can be fenced and transferred and sold through other means, and those same weapons that exist in the homes are also the weapons that are used to commit crimes.

So while the gentleman presents one anecdote of somebody who protected their family with a handgun, there is a lot more information about people who were victimized on the streets by handguns and semiautomatic weapons.

My colleague from the District of Columbia made an impassioned plea on behalf of young people, all under the age of 17, who were the victims of gun violence. I join her in that plea. Let us have some common sense, let us defeat this rule and then defeat the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me begin by reading a ''Dear Colleague'' letter from the gentleman from California (Mr. WAXMAN), the ranking member, and the gentleman from Virginia (Chairman TOM DAVIS) entitled Please ''Oppose H.R. 3193.''

They write, ''We are writing to urge you to oppose H.R. 3193, a bill that would make Washington, D.C. less safe. H.R. 3193 falls within the jurisdiction of the Committee on Government Reform, but was not considered by the committee.''

They say this bill ''repeals the D.C. laws that restrict the possession of firearms in the District of Columbia. Among the laws repealed are the ban on semiautomatic assault weapons, the ban on armor-piercing ammunition, and the gun registration requirements. Although one can debate the merits of some of D.C.'s gun laws, no one should question the importance of keeping fully-loaded assault weapons off the streets of the Nation's Capital city.

''Another problem with H.R. 3193 is its impact on home rule for the District of Columbia. Congress would never act to repeal the gun laws for communities in Northern Virginia or Southern California. Whether we agree or disagree with the District's laws, we should accord the mayor and District city council that same respect.

''Please join us in voting no on H.R. 3193.'' This letter was signed by the gentleman from Virginia (Chairman DAVIS) and the gentleman from California (Mr. WAXMAN).

A number of speakers have said D.C.'s gun laws violate the second amendment. They do not violate the second amendment. In a recent NRA-inspired lawsuit, D.C. citizens challenged the constitutionality of the city's gun laws. In a decision styled Seegers v. Ashcroft, a D.C. Federal court judge found that the D.C. gun laws did not violate the plaintiff's second amendment rights. In fact, because the second amendment specifically applies to State militias, the court held that the amendment cannot apply to the District of Columbia, which is not a State.

Mr. Speaker, this body considered this issue in 1999 when the gentleman from Virginia (Mr. GOODE) offered this repeal as an amendment to the gun show bill. That amendment was defeated by a vote of 175–250. This House has already spoken. Members defeated that awful idea then, and I hope they will defeat it again today when this bill comes to the floor.

I hope Members of this House will stand up to the NRA and will do the right thing, will do the right thing by the citizens of this city. How anybody can make the case that making more military-style assault weapons available on the streets of D.C. somehow is going to decrease crime is beyond me. It makes no sense at all.

This is an arrogant bill, where people who have no idea what is going on in this city are imposing their will on the people of the District of Columbia.

Mr. Speaker, I include for the RECORD two editorials, one from the Journal Gazette of Fort Wayne, Indiana, entitled ''Where Are Souder's Priorities'' and the other from ''The Decatur Daily Democrat'' entitled ''Souder's Contempt.''

I wish the gentleman who introduced this bill would have paid attention to the editorials from his home newspapers. They are right. D.C. has a right to determine its fate on these gun laws. Congress has no business repealing what the local leaders and legislators in D.C. have decided. I hope all Member of Congress do the right thing, will stand up for our kids, will stand up for our police. All of the police officers, the police chief, the police associations, are all against this bill. Let us do the right thing and defeat this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 27, 2004.

PLEASE OPPOSE H.R. 3193

DEAR COLLEAGUE: We are writing to urge you to oppose H.R. 3193, a bill that would make Washington, D.C., less safe. H.R. 3193 falls within the jurisdiction of the Government Reform Committee, but was not considered by the Committee.

H.R. 3193 repeals the D.C. laws that restrict the possession of firearms in the District of Columbia. Among the laws repealed are the ban on semiautomatic assault weapons, the ban on armor-piercing (''cop-killer'') ammunition, and the gun registration requirements. Although one can debate the merits of some of D.C.'s gun laws, no one should question the importance of keeping fully loaded assault weapons off the streets of the nation's capital city.

Another problem with H.R. 3193 is its impact on home rule for the District. Congress would never act to repeal the gun laws for communities in Northern Virginia or Southern California. Whether we agree or disagree with the District's laws, we should accord the Mayor and the D.C. City Council the same respect.

Please join us in voting ''No'' on H.R. 3193.

Sincerely,

TOM DAVIS,

Chairman.
HENRY A. WAXMAN,
Ranking Minority Member.

[From the Journal Gazette, Sept. 21, 2004]

EDITORIAL: WHERE ARE SOUDER'S PRIORITIES?

Northeast Indiana residents have good reason to question where Congressman Mark Souder's priorities lie.

Souder has been receiving national exposure, not for anything he's doing for his constituents but for his attempts to use the Federal government to overturn a local government decision.

Our congressman believes people in Washington D.C., should be able to carry assault rifles and handguns.

He believes that Washington police should not be able to jail anyone for having unregistered weapons.

He believes District of Columbia workers should face no criminal penalties for carrying a gun to work.

The District of Columbia has banned handguns, but Souder thinks the Federal government should step in and overturn this local decision because Souder knows what's better for residents of the District of Columbia than they do.

Congressional leaders have placed a priority on Souder's bill—cynically called the District of Columbia Personal Protection Act—mostly to force House Democrats to cast a vote on a gun control issue before Nov. 2.

This misplaced priority comes days before the fiscal year will begin with 12 of the 13 spending bills needed to keep the government running yet to be approved.

Many political observers believe Souder's legislation has little chance in the U.S. Senate, making the D.C. gun bill an exercise in political gamesmanship.

Souder must need the diversion, coming at the end of Congress' longest summer vacation since Harry Truman was in the White House.

In a statement that has become sadly characteristic of our congressman, Souder compared gun control to owning slaves, telling the Washington Post, ''The fact is, we didn't allow the District to have home rule on the selling of slaves, either.''

Souder's bill earned him attention in the Post and in the Sunday New York Times shortly after receiving some publicity in U.S. News & World Report for his action on another issue of vital importance to Hoosiers—lighthouses.

Souder railed against a North Carolina congressman for wanting the Homeland Security Department to audit the group that operates the North Carolina Currituck Beach Lighthouse.

During an unrelated hearing, Souder blasted the efforts as ''one of the biggest travesties of justice I have ever seen.''

Perhaps Souder is unaware of the 14 children who have been gunned down in Washington this year.

Perhaps he is unaware that the handgun ban helped D.C. police take nearly 2,000 guns away from criminal suspects last year and more than 1,300 so far this year.

Perhaps his beloved lighthouses and efforts to embarrass Democrats have become too important.

This page believes Washington should be able to set its own gun-control laws but acknowledges that honest people can disagree regarding the city's Second Amendment rights. But there is little doubt that right now, Souder's bill is simply a waste of Congress' time and does nothing to improve good government or help his constituents in Indiana.

[From the Decatur Daily Democrat, Sept. 20, 2004.]

SOUDER'S CONTEMPT

Rep. Mark Edward Souder is about as interested in the hopes, fears and aspirations of District of Columbia residents as a rock along the Maumee River in his northeast Indiana congressional district.

What does engage the Republican congressman's enthusiasm is the prospect of forcing House Democrats to vote on a gun control law in a hotly contested election year. That helps explain why Souder is pressing for a vote in his bill, which would remove the District's stringent ban on handguns, lift a restriction against semiautomatic weapons, end registration requirements for ammunition and other firearms, and cancel criminal penalties for possessing unregistered firearms and carrying a handgun in one's home or workplace.

Wasting no opportunity to thumb their noses at D.C. residents who strongly support the handgun bans—and to ingratiate themselves with gun rights groups—House Republican leaders have promised Souder a vote before the Nov. 2 election. A more contemptible display of cynicism would be hard to find.

Souder maintains that his bill is not an incursion on home rule but rather is based on the Second Amendment's guarantee of gun rights. He's wrong, of course. The District's authority to enact gun control laws has been successfully challenged in court. Likewise, if Congress adopts language that denies the city's elected leaders ''authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms''—as proposed by Souder—what is that but a restriction on the city's self-governing powers? Besides, the District is hardly unique: Seven states also have their own bans on assault weapons. But it's not the Constitution that is at issue. Souder and the House GOP leadership are out to put Democrats on the defensive, especially those in competitive congressional races where the gun lobby might hold sway.

It matters not a bit to Souder and his gun allies that the D.C. police department has its hands full trying to keep deadly weapons off the streets. Last year D.C. police recovered 1,982 firearms from criminal suspects. As of Sept. 8, D.C. cops had already recovered 1,385 guns this year. Justifiable concerns that repeal of the city's gun laws would worsen violence on D.C. streets have fallen on deaf ears in the U.S. Capitol. House Republicans, if they have their way, would just as soon turn the nation's capital into a free-fire zone—and for cheap political reasons.

It is small comfort to observe, as some have, that the Souder bill would have dim prospects in the Senate this year. This offensive and opportunistic bill should not be allowed to see the light of day in the House of Representatives. But to say that is to hope that respect for the rights of District residents would rank above lust for partisan advantage.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 8 minutes to the gentleman from Indiana (Mr. SOUDER), the sponsor of this measure.

Mr. SOUDER. Mr. Speaker, first I would like to thank the gentleman from Washington (Mr. HASTINGS) for bringing up a very good rule today. I rise in support of this rule, and would like to alert all of my colleagues, the vote for a rule is a vote for allowing debate on restoring the second amendment rights to the District of Columbia residents.

Members have heard much of the debate today that citizens are prevented from owning a handgun at all. My bill says even if citizens have a gun, let me first state this, even if you have a gun, you store a rifle or shotgun, you are prohibited from using them to defend your own life, family, and home. District law threatens honest people with imprisonment if they unlock, assemble, or load their guns even when under attack.

For this reason, I am bringing before the House a bill that this rule would make in order that would restore the second amendment rights of D.C. citizens. I think it is important to note that my bill would not repeal any provision of D.C. law that bans gun possession by criminals or that punishes violent crime.

The rule also makes two important changes to my bill which would clarify the original intent. There has been a misrepresentation in ''Dear Colleagues'' to this House that said we would allow concealed and open carrying of any firearm, loaded or unloaded, outside the owner's property. It did not. It said three times in the bill, property, home, business or other land, but this clarifies it. It also strengthens D.C. code by providing a more complete set of exemptions based on Maryland law to allow citizens to transport unloaded, cased firearms to and from lawful activities, such as hunting, target shooting, and firearm safety training.

I want to address a number of the things that have come up during debate. One is if someone has a gun in their home, could someone go in and rob? Of course they could. They can now. It is just the person defending their home cannot defend their home, but it is not loaded, it has to be encased and cannot be used. But if someone wants to steal the guns, they can do that now.

What happens if they go on the street with an illegal gun? Guess what; they are doing that now. That penalty stays in effect. If somebody steals the gun or goes off their property with the gun, it is already against the law. It will still be against the law, and all Members are arguing is the ineffectiveness of the law.

For years in the United States we have heard this rumor that if we ban guns, only the criminals would have guns. In D.C. that seems to have come true, because now what we are arguing is that people who follow the law are somehow going to turn into criminals. The people who are criminals are already making Washington, D.C. the murder capital of the United States 14 of the last 15 years. How can it get worse?

What we are doing is letting the people who are in the homes, as people have written in and stated, that when they told, even though the gun was illegal, when they said they had a gun inside, people left the attacking of their homes. This should increase property values in Washington, D.C. It

should make people safer, and I think it is the right thing to do.

Another subject that came up was the so-called AK–47s and Uzis. They are constantly mentioned, but they are not legal to import now. Even though the assault weapon ban has expired, those and other foreign-made guns were prohibited under the Federal Firearm Importation Act in 1989, and they will still remain prohibited.

□ 1130

We heard about so-called ''cop killer bullets.'' The fact is on the armor piercing ammunition bill, there was a bill passed in 1986 when the Democrats controlled this House. After several years of debate and discussion, Congress prohibited certain kinds of bullets that could be used in a handgun and which were capable of defeating the kinds of bullet-resistant vests that police officers wear for protection. Some wanted to ban all ammunition. That was defeated. It came up again.

In 1997, a study conducted by the Bureau of Alcohol, Tobacco and Firearms found that existing laws are working and no additional legislation regarding such laws is necessary. The study also found that no law enforcement officer had ever been killed or even injured because of these so-called bullets penetrating a bullet-resistant vest. It urged Congress to avoid any experimentation with police officer lives that could conceivably lead to numerous additional officer fatalities.

The problem here is all we are doing is making D.C. in conformance with the rest of the United States, which is a constitutional right to bear arms, and this rule would go forth and do that.

I include for printing in the CONGRESSIONAL RECORD the cosponsors of this bill.

COSPONSORS BY DATE OF H.R. 3193

Office	State	First Contact	R or D
Charles Stenholm	TX	5-Sep	D
Max Sandlin	TX	5-Sep	D
Chris John	LA	9-Sep	D
Colin Peterson	MN	10-Sep	D
Jim Matheson	UT	10-Sep	D
Brad Carson	OK	10-Sep	D
Marion Berry	AR	10-Sep	D
Lincoln Davis	TN	10-Sep	D
Jim Turner	TX	10-Sep	D
Bud Cramer	AL	10-Sep	D
Tim Holden	PA	10-Sep	D
Silvestre Reyes	TX	11-Sep	D
Gene Green	TX	11-Sep	D
Michael Michaud	ME	16-Sep	D
Sanford Bishop	GA	17-Sep	D
Jim Marshall	GA	17-Sep	D
Solomon Ortiz	TX	22-Sep	D
Rick Boucher	VA	24-Sep	D
Tim Ryan	OH	25-Sep	D
Mike McIntyre	NC	30-Sep	D
John Tanner	TN	30-Sep	D
Nick Rahall	WV	1-Oct	D
Joe Baca	CA	2-Oct	D
Gene Taylor	MS	2-Oct	D
Chet Edwards	TX	7-Oct	D
Ken Lucas	KY	8-Oct	D
Jerry Costello	IL	8-Oct	D
John Dingell	MI	8-Oct	D
Bart Gordon	TN	8-Oct	D
John Murtha	PA	21-Oct	D
Ciro Rodriguez	TX	23-Oct	D
Bart Stupak	MI	19-Nov	D
Ike Skelton	MO	11-Feb	D
Jim Cooper	TN	23-Feb	D
Alan Mollohan	WV	26-Apr	D
A.B. Chandler	KY	5-May	D
Allen Boyd	FL	4-Jun	D
Paul Kanjorski	PA	17-Jun	D
Leonard Boswell	IA	17-Jun	D

COSPONSORS BY DATE OF H.R. 3193—Continued

Office	State	First Contact	R or D
Dennis Cardoza	CA	17-Jun	D
Ted Strickland	OH	20-Jun	D
Mike Ross	AR		D
Stephanie Herseth			D
Earl Pomeroy			D
Jim DeMint	SC	3-Sep	R
Joe WIlson	SC	3-Sep	R
Tim Johnson	IL	3-Sep	R
Dan Burton	IN	4-Sep	R
Ed Schrock	VA	4-Sep	R
Jo Ann Davis	VA	4-Sep	R
Jeb Hensarling	TX	5-Sep	R
John Carter	TX	5-Sep	R
Kevin Brady	TX	5-Sep	R
Pete Sessions	TX	5-Sep	R
David Vitter	LA	9-Sep	R
Dennis Rehberg	MT	9-Sep	R
Lamar Smith	TX	9-Sep	R
Michael Burgess	TX	9-Sep	R
Ralph Hall	TX	9-Sep	R
Randy Neugebauer	TX	9-Sep	R
Sam Johnson	TX	9-Sep	R
Butch Otter	ID	10-Sep	R
Rodney Alexander	LA	10-Sep	R
Chris Cannon	UT	10-Sep	R
Ron Paul	TX	10-Sep	R
Terry Everett	AL	10-Sep	R
Adam Putnam	FL	11-Sep	R
Joe Barton	TX	11-Sep	R
Todd Platts	PA	11-Sep	R
Candice Miller	MI	12-Sep	R
Virgil Goode	VA	12-Sep	R
Barbara Cubin	WY	16-Sep	R
Phil Gingrey	GA	16-Sep	R
John Sullivan	OK	17-Sep	R
Ron Lewis	KY	17-Sep	R
Spencer Bachus	AL	22-Sep	R
John Duncan	TN	23-Sep	R
Marsha Blackburn	TN	23-Sep	R
Bill Janklow	SD	24-Sep	R
Bob Ney	OH	24-Sep	R
Ernest Istook	OK	24-Sep	R
John Mica	FL	24-Sep	R
Nathan Deal	GA	24-Sep	R
Bob Goodlatte	VA	25-Sep	R
Pat Toomey	PA	25-Sep	R
John Doolittle	CA	26-Sep	R
Mac Collins	GA	26-Sep	R
Mike Rogers (AL)	AL	26-Sep	R
Roscoe Bartlett	MD	26-Sep	R
Cass Ballenger	NC	29-Sep	R
Duke Cunningham	CA	29-Sep	R
Jeb Bradley	NH	29-Sep	R
Marilyn Musgrave	CO	29-Sep	R
Roger Wicker	MS	29-Sep	R
Steve King	IA	29-Sep	R
Thaddeus McCotter	MI	29-Sep	R
Wally Herger	CA	29-Sep	R
Chip Pickering	MS	30-Sep	R
Chris Chocola	IN	30-Sep	R
Eric Cantor	VA	30-Sep	R
Ginny Brown-Waite	FL	30-Sep	R
Gresham Barrett	SC	30-Sep	R
Jeff Miller	FL	30-Sep	R
Jim Gibbons	NV	30-Sep	R
Robin Hayes	NC	30-Sep	R
Sam Graves	MO	30-Sep	R
Steve Pearce	NM	30-Sep	R
Tom Feeney	FL	30-Sep	R
Trent Franks	AZ	30-Sep	R
Duncan Hunter	CA	1-Oct	R
Jo Bonner	AL	1-Oct	R
John Hostettler	IN	1-Oct	R
Todd Akin	MO	1-Oct	R
Henry Brown	SC	2-Oct	R
John Boozman	AR	2-Oct	R
John Culberson	TX	3-Oct	R
Roy Blunt	MO	3-Oct	R
John Kline	MN	6-Oct	R
Johnny Isakson	GA	6-Oct	R
Don Young	AK	7-Oct	R
Mike Simpson	ID	7-Oct	R
Rick Renzi	AZ	7-Oct	R
Bill Shuster	PA	8-Oct	R
Mike Pence	IN	8-Oct	R
Todd Tiahrt	KS	8-Oct	R
Donald Manzullo	IL	9-Oct	R
Jack Kingston	GA	9-Oct	R
Philip Crane	IL	9-Oct	R
Charlie Norwood	GA	10-Oct	R
Jim Ryun	KA	10-Oct	R
Richard Baker	LA	14-Oct	R
Rob Bishop	UT	14-Oct	R
Joseph Pitts	PA	15-Oct	R
Lee Terry	NE	15-Oct	R
Mike Rogers (MI)	MI	15-Oct	R
Zach Wamp	TN	17-Oct	R
Jerry Weller	IL	20-Oct	R
Jim McCrery	LA	20-Oct	R
Robert Aderholt	AL	20-Oct	R
Bob Beauprez	CO	21-Oct	R
Henry Bonilla	TX	21-Oct	R
Randy Forbes	VA	21-Oct	R
Thomas Petri	WI	21-Oct	R
Melissa Hart	PA	23-Oct	R
Billy Tauzin	LA	27-Oct	R
Steve Buyer	IN	28-Oct	R
Deborah Pryce	OH	29-Oct	R
Fred Upton	MI	29-Oct	R
Thomas Reynolds	NY	30-Oct	R
William Jenkins	TN	30-Oct	R
Steve Chabot	OH	31-Oct	R

COSPONSORS BY DATE OF H.R. 3193—Continued

Office	State	First Contact	R or D
Cliff Stearns	FL	3-Nov	R
William Thornberry	TX	3-Nov	R
Scott Garrett	NJ	5-Nov	R
Ken Calvert	CA	7-Nov	R
Phil English	PA	12-Nov	R
Devin Nunes	CA	18-Nov	R
Max Burns	GA	19-Nov	R
Tom Tancredo	CO	21-Nov	R
Jim Nussle	IA	24-Nov	R
Tom Cole	OK	1-Dec	R
Ric Keller	FL	9-Jan	R
Scott McInnis	CO	22-Jan	R
Walter Jones	NC	26-Jan	R
Sue Myrick	NC	28-Jan	R
Dana Rohrabacher	CA	29-Jan	R
John Peterson	PA	29-Jan	R
Mario Diaz-Balart	FL	29-Jan	R
Paul Ryan	Wisc	4-Feb	R
Joel Hefley	CO	9-Feb	R
Frank Lucas	OK	26-Feb	R
Nick Smith	MI	26-Feb	R
Darrell Issa	CA	9-Mar	R
Gary G. Miller	CA	11-Mar	R
Jeff Flake	AZ	12-Mar	R
Tom Latham	IA	22-Mar	R
Kenny Hulshof	MO	25-Mar	R
Nicholas Lampson	TX	31-Mar	R
Gary Miller	CA	1-Apr	R
Curt Weldon	PA	5-Apr	R
George Radanovich	CA	23-Apr	R
Sherwood Boehlert	NY	23-Apr	R
Charles Taylor	NC	26-Apr	R
Dave Weldon	FL	26-Apr	R
Greg Walden	OR	28-Apr	R
Jo Ann Emerson	MO	28-Apr	R
Shelley M. Capito	WV	4-May	R
Richard Pombo	CA	5-May	R
Harold Rogers	KY	12-May	R
Dave Camp	MI	17-May	R
Katherine Harris	FL	17-May	R
Gil Gutknecht	MN	19-May	R
Jim Gerlach	PA	19-May	R
Mark Kennedy	MN	1-Jun	R
Steven LaTourette	OH	2-Jun	R
Anne Northup	KY	4-Jun	R
Richard Burr	NC	4-Jun	R
Doc Hastings	WA	9-Jun	R
Don Sherwood	PA	9-Jun	R
George Nethercutt	WA	9-Jun	R
Howard McKeon	CA	9-Jun	R
John McHugh	NY	9-Jun	R
John Shimkus	IL	9-Jun	R
Jerry Moran	KS	14-Jun	R
Ed Whitfield	KY	15-Jun	R
Charles Bass	NH	16-Jun	R
John Linder	GA	16-Jun	R
Tom DeLay	TX	16-Jun	R
Ander Crenshaw	FL	17-Jun	R
Ed Royce	CA	17-Jun	R
John Boehner	OH	17-Jun	R
John Sweeney	NY	17-Jun	R
Kay Granger	TX	17-Jun	R
Patrick Tiberi	OH	17-Jun	R
Paul Gillmor	OH	18-Jun	R
Jerry Lewis	CA	20-Jun	R
Joseph Knollenberg	MI	20-Jun	R
Michael Bilirakis	FL	20-Jun	R
Elton Gallegly	CA	22-Jun	R
John Shadegg	AZ	22-Jun	R
Lincoln Diaz-Balart	FL	22-Jun	R
Ileana Ros-Lehtinen	FL	6-Jul	R
Michael Turner	OH	8-Jul	R
Howard Coble	NC	15-Jul	R
Hoekstra		21-Jul	R
Oxley		21-Jul	R
Jim Kolbe			R
Judy Biggert			R
Portman			R
Regula			R

There have been a number of statements made about jurisdiction, process and so on. I was put under a very tough standard and that was that a majority of this Congress had to back my bill before it would be allowed to come to the floor. That is a very tough standard. Then after we achieved that, we were told we had to have a majority of the Committee on Government Reform, which we have, a bipartisan majority of the Committee on Government Reform. The gentleman from Virginia (Mr. TOM DAVIS) has stated openly and consistently that he opposes this bill. At the same time he also made it clear to the Committee on Rules that he understood that a majority of the Committee on Government Reform, a bipartisan majority of the Committee on Government Reform, supported this

bill and that he would approve of the Committee on Rules going ahead, in effect. He would still oppose the bill, still does oppose the bill and always will oppose the bill as he has done because he has been very consistent on this issue.

But there was also a statement made as though we were, ''we'' being the Republican leadership as well as outside groups, trying to intimidate these poor western Members in the United States who were afraid of ads.

First, the gentlewoman from South Dakota (Ms. HERSETH), the gentleman from North Dakota (Mr. POMEROY), the gentleman from Texas (Mr. EDWARDS), people in tough races, actually believe in gun rights. That is why they are on the bill. It is demeaning to have their colleagues undermine them on the House floor and imply that the only reason they got in the bill was for political purposes. That is things like people from our side would say about people from their side. Their own side should not be saying that. Furthermore, the last I saw, the gentleman from Michigan (Mr. DINGELL), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Missouri (Mr. SKELTON), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from Texas (Mr. ORTIZ), the gentleman from Texas (Mr. REYES) are not in tough races and they are not intimidated by outside groups.

This bill has 45 Democratic cosponsors in addition to the majority of the Republican Party. When we talk about bipartisan legislation, this is bipartisan legislation. The D.C. handgun ban has failed. It has failed miserably. This bill is demanded by the people of the United States. They wrote into their Members. Members from both parties got on this bill. This is a good rule, and I hope Members will support and pass this rule and pass the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is unfortunate that I am here today to fight a closed rule on what will be one of the more tragic pieces of legislation that we try to pass through the House of Representatives. We have very important interests that are being ignored by this closed rule.

Guns are disproportionately killing our children in our cities and this law has no basis to be here in front of us today. DC has its own rules regulating purchasing and owning a gun, and we do not need to create legislation to usurp their power and go against their interest.

We are drowned in rhetoric saying that a Member of Congress who does not think handguns should be floating freely on our streets is someone who is anti-gun and wants to take our hunting rifles away. That is not this bill before us. You can keep your hunting rifles, you can keep your loaded guns in your business, but you do need some semblance of order on the street, where a small, innocent mistake encounter can turn into a massive bloodbath once guns are used instead of words.

Right now, DC's local laws do not prevent law abiding citizens from owning a firearm. Since 1976, District residents have registered over 100,000 firearms (mostly rifles and shotguns) with the Metropolitan Police Department (MPD).

Study after study is showing that guns protect very few at home and result in thousands of Americans killed in family and acquaintance quarrels, domestic violence and suicides. Guns obtained legally end up as weapons in domestic or neighborhood quarrels. Is this what we want in our neighborhoods? What is wrong with the mentality that it takes guns to solve problems and make people feel safe?

As a member of the House Select Committee on Homeland Security, we need to be doing everything we can to keep the men and women who protect the nation's capital out of harm's way. The nation's capital is under an orange alert.

Placing more unregulated guns in the streets of DC undermines homeland security measures. Why must we compromise our own homeland security efforts by bringing more handguns to the streets? Where are our priorities?

I have been collaborating with my colleague and good friend from the District of Columbia, Congresswoman ELEANOR HOLMES NORTON. She can echo that DC's current firearm laws are working. 97% of all guns used in crimes in DC originate outside of DC and 59% of traceable guns were first purchased in Maryland and Virginia. In addition, 8% of traceable guns were bought in North Carolina, Florida, Georgia and South Carolina. It is a travesty that her concerns are being ignored, both by the House Rules committee and by the larger body.

As legislators, we must take our role in as decision makers very seriously. This includes knowing when we have overstepped our bounds. Please, listen to the people of DC to hear if they want guns on their streets.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF MEMBER AND APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore (Mr. LATHAM). Pursuant to clause 11 of rule I, the Chair announces the Speaker's removal of the gentleman from New York (Mr. BOEHLERT) from the Permanent Select Committee on Intelligence and pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of December 8, 2003, appointed the gentleman from Missouri (Mr. BLUNT) to fill the existing vacancy thereon.

APPOINTMENT OF CONFEREES ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Neal of Massachusetts moves that the managers on the part of the House, on the disagreeing votes of the two Houses to the Senate amendment to H.R. 4520, be instructed as follows:

1. The House conferees shall be instructed to include in the conference report an effective rate reduction for income from production activities in the United States, and such an effective rate reduction—

A) shall be provided in the form of a deduction as in the Senate amendment, and shall not be provided in the form of a corporate rate reduction, as in the House bill,

B) shall be available to all businesses (including farmers, farm co-operatives, subchapter S corporations, and other unincorporated businesses) engaged in U.S. production activity as in the Senate amendment,

C) shall include the provisions of the Senate amendment that adjust the size of the effective rate reduction based on the respective portions of the taxpayer's business in the United States and overseas in order to provide the largest effective rate reduction for businesses that have not moved operations offshore, and

D) shall include the provisions of the Senate amendment (not included in the House bill) that ensure that the rate reduction will not be available for income attributable to cost savings resulting from purchasing imported parts or outsourcing labor overseas.

2. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to not include any increase in tax benefits for the overseas operations of multinationals.

3. The House conferees shall be instructed to develop a conference report that will not increase the federal deficit in either the short or long term. In doing so, the House conferees also shall be instructed:

A. To include in the conference report the provisions of the Senate amendment that eliminate tax benefits for companies that reincorporate overseas, and the provisions of the Senate amendment that restrict corporate tax avoidance transactions, including codification of the economic substance doctrine and the provisions directly targeted at transactions utilized by the Enron corporation, and

B. Shall drop the provision of the House bill that provides for private collection of Federal tax liabilities.

4. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction at a time permitting passage before the adjournment before the election.

Mr. NEAL of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Massachusetts (Mr. NEAL) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I am pleased that the House Republican leadership has finally seen fit to appoint conferees to resolve the foreign sales corporation or extraterritorial income issue that the World Trade Organization found to be an illegal export subsidy. I note that the appointment of conferees today comes more than 2 months after the Senate appointed their conferees. This delay by the House Republican leadership has only resulted in more trade sanctions on many of our industries.

Today I am offering a motion to instruct that I believe should be the framework for the conference report. First, the motion to instruct offers a requirement that House conferees include an effective rate reduction for U.S. businesses manufacturing or producing goods in the United States. This benefit for U.S. producers is the appropriate replacement for today's export benefit which was enjoyed by U.S. manufacturers and producers. The replacement benefit should also apply to U.S. manufacturers and producers. This motion requires that all businesses, including farmers, farm cooperatives, subchapter S corporations, and other unincorporated small businesses should enjoy the benefit of the new rate reduction. I have never understood the opposition of the House Republican leadership to permitting small businesses to be eligible for the new benefit. I have always agreed with the gentleman from Illinois (Mr. MANZULLO), chairman of the Committee on Small Business, in his insistence that small businesses be eligible.

This motion also requires that businesses that are purely domestic receive the largest benefit, as included in the Senate amendment. We should reward companies for keeping their operations in the United States. This motion also requires the inclusion of Senate provisions to ensure that companies do not receive benefits for income attributable to cost savings from purchasing cheap imported parts or outsourcing labor. Again, I do not understand why the Republican House bill encouraged outsourcing of parts and labor offshore.

Second, this motion requires that the conference report not further increase tax incentives for companies to move operations offshore. We have had ample opportunity in this House for the better part of 3 years to do something about an issue that I think causes great concern to the American taxpayer and to the American worker. Our current tax laws already provide incentives for companies to invest and move operations offshore. There is no reason to provide additional tax benefits that could result in further U.S. job losses.

The Bermuda issue has never been debated vigorously in this House, and we should take that up perhaps as a separate issue down the road; but we sure could include it with this motion to instruct. We should be focused on increasing incentives for U.S. jobs, not incentives to create jobs overseas.

Third, this motion requires that the conference report be revenue neutral. We already are experiencing deficits of historic size, and there is no reason to further increase the deficit in this legislation. I would remind the consuming audience today that what began as a $4.5 billion problem now looks as though it will have a $130 billion solution. In making this bill revenue neutral, the motion also requires the House conferees to take the following specific actions:

First, the House conferees shall include the Senate provisions preventing corporations to avoid U.S. tax by merely reincorporating in a tax haven overseas. I have yet to meet anybody who believes that Tyco is a Bermuda-based company. I have never understood why House Republican leaders insist on defending companies that move to tax havens to avoid paying their fair share of tax, particularly at a time when we are engaged in combat overseas. Patriotism should never take a back seat to profits.

Second, the House shall include the Senate provisions addressing corporate tax avoidance transactions, including provisions targeting tax avoidance transactions utilized by the Enron Corporation. At one time we were prepared to give them, as we repealed the corporate alternative minimum tax, a $250 million tax break. These transactions are purely paper transactions that have no purpose other than tax avoidance. The House has resisted action in this area for years, permitting corporations to continue to avoid their responsibilities. It is time to close and stop those transactions.

Third, the House conferees should be instructed to drop the House provision that authorizes private collection of Federal tax liabilities. We debated that issue years ago in the Committee on Ways and Means, and I thought that the evidence that was presented would have offered substantial support for the position as outlined in our motion to instruct.

Finally, this motion requires that the conference meet in open session and file its report before the House leaves for the elections. There is no reason that this issue should have taken so long to resolve. The bill that the gentleman from Illinois (Mr. CRANE) and many of us introduced last year provided that it was possible to have a prompt bipartisan solution to the World Trade Organization decision. Instead, it has been decided to use this issue to provide more tax benefits overseas.

Essentially, it has been recommended that a tax increase on U.S. producers fund a tax decrease for offshore operations of U.S. multinationals. It is that decision and the decision to use this bill for narrowly targeted tax benefits that have caused trade sanctions to be imposed on some of our industries. This motion to instruct essentially rejects those decisions and provides a reasonable framework for properly completing the conference on this bill. I also would suggest that this motion to instruct urges the House to instruct the conferees on behalf of U.S. workers.

It is pretty simple. We provide benefits to manufacturers, particularly small businesses. We do not provide more tax incentives to move jobs overseas. And our legislation is revenue neutral.

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

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

Just as we began taking up going to conference in this motion to instruct, a number of Americans were not watching C–SPAN. They were watching other television programs which showed a private enterprise effort to go into space. Burt Rutan from Mojave in my district has built a spaceship called SpaceShipOne. It was launched earlier today. It reached an altitude unofficially, yet to be confirmed, of more than 100 kilometers, or 62 miles. It has returned safely and landed. The first private effort to enter space has succeeded. This is part of a competition stimulating private enterprise in an area that formerly was totally government-controlled.

He will now have a clock ticking in which 2 weeks will expire and prior to the second week, he will have refurbished SpaceShipOne, sent it back into space, achieved a second time an altitude of more than 100 kilometers; and, if he is successful in doing that, he will win the X Prize. It happens to be a $10 million reward for the first privately financed space vehicle to achieve those parameters.

I cannot help but see how striking this initial part of the achievement is to the reward that in part led Charles Lindbergh to fly across the Atlantic in 1927.

□ 1145

That achievement sparked the initial age of commercial aviation. This is the beginning of commercial space aviation, and I find it somewhat ironic that, while people are pushing the barriers of man's involvement with minimal or no government involvement, that we are here on a motion to instruct that plows old ground, that does not yield any harvestable crop other than pure political rhetoric.

The motion to instruct indicates that the conference, which we are all anxious to begin, and I accept any criticism about how long this has taken to achieve but we are now ready to go, and yet there will be continued delays based on political rhetoric that has no merit whatsoever. How can I make a

sweeping statement like that? The gentleman indicated that the House bill contained international tax provisions which will send jobs overseas. A pretty inflammatory statement. But I think it might be worthwhile to examine those areas of the House-passed bill and the Senate-passed bill that are identical.

Interestingly enough, the single biggest area in which the House and the Senate bill are absolutely identical are the international tax provisions, the very provisions the gentleman from Massachusetts said drives jobs overseas. It might be useful to examine the way in which the Members of the Senate voted on this measure, which, if they supported it, would obviously mean they are also interested in driving jobs overseas.

This measure was presented in the Finance Committee, and a Member of the Finance Committee is the Senator from Massachusetts, Senator KERRY. Senator KERRY voted for the international corporate tax provisions. Following the logic of the gentleman from Massachusetts, his own Senator, the Democratic nominee for President, apparently supports sending jobs overseas, since those two provisions are identical in the House and the Senate bills.

Who else would support this outlandish position which we will hear repeated time after time after time on this motion to instruct? Let us see. On both the Graham amendment and the Hollings amendment, which were to remove these provisions which the gentleman from Massachusetts purports drives jobs overseas, willing to keep these measures in the bill on the Senate side was minority leader Senator DASCHLE, who voted in favor of keeping these provisions. Senator BAUCUS, who is the ranking Democrat on the Finance Committee, voted. I could obviously go down the list of Democratic Senators who apparently are interested in putting jobs overseas.

POINT OF ORDER

Mr. MCDERMOTT. Mr. Speaker, point of order.

The SPEAKER pro tempore (Mr. ADERHOLT). The gentleman will state his point of order.

Mr. MCDERMOTT. Mr. Speaker, is it appropriate to quote the votes of Senators in the other body in the midst of a speech?

The SPEAKER pro tempore. Under clause 1 of rule XVII, it is appropriate to quote Senate proceedings on matters under debate in the House of Representatives for the purpose of establishing legislative history on such matters.

Mr. MCDERMOTT. In the other body, Mr. Speaker?

The SPEAKER pro tempore. If it is under debate here in the House of Representatives.

Mr. MCDERMOTT. Mr. Speaker, so anything that has occurred in debate on an issue that is in the body here that has been debated in the Senate, we can bring in the Senate debate?

The SPEAKER pro tempore. Quotations from Senate procedures are permitted. Only quotations from the Senate proceedings for the purpose of making legislative history can be included.

Mr. MCDERMOTT. Mr. Speaker, so if a speech has been made by a Senator on an issue that we are discussing here, we can use it verbatim from the Senate?

The SPEAKER pro tempore. For the purpose of making legislative history, quotations can be included.

Mr. MCDERMOTT. I thank the Speaker for his answer.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for his inquiry.

Obviously, what I am quoting is the voting record which was established in the Senate on this measure. I can understand why my colleagues on the other side would not want to hear the list of Democratic Senators who supported the international tax provisions because it pretty well demolishes their argument, and what they want to do is continue this fantasy argument that the provisions in the House bill ship jobs overseas.

These provisions, as I said, were identical in both the House and the Senate versions. In fact, the vote on the Graham amendment was, yes, let us eliminate the tax provisions, 22; no, 77. On the Hollings amendment, it was yes, 23; no, 74. By 75 percent or better, the Senate said, let us keep these international provisions. A significant number of those were members of the gentleman's own party, and, as I said in committee, his own party's nominee for President voted in favor of those provisions, and those are the provisions they are arguing they are shipping jobs overseas.

I would hope that that part of the argument on the side of my colleagues on the other side of the aisle would now end because it is pretty obvious they do not ship jobs overseas because the Democratic Senators would protect jobs here at home, and hopefully, they would vote to enhance jobs here at home. As a matter of fact, the rejection of the Graham and the Hollings amendments did just exactly that, i.e., they support the international tax provisions that are identical in both the House and the Senate bill. They do not ship jobs overseas. Senator KERRY would not vote for that. Senator DASCHLE would not vote for that. They voted to keep jobs here at home and strengthen America's economy. We should not hear another argument on the other side of the aisle about shipping jobs overseas.

Just let me say, if we do, one, it does not make any sense if one takes a look at what occurred in the other body in rejecting the attempt to remove these provisions; but, two, it does create an opportunity to sow seeds of dissent about the fact that, when we try to strengthen the private sector, create more jobs, it just does not fit their rhetorical pattern. So I think it is fairly ironic that, at the very time they are misrepresenting assisting private sector in enhancing the economy, that a private entrepreneur with private dollars has achieved for the first time reaching the edge of space. I would rather look with Burt Rutan up toward the stars and enhance our ability to create jobs at home than to argue a position which even members of their own party rejected on the Senate side and, wisely, the House rejected as well. Let us see if this argument is not made again during this debate. It should not be. Let us see if it is.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to clarify that, while it is in order to include in debate quotations from Senate proceedings for the purpose of establishing legislative history on a matter currently under debate in the House, Members may not characterize Senate action, as by parsing votes of particular Senators.

Mr. NEAL of Massachusetts. Mr. Speaker, could the Speaker clarify that further? Was the gentleman from Washington (Mr. MCDERMOTT) correct in what he said?

The SPEAKER pro tempore. To the extent that remarks include Senators' quotations outside of Senate proceedings, they are not in order.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the Chair for the ruling.

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

Mr. NEAL of Massachusetts. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, my understanding of that interpretation is that I am not permitted to characterize the vote, and I believe I did to a certain extent. And, therefore, what I would like to do is to simply emphasize that one of the votes was a rejection of 77 to 22 and the other one was a rejection of 74 to 23, and people can reach their own conclusion on those votes rather than my presenting a conclusion, which was, I thought they were overwhelmingly rejected. I am not allowed to say ''overwhelmingly rejected,'' but 77 and 74 can be concluded by anyone on their own.

To that extent, Mr. Speaker, I certainly want to correct the record in emphasizing that it was overwhelming rather simply make sure that the vote of 77 and 74 noes is on the record.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from California (Chairman THOMAS) for that clarification as well. I hardly think that it is inflammatory rhetoric, by the way, which sometimes we are not as good at as some people on the other side when it comes to addressing some of these issues, but I hardly think it is inflammatory rhetoric to stand in the well of this House and to ask the following question: How did a $4.5 billion

problem become a $130 billion solution? That is really the point of much of the debate that is going to follow.

Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. LEVIN), ranking member of the Trade Subcommittee of the Committee on Ways and Means, and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, it is rather amusing to hear the chairman of the Committee extolling the virtues of the other body. It is a very unusual occurrence here on the floor of the House in that we should always follow what the Senate does. That should not be, I think, our goal.

The gentleman from New York's (Mr. RANGEL's) motion is among the most important votes that this body will take this year. In fact, it may be the most important proposals that we have considered since the resolution that authorized the President to send people to war in Iraq.

The legislation that passed out of this House and will be taken up in the conference committee aims to raise taxes on domestic companies and lower taxes on firms that move oversees. Mr. Speaker, it is wrong to raise taxes on U.S. exporters and lower taxes on U.S. firms with overseas operations.

The gentleman from New York's (Mr. RANGEL's) motion will instruct our House negotiators to make certain that tax incentives that exist for corporations moving overseas are not increased. What is wrong with that? I mean what is wrong with that?

I am told, Mr. Speaker, that you instructed Republicans to vote against this proposal. You cannot be serious.

Our trade deficit reached an all-time high this year. Our country is selling fewer things to foreigners than we buy from them, which explains why the government data says we lost at least 1.5 million jobs due to foreign trade and outsourcing since Mr. Bush took office.

Why do the Republicans respond to this news by increasing tax incentives for U.S. firms to move overseas? I mean, I know that the President indicated that outsourcing is good, but does the Congress believe that? Does the House believe it? The Senate voted overwhelmingly. Well, that fixes it.

□ 1200

I guess we have got to go along with that. Get your rubber stamp, because if you vote against this motion, we are rubber-stamping the Bush outsourcing policy.

U.S. firms are continuing to set up overseas operations because our Tax Code and the Bush administration encourage it. Republicans would have us believe that high taxes, government regulation, and labor unions are making the United States a less attractive place to do business. That assertion is bogus.

First, the Congress's Joint Committee on Taxation says that the overall tax burden and the corporate tax burden in the United States are among the lowest in the developed world. Corporate U.S. income tax revenue as a percentage of GDP is smaller than nearly every other developed country on the planet, and it is the lowest level since the Second World War.

Now, although corporate profits surged last year, the corporations paid significantly less taxes. The United States is simply the tax haven of the developed world.

Second, the World Bank issued a report 3 weeks ago entitled ''Doing Business: Benchmark Business Regulation.'' It compares how regulations affect businesses in different countries. The report shows that the ability to obtain credit, acquire capital, register property, hire and fire workers and enforce contracts, in other words, to start and maintain a successful business, is easier in the United States than any other developed country, including India and China.

But, nonetheless, Mr. Speaker, the U.S. firms are relocating overseas to save money. Why? It is simple. The Tax Code encourages it. It provides tax incentives to U.S. firms who set up any kind of operation, from establishing a mailbox in Bermuda or building a factory in China overseas.

Take, for example, the article that appeared in Tax Notes on Monday. It shows that companies are using the Tax Code to justify shifting profits offshore. The U.S. pharmaceutical industry, who we gave a huge bonanza to in this body, has alone, since Bush has taken office, their offshore profits have surged 35 percent. I hope the old folks are listening to that. But their offshore activities and assets did not really change.

What does this mean? It means that at a time when our country faces the challenge of our generation, at a time when the costs of war are mounting, the Republicans are protecting a Tax Code that rewards corporations for moving profits and jobs offshore.

You are not only protecting the current Tax Code, Mr. Speaker, but unless the House votes to adopt the motion offered by the gentleman from New York (Mr. RANGEL), the Republican Congress will worsen the Tax Code by making offshoring and outsourcing more lucrative.

Get out your clippers, Mr. Speaker, because this body is considering fleecing American workers and American firms that do business the old-fashioned way, that produce here to export overseas.

If JOHN KERRY were President, we could save us from this Congress. He has the plan to remove the tax incentives that reward companies that move overseas. If he were President, he would veto this legislation that this body proposes. But we have got to wait for another 34 or 35 days. I cannot wait until the 2nd of November.

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

Mr. Speaker, perhaps the gentleman from Washington knows his nominee better than I do, but the fact that he voted ''yes'' in Finance Committee and he suggests that he would veto it if he became President would certainly continue the pattern of first he voted yes, then he voted no. So I have no evidence to quarrel with him, that once again Senator KERRY will again be on both sides of the issue. It is just that he will change venues. The behavior does not change. Where he continually flip-flops, of course, would.

The gentleman from Washington also said that unless we pass the motion of the gentleman from New York's (Mr. RANGEL) motion to instruct, we will do something.

Oh, come on. Everybody knows motions to instruct are not binding. It has no influence whatsoever on the conference, unless the conference wants to.

Now, the measures that they are arguing, ''Oh, by the way, did I tell you that, notwithstanding the fact the Senate supported overwhelmingly the international corporate provisions, and I assume that they believe that they will not ship jobs overseas or they would not have voted the way that they did, and they probably should not be mentioned again in this debate,'' but the very next speaker not only mentioned them, but made it the core arguments of his position, that if in fact there are 23 Senators, 10 of whom are Democrats, they are members of the Finance Committee, save for 2, which passed these provisions out of the Senate Finance Committee, 19 to 2. And I do not believe they have any intention of reversing their position, even if this ludicrous motion to instruct were to pass.

So, I just want you to forbear. We will go through, the time will be used up. We will vote down the motion to instruct, and we can then get on with the conference. And I can assure you, the senatorial members of the conference and a clear majority of the House members of the conference intend to support those provisions that will strengthen jobs here at home, and they will dismiss, for the obvious reasons, the argument that continues to be made by those individuals, even encompassing a denial of the Senate's minority leadership's decision-making ability indicating that we should not listen to them.

I happen to believe that you should take each issue on its merits and not dismiss them by stereotyping, and on this issue, I believe the Senate got it right, just as the House got it right.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ADERHOLT). The Chair would remind Members not to characterize positions of Senators.

Mr. THOMAS. Mr. Speaker, I would inquire of the Chair, characterizing a current Senator who is running for another office and what he would or would not do would fall under that same admonition?

The SPEAKER pro tempore. Senators who are nominated as candidates for President—

Mr. THOMAS. Who are still Senators, and how they would behave, does that fall under the same admonition?

The SPEAKER pro tempore. Nominated candidates for President are judged by the standards applicable to that office.

Mr. THOMAS. I will accept the nonresponsive answer.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, it is clear I think to the listeners today that we are nearing Election Day. This is one of those ''scare America'' type motions that is designed to appeal to voters in the hopes that perhaps they do not understand the issue and you can just scare them by yelling ''outsource, outsource, outsource.'' But I think American voters are smarter than that.

What we have done here in the House, our frustration is that we have one of the greatest and most productive work forces in the world. But our Tax Code works against our companies and our workers and really forces people to have to compete somewhere else in the world.

We are convinced that we can create jobs here in America. So the approach we have taken is pretty simple and direct: We lower the tax rate for companies and workers that manufacture in America, and we keep a higher tax rate for companies that manufacture overseas. Lower if you produce in America; higher if you do it overseas. That way we encourage American companies and workers to keep the jobs right here.

For farmers and our agriculture community, we lower the rate if they produce here in America; we have a higher rate to tax them if they go overseas. That way we keep agriculture-producing income here in America.

For small businesses, rather than take money away from them and bring it up here to Washington, we want them to keep dollars back at home so they can create jobs and buy that new computer and do the things to keep small businesses in business these days in a competitive workplace.

That is what the American jobs bill does, and that commonsense approach is what the Senate, including majority and minority Members, overwhelmingly supported. They united to lower taxes if you produce here in America and have higher taxes if you produce overseas, a commonsense approach to American jobs here.

Let me say this, too. Our problem with trade is not so much that we are buying from overseas, it is the fact we are not selling enough products overseas. What this does is make our products far more competitive.

What we do is we do not chase American companies overseas anymore, and we get a chance, a real direct chance, to take out the job killers in our Tax Code and create American jobs here.

That is what this bill does, and I think every American who really studies it, and I think American voters are smart, will see that we want to encourage jobs here with a lower tax rate and a higher tax rate for companies that try to move overseas. That is what this bill does.

A final point: If you really want to tackle outsourcing, one of our problems is that we have so many job killers in our business climate. For example, lawsuit abuse is a huge cost to American businesses. It is a bigger cost annually than the cost of Iraq.

Lawsuit frivolous abuse, because we are the lawsuit capital of the world, we outsource our jobs, we drive up health care beyond reach, we chase good doctors out of practice. If you really want to stop shipping jobs overseas, I would invite my Democratic colleagues to join me in ending frivolous lawsuits that drive our jobs overseas, and instead work with us to keep them here in the United States.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. CARDIN), my colleague on the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from Michigan (Mr. LEVIN) for yielding me this time.

Mr. Speaker, there is a real question as to whether the legislation that has moved through this body would encourage the outsourcing of U.S. jobs and exporting of jobs or correct a problem in the Tax Code that needs to be corrected.

This is a very serious issue. The Foreign Sales Corporation Act that was enacted was an effort to level the playing field for U.S. producers versus our trading partners, particularly in Europe. For, you see, we have a different corporate tax structure than the Europeans have and the Foreign Sales Corporation Act was an effort to level the playing field.

The problem is that the World Trade Organization that we belong to declared that to be unlawful and opposed imposed retaliatory tariffs against U.S. exports. That tariff is now 11 percent. It will grow to 14 percent by the end of the year and 17 percent by next March.

Mr. Speaker, it is unconscionable that we have not corrected this situation prior to this time. We had a bipartisan proposal that would have fixed the problem. As my friend from Massachusetts pointed out, it was a relatively simple matter to fix the problem and to level the playing field for U.S. producers so that we can compete fairly internationally. But, instead, this legislation has become a Christmas tree for every conceivable tax provision, and it has been delayed and delayed and delayed, and our producers that manufacture products right here in America have paid a heavy price because of that delay.

The motion to instruct deals with the underlying issue. First, it asks for us to immediately resolve this issue, rather than further delays. Read the motion, paragraph 4.

It also says that the relief should be targeted to U.S. producers. That is the problem. The Foreign Sales Corporation Act was for U.S. producers who produce their products here in America. It is not for those who produce their products overseas. It should be targeted, because that is what the problem is.

That is what we are trying to do, is level the playing field. We are trying to respond to the World Trade Organization. It is right for us to target this relief to those who produce their products right here in America. That is the problem we are trying to deal with, and that is spelled out in the motion.

Then lastly, Mr. Speaker, we are saying that we should not be adding to the deficit of this country. We had a bipartisan solution that did not increase the national debt, but the legislation that passed this body certainly did that.

□ 1215

Again, it was another opportunity to show that we can be fiscally irresponsible.

We should pay for our tax cuts, and we can so that we do not add to the deficit; and this motion urges us to do that.

Mr. Speaker, I urge my colleagues to support the motion.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Florida (Mr. SHAW), a senior member of the Committee on Ways and Means.

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

Mr. Speaker, first of all, I think people listening to this debate are somewhat totally confused. In reading the motion, I can understand why there is confusion on both sides of the aisle.

To begin with, the Democrat motion to instruct the conferees to strike provisions that move jobs overseas, this instruction is absolutely meaningless, because H.R. 4520 does not include any provision that would move jobs overseas. As a matter of fact, quite to the contrary. We lower rates for people or companies that manufacture here in the United States.

Let me just take one provision of the motion to instruct. It says: ''shall include the provision of the Senate amendment not included in the House bill to ensure that the rate reduction

will not be available to income attributed to cost savings resulting from purchasing imported parts for outsourcing labor overseas.''

Now, how in the world are companies going to be able to operate in trying to segregate exactly what that means? Does that mean for the purchase of the agreement, the purchase of the parts? What if those parts are not even available here in the United States, and it is a question of just shopping the world market to find these parts? And then, is it going to include the effect of installation of those parts in the final product? It is totally unreasonable.

We need to fight in this Congress for simplified rules, simplified rules that are fair and understandable. And for us to adopt accounting procedures that are going to make compliance almost impossible does not bring credit upon this body.

What we need to do is to work forward and look in the mirror when we start saying, why are jobs moving overseas? Perhaps we are the problem. Perhaps the United States Congress and the Tax Code is the problem. We need to simplify the code. We need to move forward. We need to have a code that is friendly to those who would provide jobs in this country.

This motion to instruct does not make a bit of sense, and I would urge all of the Members to vote against it.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of this motion. It provides all American business enterprises, large and small, with an across-the-board rate reduction from income derived from work done here in the United States. To pay for it, it would curtail tax incentives that would encourage companies to move operations offshore.

With 2.5 million manufacturing jobs lost in the last 3 years, including nearly 40,000 in my State of Connecticut alone, many outsourced to other countries like China and Singapore, we all understand that steps must be taken to revive what is the very backbone of America's economy.

Let me just talk about what the business model of the Bush administration and the Republican leadership is, because government, in fact, is not in the business of creating jobs; but government is about creating an environment in which jobs can be created.

The business model is as follows: assisting companies in sending the jobs offshore, technology offshore and, in many instances, allowing companies not to pay their fair share of their taxes to the United States Government, and then these companies can come around and get Federal contracts. That is the business model for this administration; and, quite frankly, it does not create jobs here in the United States.

But by clinging to the idea that we should be rewarding companies who send jobs overseas, this majority has delayed action on this issue for more than a year. As a result, many manufacturers are now paying 11 percent tariffs on 1,600 American-made products, tariffs that could be as high as 14 percent by the end of the year.

What manufacturers need from this body is not more incentives to send jobs abroad; they need bold vision, recognizing that our Federal Tax Code could work for them, not against them, and by favoring those companies who keep their jobs here. That is exactly what my colleague's motion would do. American companies should not have to resort to transferring jobs to countries where workers make less and have fewer benefits to stay competitive.

Americans understand outsourcing. It is eroding our workforce; it has threatened every middle-class family in this country. It ought to end with helping our manufacturers here at home become more productive, more innovative; and if we want to boost sales, investment in modernization and employment, the House should pass the Rangel motion.

As I said, the American public understands outsourcing. I believe they are going to outsource some folks on November 2, people who do not understand what it means to have their jobs gone, to leave, when we could be providing this country's manufacturers with the opportunity to be able to stay here, invest in our technology, invest in our workers, and promote economic development in the United States.

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

Mr. Speaker, I am impressed with the gentlewoman's argument; and, in fact, her argument will be sustained if Members vote ''no'' on the motion to instruct and we can get on to conference.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. CRANE), the ranking Republican on the Committee on Ways and Means and the chairman of the Subcommittee on Trade.

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

I would like to stress the fact that H.R. 4520 does not include any provisions that would move jobs overseas. It does contain provisions that would foster economic growth and create jobs here in the United States.

The bill reduces the corporate tax rate to 32 percent only for domestic producers, farmers, small corporations, and manufacturers' activities within the United States. Manufacturing that occurs overseas or offshore would not get the lower rate.

The bill extends enhanced section 179 expensing for small businesses and provides accelerated depreciation for leasehold improvements and offers other tax benefits for businesses. Companies with a lower tax burden have more resources to expand their business and to create jobs in the United States.

U.S. exporters are getting clobbered by penalty sanctions. Lower exports mean a smaller economy and less employment. H.R. 4520 will end the sanctions imposed on the exporters, allowing them to expand and hire more workers.

Mr. Speaker, I urge my colleagues to reject the motion to instruct.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

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

Mr. Speaker, what we are talking about in this motion to instruct is what we should do: send to President Bush a bill to try to help American companies create jobs. Secondly, we want to help American companies create jobs, some of us at least do, in America, not overseas.

What we are seeing today is a wholesale shipping-out of American jobs so that today, when you buy a product, if you look at your home and take a look underneath that dish or if you take a look at that chair, if you take a look at the curtains and find out what that label says about where it was made, chances are it will not say ''made in America.''

It used to be that toys were manufactured here. It used to be that your furniture was manufactured here. It used to be that just about everything in your home was made in America. Today, virtually nothing that you have in your home is made in America. Not only is it the case that what was manufactured is no longer made in America, but today, we are talking about all sorts of things from data entry, word processing, transcription, phoning services, product design, architecture, movie production. X-rays are being analyzed overseas for Americans who go to see a doctor to find out whether or not there is a particular condition or illness they are suffering from. X-rays are being exported for analysis today. That is where we are.

Is it bad? It sure is. Every hour America loses 127 manufacturing jobs overseas. That means that there are 3,200 jobs that will be lost today as we speak. At the end of the year, 1.2 million American jobs will have left.

My colleague, the gentleman from Texas (Mr. BRADY), said this is an effort to scare America. My God, if those figures and those facts do not scare America, then we are in trouble, because we have to wake up, wake up to the fact that we are losing jobs to others overseas, and we are giving incentives as a government for us to see American companies send those jobs overseas.

Now, every company has a right, and we should try to help every company make a profit; otherwise, they will not be around. But my God, if we have an opportunity to use the government to help incent companies to keep those

jobs in America or create new jobs here in America for American workers, then let us do it.

So why are we here? The bill that stands before us would actually give $60 billion worth of incentives to companies who ship those jobs from America to overseas.

Let us change that. This motion to instruct simply says, you will get a tax break, you will get that incentive from the government, from the people, the 280 million Americans who pay taxes, if you create that job not in some other country, but here. That is pretty simple. And by the way, this also says, this motion to instruct also says, let us do this in a way that does not increase the size of the Federal deficit. We have a $440 billion deficit, the largest this country has ever known; and this is going to spend money to give incentives to companies, this bill will give money to companies through incentives to send jobs overseas. That is crazy at a time when we do not have money to begin with, and we are losing jobs by the hour.

If we are going to continue hemorrhaging jobs in America then, by God, we should be scared about what is going on. We should not hide the facts. We should not try to deceive Americans. We should do everything in our power to help the private sector create the jobs that we need.

The Bureau of Labor Statistics, the Bush administration Bureau of Labor Statistics recently revised its prediction on the growth of the number of high-tech jobs, white-collar jobs here in America that we would have, somewhere between 2002 to about 2012, over that 10-year period. They have revised that figure. Not up; they are not saying they are going to create more jobs; they are saying 70 percent fewer jobs. This is not some left-wing think tank saying we are going to lose jobs; this is the Bush administration's Bureau of Labor Statistics saying, folks, we made a mistake. When we told you a few years ago that we thought we would be expanding the number of high-tech, white-collar, good-paying, for the most part, $70,000-and-above-paying jobs, we were wrong. Today, guess what? We have to revise that figure down by about 70 percent.

Other analyses recently have told us that America is in jeopardy of losing a total of about 14 billion jobs into the future if we do not stop the hemorrhaging now. Between 300,000 and 500,000 jobs were lost in the U.S. since 2001, having gone overseas. That figure, by the way, did not come from another left-wing think tank; that came from none other than Goldman Sachs. You can go to Wall Street in New York and talk to them there, because those are the folks that told us that between 300,000 and 500,000 jobs have been lost, simply since 2001 overseas.

It is a crisis. Let us deal with it. It is not a scare tactic; it is real. Let us pass this motion to instruct.

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

Mr. Speaker, I would tell my friend, the gentleman from California, that I am a little concerned, because he has admitted that his own private purchasing choices are that he buys foreign products, but he is here on the floor trying to change the law of the U.S. to not allow that to happen. It seems to me that if you are going to be here expounding a position of not sending jobs overseas, that your purchase pattern should reinforce it.

A choice that people make in terms of their private purchasing is a choice that they control, and he did indicate that in his home there are a number of imported products. People have a choice. My hope would be that our private behavior corresponds to our public positions, because not only does the American Tax Code put us in the current position, which we are trying to correct with this legislation, but our own private behavior as well.

Mr. BECERRA. Mr. Speaker, will the gentleman yield on that point?

Mr. THOMAS. Not on my time. If the gentleman wishes to seek more time, I would certainly respond to him.

Mr. BECERRA. Mr. Speaker, I just want to mention that I have no choice, Americans do not have a choice. We cannot buy American products for our home.

Mr. THOMAS. Regular order. You always have a choice.

The SPEAKER pro tempore (Mr. ADERHOLT). The gentleman from California controls the time.

Mr. BECERRA. Show me the store that sells American products, and I will buy them. Show me the store that sells American products for my home, and I will buy them.

The SPEAKER pro tempore. The gentleman from California controls the time.

Mr. THOMAS. Mr. Speaker, perhaps it requires a little bit of endeavor and search, but that is what life is about.

□ 1230

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), an honored member of the committee.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for the time.

I have got to approach this issue from the standpoint of somebody who was in business for 35 years. This is a bill whose time has come. International commerce is always a balancing act, a balancing act between expanding markets overseas and protecting our job base. We did not ask for this fight. Europe did, and a man called Pascal Lamy forced it.

The concept in our tax situation, whether it was DSC or FSC or whatever, my colleagues want to call it, ETI, was to neutralize the differences in the tax system, the regional value-added tax versus our income tax, and it was accepted. We did a good job, and we flourished under this.

Then there were grumbles, and then, all of a sudden, Europe came back and challenged our position. We should have challenged theirs, but we did not, but then we tried to make an accommodation with the World Trade Organization, not once, not twice, but three times. It did not work.

So this is the only way it seems to me that we can accommodate the European community. It is a good bill. It is not perfect. It does not shift jobs abroad. It allows American companies to produce abroad as it allows people abroad to produce here in this country, but basically, it firms up our economy, and that means it firms up our job base.

I think it is something we ought to encourage, we ought to support, and we ought to defeat the motion to instruct.

Mr. LEVIN. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me time, and I want to apologize to the chairman for trying to have him yield me some time.

I just want to make the case I am willing to stay on this floor if the gentleman can name me an American product from my home that I can purchase, I will look to buy it, but I have looked. Whether it is an electronic product, whether it is dishes, whether it is curtains, tell me, and I will look to buy it.

There is no reason why we cannot try to give incentives to American companies to be able to produce here at home. If it is a little bit more expensive, I guarantee my colleagues the American consumer would say, if I have to pay a little bit more for that product, but it is made by American hands, I will do so.

The difficulty is that we have no right using taxpayer dollars to help companies ship jobs abroad. That is my point. When we have an administration that has actually had a net job loss of the last 3 or 4 years of close to a million jobs; and by the way, if we did not include the government-sector jobs that have been created under a Republican administration, that would actually rise to over 1.5 million jobs that have been lost. Almost 3 million of those jobs that have been lost have been in the manufacturing sector. So if it were not for government jobs created, we would have a massive job loss. We do not even create today the number of jobs we need just to keep pace with the new people who are entering into the system.

So it becomes very difficult when we are trying to do something to see that we are spending $60 billion which will, for the most part, help companies who may be American companies, who may have some of their operations here, but are still sending jobs abroad. Again, they have got to remain competitive. That is not a battle we want to fight. What we want to fight, though, is to give incentives to companies who are willing to commit to Americans here.

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

I suggest the gentleman take a trip to North Carolina, take a look at the furniture they have there, made in America, American products, American labor. Looking for curtains? There is still a cotton industry left. We produce flat goods. Carpets, you want to buy a carpet? They make them in Georgia. You want to buy cars? Take a look at American cars. You want to buy a radio or a CD player? An area where pretty obviously people say we do not have a choice, Bose makes an excellent quality American-made radio/CD. China? Glassware? I can go on and on.

There are products made in America. If you take the time to do it, you can help in your private life instead of arguing you are compelled to buy foreign products, and you come to the floor and demand that we change the laws to stop you from your private behavior.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I thank the gentleman very much for the time.

Mr. Speaker, I rise in opposition to the motion to instruct, and I urge my colleagues to vote against it.

The jobs bill before us is urgently needed. We need it to remove the international sanctions put upon our United States products by the European Union that are hurting sales of U.S. goods overseas and are jeopardizing jobs here in the United States.

We need the jobs bill to help promote job creation here in the United States by reducing taxes on United States manufacturers.

We need the jobs bill to update provisions in the tax code that are decades old and penalize American companies and keep them from competing with foreign companies.

We need the jobs bill to move forward in the spirit of the bipartisan progress that has already occurred and has been made on these issues.

The provisions that some are contesting here on the floor right now won bipartisan support in the other body and also here on the House floor. This bill is not about moving jobs overseas. It is about creating incentives to keep jobs right here in the United States.

We need to move the jobs bill to conference, and we should do it without delay. For these reasons, I urge my colleagues to reject the motion to instruct, to support going to conference so that we can bring back a conference report that everybody can support.

Mr. LEVIN. Mr. Speaker, I think we have the right to close, and the gentleman from New York (Mr. RANGEL) is not here, and I am not sure he will be here. We would have divided the balance of the time. He is not here because of the memorial service for our distinguished, and if I might say, beloved former colleague Frank Horton. So, therefore, under those circumstances, I reserve the balance of the time and I will close.

Mr. THOMAS. Mr. Speaker, I thank the gentleman, and all of us who served with the gentleman from New York, Frank Horton, certainly feel saddened by his passing.

I will tell the gentleman from Michigan, I have two additional speakers, and he has the right to close. We will conclude, and the gentleman from Michigan can then close.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the subcommittee chair of the Subcommittee on Health of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the chairman for the time.

Let us look at this issue of outsourcing. Last year, foreign investment in America doubled. That means that other countries outsourced jobs to America at twice the rate they had the preceding year. We need them to keep doing that!

Next, in the 1980s, I worked hard with some of my colleagues on the other side of the aisle to force Japanese companies producing cars in America to buy American parts; not just hire American people, buy American parts. We forced them to do it because we did not want ''screwdriver'' plants.

Well, when we produce airplanes in other countries for those countries, when GE gets a contract to produce locomotives in Russia and rehabilitate all the Russian locomotives, do my colleagues not think Russia wants some of those jobs? Do my colleagues not think Russia wants some of those parts bought in Russia? Of course, they do, but expensive, high-value parts come from New York State and have kept our ability to produce locomotives as one of the foremost capabilities in the worldwide market.

So, yes, outsourcing is a worldwide phenomenon, and we are the beneficiaries far more often than we are the losers. In net, we are by far the winners.

Secondly, competitiveness, absolutely, top in communications, top in medical technologies. Take the Department of Commerce's list of the 18 top technologies, and we are the highest quality producer and the lowest cost producer in two-thirds of them. So, yes, we are driving the economic forces of America into the international market, but we must do more. We must help our companies compete.

We must pass this legislation to eliminate the retaliatory tariffs that have been put on American goods, thereby increasing their price abroad 10 percent and soon to be 15 percent.

We must reduce taxes on our manufacturers that compete internationally. We must do what we do in this bill, make it cheaper for them to invest in machinery and equipment and hire more people, and yes, we must go further.

We are going to have to do something to control and reduce health care costs so they can compete internationally. We are going to have to eliminate frivolous litigation and all the costs that that imposes on our industry and particularly on manufacturing, driven by pure greed.

So let us get with it. Let us pass this bill, and then let us go right down the agenda of the things we need to do to make American manufacturing more competitive in the international global market, but let us not pretend that outsourcing is the villain here. It is something we need to be able to do fairly and receive from other countries, and I urge opposition to this motion.

Mr. THOMAS. Mr. Speaker, how much time is left on my side?

The SPEAKER pro tempore (Mr. BASS). The gentleman from California (Mr. THOMAS) has 3½ minutes remaining.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 3¼ minutes to the gentleman from Louisiana (Mr. MCCRERY), the chairman of the Subcommittee on Select Revenue Measures of the Committee on Ways and Means.

Mr. MCCRERY. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, this Democratic motion to instruct conferees reflects what is their increasingly obvious 19th century state of mind. One would think, listening to the comments of our colleagues on the left, that we are back in the industrial revolution, or maybe, they have moved forward to the first part of the 20th century, mid-20th century, maybe even right after World War II, when the United States was not only the biggest and baddest bear in the industrial woods but just about the only bear in the industrial woods. Those times have changed. This is the 21st century. The market has changed significantly.

One of my colleagues on the Committee on Ways and Means pointed out that he learned from Goldman Sachs that, over the last couple of years, we have seen 300,000 to 500,000 jobs outsourced, in other words, American companies creating 300,000 to 500,000 jobs off our shores in foreign countries. That is true.

But what he did not tell my colleagues and what he could have found out at Goldman Sachs or from our own Department of Commerce is that, during that same period of time, even more than 300,000 to 500,000 jobs were created here in the United States by foreign companies wanting to access our market. That is the 21st century market. No longer are we building infrastructure to transport American made goods from the east coast to the west coast like we did in the 19th century. Those were great days, but today, American companies have to build some of their things overseas to access those markets, to compete with the numerous companies that are in competition with them today, unlike the 19th century and mid-20th century.

In today's market, we dadgum better get over there and compete, or we will

lose market share, and when we lose market share, we lose income, and when we lose income, we are not able to invest, and when we cannot invest, we cannot create jobs.

Get with it. This bill gets with it. It modernizes our tax code. It says to our American companies, we realize they have got to compete in the world market, not just in the United States market, and oh, by the way, if they do produce products here in the United States and sell them overseas or even here in the United States, we are going to give them a tax cut.

One of my other colleagues on the Committee on Ways and Means said we need to target this tax relief to American manufactured goods. Well, guess what, this bill does that. The tax rate cut for manufacturers only applies to income derived from the sale of goods manufactured here in the United States.

So this Democratic motion to instruct basically is a bunch of hyperbolic language thrown out to scare people, to try to make it seem like they are the defenders of American jobs when just the opposite is true. This bill, crafted by Republicans, wants to create jobs here in the United States, preserve jobs here in the United States.

□ 1245

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

In history, Mr. Speaker, there are those who opposed change, modernization. They were called Luddites. Please vote ''no'' on the motion to instruct. Do not be a Rangelite.

Mr. LEVIN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. BASS). The gentleman from Michigan has 6½ minutes remaining.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

Well, my Republican friend from Louisiana talks about the 21st century market and the chairman talks about modernization. So far, under those mantras, what has happened is more poverty in America, stagnant income for families in America under this administration, and millions of fewer jobs, almost 3 million fewer jobs in manufacturing. And if you call modernization their Republican tax bills, or if this is the 21st century market, just reading from the Detroit News, a rather conservative newspaper, summing up material from the CBO, in 2004 the average tax cut for the middle-income family is $1,090 and for the richest 1 percent it is $78,460.

I am for a 21st century market, Mr. Speaker, but not for that kind of a market. We are for modernization, but not for that kind of modernization. We cannot go backwards. We need to move forward. And here is what the bill did that came through here and is reflected in the dilemma that we have.

We had a $50 billion problem. The WTO ruled FSC inappropriate under WTO rules. What happened was, instead of passing a bill that was a bipartisan bill that addressed the manufacturing sector as FSC did, we ended up with about a $140 billion bill. Three times as large. And it is really larger than that because some of the provisions were to expire when they are unlikely to, and there was a delayed phase-in.

So, essentially, once again we are adding to a deficit because so much of this is not paid for. So we had a $50 billion problem. We now have a bill three times as large, and it is going to increase the deficit.

Now, let me point out quickly some of the provisions in this motion to instruct, because we need to look at the whole document. It says that we should accede to the Senate amendment so there is a deduction rather than a corporate rate reduction. That is of importance to many manufacturing companies in this country. The Senate bill is preferable.

Also, we say that this tax amendment should relate to all the businesses, not simply limited as in the House bill. We also indicate that we should accede to the Senate approach so that the rate reduction really reflects the amount of business done in the United States and not overseas.

And then we go on to provide a remedy for corporations that move their businesses in form overseas, called inversions, and say that we should accept the provisions in the Senate amendment. And we also say that we should drop the provision in the House bill that provides for private collection of Federal tax liabilities, a horrendous idea that I do not think most Americans will accept.

Now, let me say just a few words about the issue of outsourcing, of moving businesses overseas. The House bill had in it a number of provisions that will stimulate movement of operations overseas. One of them is not in the Senate bill. These are complicated provisions, but they have a simple clear-cut impact. The provision, for example, relating to tax credit baskets, the House would move it from 9 to 2. Essentially, this is going to stimulate the investment of companies in tax havens instead of bringing back the monies to the United States. It cost $8 billion. It is not in the Senate bill.

Then there are the so-called look-through provisions that are in both bills. Do not say that this will not stimulate movement of jobs overseas, because essentially, for a multinational, there will be encouragement instead of bringing the profits back here and investing them here to move those profits into a third country, often a tax haven country. That will stimulate the movement of jobs from here overseas.

When the Senate voted, they voted for this provision as part of a much larger bill that came to include a provision on overtime. So members of the Senate were faced with the dilemma of how we attack this problem of the elimination of FSC. And we need to do that, but focused on manufacturing. Do we look at the problem of overtime? And because they did not control the proceedings in the Senate, they were faced with a dilemma.

So let us be clear. You mentioned furniture. Go to North Carolina. Go there. China has been taking furniture business away from the United States unfairly. Overseas movement is a problem. Outsourcing is a problem. Vote for this motion to instruct.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. NEAL).

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

Mr. LEVIN. 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. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

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 and a concurrent resolution of the House of the following title:

H.R. 4654. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

H. Con. Res. 475. Concurrent resolution encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4011. An act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2742. An act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1663) ''An Act to replace certain Coastal Barrier Resources System maps.''.

The message also announced that the Secretary be directed to request the return of the papers to accompany (S. 2589) ''An Act to clarify the status of certain retirement plans and the organizations which maintain the plans.'', in compliance with a request of the Senate for the return thereof.

DISTRICT OF COLUMBIA PERSONAL PROTECTION ACT

Mr. SOUDER. Mr. Speaker, pursuant to House Resolution 803, I call up the bill (H.R. 3193) to restore second amendment rights in the District of Columbia, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 803, the bill is considered read for amendment.

The text of H.R. 3193 is as follows:

H.R. 3193

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 ''District of Columbia Personal Protection Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the rest of the United States for sporting use and for lawful defense of persons, homes, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only disarm law-abiding citizens.

(6) Legislation is required to correct the District of Columbia's law in order to restore the rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'', approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: ''This section shall not be construed to permit the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons otherwise permitted to possess firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor regulated by the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.''.

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) Machine gun means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot automatically, more than 1 shot by a single function of the trigger.''.

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

(a) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(b) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

SEC. 6. REPEAL HANDGUN AMMUNITION BAN.

Section 601 of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01, D.C. Official Code) is repealed.

SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. 8. ADDITIONAL REPEALS.

Sections 202 through 211 of the Firearms Control Regulations Act of 1975 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

SEC. 9. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 10. REMOVE CRIMINAL PENALTIES FOR CARRYING A PISTOL IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by inserting '', except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded,'' before ''a pistol''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 803, the amendment printed in House Report 108–707 is considered adopted.

The text of H.R. 3193, as amended pursuant to House Resolution 803, is as follows:

H.R. 3193

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 ''District of Columbia Personal Protection Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the rest of the United States for sporting use and for lawful defense of persons, homes, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only disarm law-abiding citizens.

(6) Legislation is required to correct the District of Columbia's law in order to restore the rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'', approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: ''This section shall not be construed to permit the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons otherwise permitted to possess firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor regulated by the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.''.

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) Machine gun means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot automatically, more than 1 shot by a single function of the trigger.''.

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

(a) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(b) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–

2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

SEC. 6. REPEAL HANDGUN AMMUNITION BAN.

Section 601 of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01, D.C. Official Code) is repealed.

SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. 8. ADDITIONAL REPEALS.

Sections 202 through 211 of the Firearms Control Regulations Act of 1975 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

SEC. 9. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 10. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22—4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) TREATMENT OF CERTAIN EXCEPTIONS.—Section 5(a) of such Act (47 Stat. 651; sec. 22—4505(a), D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking the period at the end and inserting the following: '', or to any person while carrying or transporting a firearm used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a firearms or hunter safety class, trapping, or a dog obedience training class or show, or the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition while the person is engaged in, on the way to, or returning from that activity if each firearm is unloaded and carried in an enclosed case or an enclosed holster, or to any person carrying or transporting a firearm in compliance with sections 926A, 926B or 926C of title 18, United States Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 803, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3193, and to include extraneous material thereon.

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

There was no objection.

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

Today, we will be debating a bill that will go a long way in protecting the constitutional rights of the residents of the District of Columbia.

As all may know, currently in Washington, D.C., citizens are prevented from owning any handgun at all. I am bringing before you today a bill that would restore the second amendment rights of D.C. citizens. I think it is important to note that my bill would not repeal any provision of D.C. law that bans gun possession by criminals, or that punishes violent crime.

In 1976, 2 years after Congress had granted the District of Columbia home rule, the D.C. City Council passed a bill which repealed the handgun ban in the District. The handgun ban actually arrested progress. In the 5 years before 1976, when the handgun ban was put into effect, the murder rate in the District of Columbia had fallen to 27 per 100,000 from 37 per 100,000, according to researchers at the American Enterprise Institute. Five years after the ban, the murders had climbed back to 35 for every 100,000 residents. From that point, it became worse.

In the 13 years between 1987 and 2000, D.C. earned the dubious distinction as the murder capital of the United States. In 2002, it once again had the highest murder rate per 100,000 residents, making it the murder capital of the United States 14 of the last 15 years.

There have been a lot of misunderstandings and miscommunication about what this bill does and does not do. So I will address the bill's provisions in the order in which they appear in the bill.

First, the bill prohibits the District from prohibiting residents from possessing a firearm that is legal for them to possess under Federal law, while still maintaining the Federal ban on private possession of any firearm regulated by the National Firearms Act.

Second, the bill would bring the District's definition of a machine gun into conformity with Federal law and the laws of the States. Currently, the District defines the term machine gun to include firearms that fire only one shot when the trigger is pulled. That is not what a machine gun is, of course. A machine gun fires repeatedly when the trigger is pulled and held back. The District's definition is simply factually incorrect, and this bill will perform the necessary correction.

Third, the bill eliminates the District's firearms registration requirement and, logically, eliminates the penalty for the possession of an unregistered firearm. This does not, however, in any way change the Federal requirement that firearm dealers maintain records of firearm sales. Dealers will still be required to maintain Federal forms which identify the purchasers of firearms by name, address, date and place of birth, and other factors.

Fourth, the bill eliminates the District's ban on private possession of handguns and handgun ammunition.

Fifth, the bill eliminates the District's ban on the use of firearms for protection at home. Currently, the District prohibits a person from having even a lawfully owned firearm at home, loaded and assembled, and unlocked.

While some States have laws designed to have people keep firearms secured in a similar fashion when they are unattended, the District's law requires people to keep firearms unloaded and disassembled or locked even if a violent criminal is attacking them in their homes.

The U.S. Constitution, the constitutions of 44 States, Federal law, and the laws of all 50 States, and the vast majority of Americans recognize the right to use firearms for personal protection. Only the District of Columbia prohibits a person from having a firearm assembled and loaded at home for the purpose of self-defense.

That is why 229 Members of this body are not supporters of the bill, they are cosponsors of this bill. Forty-four of the cosponsors are Democrats. This is truly bipartisan legislation that has come up from the demands of the American people.

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

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

Mr. Speaker, I am compelled to begin by noting the ludicrous logic on which this debate has already begun. The gentleman from Indiana (Mr. SOUDER), the prime sponsor, has just argued that gun safety laws cause murders by arguing the fallacious notion of causation. I am embarrassed for the statement.

Mr. Speaker, in my nearly 14 years in Congress, I have come to regard Members not only as colleagues but as friends. At the same time, I have seen various Members of Congress try to do some low-down, dirty, mean things to the people of the District of Columbia, all to promote their own political agendas against the will of the people who live here.

This bill to repeal the city's gun safety laws, when child gun killings have sharply increased, scrapes the bottom of the lowest level yet. As citizens, we in the District of Columbia do not take attacks on our all-American right to self-government lying down. I am grateful that these attacks occur less frequently today, and am particularly grateful to the appropriators who have

discouraged the use of the D.C. appropriation for such attacks.

Congress has seen that we are prepared to fight and fight hard, with D.C. appropriation fights in the past sometimes lasting 8 to 10 hours, with vetoes of our appropriation that we encourage to compel changes. And Congress has seen that we are always prepared to take the fight to the home district of a Member to let his own constituents know that their Member is taking time from their concerns to mettle in the local business of a local jurisdiction far from home.

□ 1300

Notwithstanding prior fights on D.C. matters, the attempt to repeal our gun safety laws is a brand new low for this body. That we are here discussing this matter is yet a new low. Repeal shows special contempt for the people who live here because the city has sharply reduced its homicide rate, now at a 20-year low, down almost 25 percent this year alone, and down 55 percent since the assault weapon ban and the Brady bill were passed in 1994. At the same time, the city is heartbroken that 16 children have been killed by gunfire, more than in any recent year.

Repeal advocates claim they want guns here to help people protect themselves. Can repeal help the children killed by guns in increasing numbers here in the Nation's Capital to protect themselves?

Mr. Speaker, I include for the RECORD the 16 names of the children killed by gunfire this year, and an article on Chelsea Cromartie, the youngest of these children.

MORE GUNS MEAN MORE CHILDREN DYING

Robert Adams, 16; Chelsea Cromartie, 8; Devaun Drayton, 17; Javon Gaskins, 16; Timothy Hamilton, 15; Jahkema Hansen, 14; Antoine Holroyd, 16; Myesha Lowe, 15; David McMorris, 16; James Richardson, 17; Michael Simms, 17; Franklin Smith, 17; Wardell Smith, 17; Michael Swann, 13; Roderick Valentine, 16 and Ashley Walker, 16.

D.C. Homicides Down 24% this year but, more children slain by guns in the first 5 months of this year than in all of last year and more than in any recent years.

Save Our Children.

[From the Washington Post, May 16, 2004]

OUTRAGE SPEEDED PROBE OF KILLING CHELSEA'S DEATH GALVANIZED POLICE

(By Del Quentin Wilber)

The killing of 8-year-old Chelsea Cromartie generated a powerful response from the D.C. police. While homicide investigators worked the streets, teams of officers passed out fliers and set up roadblocks in an exhaustive search for witnesses. Top officials appealed for help and boosted a reward for clues.

Aided by a tip, police identified two suspects within a week of the Northeast Washington shooting. The police work drew praise from neighborhood leaders and fulfilled a promise made by top officials that they would catch whoever fired the bullets that missed their targets and flew into the home that Chelsea was visiting May 3.

Not every homicide in the District commands so much attention. In a city that is struggling with one of the nation's highest homicide rates, police must make difficult decisions about how to deploy resources. Witnesses frequently are difficult to locate and, even when found, sometimes refuse to give information. This year, police say, the homicide clearance rate is less than 60 percent.

Commanders and former top officers said they must assess a variety of factors after each killing—from the type of crime and the victim's history to how readily witnesses will help them. Although police insist that they investigate each homicide thoroughly, they said they often feel like battlefield surgeons performing triage.

The choices inevitably add to the grief of family members of victims whose crimes go unsolved.

Some D.C. Council members and victims' rights advocates said the department should use Chelsea's case as a model for future investigations by adding homicide detectives and offering bigger rewards. It is not fair, they said, that some slayings get more attention than others.

''Should one murder be more important than another murder?'' asked Kenneth E. Barnes Sr., whose son was slain in September 2001. ''I don't think so.''

Barnes's son, Kenneth Barnes Jr., 37, was a well-known shop owner on U Street NW who was killed during an apparent robbery attempt. The killer was sentenced to prison in that case. Barnes has since attempted to aid the families of other victims by creating a nonprofit group called Reaching Out to Victims Together.

Kami Emanuel's fiance, Derrick Taylor, was killed about 6:45 a.m. May 9 in Northeast Washington. She said detectives appear to be working hard but wondered why they have not raised the reward, now up to $25,000, in the case.

''A murder is a murder,'' said Emanuel, 27.

Police Chief Charles H. Ramsey said the department takes every killing seriously. He said he did not hesitate to focus so heavily on Chelsea's case. The third-grader was shot in the head while watching television in her aunt's home, and her aunt was wounded by another of the stray shots that came through the living room window.

The community was outraged, Ramsey noted, with scores of people attending a candlelight vigil and dozens calling police with tips. The killing became the lead story on local television broadcasts and was front-page news. Ramsey said police believed that they had a solid chance at solving the case if they acted aggressively, and they did not want to let any leads slip past them.

''It was hot,'' Ramsey said. ''Not every case generates that kind of interest.''

The nature of the crime and Chelsea's age attracted community attention and sympathy that helped fuel the urgency to solve the case. Detectives and other officers also could imagine their own daughter dying in such a senseless way, police officials said.

''Some cases, you don't have to ask guys to come forward and work,'' said lawyer W. Louis Hennessy, former commander of the D.C. homicide unit. ''These are unique cases. The guys take it upon themselves to go the extra mile.''

Last summer, as the department was under pressure as homicides spiked, Ramsey raised the rewards offered in homicide cases from $10,000 to $25,000 per victim. In Chelsea's case, the department swiftly doubled it to $50,000. The amount eventually reached $75,000 after a private contribution.

The donation came from William E. Schuiling, a Michigan resident and chairman of Brown's Automotive Group, which has dealerships in the Washington area. He pledged $225,000 more to help police solve other slayings of children. ''Nothing is more sickening or despicable to me as when someone kills an innocent child,'' he wrote in a letter to Ramsey.

Ramsey said officers and investigators were added to deal with the high volume of calls and leads about Chelsea's slaying. One crucial tip helped lead to the arrests of brothers Raashed and Ricardo Hall, who were charged with first-degree murder.

Community pressure and an all-out blitz by police are hardly guarantees that cases will be solved quickly. It took police nearly two years to solve the 1997 triple slaying at a Starbucks coffee shop in Georgetown. It took nearly a year to make arrests in the April 2003 slayings of three employees at Colonel Brooks' Tavern. And the slaying of former intern Chandra Levy remains unsolved three years after she disappeared.

Police received scores of tips in all three of those investigations. But such community interest in homicides—the city recorded 248 killings last year—is not common, detectives say.

Last year, Ramsey released a surveillance tape that showed a daylight killing at a Northeast Washington gas station—and witnesses doing nothing to report the crime or assist the victim. The killing of Allen E. Price remains unsolved.

Police detectives tell countless stories about uncooperative witnesses, even relatives who saw their loved ones killed but won't point out the killer. In some cases, witnesses fear they will be targeted. Police and prosecutors said that witness intimidation has been a long-standing obstacle to solving crimes.

Also, police said, friends of some victims would rather avenge killings on their own than help officials.

Investigators said they often identify suspects only to stumble when trying to persuade witnesses to come forward.

Two days before Chelsea was slain, D.C. police were called to investigate a midafternoon killing in a Southeast Washington housing complex. Detectives quickly discovered evidence that pointed to a gun battle: Shell casings from at least four weapons littered the street.

Scores of residents watched as technicians and detectives scouted for evidence, recalled Lt. Guy Middleton of the violent crime unit. Yet despite the public nature of the gunfight in the Barry Farm complex and detectives canvassing and recanvassing the neighborhood, no one came forward with information, Middleton said. The slaying of Antonio Blakely, 18, who lived in another part of town, remains unsolved.

''It's frustrating,'' said Middleton, a veteran homicide investigator and supervisor. ''The people continued to stand there when the police arrived. All were out there when it happened.''

D.C. Council member Kathy Patterson (D–Ward 3), chairman of the Judiciary Committee, said police could do more in solving homicides. She said officials should add more detectives and resources for investigations. ''Every case should have the kind of tenacity and commitment'' that the Chelsea case did, Patterson said.

But some former police officials said that certain killings—such as Chelsea's—demand more attention.

''There is something exceptional about this homicide,'' said Isaac Fulwood Jr., the District's police chief from 1989 to 1993, comparing the handling of the case to how officers work round-the-clock to solve the killing of fellow officers.

''You can't shoot 8-year-old girls sitting in their house watching television,'' Fulwood said. ''Everybody was fired up by this little 8-year-old girl. I don't care what you have to stop doing, you have to get on this homicide. That is the reality of it.''

Mr. Speaker, more guns in the Nation's Capital is a new low because it makes a mockery of our congressional obligation and of our actions to secure the Nation's Capital against terrorism. Only Washington, D.C. and New York City are under an orange alert. No car can travel on the streets approaching the Capitol without getting in checkpoint lines for police to inspect the inside of the car. So terrified were Capitol Police of possible terrorism that they rushed to put permanent 19th century approaches in place, including closing the only major street leading to the transportation hub of the region, Union Station.

Encouraging guns, including fully-loaded handguns and military-style assault weapons that will soon make their way to the Nation's Capital as we struggle under an orange alert would disgrace the Nation here and around the world. Creating a new and expanded gun culture here in the midst of an orange alert is an act of reckless irresponsibility.

If Members vote for H.R. 3193, Members are voting to repeal not only D.C.'s handgun ban, but also its ban on military-style assault weapons. Upon repeal, a loaded AK–47 or a Bushmaster, like the one used in this region in the infamous 2002 attack by the snipers that killed 10 residents in Virginia, Maryland, and D.C. and injured 5 others, this weapon could be kept here in homes, fully loaded, in workplaces, in businesses.

D.C. Police Chief Charles Ramsey warns that these guns would make their way so quickly to the streets they would not have enough men and women to confiscate them all, even though they have confiscated record numbers this year. And he said yesterday when he came here to specially plead against this bill that this bill would increase gunfires in the streets of the Nation's Capital and drive-by shootings.

Astonishing, if Members vote for H.R. 3193, Members will be voting to allow children under 18 years of age to own semiautomatic and assault weapons. This year, the very year that 16 children have died from gunfire, the year dominated in the local news by grieving for children killed by guns, Members will be voting to allow people to carry guns who have been declared by a court to be chronic alcoholics or to have negligently killed someone with a gun.

If Members vote for H.R. 3193, Members will be voting to repeal a requirement that gun owners notify police if guns have been stolen or lost. Surely at a time when guns are being used by kids to kill kids here, it should be a requirement of citizenship to at least warn the police that a gun has fallen into the hands of criminals.

A vote for repeal is a vote against the requirement that handguns and semiautomatic weapons be kept locked away from children. That is pathetic, Mr. Speaker. A vote for repeal is a vote for a provision in the bill that is an earmark of its extremism. Local officials would not be allowed to even discourage private ownership of handguns and assault weapons.

Although the present D.C. gun law has been held to be constitutional by Federal and local courts, the gentleman from Indiana (Mr. SOUDER) and his allies nevertheless persist in citing the second amendment as the raison d'etre for this bill. Therefore, I invite the gentleman from Indiana (Mr. SOUDER) and other proponents to divert some of their attention from the second amendment to the first. Despite their efforts, they will not be able to keep me, Mayor Williams, or School Superintendent Clifford Janey or other residents from discouraging the use and ownership of weapons.

The Constitution may allow the gentleman from Indiana (Mr. SOUDER) to deny me a vote this very day on this bill that affects only the people I represent in the District of Columbia, but the gentleman cannot silence me or anybody else in the District on the matter of guns or on any other matter. The insult to American principles of self-government and home rule is too obvious and painful to belabor.

This bill is the best argument for home rule. We see in this bill why local control is a core principle of American citizenship. As a people, we stand for the proposition that local matters are for local people. No matter is more local than public safety close to home. No one is in a better position to write laws about safety in the homes, the workplaces, the businesses and the streets of the local jurisdiction than those who must live under those laws 24–7.

This bill, we are told, has the paternalistic purpose of allowing the poor, ignorant, elected officials and people of the District of Columbia to protect themselves. Thank you very much, presumably because we are lesser beings who do not even have enough sense to figure out the most basic of principles concerning their own public safety. What we cannot figure out is how gun safety repeal would have enabled Chelsea Cromartie, 8 years old, a third grader, to have protected herself from the stray bullet that killed her, although she was inside in the living room of her own aunt.

This bill has gathered residents into a tight no-repeal coalition from businesses in the Greater Washington Board of Trade to parents whose kids were killed as bystanders near their schools. Trying to make the case for this bill on the basis of self-defense is to dance on the graves of Chelsea Cromartie and 15 other defenseless children killed by gunfire this year. We in the District of Columbia refuse to dance with you.

Mr. Speaker, in the name of the children of this city, who are at the greatest risk if this bill passes, we simply alert Members we will fight you now, we will fight you until the end, and then for this child and for other children in this city, we will get up and fight you some more.

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

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

Mr. Speaker, facts are stubborn things, and the fact is that today D.C.'s murder rate is still 8 times higher than the national average.

Mr. Speaker, I yield 2½ minutes to the gentleman from Tennessee (Mr. WAMP).

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

This is an emotionally charged issue and I can understand why. I think it is important, though, that we adhere to the facts. The gentlewoman from the District of Columbia (Ms. NORTON) used the words ''fallacious'' and ''ludicrous.'' It is ludicrous to suggest that if we had a gun ban all across the country, that the bad guys would not have guns and that the good guys would then be better off. It is ludicrous to suggest that bad guys that do not honor the law are not going to always have guns in this society.

It is fallacious to insinuate to people that somehow they are going to be safer if you ban guns. There are no facts to back that up. Gun control does not work. I am not interfering in the District of Columbia, that is a fact everywhere in this country. Gun control does not work. There is no science to show that it works. As a matter of fact, what the truth is that when we control guns, the bad guys have plenty, and there is a gun culture, and the good guys cannot defend themselves.

In the State of Tennessee, my father-in-law has a right to carry, and our family is safer because he does. We are in a new world. The last time that 3,000 innocent American lives were lost on September 11, guns were not used. Airplanes and fuel was. It was the most destructive, violent act in our country's history in this homeland. Guns were not there. I do not know what is next, but I think people have a right to defend themselves, and gun control simply does not work. Public policy should not be based on emotion, and this is emotionally charged. It should be based on science, facts, logic, and the truth. The truth is this policy does not work.

I just came back from Africa. I was in Dar es Salaam and Johannesburg; dangerous cities. Interestingly, they remind me that the city I work in here is more dangerous than the cities there. Let us be honest about this, and let us rise above the emotion. Gun control does not work anywhere, including the District of Columbia.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the full committee with jurisdiction over this bill.

□ 1315

Mr. WAXMAN. Mr. Speaker, I rise in opposition to this bill. The other side

would have you believe that they want to repeal legislation in the District of Columbia to stop handguns. But that is not what this bill does. This bill repeals the District's laws on assault weapons. I want to show a chart, if I might, because one of the assault weapons that would be made legal if this bill passes is a semiautomatic 50-caliber sniper weapon. This is its actual size. It is capable of taking out an armored limousine from a mile away. Can you imagine that in the District of Columbia someone could have this assault weapon and stick it out of a window on Pennsylvania Avenue? We have people coming in and out of this city who are very important to the functioning of our government, international visitors. Yet they could own and possess this weapon if the legislation before us passes.

We are spending millions of dollars to protect the Nation's capital from another terrorist attack, yet we are passing legislation today that would invite terrorists to bring assault weapons into the heart of the Nation's capital.

There is a real irony. There are committees that are meeting today to pass different parts of legislation based on the recommendations of the 9/11 Commission. Those recommendations were to make our Nation safe from terrorist attacks. Yet in this bill we are telling terrorists that it is okay for them to have assault weapons when they visit the Nation's capital.

We are under an orange alert because someone working with al Qaeda took photos of the World Bank, the IMF, and other buildings in D.C. Think of the damage that person could have done if he or she had a 50-caliber sniper weapon instead of a camera. Two years ago, this city, this whole region was gripped with fear when a sniper systematically stalked and killed 10 people. The gun he used was the Bushmaster XM–15 assault rifle. Along with AK–47s and Uzis, the Bushmaster assault rifle is one of the guns that this bill would legalize.

The vast majority of the people in this Nation support the Federal ban on assault weapons. Even the President said he supported the continuation of the assault weapons ban, but we could not even bring it up for a vote in the House of Representatives. Instead, the Republican leadership in the House has brought up to the House floor legislation that makes assault weapons legal in the Nation's capital. I wonder if they are going to get around to mandating that each Member of Congress buy an assault weapon rather than ban it all around this Nation.

This bill is being rushed to the floor to score political points with the NRA. The bill is an abomination. I urge my colleagues to defeat it.

Mr. SOUDER. Mr. Speaker, it would be illegal to shoot such a weapon now, and it would continue to be illegal to shoot such a weapon at an armored truck or anybody else under my legislation.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. I thank the gentleman for yielding me this time and commend him on his legislation that I am speaking in support of.

Mr. Speaker, those of us who have the honor of serving in Congress are in good hands. In the Capitol, in our office buildings, for several blocks in each direction, we enjoy the protection of the Capitol Police, the Park Police, the Secret Service and the Metropolitan Police. Though they represent different law enforcement agencies, these officers all have one thing in common, they all carry guns. So why is it that residents of Washington, D.C. are forbidden from protecting their families in this same fashion?

The D.C. police, though hardworking, do not have the resources to set up a perimeter around neighborhoods the way they do for us. In reality, D.C. police usually respond after a crime has been committed. Yet D.C. residents are forbidden by law from defending themselves.

As many residents of Indiana and Virginia and Texas and Florida and Vermont know, a firearm is an effective deterrent against crime. Even the threat of a firearm can frighten off a criminal. John Pena, born, raised and currently living with his family in southeast Washington, D.C., about 13 blocks from here, was at home recovering from eye surgery a couple of years ago when he heard a noise downstairs. Despite his severely blurred vision, he investigated and found a burglar in his living room. Mr. Pena is a Navy veteran and served in Vietnam, but he was in no condition to confront this criminal. So thinking quickly, Mr. Pena called upstairs to his retired father, ''Dad, get the gun.'' Mr. Pena was bluffing and I do not want to suggest that he had then or has today a firearm in his residence. But at the mention of a gun, the thief turned and ran out the back door in such a hurry he neglected to open the storm door, cutting himself as he crashed through it.

Mr. Speaker, we feel secure here on the Capitol grounds knowing we are protected by men and women with guns. Tens of thousands of my constituents in Indiana also keep their families safe with the presence of a gun. It seems to me that a criminal's dream would be a city where law-abiding citizens are disarmed. Preventing these law-abiding citizens, our fellow Americans of Washington, D.C., from enjoying the same protections the rest of us enjoy is unsafe and unfair.

Ms. NORTON. Mr. Speaker, I take the gentleman's suggestion that we can scare criminals away by yelling ''gun'' but not that we have guns in our own homes fully assembled, loaded and ready to go.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, have we become unhinged in this House? The business that most of us are engaged in all day today and the business that we will be engaged in all next week is trying to pass responsible reforms to implement the recommendations of the 9/11 Commission, recommendations intended to make us safer. While we do this, hopefully on a bipartisan basis, we are debating today a wedge issue designed to make the people who live in the District of Columbia, the Members of Congress, and our families less safe.

Let us understand what we are talking about here. I am reading from the description of this bill. We are repealing the ban on semiautomatic weapons, we are eliminating criminal penalties for possessing an unregistered firearm, and we are amending Federal law to eliminate criminal penalties for carrying a pistol whether loaded or unloaded.

This is incredible, Mr. Speaker. I am astonished that this House would even spend 2 seconds on this issue. Maybe this is good rhetoric in somebody's campaign, but it is bad policy for the United States of America. Shame on this House for wasting time on this bill. I strongly oppose it.

Mr. SOUDER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a distinguished member of the Subcommittee on Criminal Justice of the Committee on Government Reform.

Mrs. BLACKBURN. Mr. Speaker, I rise in support of the legislation that is offered by my colleague from Indiana. The gentlewoman from the District urged us to respect her and the District residents where the city's gun laws are concerned, and I trust that she will be pleased to know that is exactly what this bill proposes to do. This is because right now residents of the District do not have an option. The law prohibits them from using a firearm to defend themselves and their families in their own homes and it prohibits them from acquiring handguns and other guns whether for defensive, sporting, hunting, or recreational purposes. This bill will give them an option by taking those prohibitions away.

If anyone from the District does not want to have a gun in their home for protection, they will not be required to do so. If they do not want to use a gun for target practice, recreation, hunting sports, they are not required to do so.

The only purpose of the bill is to give people an option, to let them decide whether to have a gun for protection or any other of the legitimate uses.

If no one in the city steps up to buy a gun, then that is fine, because it is their decision. I suspect, though, that many of my colleagues realize that there will be quite a few law-abiding Washingtonians who will want to exercise their individual right to arms and their right to engage in shooting sports and recreation as millions of Americans do. This bill protects their rights.

Ms. NORTON. Mr. Speaker, for the information of the gentlewoman, 100,000 guns are registered in the District of Columbia. We encourage people to use rifles for sports.

Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from the District of Columbia for yielding me this time.

Mr. Speaker, I rise in strong opposition to this bill. Our troops are struggling in Iraq. The budget deficit is at an all-time high. The Republican-led Congress has failed to finish its work on the budget, on appropriations bills, the highway bill, all of the legislation vital to keeping our country going, and the response from the Republican leadership? Pass a bill repealing gun laws in the District of Columbia.

Mr. Speaker, this is a bad bill on its own merit and an affront to the citizens of Washington, D.C. The citizens of this District have the right to enact laws to make their neighborhoods safer without interference from the Congress and the NRA. This is election-year politics practiced at the expense of District residents who do not even have a vote in the House or the Senate.

Mr. Speaker, the fight against terrorism is a focus of this Presidential campaign, as it should be, and the fight against terrorism is a given in our daily lives. We live in a time of high alerts. Checkpoints now ring this Capitol. Yet passage of this bill into law would certainly not aid in our war against terrorism. It would in fact encourage proliferation of weapons in the immediate vicinity of the Capitol, the White House, the Supreme Court, and scores of Federal agencies and foreign embassies located throughout this city.

One would think that our congressional leadership would want us to support the policemen and -women who work to protect us and these institutions which are such national symbols, all of which present tempting targets for terrorists or the deranged.

But this legislation would undermine the efforts of our local law enforcement and put our police at even greater risk. It is an antipolice bill, abuse of congressional power, and an attempt to draw attention away from what we should be working on. I urge my colleagues to vote down this ill-conceived measure.

Mr. SOUDER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, I rise in support of this legislation. I learned a long time ago serving in the Colorado State legislature that criminals do not care about the laws we pass. They do not know who their Congressman is. They do not know who their Senators are. They do not have respect for law or lawmakers.

Right here in Washington, D.C., there are many things that we are extremely proud of. One of the things, though, that really is a blot is the infamous distinction as the murder capital of the world. I think that we need to give criminals who would commit heinous crimes in this District of Columbia pause. I think we ought to make them wonder whether or not an individual that they would harm, whether or not they are going to harm a family or try to rape a woman or murder someone, give them pause, let these criminals wonder if that individual might be able to defend themselves.

It is important when we think that businesses in this District, business owners can have guns on the premises, but individuals cannot have guns that are ready to use in their homes to protect their family. All of us know that our family members are more important to us than any material possession that we have. We need to give individuals in the District a right to defend themselves and we need to give these criminals that make this the murder capital of the world a doubt in their mind as to whether or not someone will be able to defend themselves.

Ms. NORTON. Mr. Speaker, I am pleased to yield 1¾ minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, let me say how much I appreciate the Delegate from the District of Columbia for carrying on the good fight. It is ironic that this bill proposes to implement constitutional rights to the District of Columbia when in fact this body has not allowed the District of Columbia to have a voting Member of the United States Congress and voting Members of the United States Senate. This is a cruel hoax under the guise of a constitutional amendment.

I watched some of the hearing yesterday, and it was ironic. This bill was introduced a year ago. Since it was introduced, I thought it had gone to the mortuary and that rigor mortis had actually set in on it, and I was applauding it. But then I found out yesterday that it was just in a calling period where people could come by the pew, sign the book until you got over 200 signatures on the book, and then you get it out.

This bill also came out after this House celebrated the life of Ronald Reagan who was shot in this city, the District of Columbia. And I apologize to Mr. Brady who is still paralyzed from a bullet shot in this District. The President said he wants more minorities to join the party of Lincoln because he was the Great Emancipator. Lest we forget, Abraham Lincoln was assassinated, too, by a bullet. He was a Republican. Garfield was a Republican. He was assassinated.

We are so patronizing. We know what is best for the District of Columbia. The chief of police said they do not want the bill. The Mayor says he does not want the bill. The council does not want the bill. The newspapers had an editorial against the bill, and we are going to impose this anyway.

As we speak today, we are memorializing a police officer who came from the gentleman's district, Fort Wayne, Indianapolis, and was killed last week by a bullet. A month before that, we memorialized another police officer that was killed by a bullet, and I bet nobody on this bill ever visited one of the families of the grandmothers that were killed in this District.

This bill is one of the worst pieces of legislation that I have seen as a Member of this House, and I apologize to the grieving families for it.

□ 1330

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

One would think that the District of Columbia has a good record rather than eight times the national average, leading the Nation 14 of the past 15 years in the murder rate. As a former mayor said, ''Other than the killings, their crime rate is not too bad.'' ''Other than the killings'' is a relevant thing here. We are trying to make sure honest citizens can protect themselves, not just the criminals.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. CARTER), a member of the Criminal Justice, Drug Policy and Human Resources Subcommittee, and a former judge.

Mr. CARTER. Mr. Speaker, I rise in support of this bill. I want to tell some stories. For 20 years, I tried cases. I tried felony criminal cases, drive-by shootings and other things which are the kind of stuff we read in the newspapers in D.C. every day, and I can say that the weapons that were used were acquired illegally and illegitimately, and the bad guys always had the chance to get their hands on guns. But the good guys that have guns deter crime.

We passed a right-to-carry permit in Texas after a deranged person walked into a Luby's Cafeteria in Texas and just began randomly shooting the diners in a crowded Luby's Cafeteria. As a result of that right-to-carry permit, which enhanced our laws in Texas, the amount of violent crime has fallen off about 40 percent with the use of handguns. And what is interesting, if that same person were to walk into a Luby's Cafeteria today, he would not know whether or not there might be anywhere from two to 15 armed persons in that place who could return fire, and it would deter him from doing so. And that is a proven fact.

The weapon that was shown today as an assault weapon, a semi-automatic rifle, I hunt with a semi-automatic rifle, and with the right cartridge, it will shoot through anything. But that is a perfectly legal and legitimate weapon. An automatic weapon that fires fully automatic is probably, as we speak, in the hands of someone who likes to do drive-by shootings in this town because the criminals will get their hands on fully automatic weapons, which are assault weapons and have been against the law in this country since the 1930s.

So the reality is, if we have a ban on guns, we ban those guns from the people who need to protect themselves.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in opposition to H.R. 3193, and I respect the gentleman from Indiana's perspective on this issue. I think there is room in the House for disagreement. But my opposition is based on the legislation's blatant and potentially dangerous assault on home rule in the District of Columbia.

There is an appropriate place for debate on D.C.'s gun laws, and that place is the chambers of the District of Columbia Council, not the floor of the House of Representatives.

This bill repeals protections from gun violence that have been sought by the citizens of the District. It would end the city's ban on semi-automatic assault weapons, its ban on armor-piercing or ''cop killing'' ammunition, its requirement for gun registration. Even if we want to debate the merits of the gun laws, no one should question the importance of keeping fully loaded assault weapons off the streets of the Nation's capital.

Ninety-seven percent of all guns used in crimes in the District originate outside the District. Children in the Nation's capital are already at risk. This year, 21 young people in the District, all of them under 18 years of age, have been killed, most of them by gunshot. Our priority should be in reducing this disturbing rise in juvenile slayings, and I do not think this legislation helps.

The crime rate, by the way, in the city is going down. The police chief was quoted just last week as saying a 13 percent drop in overall crime this year, 24 percent reduction in homicides this year.

Proponents of this bill want to frame this debate in terms of the constitutionality of the District's law, but that is a straw man. Earlier this year, a U.S. District Court rejected constitutional challenge to the District's statute. This is a home rule fight. We do not allow the city a vote on the House floor, and now, we are taking away the rights of the Council and the elected mayor of the city to make decisions that they have made and will omit Oak Park, Chicago, Evanston, Illinois. We are not touching those areas that have representation in this body. We are just dealing with the Nation's capital. For our system of federalism and democracy to work, States and localities need to be able to make their own decisions on these sorts of matters, even if some of us think they are bad decisions.

We are only here today because of Congress's plenary power over the District. This is a constitutional authority that is unfortunately occasionally abused as it is in this case.

I urge my colleagues to join me in voting ''no.''

Mr. SOUDER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, with all due respect to the chairman of the Committee on Government Reform, this is a constitutional argument, and I rise today to express my support for the D.C. Personal Protection Act, which would restore the second amendment rights for the residents of Washington, D.C.

This legislation will allow law-abiding citizens the right to own rifles, shotguns and handguns and permit the storage of these firearms in their homes. The District of Columbia, again, has been labeled the murder capital of America, and that is 14 of the past 15 years. And that is despite its current ban on guns. It is time we lift this ineffective law and bring back the constitutional rights of individuals who reside in our Nation's capital.

Under the current law, even legal handgun owners cannot carry them into their own homes or use illegal firearms to protect their life or property. In 2002, while this gun ban had been in effect for 25 years, Washington's homicide rate was five times higher than the national average. It is obvious the ban is not working.

The D.C. Personal Protection Act would eliminate criminal penalties for legal possession of firearms and repeal the ban on the possession of ammunition. If enacted, this legislation will simply afford residents the same self-defense as the rest of the country.

It is easy for my friends on the other side of the aisle and the editorial board of the Washington Post who live in affluent or safe neighborhoods to take aim at the personal freedoms of law-abiding citizens here in Washington, D.C., and many of them living in the southwest live in neighborhoods that have become battlegrounds where criminals run the streets. So it is time to give them the right to defend their lives, their personal property. Congress must take action and give that second amendment right back to the law-abiding citizens of Washington, D.C.

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

My law-abiding citizens in the southeast and everywhere else in the District of Columbia have not elected this Member but only the Member before him. So I would appreciate the courtesy of his not telling me what the law-abiding citizens of the southeast want or need. They will get rid of me if I am doing the wrong thing today. They cannot touch him, unfortunately, if he does the wrong thing.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, when I listen to this debate and I hear everyone talking about giving the people of D.C. the right to protect themselves, we have seen crime deterred here in the D.C. area. We are seeing less gun violence here in the D.C. area. But, again, last night in the Committee on Rules, we tried to at least ban assault weapons in the D.C. area, large-capacity clips, killer bullets. Unfortunately, all those amendments were turned down.

We heard earlier from the other side of the aisle that we have all the security of the Capitol Hill Police. We do, and we are very lucky on that. And now, we are going to put them all at risk because they are going to be allowed to have the guns back in the D.C. area.

This is absolutely crazy. Assault weapons coming into the D.C. area when our men out there and our women out there are there to protect us.

And, by the way, I happen to think by reducing gun violence there has to be several approaches: Enforce the laws on the books; make it harder for criminals to be able to get the guns; and why in God's name are we cutting out the COPS Program? We have seen, going on across this Nation and here in D.C., that it works. And yet we are going to take that program away. The people of D.C. have the right for home rule. They do not want the guns. I think they know better than those Members here in Congress who are not living in the D.C. area.

So, with that, I hope that we can defeat H.R. 3193. And it is not fair. This is not democracy, and reducing gun violence can happen. Over 30,000 people a year die on that. It costs this Nation a billion dollars in health care. We can do a better job.

Mr. SOUDER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the State of Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the second amendment to the Constitution clearly prohibits the Federal Government from denying law-abiding citizens, let me underline that, law-abiding citizens the right to own and bear arms. Yet the residents in our Nation's capital are deprived of this right. Full-time and part-time residents like Members of Congress are actually denied the right to defend themselves. This is the very city that is the home to America's experiment in democracy. It deprives its citizens of one of our most basic and sacred rights.

D.C. is a prime example of the failure of radical gun-control policies. The city has one of the most restrictive gun-control policies in the country, and yet D.C. is infamous for its exorbitant amount of violent crime. The city has gun-control but not very much crime control.

Since 1976, the residents of our Nation's capital have been deprived of the right to bear arms, the right to protect their homes and the right not to be victimized. For 28 years, D.C. families have been held hostage. D.C. communities and homes are no longer safe. Unfortunately, they have become targets for theft and violent crimes. Regrettably, individuals on my D.C. staff who live here have suffered the effects of poor crime control. In addition to my staff, I have personally experienced situations where I have felt threatened in and around my D.C. residence. I believe that I should be able to defend myself against assault, theft and other violent crimes in D.C., the same as I am able to do in the State of Florida because I have a carry permit. And I also have had training. I believe that the answer is tougher laws against criminal activities.

H.R. 3193 ends the tyrannical reign of D.C.'s repressive gun-control laws and returns to law-abiding citizens the right to protect themselves.

I urge my colleagues to also support this bill.

Ms. NORTON. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in opposition to this legislation which will turn the District of Columbia into a security nightmare. Just over 2 weeks ago, this body ignored the appeals of law enforcement and ignored overwhelming public opinion and allowed the ban on assault weapons to expire.

Now, Members of this body are trying to repeal every one of the District of Columbia's firearms laws. Since the 9/11 disaster, the Federal Government has directed billions of taxpayer dollars to make our Nation's capital safer for residents, commuters, tourists, public officials and the law enforcement professionals dedicated to public safety.

Today, security is the single overwhelming challenge facing our Nation. As I speak, the Capitol Hill Police are manning checkpoints around the perimeter of the Capitol, searching private automobiles and inspecting public buses. Law enforcement officials have bravely risen to this challenge of the terrorist threat that exploded in our skies.

Mr. Speaker, this bill makes a mockery out of law enforcement's commitment to safeguard the Nation's Capitol and to protect the Members of this Congress. This body should be ashamed to engage in such hypocrisy.

Mr. SOUDER. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Arkansas (Mr. ROSS), the lead Democratic cosponsor of this bill. We have 44 Democratic cosponsors, and I very much appreciate his leadership and help on this issue.

Mr. CARSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. ROSS. I yield to the gentleman from Oklahoma.

(Mr. CARSON of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, I rise in strong support of H.R. 3193, the District of Columbia Personal Protection Act. To put it as simply as other speakers have, this bill restores constitutional self-defense rights to law-abiding citizens of the District of Columbia.

Currently, the District of Columbia has the strictest gun-control laws in the Nation. Honest, law-abiding citizens may not possess a handgun unless it was registered before 1977.

□ 1345

Legally owned rifles and shotguns must be kept unloaded and disassembled. These restrictions make it useless for District residents who wish to defend themselves against criminal attacks. This dangerous gun control law only infringes on the rights of those who obey the law and does nothing to reduce violent crime.

These laws have made Washington, D.C. the homicide capital of America and to those in my party who disagree, and I know there are those who do, I merely suggest that they consider the following facts: Prior to the enactment of the gun ban, the number of homicides had been declining in Washington, D.C. but increased after the ban was imposed. By 1991, Washington, D.C.'s homicide rate had risen more than 200 percent. By comparison, the national homicide rate rose 12 percent in the same period.

These statistics clearly show that the District's gun control experiment has failed. It is time the Congress restore the second amendment rights to the citizens of the District and allows them to protect their homes and families.

I respectfully ask my colleagues to vote yes on the District of Columbia Personal Protection Act.

Mr. ROSS. Mr. Speaker, reclaiming my time, I rise today and join 43 of my Democratic colleagues to voice my support for H.R. 3193, a bill that would allow citizens of the District of Columbia to own rifles, shotguns and handguns.

The second amendment of the Constitution of the United States of America specifically grants all Americans the right to bear arms in order to protect themselves and their families. Under this bill, Washington, D.C. citizens would simply have the same self-defense rights as residents of the 50 States of America do.

In a New York Sun editorial printed on Thursday, September 23 of this year, a D.C. resident expressed his concerns on not being able to legally protect his home from intruders. He stated, ''The fact is, if you have an intruder come to your home, there is nothing you can do to protect yourself except wait for the police.'' This Washington, D.C. resident went on to describe an incident where he stared and waited as a man was attempting to break into his home.

This is absolutely inexcusable. No one, no one, should be forced to sit and wait while witnessing an intrusion upon their home, upon their family, possibly putting themselves and their family in danger.

Mr. Speaker, I stay in Washington, D.C. 3 or 4 nights most weeks, and I truly believe the police do a fine job in this city. But if someone were to break into my apartment, I would have to wait for them to arrive before any action to be taken.

If I were to have a gun, if I were to have gone through all the red tape, which includes taking an exam and paying money for fees and a license to have a shotgun in my home, I would have to take the time to assemble or unlock and load my gun. By that time, it could be too late to defend myself. No intruder is going to stand around and wait for me to assemble or unlock and load my gun, and they certainly are not going to wait for the police to arrive before completing the job they came to do.

Mr. Speaker, this is not just a matter of personal protection, it is a matter of constitutional freedom. The second amendment is a right bestowed upon us by our Founding Fathers. It is a right I have exercised my entire life in my home State of Arkansas.

Current Washington, D.C. law requires all guns to be registered with the Metropolitan Police Department. All handguns are banned unless they were registered before the gun ban was enacted, but, even so, Washington, D.C. citizens are prohibited from carrying their handguns in their homes, even those legal handgun owners. Rifles and shotguns can be legally registered and owned, but they must be stored unloaded and disassembled or locked.

The District of Columbia has some of the most restrictive gun laws in the Nation, but at the same time, the District has one of the highest murder rates in the United States of America. Prior to the enactment of the gun ban, homicide had been declining in Washington, D.C. but increased after the ban was imposed back in 1976. In 2002, the D.C. homicide rate was almost double the rate when the handgun ban took effect, and was five times higher than the national average.

H.R. 3193 simply allows law-abiding citizens to possess a firearm without going through the registration requirements and they would not suffer criminal penalties for such possession. This bill permits storage of armed firearms in one's home or place of business and repeals the ban on the possession of

ammunition, allowing citizens to protect their home and family in times of danger within Washington, D.C., as families can do in all 50 States across America.

H.R. 3193 would not affect any law directed at true criminal conduct. This bill leaves in place strict penalties for gun possession by criminals and for those who commit a violent crime with a gun.

Any criminal interested in obtaining a gun for harm against another can easily do so right now. This bill simply ensures that law-abiding citizens of the District of Columbia are able to protect themselves by legally owning a firearm, just as the citizens of the 50 States of America can do.

Mr. Speaker, this is a piece of commonsense legislation, and I urge my colleagues to join the 44 Democratic cosponsors of this legislation and vote in favor of the bill.

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

Mr. Speaker, in all deference to the gentleman from Arkansas, handguns in homes in this town are not used by people. Those guns, according to the police chief, quickly make their way to the streets and do not stay at home. At home, however, they are overwhelmingly used for domestic violence.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH), the ranking member of the Subcommittee on the District of Columbia of the Committee on Appropriations.

Mr. FATTAH. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, you would not know by today's discussions that the President, the other candidate for President, Senator KERRY, and all of the Nation's leaders have been telling us that we are at war, that we are in this war on terrorism, because there has been no discussion about that today, even though on the front page yesterday of one of the Washington newspapers it says that our number one enemy, al Qaeda, is meeting with and making arrangements with local criminal gangs here in D.C., for whatever purposes.

You would not know that we are at war. You would not know this was on the front page of the papers yesterday. You would not know that because of all of this discussion here today about allowing people to have arms.

I am just trying to imagine the Inaugural parade next year here in the District, as people have now had this ability to go arm themselves to the teeth, even people who might have purposes that are untoward in terms of our activities.

I am going to just say that this is a new type of cowboy, where they take the stage coach, they get themselves in a gun-restricted area, and let the women and children and the God-fearing people of this city stay off.

Mr. SOUDER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, while we ultimately are debating two different gun control bans in the District of Columbia, I am going to confine my comments to the District's ban on the acquisition or possession of a handgun. The evidence is clear that this handgun ban has not reduced crime.

Since the ban, the city's violent crime rates, particularly its murder rates, have increased. When the ban went into effect, the city's murder rate was twice the national rate. Today it is more than seven times the national rate.

Chicago is the other major American city that has a handgun ban, and it has been on the books almost as long as the District's. The Chicago ban went into effect in 1982, and within a decade murders with handguns doubled.

California banned so-called ''assault weapons'' in 1989. For the next 5 years, California's murder rate increased every year, 26 percent overall.

Of course, I am sure we are all familiar with the study that was conducted of the Federal assault weapons law, under Congress's mandate. That study found no hard evidence that the ban had any effect on crime. Among the reasons for this, the guns that were banned were rarely used in crime before the ban.

Many of our colleagues may also remember that several years ago we passed legislation prohibiting the Centers for Disease Control and Prevention from using Federal funds to pay for so-called studies designed from the outset to reach conclusions that political activists could use to promote gun control for policy purposes.

It was clear that there was a significant bias at the CDC in favor of gun control. And that bias remains. But even the CDC, in a study conducted last year, found no evidence that gun bans reduce crime. For that matter, the study found no evidence that any form of gun control reduces crime.

Around the same time, the Library of Congress studied the relationship of gun control to crime in 27 foreign countries, and it concluded there was no relationship between gun restrictions and crime.

Even though Americans buy about 5 million new guns a year, the Nation's violent crime rate has dropped every year since 1991 and it is now at a 27-year low; that is, if you base the counts on crimes reported to the police and the FBI. If you base the counts on the National Crime Victimization surveys, however, the Nation's violent crime is at a 30-year low.

Based upon crimes reported to the police and FBI, the Nation's murder rates the last few years have been lower than any time since the mid-1960s.

So, the gun control supporters' motto, ''More guns means more crime,'' is demonstrably false.

These statistics from around the country and around the world cannot be expected to alter the thinking of people who are ideologically opposed to private ownership of guns. However, ideology has been proven false by hard facts and should not dictate the policies under which the rest of us should live.

Ms. NORTON. Mr. Speaker, I include for the RECORD an article on al Qaeda seeking ties to local gangs that appeared in the Washington Times.

[From the Washington Times, Sept. 28, 2004]

AL QAEDA SEEKS TIE TO LOCAL GANGS

(By Jerry Seper)

A top al Qaeda lieutenant has met with leaders of a violent Salvadoran criminal gang with roots in Mexico and the United States—including a stronghold in the Washington area—in an effort by the terrorist network to seek help infiltrating the U.S.-Mexico border, law enforcement authorities said.

Adnan G. El Shukrijumah, a key al Qaeda cell leader for whom the U.S. government has offered a $5 million reward, was spotted in July in Honduras meeting with leaders of El Salvador's notorious Mara Salvatrucha gang, which immigration officials said has smuggled hundreds of Central and South Americans—mostly gang members—into the United States.

Although they are actively involved in alien, drug and weapons smuggling, Mara Salvatrucha members in America also have been tied to numerous killings, robberies, burglaries, carjackings, extortions, rapes and aggravated assaults—including at least seven killings in Virginia and a machete attack on a 16-year-old in Alexandria that severely mutilated his hands.

The Salvadoran gang, known to law enforcement authorities as MS–13 because many members identify themselves with tattoos of the number 13, is thought to have established a major smuggling center in Matamoros, Mexico, just south of Brownsville, Texas, from where it has arranged to bring illegal aliens from countries other than Mexico into the United States.

Authorities said al Qaeda terrorists hope to take advantage of a lack of detention space within the Department of Homeland Security that has forced immigration officials to release non-Mexican illegal aliens back into the United States, rather than return them to their home countries.

Less than 15 percent of those released appear for immigration hearings. Nearly 60,000 illegal aliens designated as other-than-Mexican, or OTMs, were detained last year along the U.S.-Mexico border.

El Shukrijumah, born in Saudi Arabia but thought to be a Yemen national, was spotted in Tegucigalpa, Honduras, in July, having crossed the border illegally from Nicaragua after a stay in Panama. U.S. authorities said al Qaeda operatives have been in Tegucigalpa planning attacks against British, Spanish and U.S. embassies.

Known to carry passports from Saudi Arabia, Trinidad, Guyana and Canada, El Shukrijumah had sought meetings with the Mara Salvatrucha gang leaders who control alien-smuggling routes through Mexico and into the United States.

El Shukrijumah, 29, who authorities said was in Canada last year looking for nuclear material for a so-called ''dirty bomb'' and reportedly has family members in Guyana, was named in a March 2003 material-witness arrest warrant by federal prosecutors in Northern Virginia, where U.S. Attorney Paul J. McNulty said he is sought in connection with potential terrorist threats against the United States.

A former southern Florida resident and pilot thought to have helped plan the September 11 attacks, El Shukrijumah was

among seven suspected al Qaeda operatives identified in May by Attorney General John Ashcroft as being involved in plans to strike new targets in the United States.

Citing ''credible intelligence from multiple sources,'' Mr. Ashcroft said at the time that El Shukrijumah posed ''a clear and present danger to America.'' In August, an FBI alert described him as ''armed and dangerous'' and a major threat to homeland security.

Earlier this month, Mr. Ashcroft confirmed that U.S. border agents and inspectors had ramped up efforts to find El Shukrijumah amid reports that the al Qaeda leader was thought to be seeking entry routes into the United States along the U.S.-Mexico border.

Mr. Ashcroft noted that increased enforcement efforts were under way in the wake of a rise of arrests of border jumpers from Afghanistan, Indonesia, Iran, Iraq, Jordan, Pakistan, the Philippines, Saudi Arabia and Syria.

Authorities said Mara Salvatrucha gang members moved into the Los Angeles area in the 1980s and developed a reputation for being organized and extremely violent. The gang since has expanded into the Washington area, including Virginia and Maryland, and into Oregon, Alaska, Texas, Nevada, Utah, Oklahoma, Illinois, Michigan, New York, Georgia and Florida.

More than 3,000 Mara Salvatrucha gang members are thought to be in the Washington area, with a major operation in Northern Virginia. Other gang centers, authorities said, include Montgomery and Prince George's counties and the Hispanic neighborhoods of Washington.

Mr. McNulty, whose office has prosecuted Mara Salvatrucha gang members, has described the organization as the ''gang of greatest interest'' to law enforcement authorities. He said gang members are recruited predominantly from Hispanic communities and typically among juveniles, some as young as 13. Recruits are ''jumped'' into the gang by being beaten by members while others count to 13, he said.

Gang rules, he said, are indoctrinated into new recruits and ruthlessly enforced. Those who cooperate with law enforcement are given the ''green light,'' he said, meaning that the gang had approved their killing.

In March, the Los Angeles City Attorney's Office filed an injunction against Mara Salvatrucha, charging that the gang's criminal activity constituted a ''public nuisance'' based on the number of killings, robberies and drug crimes. The injunction requires gang members, under public nuisance statutes, to follow curfew rules and regulations and prohibits them from associating, driving or appearing together in designated areas of the city.

Ms. NORTON. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), a member of the full committee.

Mr. DAVIS of Illinois. Mr. Speaker, a few minutes ago my colleague from New York said that this was absolutely crazy, and I will simply say that it is about as crazy as it can get without being absolute.

Every bit of information that we have available to us lets us know that gun violence is unnecessarily killing people. In 2001, 29,000 people in this country died from gun violence. Fifty percent of all the African American youngsters between the ages of 15 and 19 who die, die from gun violence.

We talk about the Constitution. Please be reminded that when this Constitution was enacted, my ancestors were counted as three-fifths of a person and women did not have the right to vote. The Constitution was created at a time when there was need for what it created itself for. This is a different era, a different time.

If you want to help the people of D.C., give the gentlewoman from the District of Columbia (Ms. NORTON) a vote on the floor of this House. Give them two Senators who can vote in the other Chamber. That is how you help the people in D.C.

Mr. SOUDER. Mr. Speaker, I include for the RECORD a series of stories of individuals who were terrified but defended themselves and could have been prosecuted under the D.C. law.

I will also include for the RECORD, what would the District of Columbia's gun laws look like after this law passes?

WHAT WOULD THE DISTRICT OF COLUMBIA'S GUN LAWS LOOK LIKE AFTER H.R. 3193?

Even if H.R. 3193 were signed into law in its present form, it would leave in place an extensive set of laws governing possession, sale and use of guns. District laws would still be far more restrictive than the laws of most states:

It would still be illegal to carry firearms outside one's own property, either openly or concealed. Violations would still be punishable by a fine of up to $1000 or imprisonment for not moire than one year for a first offense, and up to $10,000 and 10 years' imprisonment, or both, for a second offense or for any violation by a convicted felon. All penalties are doubled for illegal carry in a ''gun free zone'' within 1000 feet of a school, day care center, college, or various youth recreation facilities such as swimming pools and video arcades.

Possession or use of a firearm while committing a crime of violence would remain punishable by up to 30 years in prison, with a minimum of 5 years served before parole or probation.

Handgun possession would remain illegal for drug addicts, convicted felons, and persons convicted of various public order offenses such as vagrancy.

It would still be illegal to possess machineguns, sawed-off shotguns or short-barreled rifles. The definition of ''sawed-off shotgun'' is more restrictive than federal law.

It would still be illegal to manufacture firearms or ammunition in the District.

Vehicles used to illegally transport firearms would still be subject to seizure and forfeiture.

All these provisions are in addition to federal laws that extensively regulate commerce in firearms, and which provide strict penalties for gun possession by convicted felons and other ''prohibited persons'' and for use of firearms in violent crimes.

H.R. 3193 focuses entirely on restoring fundamental self-defense rights to honest citizens, by repealing the handgun ban, gun registration laws, and laws on carry and storage in the home that prevent people from exercising those rights.

SELF-DEFENSE STORIES

In each of these stories, D.C. residents used a handgun that was banned under D.C. law. However, if they had not used their banned weapon to defend themselves against crime, it is quite possible that many of them would not be alive today.

D.C. law should not make it a criminal offense to possess a firearm for self defense in one's own home or business. H.R. 3193 would decriminalize the ownership of handguns and restore 2nd Amendment rights to the residents of D.C.

SOURCE: WASHINGTON POST, WASHINGTON, DC, SEPT. 18, 2004

(Letter to the Editor)

It was shortly after midnight when my wife and I were awakened by pounding at our front door. When I went to the window, I saw a large man trying to kick down our door. I warned him to stop, but he started swearing, insisting that I give him money. He then started kicking the door again.

I called 911 and was put on hold. I waited for about 30 seconds and then realized that the man at my front door probably would be inside before the 911 operator answered. Despite the D.C. gun laws, I have a gun for just such a situation.

I took the gun from my closet, went to the window and pointed it at the man. I warned him that I would shoot if he came through my door. He stopped kicking and ran away.

Every few months, people are shot and killed within a block or two of our home. It is absurd for Washington to outlaw guns; it guarantees that only outlaws will have guns.

Citizens should be allowed to protect themselves, and, as a homicide detective once told me when I confessed to keeping a gun, ''I would rather be judged by 12 of my peers than carried out by six of my friends.''

I thank God that Congress has some power over the District's laws.

TONY SNESKO, *Washington*.

SOURCE: WASHINGTON TIMES, WASHINGTON, DC, 12/14/94

Rebecca Griffin awoke to the screams of her daughter, who was being bound and gagged by two kidnappers in her Washington, D.C., home. She confronted the men, one of whom was carrying a knife, and brought the attack to a quick halt when she was bale to break free and retrieve a .32-cal. revolver from the basement, shooting the knife-weilder four times. The other suspect fled. Griffin and one daughter were slashed during the attack. Some news accounts made no mention that the handgun that saved the Griffins is illegal in the District. (American Rifleman: March 1995)

SOURCE: WASHINGTON TIMES, WASHINGTON, DC, 5/5/93

In Washington, where armed criminals run rampant but honest citizens are denied the right to own handguns for personal protection, one city resident stood up for himself when he shot a man who tried to rob him in his home. The homeowner had given the thug a bucket of water, but when the bucket was returned, the good samaritan found himself looking down the barrel of a pistol. Raising his hands as ordered, he grabbed a pistol he had secreted on a shelf and shot the would-be robber. Police confiscated his gun, but the district commander said, ''If the circumstances are as they seem, I don't think justice will be served if they charge this guy.'' (American Rifleman: July 1993)

SOURCE: WASHINGTON POST, WASHINGTON, DC, 3/19/88

Stabbed several times in a robbery attempt at a Washington, D.C., market, employee Cha Ma grabbed a gun and shot his assailant, who fled. A wounded suspect was arrest a short distance away and charged with assault with intent to rob while armed. Police said no charges had been filed against Ma. (American Rifleman: August 1988)

Mr. SOUDER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, as an original cosponsor of the District of Columbia Personal Protection Act, I

urge my colleagues to join me and the citizens of Washington, D.C. to free them from a failed 27-year experiment with gun control policy.

One thing that we all do know for sure is that criminals have guns, and criminals are the people that are being described by folks on the other side of the aisle in this case. Criminals have guns, but hardworking, honest, law-abiding citizens are not allowed to have guns in the District of Columbia to defend themselves.

The statistics clearly show that the District's firearm restrictions have done nothing to combat crime, while crippling the right of every Washington, D.C. citizen to protect their homes and their families.

□ 1400

I hail from a State that respects the fundamental, individual rights to own firearms granted to us by the second amendment of the Constitution; but in the District of Columbia, it is a world upside down. Law-abiding citizens are left defenseless to face criminals. They live behind locked doors, and they walk city streets with one eye on their children and their other eye on the lookout for armed criminals.

I, and many more, realize that gun bans do not work against criminals, but they do endanger law-abiding citizens. This is no more evident than in this city which, in the past 2 decades, has become known as the murder capital of the United States.

With that, I urge my colleagues to support H.R. 3193 and allow the people of Washington, D.C. the right they are guaranteed, and that is to defend themselves and their families.

Ms. NORTON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I am proud to join today with my colleague, the gentlewoman from the neighboring congressional district, the District of Columbia (Ms. NORTON), in opposing this bill.

The District of Columbia's gun laws have already been upheld by the Federal courts as constitutional, so the second amendment argument in this context is just a bogus one.

This bill represents the height of arrogance. Members of this body have got to stop treating the District of Columbia and the people of the District of Columbia as their personal playground where they impose their will on people who did not elect them. The people of the District of Columbia elected the gentlewoman from the District of Columbia (Ms. NORTON). They elected the Mayor. They elected the D.C. Council. They elected the people who put these laws into effect.

This legislation is nothing more than a contemptible effort to placate certain special interests at the expense of the people of the District of Columbia.

We talk about a world upside down. The House leadership have prohibited this body from taking a vote on extending the ban on military-style assault weapons; and at the same time today we rush through a bill put at the top of the schedule to impose our will against the wishes of the people of the District of Columbia.

Mr. Speaker, I will insert for the RECORD a letter from the representatives of the business community of Washington, D.C., the Washington Board of Trade, opposing this legislation at this time.

SEPTEMBER 20, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives.
Hon. TOM DELAY,
Majority Leader, House of Representatives.

DEAR SPEAKER HASTERT AND MAJORITY LEADER DELAY: As the unified voice of business in Washington, DC, we are deeply troubled by efforts within the House Republican caucus to repeal the gun safety laws that exist for the protection of the families, workers and tourists of the District of Columbia.

If passed by Congress into law, The District of Columbia Personal Protection Act (H.R. 3193) would eliminate the ban on handguns in the District of Columbia, eliminate the ban on semiautomatic weapons, eliminate criminal penalties for possession of unregistered firearms and even eliminate registration requirements for ammunition and other firearms. The rollback of these fundamental public safety laws would have a significant, negative effect on the District's business climate, and could undermine the foundations of our city's economy and quality of life.

The leaders of this city are working hard every day to sustain the progress of recent years by making this an even more attractive destination for tourism, redevelopment and relocation. We have had to overcome the lingering perception that D.C. neighborhoods are especially unsafe, and that our city is uniquely susceptible to terrorist attack in the aftermath of 9/11.

To those ends, we have been very successful. Last year, more than six million people visited Downtown Washington. Large, international retailers have returned to the District, making this a regional shopping destination once again. The District's restaurant scene has never been more vibrant, as nearly 30 restaurants have opened in the downtown area since 1999 alone, while the District's hotel market has nearly returned to its pre-9/11 performance. Finally, the performance of our city's office market is the best in the nation—at this time, we are the only major downtown market in the United States with a vacancy rate under ten percent.

However, much of our progress could be undone by passage of this bill into law. This would fuel the harmful perception that the District is a haven for weapons that have no place in our society, and that visitors, employers and new residents should come here at their own risk. Given the continued efforts of the business community to sustain our economic recovery, and the extraordinary steps of our state and local governments to safeguard against terrorist attack, the District of Columbia Personal Protection Act is the last thing our city needs right now. We intend to pursue vigorous efforts to see this bill defeated, and we hope that you will not allow this bill to reach the floor of the House of Representatives for a vote.

Thank you in advance for your consideration.

Sincerely,

Robert A. Peck, President, Greater Washington Board of Trade.

Robert A. Malson, President, District of Columbia Hospital Association.

John Childers, President and CEO, Consortium of Universities of the Washington Metropolitan Area.

Barbara R. Lang, President and CEO, DC Chamber of Commerce.

William A. Hanbury, President and CEO, Washington, DC Convention and Tourism Corporation.

Lynne Breaux, Executive Director, Restaurant Association Metropolitan Washington.

Reba Pittman Walker, President, Hotel Association of Washington, DC.

Mr. SOUDER. Mr. Speaker, I reserve the right to close.

Ms. NORTON. Mr. Speaker, I yield 45 seconds to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, imagine living in a world where you believe owning weapons is the only way to feel safe, so you decide semiautomatic weapons which are made easily available to you are the weapon of your choice. But then you decide to buy handguns so you can keep that gun concealed on your body when you go to the store, or on your pillow at night, because you believe that the enemy could be lurking anywhere. You figure while you are beefing up your home artillery, you should also pick up some cop-killer bullets because you never know when your enemy might have a bullet-proof vest on.

I do not know about you folks, but this is my idea of a nightmare: a world made less safe, not safer, by this legislation.

This bill not only ignores D.C. voters' choice to ban assault weapons, it also makes certain that the city council cannot enact any further gun-owning restrictions.

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

In closing, I would just like to give the Members a sense of what this bill would do. If it passes, it would allow someone to carry a 50-caliber sniper rifle in one hand, armor-piercing ammunition, and incendiary combination ammunition in the other, and go into our Metro, so long as he, and let me read this to my colleagues, Mr. Speaker, as long as he was on his way to an informal target practice or a dog obedience training class.

Mr. Speaker, this is sheer lunacy. Save yourself from embarrassment. Save our children. Save our Nation. Save this Congress from looking like idiots and fools in the middle of an orange alert by bringing more guns into the Nation's capital. Vote ''no'' on H.R. 3193.

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

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

In closing, I would just like to say that the citizens of D.C. have a right to defend themselves, a constitutional right to defend themselves. This has

been the murder capital of the United States for 14 of the last 15 years, currently is eight times the national average. American citizens have a right to defend themselves.

The only people who have a right to guns right now are criminals. They will still be punished. Anybody who violates the law will still be punished. Anybody who uses the type of weapons we have heard described away from their property are still going to be punished.

The question is, can law-abiding citizens defend themselves in their homes and in their businesses?

Mr. Speaker, I will insert for the RECORD at this time a list of the 229 cosponsors of this bill, including 44 Democratic sponsors.

Office	State	Staff contact	First contact	R or D	Govt. reform
Tim Johnson	IL	Erik Woehrmann	3-Sep	R	
Jim DeMint	SC	Kara Borie	3-Sep	R	
Joe Wilson	SC	Laurin Groover	3-Sep	R	
Jo Ann Davis	VA	Jonathan Kidwell	4-Sep	R	X
Ed Schrock	VA	Cheryl Clark	4-Sep	R	X
Dan Burton	IN	Mary Valentino	4-Sep	R	X
Pete Sessions	TX	Tucker Anderson	5-Sep	R	
Jeb Hensarling	TX	Derek Baker	5-Sep	R	
John Carter	TX	Ryan Henery	5-Sep	R	X
Kevin Brady	TX	Gene Irisari	5-Sep	R	
Sam Johnson	TX	Spencer Ritchie	9-Sep	R	
Michael Burgess	TX	Stacey DeFino	9-Sep	R	
Dennis Rehberg	MT	Jay Martin	9-Sep	R	
Lamar Smith	TX	Allison Beach	9-Sep	R	
Randy Neugebauer	TX	Peter Andres	9-Sep	R	
David Vitter	LA	Greg Facchiano	9-Sep	R	
Ron Paul	TX	Anamarie Pratt	10-Sep	R	
Terry Everett	AL	Jeff Rabren	10-Sep	R	
Chris Cannon	UT	Trevor Kolego	10-Sep	R	X
Butch Otter	ID	Brandon Heiner	10-Sep	R	
Adam Putnam	FL	Casey Welch	11-Sep	R	X
Todd Platts	PA	Nate Sloan	11-Sep	R	X
Joe Barton	TX	Joby Fortson	11-Sep	R	
Candice Miller	MI	David Hemenway	12-Sep	R	X
Virgil Goode	VA	Ward Anderson	12-Sep	R	
Phil Gingrey	GA	Jonathan Osborne	16-Sep	R	
Barbara Cubin	WY	Brandi Ladd	16-Sep	R	
Ron Lewis	KY	Josh Nacey	17-Sep	R	X
John Sullivan	OK	John Rainbolt	17-Sep	R	X
Spencer Bachus	AL	Johanna Cole	22-Sep	R	
Marsha Blackburn	TN	Mike Platt	23-Sep	R	X
John Duncan	TN	Patra Stephen	23-Sep	R	X
Bill Janklow	SD	Marshall Damgard	24-Sep	R	X
Bob Ney	OH	Greg Mesack	24-Sep	R	
Nathan Deal	GA	Todd Smith	24-Sep	R	X
Ernest Istook	OK	John Albaugh	24-Sep	R	
John Mica	FL	Gary Burns	24-Sep	R	X
Pat Toomey	PA	Brain Wild	25-Sep	R	
Bob Goodlatte	VA	Branden Ritchie	25-Sep	R	
John Doolittle	CA	Kara Dougherty	26-Sep	R	
Roscoe Bartlett	MD	Chris Tontz	26-Sep	R	
Mac Collins	GA	Shawn Friesen	26-Sep	R	
Mike Rogers	AL	Amy Albro	26-Sep	R	
Jeb Bradley	NH	Brien Miller	29-Sep	R	
Wally Herger	CA	Dan MacLean	29-Sep	R	
Thaddeus McCotter	MI	Patrick Rothwell	29-Sep	R	
Steve King	IA	Brenna Findley	29-Sep	R	
Cass Ballenger	NC	Tim Linker	29-Sep	R	
Roger Wicker	MS	Susan Sweat	29-Sep	R	
Duke Cunningham	CA	Katie Hanvey	29-Sep	R	
Marilyn Musgrave	CO	Jacob Leis	29-Sep	R	
Ginny Brown-Waite	FL	Bob Honold	30-Sep	R	
Robin Hayes	NC	Jon Causey	30-Sep	R	
Sam Graves	MO	Paul Sass	30-Sep	R	
Trent Franks	AZ	John Graves	30-Sep	R	
Tom Feeney	FL	Ryan Visco	30-Sep	R	
Jim Gibbons	NV	Dan Waters	30-Sep	R	
Chip Pickering	MS	Mike Hurst	30-Sep	R	
Chris Chocola	IN	Rich Dunn	30-Sep	R	
Steve Pearce	NM	Matt Meagher	30-Sep	R	
Gresham Barrett	SC	Greg Thomas	30-Sep	R	
Eric Cantor	VA	Bill Doblow	30-Sep	R	
Jeff Miller	FL	Steve Holton	30-Sep	R	
John Hostettler	IN	Erin Berry	1-Oct	R	
Duncan Hunter	CA	Lorissa Bounds	1-Oct	R	
Todd Akin	MO	Franz Kohler	1-Oct	R	
Jo Bonner	AL		1-Oct	R	
Henry Brown	SC	Joe Gleboki	2-Oct	R	
John Boozman	AR	Brian Bullard	2-Oct	R	
John Culberson	TX	Ellie Essalih	3-Oct	R	
Roy Blunt	MO	Amy Field	3-Oct	R	
Johnny Isakson	GA	Tucker Shumack	6-Oct	R	
John Kline	MN	Jim McGuire	6-Oct	R	
Mike Simpson	ID	John Revier	7-Oct	R	
Rick Renzi	AZ	Joanne Keene	7-Oct	R	
Don Young	AK	Justin Sprinzen	7-Oct	R	
Todd Tiahrt	KS	AmyClair Brusch	8-Oct	R	
Bill Shuster	PA	Alex Mistri	8-Oct	R	
Mike Pence	IN	Trip Radtke	8-Oct	R	
Jack Kingston	GA	Stephen Anderson	9-Oct	R	
Donald Manzullo	IL	Conor Brown	9-Oct	R	
Philip Crane	IL	Andrew Wankum	9-Oct	R	
Charlie Norwood	GA	Jason Paluskiewiz	10-Oct	R	
Jim Ryun	KA	Marcus Friesen	10-Oct	R	
Rob Bishop	UT	Miriam Harmer	14-Oct	R	
Richard Baker	LA	Scott Kirkpatrick	14-Oct	R	
Joseph Pitts	PA	Cindy Diggs	15-Oct	R	
Lee Terry	NE	Robert Stein	15-Oct	R	
Mike Rogers	MI	Mike Ward	15-Oct	R	
Zach Wamp	TN	Alex Richard	17-Oct	R	
Robert Aderholt	AL	Brian Johnston	20-Oct	R	
Jerry Weller	IL	Troy Babson	20-Oct	R	
Jim McCrery	LA	Bob Brooks	20-Oct	R	
Bob Beauprez	CO	Bruce Miller	21-Oct	R	
Randy Forbes	VA	Andy Halataei	21-Oct	R	
Henry Bonilla	TX	Patrick Anderson	21-Oct	R	
Thomas Petri	WI	Elizabeth Foy	21-Oct	R	
Melissa Hart	PA	William Rys	23-Oct	R	
Billy Tauzin	LA	James White	27-Oct	R	
Steve Buyer	IN	Myrna Dugan	28-Oct	R	
Deborah Pryce	OH	Peter Freeman	29-Oct	R	
Fred Upton	MI	Charles Yessiaian	29-Oct	R	
Thomas Reynolds	NY	Tina Mufford	30-Oct	R	

Office	State	Staff contact	First contact	R or D	Govt. reform
William Jenkins	TN	Megan Caldwell	30-Oct	R	
Steve Chabot	OH	Kevin Fitzpatrick	31-Oct	R	
Wiliam Thornberry	TX	Trey Bahm	3-Nov	R	
Cliff Stearns	FL	Alan Hill	3-Nov	R	
Scott Garrett	NJ	Jay Fahrer	5-Nov	R	
Ken Calvert	CA	Deena Contreras	7-Nov	R	
Phil English	PA	Christine Rogala	12-Nov	R	
Devin Nunes	CA	Kedrin Simms	18-Nov	R	
Max Burns	GA	Zach Procter	19-Nov	R	
Tom Tancredo	CO	Mac Zimmerman	21-Nov	R	
Jim Nussle	IA	Luke	24-Nov	R	
Tom Cole	OK	Chris Arnold	1-Dec	R	
Rick Keller	FL	Mike Shutley	9-Jan	R	
Scott McInnis	CO	Jack Allen	22-Jan	R	
Walter Jones	NC	Anne Cassity	26-Jan	R	
Sue Myrick	NC	Matt Priest	28-Jan	R	
John Peterson	PA	Angela Ambrose	29-Jan	R	
Dana Rohrabacher	CA	Meredith Curcio	29-Jan	R	
Mario Diaz-Balart	FL	Charles Cooper	29-Jan	R	
Paul Ryan	WI	Ryan	4-Feb	R	
Joel Hefley	CO	Larry Hoja	9-Feb	R	
Nick Smith	MI	Alan Knapp	26-Feb	R	
Frank Lucas	OK	Marna Harris	26-Feb	R	
Darrell Issa	CA	Josh Brown	9-Mar	R	
Gary G. Miller	CA	Sandra	11-Mar	R	
Jeff Flake	AZ	Margaret Klessig	12-Mar	R	
Tom Latham	IA	Kevin Berents	22-Mar	R	
Kenny Hulshof	MO	Shaun Duignan	25-Mar	R	
Nicholas Lampson	TX	Aaron Schmidt	31-Mar	R	
Gary Miller	CA	John Rothrock	1-Apr	R	
Curt Weldon	PA	Mary	5-Apr	R	
George Radanovich	CA	Emma	23-Apr	R	
Sherwood Boehlert	NY	Sam	23-Apr	R	
Charles Taylor	NC	Adam Shepard	26-Apr	R	
Dave Weldon	FL	Eric	26-Apr	R	
Jo Ann Emerson	MO	Tony Eberhard	28-Apr	R	
Greg Walden	OR	Dallas	28-Apr	R	
Shelley M. Capito	WV	Adam	4-May	R	
Richard Pombo	CA	Josh Rolph	5-May	R	
Harold Rogers	KY	Ben	12-May	R	
Katherine Harris	FL	Stuart Mallory	17-May	R	X
Dave Camp	MI	Chris Wenk	17-May	R	
Jim Gerlach	PA	William Tighe	19-May	R	
Gil Gutknecht	MN	Ryan McLaughlin	19-May	R	
Mark Kennedy	MN	Tim Morrison	1-Jun	R	
Steven LaTourette	OH	Ryan	2-Jun	R	X
Anne Northup	KY	Brooken Smith	4-Jun	R	
Richard Burr	NC	Ricky Welborn	4-Jun	R	
John Shimkus	IL	Bill	9-Jun	R	
Howard McKeon	CA	Brandi	9-Jun	R	
George Nethercutt	WA	Rob	9-Jun	R	
Don Sherwood	PA	John Ormasa	9-Jun	R	
Doc Hastings	WA	Jenny Gorski	9-Jun	R	
John McHugh	NY	Melanie Turpin	9-Jun	R	X
Jerry Moran	KS	Jenny Guttery	14-Jun	R	
Ed Whitfield	KY	Benjamin Beaton	15-Jun	R	
Charles Bass	NH	Jennifer Warren	16-Jun	R	
Tom DeLay	TX	Elliot Burke	16-Jun	R	
John Linder	GA	Mike Swansburg	16-Jun	R	
John Boehner	OH	Gary	17-Jun	R	
John Sweeney	NY	Jim Christopolous	17-Jun	R	
Kay Granger	TX	Darin	17-Jun	R	
Patrick Tiberi	OH	Adam (LD)	17-Jun	R	X
Ed Royce	CA	Darin Schrader	17-Jun	R	
Ander Crenshaw	FL	Francis	17-Jun	R	
Paul Gillmor	OH	Andrew Beck	18-Jun	R	
Joseph Knollenberg	MI	Kelly Haskin	20-Jun	R	
Michael Bilirakis	FL	Jerry White	20-Jun	R	
Jerry Lewis	CA	Arlene	20-Jun	R	
Lincoln Diaz-Balart	FL	Ceaser Gonzo	22-Jun	R	
John Shadegg	AZ	Stephen Prather	22-Jun	R	
Elton Gallegly	CA	Michelle M.	22-Jun	R	
Ileana Ros-Lehtinen	FL		6-Jul	R	X
Howard Coble	NC	Anna Sagley	15-Jul	R	
Jim Kolbe	AZ			R	
Judy Biggert	IL			R	
Micheal Turner	OH		8-Jul	R	X
Michael Oxley	OH		21-Jul	R	
Peter Hoekstra	MI		21-Jul	R	
Rob Portman	OH			R	
Ralph Regula	OH			R	

Mrs. CHRISTENSEN. Mr. Speaker, two weeks ago this House blocked consideration of legislation sponsored by my colleague from New York, Mrs. MCCARTHY, to extend the ban on the manufacture, transfer, or possession of semiautomatic assault weapons. The assault weapons ban is supported by the International Brotherhood of Police Officers, National Association of Police Organizations, American Nurses Association, American Psychiatric Association, American Public Health Association, American Academy of Pediatrics, Urban League, National Education Association, United Federation of Teachers, Children's Defense Fund, NAACP, Anti-Defamation League, and the National Coalition Against Domestic Violence.

The House instead today, voted to enact legislation which was introduced by a member from Indiana to get rid of the ban on firearms in the District of Columbia, against the wishes of elected Mayor, City Council, and U.S. Delegate to Congress. Federal courts have upheld the constitutionality of the DC ban.

These actions by this distinguished body distress me greatly because it was just a day ago that a 4-year-old boy was shot to death and a 7-year-old boy was injured in a shooting Monday night at the Kirwan Terrace housing community on St. Thomas in my District.

This heinous act has outraged my community which is seeking any and all assistance to prevent this kind of despicable crime, which apparently was perpetrated through the use of a high-powered firearm, from ever occurring again.

Mr. Speaker, gun violence is reaching epidemic proportions in all of our communities and this body should be doing all we can to reduce the number of guns that are available, not increasing them. I urge all my colleagues to support the Meehan discharge petition, H. Res. 769, to allow a vote on Representative CAROLYN MCCARTHY's Assault Weapons Ban and Law Enforcement Protection Act, H.R. 2038.

We have a responsibility as leaders of our communities to do all that we can to keep our citizens safe from the ravages of crime—particularly gun violence, such as what tragically befell four year old Leon Bowery. May he rest in peace.

Mrs. MALONEY. Mr. Speaker, I rise today in strong opposition to this legislation.

Nearly thirty years ago, handguns were banned in Washington, D.C. by the will of the people. Yet here we are, once again, dictating to the citizens of the District of Columbia the laws that govern them when their own elected delegate will not even have the opportunity to vote on passage of this bill. Like any metropolitan area, Washington, D.C. has crime,

much of which is because of guns. Therefore, I do not understand why the Majority thinks the solution to that problem is allowing more guns on the streets of this city. We should be reducing crime by preventing gun violence and by ensuring that there are enough policemen who have the necessary resources to do their jobs. At a time when citizens from across the nation have returned to D.C., despite their security concerns, to enjoy its attractions, we should not be passing legislation that sends the message that the city is unsafe.

I urge my colleagues to vote ''no'' on this legislation.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 3193, the District of Columbia Personal Protection Act. This is a good bill. It is a sensible bill. This bill allows the citizens of the District of Columbia the right to protect their home and their families.

For almost three decades now, the District of Columbia has had some of the most extensive gun control laws in the nation. Despite this, the District is not only known as our nation's capital, but also the murder capital of the world. This is shameful.

Mr. Speaker, I stand before the full House to reiterate my strong support for the Second Amendment of the Constitution. I believe that all Americans have the right to own firearms. The citizens of Washington, D.C. should have the same rights as most other Americans.

Mr. Speaker, I urge my colleagues to vote for this sensible legislation and allow District of Columbia residents the means to protect themselves.

Ms. McCARTHY of Missouri. I rise today in opposition to H.R. 3193, the District of Columbia Personal Protection Act, a bill that interferes with the District's gun registration law and puts semiautomatic weapons back in the hands of terrorists and criminals. Just two weeks ago the majority of this chamber allowed the national assault weapons ban to expire. Now the District of Columbia's gun regulations are in danger of repeal. As D.C. Mayor Anthony Williams noted in today's Washington Post, ''The District knows what firearms regulations work best for its residents.'' As such, in 1975 District residents enacted the Firearms Control Regulations Act to protect residents of and visitors to our nation's capital. As a result the District is on pace to post its lowest homicide rate in 20 years.

The passage of this legislation would mean that as parts of this city remain under a code orange terrorism alert, it would become legal for an AK–47 or AR–15 to be carried down the street in the name of personal safety, making it more difficult for our federal and local law enforcement officers to do their jobs.

The current D.C. law works. The District's gun law does not prevent citizens in good standing from owning guns for legitimate needs. Since 1976, more than 100,000 firearms have been registered with District Police—most of these as rifles and shotguns for hunting purposes. I urge my colleagues to join me in opposing this unnecessary legislation that not only does nothing to keep the streets of our nation's capital safer, but also would make it easier for terrorists to strike at the seat of our government.

Mr. STARK. Mr. Speaker, I rise in outraged opposition to H.R. 3193, the so-called District of Columbia Personal Protection Act. This bill strips away gun safety laws passed by the City Council here in our Nation's capital. It allows people in DC to buy assault weapons and use ''cop-killer'' bullets. It overturns laws that ban criminals from owning guns.

Mr. Speaker, the internal contradictions and extremism of this bill say a lot about the Republican majority's desperation to please the National Rifle Association shortly before the election. In order to chock up a vote for the NRA scorecard, Republicans play lip service to States' rights and local control while nullifying laws passed by the elected leaders of DC.

Do the people of Washington, DC want their gun laws repealed? Not on you life.

Residents of DC will be less safe, but who cares say the Republicans. They've got to reward the NRA for millions in campaign contributions dumped into their reelection coffers. They have no shame.

Consider the parents of the 16 DC children killed by guns this year. They have to relive their nightmare every day and now the tragedy of more children murdered by guns and more parents mourning as assault weapons again rule the streets. Their wishes are being dishonored and stripped away today. Their calls for safe streets ignored. Their hope for safer neighborhoods—gone. All capriciously taken away by Republicans and the NRA.

I bet these parents, like any other parent in any community across this Nation, wish they had the same grip over their local gun laws as the National Rifle Association.

The 230 cosponsors of this legislation work in a building where guns are banned. Every visitor has to pass through a metal detector. Millions have been spent on Homeland Security upgrades in and around the Capitol. Yet, they foolishly think the Global War on Terror stops at the banks of the Potomac. Or maybe they figure they're safe behind the barricades and armed police so why worry about gun laws that protect other people who life in this city?

If you're worried about your safety in some of the most dangerous neighborhoods just blocks from the Capitol, here's the Republicans' message to you: buy an AK–47 and pray that you're a better shot than the other guy. Never mind studies published in the New England Journal of Medicine that conclude that guns kept in the home for self-protection triple the risk of homicide, and are 43 times more likely to kill a family member or friend than an intruder.

Any member of this body who feels safer because of the extensive gun control here in the Capitol Building has an obligation to vote against this bill so that the people of DC have the same right to control their personal safety. If you vote for a firearms free-for-all in Washington, DC, then you should have the decency to introduce legislation allowing assault weapons right here, in your own workplace, in this Capitol. Even Republicans know that would be wrong, but if that's really where you stand, then I stand with the citizens of DC who know what's best. Do what they'd do. Vote down this bill.

Mr. BARRETT of South Carolina. Mr. Speaker, as a father of three teenage children, I understand the importance of keeping our streets free of violence. And as a gun owner and sportsman, I also understand the importance of the rights afforded to Americans by the second amendment. The District of Columbia Personal Protection Act protects our citizens while also protecting the constitutional rights of the citizens of the District of Columbia to own rifles, shotguns, and handguns.

H.R. 3193 would not affect any law directed at true criminal conduct. As a matter of fact it would leave in place strict penalties for gun possession by criminals and for violent crime committed with guns. I firmly believe banning a firearm is not the answer to preventing crime. Interestingly enough, the District of Columbia has some of the most restrictive gun laws in our Nation. Yet, at the same time, recent FBI figures show that the District has regained its former title as the murder capital of the United States.

As a matter of fact, according to U.S. Justice Department figures, Washington, DC, has been the ''murder capital of the country'' for 14 of the last 15 years. And currently, the DC homicide rate is nearly five times greater than the national average. This escalating murder rate began only after the DC Council deprived law-abiding citizens of the right to defend themselves and their families by effectively banning handguns and other firearms in 1976. I believe it is only by strictly enforcing laws to prosecute those who misuse a gun in the commission of a crime that we can ensure our families remain safe from those who would prey on the innocent, and that the rights of law-abiding Americans are protected.

I urge my colleagues to support H.R. 3193 and allow law abiding people to use guns to protect their homes and families, essentially stating that DC citizens would enjoy the same self-defense rights as residents of the 50 States.

Mr. OTTER. Mr. Speaker, I always try to apply a personal ''Three C'' test to questions of public policy. First I ask myself whether it's constitutional. Then I consider whether it's something my constituents want. Finally, I examine my own conscience.

The District of Columbia Personal Protection Act passes that test with flying colors. What's more, the existing policy of denying basic second amendment rights to the people of the District of Columbia not only fails the ''Three C'' test, it also is offensive to the very principles on which our nation was founded.

The second amendment clearly states that ''the right of the people to keep and bear Arms, shall not be infringed.'' It does not say the right to keep and bear arms applies only to people who live within the jurisdiction of a State. It does not say the right to keep and bear arms is subject to the wrong-headed whims of social engineers. And it does not say the right to keep and bear arms may be infringed in misguided response to violent crime.

The second amendment was designed to empower the people—the source of American sovereignty—to protect themselves, their families, and their homes. Instead, unreasonable restrictions and outright prohibitions on firearms in the District of Columbia have emboldened criminals to prey on innocent and unarmed citizens. The result is that America's Capital City has been consistently and needlessly turned into America's Murder Capital.

The record is clear: Twenty-eight years of keeping firearms out of the hands of law-abiding citizens in the District of Columbia has contributed to the most pervasive culture of violent crime in America. The American people are most secure and most confident in their personal safety when their constitutional rights are protected.

Mr. Speaker, just as it's my right as a citizen to protect my home and family, it is my responsibility as a Member of Congress to protect our citizens' constitutional rights. Let's focus our law enforcement efforts on preventing and punishing real violent crimes rather than denying second amendment rights to honest Americans—whether they're from Idaho or the District of Columbia.

Mr. LANGEVIN. Mr. Speaker, today I rise in strong opposition to H.R. 3193, legislation that would repeal Washington, DC's, self-enacted gun ban. For nearly 30 years, this ban has protected the citizens of Washington and the city's 20 million annual tourists. Over the last year, D.C. homicides are down 24 percent, and there have been 55 percent fewer murders since 1994. While the ban has not been perfect, there is no excuse for Congress making it easier for murderers and terrorists to get their hands on legal assault weapons. More guns will lead to more murders.

If enacted, H.R. 3193 would repeal the District's ban on handguns and semiautomatic firearms, including assault weapons, and end criminal penalties for failure to register a gun. This ban was enacted by an elected mayor and city council in 1976 and has never been eroded by legislation or court challenge. The House is now attempting to change the will of elected D.C. officials, but Washington does not even have a voting representative to voice the will of the people most affected by this legislation.

The dangers inherent in this bill are complicated by the recent expiration of the assault weapons ban. Should this bill become law, someone could purchase an Uzi or AK–47 and legally keep it at his or her home within sight of the White House, Capitol Building, or Supreme Court. During this time of unprecedented security, weakening gun laws will only make the job of law enforcement officers more difficult and more dangerous.

Unfortunately, the rule prevents all amendments, including those to ban assault weapons and cop-killer bullets. Without these lifesaving provisions, it is only a matter of time until a member of he Metropolitan Police Department, U.S. Capitol Police, Secret Service, or other law enforcement officer is outgunned with a legal assault weapon.

Washington, DC, has the right to determine its own laws, and those laws deserve our respect. As D.C. Police Chief Charles Ramsey recently stated, ''We don't need a law that puts more assault weapons in circulation in D.C.'' I urge my colleagues to join me in opposing H.R. 3193.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this bill, which would repeal a number of local laws adopted by the District of Columbia City Council and would prohibit the passage of similar local laws in the future.

The laws in question deal with regulation of firearms. But that is not the reason for my opposition.

Instead, I oppose the bill because I think its enactment would be an abuse of our authority as Members of Congress. Its effect would be to reduce the right of self-government for one group of Americans—those who reside in Washington, DC.

I know the Constitution gives Congress the power ''to exercise exclusive legislation in all cases whatsoever'' over the District of Columbia—even though the residents of the district are not fully represented in either the House of Representatives or the U.S. Senate.

But Congress, through the Home Rule Act, has authorized the district's residents to elect a city council and mayor who will be immediately responsible for governing the city.

I am convinced this was the right thing to do. I support home rule for Washington, DC, because I think Americans who live in the district deserve to be able to govern themselves as much as possible consistent with the necessary functioning of the Federal Government. And this bill flies in the face of that principle.

It's true that the bill includes a ''finding'' that its enactment ''is required to correct the District of Columbia's law in order to restore the rights of its citizens under the second amendment to the United States Constitution and thereby enhance public safety.'' But I don't think that settles the matter.

I take seriously my oath to uphold the Constitution. But I am not convinced that fidelity to that oath requires a vote to repeal these local laws—especially since as far as I know there has been no successful challenge to their constitutionality in all the years they have been on the books.

And I certainly don't think fidelity to my oath requires me to support a reduction in the authority of the D.C. City Council to pass similar laws in the future, as this bill would do.

Further, while there is plenty of room to debate whether repealing these particular laws would or would not enhance public safety—just as there is room to debate whether the laws themselves are desirable or effective—I think that debate should not take place here in Congress. The laws this bill would repeal were duly adopted by the elected government of the district and they have not interfered with the orderly functioning of the Federal Government. So, in my opinion, decisions about retaining, amending, or repealing these local laws should be made by the city council—a body that is elected by and accountable to the people who are subject to them.

Instead, by passing this bill Congress would substitute its judgment for that of the local elected government—in effect denying their constituents the right to govern themselves on this subject.

We cannot—and we should not—do that to the residents of Colorado or any other State. I do not think we should do it to the people who live here in Washington, DC. We may not think these local laws are well-designed. But I think we should allow those covered by the laws to decide that for themselves.

Mr. PAUL. Mr. Speaker, I rise in support of House Resolution 3193, the District of Columbia Personal Protection Act. I am a cosponsor of this legislation that ensures greater respect for the right to bear arms in Washington, DC.

H.R. 3193 repeals several of the more draconian citywide Washington, DC, gun restrictions enacted in 1976. Restrictions H.R. 3193 will repeal include the requirement that all firearms be registered. Gun registration in other countries has created government lists of who owns what guns. Such lists facilitate the harassment of gun owners and the confiscation of their guns. Also repealed are blanket bans on the possession of handguns and handgun ammunition as well as any semi-automatic guns. These bans exist despite the fact that handguns and semi-automatic guns are regularly used outside Washington, DC, for self-defense. Also repealed is the prohibition on carrying a gun on one's own property. It is hard to say a person is free if he is prohibited from using the means of protecting himself and his family even in his own home.

It is unfortunate that people in the federal capital city have for nearly 30 years faced some of the most restrictive gun control laws in the country. This fact is particularly unfortunate given Washington, DC's recent history as the murder capital of the United States. Ironically, the place where people most need to bear arms to defend themselves from violent crimes has been one of the places where the exercise of that right has been most restricted.

A strong case can be made that the high rate of violent crimes, including murders, in Washington, DC, is due in part to restrictions on the exercise of the right to bear arms. When potential victims are likely armed, criminals think twice about committing violent crimes; a gun in the hands of a law-abiding citizen is an excellent deterrent to crime. Across the Potomac River from Washington, DC, Virginia does not have this horrific crime and murder rate. Yet, people in Virginia can buy, own, and even carry guns in public.

I am hopeful that the House's consideration of H.R. 3193 indicates a new openness to legislation that will roll back other unconstitutional and dangerous restrictions on Americans' right to bear arms. For years, federal lawmakers have been passing gun control laws, even though they have no authority to do so. Crime control, the stated reason for passing gun control laws in the first place, is a function belonging to the states.

Enacting H.R. 3193 would be a good first step in adopting legislation to restore the Federal Government's respect for the right to bear arms throughout the United States. The Federal Government has trampled on gun rights nationwide—not just in Washington, DC. I have introduced several pieces of legislation this Congress that would help restore respect for the right to bear arms, including the Second Amendment Protection Act, H.R. 153, that would repeal the now-sunset semi-auto ban, repeal the 5-day waiting period and ''instant'' background check imposed on gun purchases, and delete the ''sporting purposes'' test that allows the Treasury Secretary to classify a firearm as a destructive device simply because the Secretary deems the gun to be ''non-sporting.'' Additionally, Congress should consider my Right to Keep and Bear Arms Act, H.R. 3125, that prohibits U.S. taxpayers' dollars from being used to support or promote any United Nations actions that could infringe on the second amendment.

In 1976, I spoke on the floor of the House against the adoption of restrictions on the right to bear arms in Washington, DC, that H.R. 3193 seeks to repeal. Unfortunately, my argument then was ruled out of order, and the restrictions went into effect. While it has been too long in coming, I am glad that the House is finally considering this important issue. The District of Columbia Personal Protection Act would restore some much needed respect for the fundamental rights of people in Washington, DC.

Mr. BLUMENAUER. Mr. Speaker, I stand today in firm opposition to this legislation, which aims to repeal Washington, DC's local gun ban. I find it troubling and illogical that the House is repealing a ban on handguns and assault weapons in a city where the Federal Government has invested millions of dollars to increase and improve security. It is foolhardy for Congress to counter these actions by allowing loaded assault weapons to be carried

around this city, putting officers as well as citizens and visitors in danger.

Washington, DC has made great strides to reduce its crime rate—homicide has decreased by 25 percent over the past year and it has decreased by 55 percent since the passage of the Brady Bill and the Assault Weapons Ban in 1994. Despite these improvements, violence remains a serious problem in the District of Columbia. Sixteen children have been killed by gunfire in DC so far this year. These numbers are not going to improve if we allow loaded assault weapons to be carried within the city.

Not only is this legislation ill conceived and dangerous, it is a local matter that should not be within Congress's jurisdiction. The District of Columbia City Council and Mayor passed this ban during its first session in 1976. No laws have been passed locally to repeal the law and the courts have maintained its constitutionality. Now, this body, which does not even grant over half a million United States citizens living in the District of Columbia voting representation in Congress, is trying to further strip rights to these citizens by taking away a self-imposed law to protect their safety.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am here today to join many of my colleagues to argue that guns are disproportionately killing our children in our cities and this law has no basis to be here in front of us today. We must act instantly to strike down both H.R. 3193 and S. 1414. DC has its own rules regulating purchasing and owning a gun, and we do not need to create legislation to usurp their power and go against their interest.

H.R. 3193 wants to repeal DC's handgun, semi-automatic, and ammunition bans, as well as the registration requirement. The bills will allow gun possession at home, work and on any property a person owns.

We are drowned in rhetoric saying that a Member of Congress who does not think handguns should be floating freely on our streets is someone who is anti-gun and wants to take your hunting rifles away. That is not this bill before us. You can keep your hunting rifles, you can keep your loaded guns in your business, but you do need some semblance of order on the street, where a small, innocent mistake encounter can turn into a massive bloodbath once guns are used instead of words.

Right now, DC's local laws do not prevent law abiding citizens from owning a firearm. Since 1976, District residents have registered over 100,000 firearms (mostly rifles and shotguns) with the Metropolitan Police Department (MPD).

Study after study is showing that guns protect very few at home and result in thousands of Americans killed in family and acquaintance quarrels, domestic violence and suicides. Guns obtained legally end up as weapons in domestic or neighborhood quarrels. Is this what we want in our neighborhoods? What is wrong with the mentality that it takes guns to solve problems and make people feel safe?

There is also the possibility of break-ins and thefts of guns. DC is on pace for a 20-year low in its homicide rate due in large part to DC police department's efforts at getting guns off the streets. It appalls me that Congress will sit here and enact measures to bring more guns back to the neighborhoods.

The homicide rate in DC is approaching a 20-year low, but the rate among juveniles is escalating. As chair of the Congressional Children's Caucus, and as a mother, I can tell you that providing troubled teens easier access to weapons is not the answer to lowering the rate of violent death among juveniles.

As a member of the House Select Committee on Homeland Security, we need to be doing everything we can to keep the men and women who protect the Nation's capitol out of harm's way. The Nation's capital is under an orange alert.

Placing more unregulated guns in the streets of DC undermines homeland security measures. Why must we compromise our own homeland security efforts by bring more handguns to the streets? Where are our priorities?

I have been collaborating with my colleague and good friend from the District of Columbia, Congresswoman ELEANOR HOLMES NORTON. She can echo that DC's current firearm laws are working. 97 percent of all guns used in crimes in DC originate outside of DC and 59 percent of traceable guns were first purchased in Maryland and Virginia. In addition, 8 percent of traceable guns were bought in North Carolina, Florida, Georgia and South Carolina.

In addition, H.R. 3193 violates state's rights. Its enactment would overturn the will of both DC elected officials and local residents. DC, like the 50 states, knows best what firearm regulations work for its residents. Firearm laws that work in Montana would not be perfect fit for a densely populated urban setting like DC. Both bills contain an especially odious provision forbidding the Council to enact any gun safety laws in the future.

It is a sad day for me to know that both H.R. 3193 and S. 1414 are driven by the NRA lobby and not by DC residents or Members of Congress who respect home rule. Neither H.R. 3193 nor S. 1414 is supported by local leaders, business groups or DC residents. These are the people who are most affected by its passage! Every major elected local official in DC along with business and labor groups, all the city's major community groups and civil groups have come out against any effort to overturn, modify or change the DC's gun safety laws.

As legislators, we must take our role in as decision makers very seriously. This includes knowing when we have overstepped our bounds. Please, listen to the people of DC to hear if they want guns on their streets.

Mr. DAVIS of Tennessee. Mr. Speaker, without a doubt, the provisions of the District of Columbia's gun laws that have the most adverse effect upon the largest number of law-abiding District residents, are the ban on using firearms to defend yourself at home, the handgun ban, and other measures that prevent or discourage the purchase of rifles and shotguns.

Much has already been said about those provisions of the District's gun laws, so I would like to address a provision that hasn't received the same amount of attention.

I refer to the section of the District's laws that define various types of firearms, particularly the definition of "machine gun."

As is fairly common knowledge, machine guns were invented in the late 1800s, and they are fundamentally the same today as they were then. They fire repeatedly as long as you hold the trigger down. They are the only firearms that operate in that way. And they all operate in that way.

Federal law defines a machine gun appropriately, as a gun that shoots—and I quote—"automatically more than one shot, without manual reloading, by a single function of the trigger." I know of no one who disagrees with that definition.

The problem is, the District also defines some semi-automatic firearms as machine guns.

Semi-automatic firearms were also invented in the late 1800s, but that is about where the similarity between them and machine gun ends.

Like a lever-action, bolt-action, or pump-action firearm, or a revolver, a semi-automatic firearm fires only once when you pull the trigger.

I realize that not everyone is clear on that point. "Gun control" supporters have gone to considerable lengths to suggest that a semi-automatic fires like a machine gun. For example, in the context of the "assault weapon" issue, "gun control" supporters often claim that semi-automatics "spray fire."

That does not change the facts, however. Thus, federal law correctly defines a semi-automatic firearm as one that, among other things—and I quote—"requires a separate pull of the trigger to fire each cartridge."

And so that no one misunderstands, let me be clear that conforming the District's definition to the Federal definition, does not change the law with respect to the ownership or possession of machine guns. Such guns are regulated under the National Firearms Act of 1934 and will remain regulated under that law.

Conforming the District's definition will mean only that District residents will not be prohibited from owning semi-automatic firearms that are legal to possess under federal law.

Mr. JACKSON of Illinois. Mr. Speaker, first. In addition to violating the Republicans' "sacred oath" to support "states' rights;" this body is violating the citizens of the District of Columbia's right to self-determination with respect to guns . . . just because it can. Congress, in 1993, denied American citizens the right to statehood and continues to deny them voting rights. DC's young people are fighting, dying and being wounded in Iraq and Afghanistan in the name of democracy and self-determination . . . something they don't have back home in DC! So Republicans in Congress exercise outside control over DC citizens, and DC citizens have limited means of fighting back, since they have no voting representation in Congress.

Second. The other side is forcing us to vote on this bill just to send a political message back home. The Senate has already rejected it, so we know it will not become law this year. They are doing it for political reasons just before the election on November 2—which they would never even think about doing to another state because the Americans they represent have a member in the House and two in the Senate. They are exploiting the politically impotent citizens of DC. It reminds me of the big bully in school picking on the littlest and weakest kid in the class. Let's be clear. They are forcing us to vote on this legislation in order to politicize the gun issue on the eve of the election in order to send a political message back home.

Third. In addition to all of that, let's look at the Republican flip-flop on the gun issue! What was the Republican Party saying about guns in 1968? And, I might add for context, in 1967–1968 our cities were in rebellion and our colleague, Congressman BOBBY RUSH, was a Black Panther, and the Panthers had guns?

But let's look at the Republican Platform language in 1968!

REPUBLICAN PARTY PLATFORM 1968

''We pledge an all-out federal-state-local crusade against crime, including enactment of legislation to control indiscriminate availability of firearms.''

REPUBLICANS IN CONGRESS IN 2004

First, on September 13, Republicans let the assault weapons ban expire!

Now the ''Republican District of Columbia Personal Protection Act''!

Sec. 3. Reform DC Council's authority to restrict firearms.

This section shall not be construed to permit the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons otherwise permitted to possess firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor regulated by the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.

Sec. 4. Repeal DC semiautomatic ban.

Sec. 5. Repeal registration requirement.

Sec. 6. Repeal handgun ammunition ban.

Sec. 8. Additional repeals.

Sec. 9. Remove criminal penalties for possession of unregistered firearms.

This bill is a waste of this body's time. It is wrongheaded. It is patently unfair. It is nakedly political. It is anti-democratic. And I urge its defeat.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in opposition to legislation that has been introduced to usurp the District of Columbia's home rule and greatly exacerbate an already very serious gun violence problem here in our Nation's Capital.

I am baffled at what the so-called ''District of Columbia Personal Protection Act'' introduced by the gentleman from Indian, has to do with personally protecting anyone in Washington, DC. To the contrary, if enacted, this legislation would work to increase homicides and gun violence in a city that has a history of struggling to protect its citizens from crimes involving firearms.

Leaders in the District of Columbia have long recognized that they have a serious crime and gun violence problem. Therefore, since 1976 they have seen fit to enact strict gun control laws in the District.

Last year, DC police confiscated a whopping 1,982 firearms from criminal suspects. So far this year, 1,385 guns have been recovered. If the aforementioned legislation were in place, most of those guns would still be on the streets and in the hands of criminals looking to use them to do harm.

Even more disturbing, the gentleman from Indiana's legislation doesn't stop at just repealing important DC laws such as those preventing the sale of assault weapons. No, it even goes so far as to prevent DC elected officials from enacting any regulation addressing the ownership or use of a firearm. That would mean no restrictions in the District on carrying concealed firearms in churches, movie theaters or shopping centers, no local requirement for gun safety training and no ability whatsoever for local officials to take action that will help keep guns out of the hands of gang members, terrorists or criminals.

Public officials on the ground, working in the District, know the needs of their constituents and the best means to protect them from gun violence. This legislation is a total affront to the concept of ''Home-Rule'' and a slap in the face to the people of the District of Columbia. Coming on the heels of the repeal of the Assault Weapons Ban, the House is leading the charge to strip the District's ability to protect its citizens by repealing popular and life-saving gun control measures.

Mr. Speaker, we've got a war raging right now in Iraq. We don't need to open another front right here on the city streets of our Nation's Capital. I oppose this legislation and urge my colleagues to do the same.

Mr. BISHOP of Georgia. Mr. Speaker, all Americans know that gun control continues to be a serious subject of debate, right here in the District of Columbia, in the State of Georgia, which I represent, and across this Nation. It's an issue of personal safety and of constitutional rights embedded in the fabric of our Nation.

I agree with those who want to restrict criminal access to guns. However, this must be done without compromising the constitutional rights of our law-abiding citizens.

I strongly support the right of law-abiding adults to purchase and own firearms for the protection of their homes and families, collecting, target shooting, and hunting. That's why I have and will continue to oppose any proposal that threatens this basic second amendment right.

I realize the concerns of some Americans who, in the wake of school shootings and other heinous illegal acts, call for stricter gun control measures. I understand those concerns. That's why I fully support measures that call for tougher sentences for the illegal use of firearms, to get offenders off the streets and out of our communities. I support stiff sentences of juveniles who use firearms illegally, and I support increasing the maximum penalty for adults who illegally provide those juveniles with firearms. That's how we must keep our schools and communities safe.

Mr. Speaker, tougher gun laws should not infringe on the rights of law-abiding citizens, and Congress has both the authority and the responsibility to ensure that they do not. So, the question before us today is not whether Congress can repeal the District of Columbia's handgun and self-defense bans, it is whether Congress should do so. The U.S. Constitution, the constitutions of 44 States, Federal law, the laws of all 50 States, the vast majority Georgians and of Americans recognize the right for law-abiding citizens to use firearms for protection, and for other legal purposes. Only the District of Columbia prohibits a person from having a firearm assembled and loaded at home for the purpose of self-defense. I believe that that's wrong. Pass this bill and allow DC residents to protect themselves from crime.

Mr. HOLT. Mr. Speaker, I rise today to express my strong opposition to H.R. 3193, the so-called District of Columbia Personal Protection Act.

I do not agree with the premise that more hand guns and assault weapons in the District will mean less crime on the streets of our Nation's Capital. The experts don't either. The Mayor of the District, Anthony Williams, strongly opposes this bill. The District's Chief of Police, Charles Ramsey, recently said that ''to reduce crime and prevent more senseless tragedies like the recent killings in Anacostia and Ballou, we need fewer—not more—weapons. . .'' The District's Delegate in the Congress ELEANOR HOLMES NORTON, is strongly against this legislation, as is the City Council.

Why, Mr. Speaker, do all these District leaders oppose this effort to overturn their gun laws? Because, to cite just recent examples, they have seen their neighbors, their family, and their co-workers mourn the loss of 16 local children killed by guns this year. And yet, today in the House, a place secured from weapons by metal detectors at every entrance and protected by our own dedicated police force, we are voting on legislation that will overrule the District's own sensible gun laws.

Today, I have heard from a number of my colleagues who support this legislation that the District of Columbia is the murder capital of the United States and that the best way to solve this problem is to increase access to hand guns and assault weapons. But what I want to ask is why we are not actually helping the District with its real underlying problems. Why are we not doing more to support the police officers on the streets of the District? Why are we not doing more to support after-school programs to keep children off the streets and away from guns and crime? Why are we not providing funds for job training and other educational programs for the District's residents, who desperately want to end the cycle of crime that plagues many of their District's communities? The simple answer is that this legislation is based not on sound public policy or on a desire to end gun-related crimes; this is a politically motivated attempt to curry favor with the National Rifle Association and other opponents of reasonable gun safety.

Mr. Speaker, I cannot understand why those who, day after day, rail on the floor of the House about their support for federalism are now taking significant steps to trample the right of the District to decide its own affairs. If my colleagues who support this measure really feel that the District should repeal its gun registration laws, repeal its assault weapons ban, and allow ''cop killer'' bullets on the streets, then I recommend that they register to vote in the District and lobby their local councilmember for such a change. This is the appropriate way to change the laws of the District of Columbia.

The elected leaders of the District of Columbia do not want this legislation. The people of the District of Columbia do not want this legislation. If passed, this legislation will put more people at risk of being shot with assault weapons or handguns—particularly at risk are children and police officers. It's time to stand up to the gun lobby and oppose legislation that will make the District of Columbia less safe. I strongly urge my colleagues to vote no on H.R. 3193.

Ms. SLAUGHTER. Mr. Speaker, I rise in opposition to this rule and this bill. The rule before us is a closed rule allowing only 60 minutes of debate and prohibits consideration of all the Democratic amendments offered to the Rules Committee.

Mr. Speaker, this bill repeals District of Columbia's laws that ban the sale and possession of handguns and semiautomatic weapons that have been in effect for over three decades.

Our constituents expect us to work on issues of national concern.

They expect us to complete the annual appropriations process and avoid a government

shutdown. Yet, today, with the end of the fiscal year 2 days away, Congress has only managed to complete one appropriation bill.

They expect us to continue to provide States with Federal assistance to build and maintain the Nation's highways. However, Congress has not acted to renew authorization for billions of dollars for critical surface transportation projects that expire on Friday. They expect us to take up the 9/11 Commission's recommendations to make America safer. They expect us to enact legislation to create new jobs and address the plight of the unemployed.

They do not expect us to waste the little time remaining on a bill that the chief sponsor in the other body has all but abandoned hope of getting to the President.

Why on earth is this body squandering the little time remaining in this session on this bill? One word. Politics. Brazen, election-year politics.

With only 7 legislative days left in this Congress, I know that my constituents sent me here to vote on bills of more importance to their lives.

H.R. 3193 repeals several District of Columbia firearms laws and limits the authority of the District to enact new firearms legislation.

Specifically, the bill repeals the District's ban on the sale and possession of handguns, handgun ammunition and semiautomatic weapons.

Mr. Speaker, I do not know where to begin in expressing my outrage about the legislation before us today.

The rule before us blocks consideration of meritorious amendments offered by my colleagues at Rules last night. These amendments would have reinstated the District's ban on semiautomatic assault weapons, reinstated the Federal ban on semiautomatic assault weapons, and reinstated the District's prohibition on the sale of armor-piercing bullets—the so-called "cop-killer" bullets.

I think the majority of our constituents would be appalled to learn that this bill exempts semiautomatic weapons that fire 12 or more shots without manual reload from the District's "machine gun" restrictions.

We should be here considering legislation to renew the national assault weapons ban that unceremoniously expired a couple of weeks ago—not making a mockery of DC's restrictions on semi-automatic weapons.

As DC Mayor Anthony Williams wrote to congressional leadership, "It is unthinkable that while the Nation's capital is under alert, Congress should take action to expose more than half a million residents, almost 200,000 federal workers and 20 million tourists to greater danger."

It is unthinkable to put our officers at greater risk at a time when Capitol Police—alone—are asking for $20 million to secure the Capitol Building for this year. The last thing they need to hear is that semi-automatic weapons can now be carried on the National Mall or cop-killer bullets are legal in the District.

It is worth pointing out the hypocrisy of my colleagues who support this bill by arguing that the District's gun laws infringe on DC citizens' second amendment right to bear arms.

While the bill changes the law to allow DC residents to carry pistols, open or concealed, in their homes and places of business, it does not repeal another DC gun law. The law we will not repeal today is the provision outlawing people from carrying or having readily access to a firearm "upon the United States Grounds or within the Capital Buildings."

So we will vote to approve guns in another person's workplace in DC, but not in our offices.

It is unthinkable that only 2 years after the Washington area was terrorized by snipers who killed 10 people in the region, and while the Nation's capital is still under a terrorist alert, Congress would take action on this bill.

We must not lose sight of the innocent victims of gun violence.

Yesterday, the front page of the Washington Post reported that a 13-year-old boy was fatally shot inside his apartment, the 21st child killed this year in DC.

When we voted on this same issue in the aftermath of the Columbine shootings, it failed by a vote of 175 to 250. I hope my colleagues remember their outrage to that senseless killing and recognize that this bill and the recent lapse of the 1994 Federal ban on semi-automatic weapons place our children in more danger.

So, Mr. Speaker, to recap, we are not considering bills to create jobs, we are not passing the budgets for Federal agencies and services, and we are not improving our homeland security. No, today we are debating legislation to allow more lethal guns and ammunition to be on the streets of our Nation's capital—in the hands of would-be terrorists, gang members, and other violent criminals.

Mr. Speaker, again, I strongly urge my colleagues to oppose this closed rule and to vote against the underlying bill.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in strong support of the DC Personal Protection Act.

This commonsense legislation will restore the constitutional right of DC citizens to lawfully protect themselves and their families from criminals.

The simple fact is that Washington, DC is one of the most dangerous cities in America.

Year after year, Washington, DC, is in the running for the disgraceful title of "the murder capital of the United States." FBI statistics released last year reveal that Washington, DC, has the highest per capita homicide rate of any big city in America.

Ironically Washington, DC, has the toughest gun control laws of any city in the Nation.

In 1976 the City Council banned handguns and required rifles and shotguns to be registered and stored disassembled.

What's really sad is that prior to the DC gun ban, the city's homicide rate was on the decline.

However in the 15 years between 1976 and 1991, the District's homicide rate skyrocketed 200 percent while the national homicide rate rose just 12 percent.

And as of 2002, DC's homicide rate was almost double the rate from when the gun ban took effect—nearly five times higher than the national average.

When will we learn that gun control does not make the public safer?

Criminals ignore gun bans while good citizens abide by them.

That's a recipe for disaster, just as we've seen in our Nation's capital.

For the sake of our constitutional right to bear arms and for the safety of law abiding DC citizens and their families, support this bill.

Mr. CUMMINGS. Mr. Speaker, I rise in opposition to the District of Columbia Personal Protection Act, H.R. 3193, an outrageous effort spearheaded by my friend Representative SOUDER of Indiana, to repeal the ban on the possession of firearms in the District of Columbia.

Mr. Speaker, I rise today to support Delegate ELEANOR HOLMES NORTON, the DC elected officials, Mayor Anthony Williams, business, labor and civil rights groups and most importantly the District's local residents, who have spoken out against repealing this ban. If this Congress passes H.R. 3193, we will ignore their urgent cries—to spare their communities from further gun violence.

I think I should point out to those Members who believe that the NRA interests should trump the interests of the District's citizens, let's remember the principles of DC home rule that were recently cemented by the Federal courts in Seegars v. Ashcroft. In Seegars, the court held that because the District of Columbia is not a State, then the second amendment did not apply and the ban was not unconstitutional. Congress should respect the court's decision and the District's right to home rule to allow the gun ban to remain in place.

Just ask the parents of 16-year-old Ashley Walker, killed Sunday, September 26, 2004, and the parents of 13-year-old Michael Swan, killed Monday, September 27, 2004, if they believe that more guns should be permitted in the District. These parents know all too well what it means to lose someone to gun violence. They know the importance of maintaining this ban and that creating an environment of proliferation of guns is antithetical to saving lives.

Yet despite these tragedies, Mr. Speaker, the homicide rate in DC is approaching a 20-year low. In fact, DC homicides are down by 24 percent from last year and 55 percent since 1994. It is clear that this ban saves lives.

In my own district in Maryland, there has been an overwhelming decline of assault pistols used in crimes since the Maryland Assault Pistol Ban in 1994.

The Baltimore City Police Department concluded that since the ban's enactment that 55 percent fewer assault pistols were used in crimes. These are real statistics from cities that had been plagued by violence in the past decade; but these cities are also evidence of the success that has sprung from banning assault weapons.

Once again Mr. Speaker, with statistics such as these, we cannot ignore the fact that this ban saves lives.

There are Members of this body who will argue that this bill will give DC residents a sense of protection and restore their second amendment rights. I argue just the opposite. First, under the current law, DC residents may currently own registered guns—in fact over 100,000 firearms have been registered since 1976. Secondly, lifting the ban would engender all sorts of travesties: fully loaded assault weapons—to be carried in public in some instances—acquisition of armor-piercing ammunition—including "cop-killer" bullets—elimination of the District's registration program—even for assault weapons—and issuance of permits to individuals to carry concealed handguns in their places of business. I and other reasonable-minded individuals agree that this legislation is a far cry from providing residents with a "sense of protection." We would argue

that this legislation would only restore a culture of violence that the ban has significantly reduced.

Mr. Speaker, if H.R. 3193 is passed we will once again ignore the millions of Americans who have pleaded with the administration and this body to extend the ban in the District of Columbia and the national assault weapons ban, contained in H.R. 2038. We cannot fail the residents of the District like we failed the millions of Americans when we allowed the assault weapons ban to expire just weeks ago.

Mr. Speaker, we must listen to the residents of this District, citizens who do not have voting representation in Congress. I urge my colleagues to vote against repealing the DC gun ban—vote against H.R. 3193.

Mr. STUPAK. Mr. Speaker, I wanted to take a moment to discuss today's floor vote on H.R. 3193, to repeal the DC gun ban. I voted in favor of this bill. However, I am concerned with how this legislation came to the floor—without a hearing and without the opportunity to offer amendments. In addition, I am a strong supporter of local rule and this legislation, although I agree with the principle, blocks the local District of Columbia government from having any authority over the matter. Again, I support the legislation in general, I just don't believe appropriate procedure was followed on such a controversial issue.

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

The SPEAKER pro tempore (Mr. FOSSELLA). All time for debate has expired.

Pursuant to House Resolution 803, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

A recorded vote was ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on questions postponed earlier today.

Votes will be taken in the following order: motion to instruct on H.R. 4520, de novo; passage of H.R. 3193, recorded vote.

The Chair will reduce to 5 minutes the time for the second electronic vote.

MOTION TO INSTRUCT CONFEREES ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on H.R. 4520 offered by the gentleman from Massachusetts (Mr. NEAL).

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. NEAL).

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

RECORDED VOTE

Ms. NORTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 215, not voting 12, as follows:

[Roll No. 476]

AYES—205

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

NOES—215

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

NOT VOTING—12

Blunt
Boehlert
Bonilla
Cannon
Gephardt
Hastings (FL)
Hoeffel
Meek (FL)
Nethercutt
Putnam
Tauzin
Weldon (FL)

□ 14311

Mr. SIMPSON, Mr. BURGESS, Mrs. CUBIN and Mr. UPTON changed their vote from ''aye'' to ''no.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA PERSONAL PROTECTION ACT

The SPEAKER pro tempore (Mr. FOSSELLA). The pending business is the question of passage of the bill, H.R. 3193, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which a recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 171, answered ''present'' 1, not voting 10, as follows:

[Roll No. 477]

AYES—250

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Flake
Forbes
Ford
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—171

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Frank (MA)
Frelinghuysen
Frost
Gilchrest
Gonzalez
Greenwood
Grijalva
Gutierrez
Harman
Hinchey
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Quinn
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—10

Boehlert
Cannon
Gephardt
Hastings (FL)
Hoeffel
Meek (FL)
Nethercutt
Putnam
Tauzin
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1458

Mr. WALSH changed his vote from ''aye'' to ''no.''

Mr. FORD changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman will state his parliamentary inquiry.

Mr. CONYERS. Mr. Speaker, under the provisions of the bill just passed, H.R. 3193, will the Members of the House of Representatives be allowed to bring concealed weapons to the floor of this body?

The SPEAKER pro tempore. The gentleman's question is not a proper parliamentary inquiry.

The rules of the House would govern that question as a matter of decorum.

APPOINTMENT OF CONFEREES ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. THOMAS, CRANE, MCCRERY, RANGEL and LEVIN.

From the Committee on Agriculture, for consideration of title VII of the House bill, and subtitle B of title XI of the Senate amendment, and modifications committed to conference: Messrs. GOODLATTE, BOEHNER, and STENHOLM.

From the Committee on Education and the Workforce, for consideration of sections 489, 490, 616, 701, and 719 of the Senate amendment, and modifications committed to conference: Messrs. BOEHNER, SAM JOHNSON of Texas, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of section 662 and subtitle A of title XI of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, BURR and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 422, 442, 1111, 1151 and 1161 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 107, and that I may include tabular material on the same.

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

There was no objection.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2005

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 802, I call up the joint resolution (H.J. Res. 107) making continuing appropriations for the fiscal year 2005, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 107 is as follows:

H.J. RES. 107

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2005, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 2004 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 2004, at a rate for operations not exceeding the current rate, and for which appropriations, funds, or other authority was made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004.

(2) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(3) The District of Columbia Appropriations Act, 2004.

(4) The Energy and Water Development Appropriations Act, 2004, notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(5) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

(6) The Department of Homeland Security Appropriations Act, 2004.

(7) The Department of the Interior and Related Agencies Appropriations Act, 2004.

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004.

(9) The Legislative Branch Appropriations Act, 2004.

(10) The Military Construction Appropriations Act, 2004.

(11) The Transportation, Treasury, and Independent Agencies Appropriations Act, 2004.

(12) The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. The appropriations Acts listed in section 101 shall be deemed to include miscellaneous and supplemental appropriation laws enacted during fiscal year 2004.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2004.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Activities authorized for 2004 by sections 1902(a)(10)(E)(iv) and 1933 of the Social Security Act shall continue through the date specified in section 107(c) of this joint resolution: *Provided*, That for purposes of the budget scoring guidance in effect for the Congress and the Executive branch respectively, and notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this section shall be deemed to be direct spending.

SEC. 107. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) November 20, 2004, whichever first occurs.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. Notwithstanding any other provision of this joint resolution, except section 107, for those programs that had high initial rates of operation or complete distribution of fiscal year 2004 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2005 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Activities authorized by section 403(f) of Public Law 103–356, as amended by section 632 of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108–199, division F), and activities authorized under the heading ''Treasury Franchise Fund'' in the Treasury Department Appropriations Act, 1997 (Public Law 104–208, division A, section 101(f)), as amended by section 123 of the Treasury Department Appropriations Act, 2003 (Public Law 108–7, division J), may continue through the date specified in section 107(c) of this joint resolution.

SEC. 113. The authority provided by section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) shall continue in effect through the date specified in section 107(c) of this joint resolution: *Provided*, That such authority shall not be available until after the date on which the Secretary of Defense submits all of the quarterly reports required for fiscal year 2004 under subsection (d) of such section 2808.

SEC. 114. Notwithstanding any other provision of this joint resolution, except sections 107 and 108, amounts are made available for the Strategic National Stockpile (''SNS'') at a rate for operations not exceeding the lower of the amount which would be made available under H.R. 5006, as passed by the House of Representatives on September 9, 2004, or S. 2810, as reported by the Committee on Appropriations of the Senate on September 15, 2004: *Provided*, That no funds shall be made available for the SNS to the Department of Homeland Security under this joint resolution: *Provided further*, That amounts made available to the Department of Homeland Security under this joint resolution are reduced by the amount otherwise attributable to funding for the SNS: *Provided further*, That the terms and conditions of H.R. 5006 shall apply to funds made available under this section.

SEC. 115. Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) shall be applied by substituting the date specified in section 107(c) of this joint resolution for ''October 1, 2004''.

SEC. 116. The authorities provided by sections 344, 1023, and 1306 of Public Law 108–136, sections 1318 and 1319 of Public Law 108–11, and section 302j(a) of title 37, United States Code, shall continue in effect through the date specified in section 107(c) of this joint resolution or the date of enactment into law of a defense authorization Act for fiscal year 2005, whichever is earlier.

SEC. 117. Section 6 of Public Law 107–57, as amended by section 2213 of Public Law 108–106, shall be applied by substituting the date specified in section 107(c) of this joint resolution for ''October 1, 2004'', and sections 508 and 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Public Law 108–199, division D), as made applicable to fiscal year 2005 by the provisions of this joint resolution, shall not apply with respect to Pakistan through the date specified in section 107(c) of this joint resolution.

SEC. 118. Programs, activities, eligibility requirements, and advisory committees authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) through fiscal year 2004, shall remain in effect through the date specified in section 107(c) of this joint resolution.

SEC. 119. (a) Section 616(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Public Law 108–199, division D) shall apply to funds made available by this joint resolution pursuant to section 619(a) of such Act: *Provided*, That for purposes of funds made available by this joint resolution that are used to carry out section 616(d) of such Act, a candidate country is a country that satisfies the requirements of subparagraphs (A) and (B) of section 606(a)(2) of such Act.

SEC. 120. Notwithstanding any other provision of this joint resolution, except section 107, the District of Columbia may expend local funds for programs and activities under the heading, ''District of Columbia Funds—Operating Expenses'' at the rate set forth for such programs and activities under title II of H.R. 4850 of the 108th Congress, as passed by the House of Representatives: *Provided*, That section 2302 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11) shall be applied by substituting the date specified in section 107(c) of this joint resolution for ''September 30, 2004''.

SEC. 121. Section 1302 of the Panama Canal Act of 1979 (22 U.S.C. 3712) is amended by adding the following new subsection at the end:

''(e)(1) The Panama Canal Commission and the Office of Transition Administration (described in section 3504 of Public Law 106–65) shall terminate on October 1, 2004.

''(2) Upon termination pursuant to paragraph (1), the Panama Canal Revolving Fund shall be transferred to the General Services Administration (GSA). GSA shall use the amounts in the Fund to make payments of any outstanding liabilities of the Commission, as well as any expenses associated with the termination of the Office of Transition Administration and the Commission. The fund shall be the exclusive source available for payment of any outstanding liabilities of the Commission.''.

SEC. 122. (a) Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the following operating administrations shall be available to the Secretary of Transportation out of the Highway Trust Fund (other than the Mass Transit Account) at a rate for operations not exceeding the current rate and for which authority was made available under the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004:

(1) Federal Highway Administration, for purposes described in 23 U.S.C. 104(a)(1)(A);

(2) Bureau of Transportation Statistics, in accordance with 49 U.S.C. 111;

(3) National Highway Traffic Safety Administration, in accordance with chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code;

(4) National Highway Traffic Safety Administration, in accordance with 23 U.S.C. 402, 403, 405, 410 and chapter 303 of title 49, United States Code; and

(5) Federal Motor Carrier Safety Administration, for purposes described in 23 U.S.C. 104(a)(1)(B):

Provided, That funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code: *Provided further*, That paragraphs (1), (2), and (3) of this subsection shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(b) Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Transit Administration, in accordance with the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, shall be available to the Secretary of Transportation out of the Mass Transit Account of the Highway Trust Fund at a rate for operations not exceeding the current rate and for which authority was made available under the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004: *Provided*, That funds authorized under this subsection shall be available for obligation in the same manner provided under section 5338(g) of title 49, United States Code.

(c) Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for the Federal Motor Carrier Safety Administration to make grants to and enter into contracts with States for personnel costs for implementation of 49 U.S.C. 31102, commercial driver's license program improvements, border enforcement operations, and section 210 of Public Law 106–159 shall be available to the Secretary of Transportation out of the Highway Trust Fund (other than the Mass Transit Account) at a rate not exceeding the current rate and for which authority was made available under the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004: *Provided*, That funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(d) For purposes of the budget scoring guidance in effect for the Congress and the Executive branch respectively, and notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of subsections (a), (b), and (c) with regard to contract authority shall be deemed to be direct spending.

(e) Notwithstanding any other provision of law, amounts shall continue to be appropriated or credited to the Highway Trust Fund after the date of any expenditure pursuant to this joint resolution.

SEC. 123. Notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq, subject to the regular notification procedures of the Committees on Appropriations, through the date specified in section 107(c) of this joint resolution.

SEC. 124. Notwithstanding any other provision of this joint resolution, and notwithstanding the language in the paragraph under the heading ''Housing for Persons With Disabilities'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004, the Secretary of Housing and Urban Development shall make $14,610,000 from amounts appropriated under such heading in fiscal year 2004 available for amendments to existing tenant-based assistance contracts entered into prior to fiscal year 2004 pursuant to section 811 of the Cranston-Gonzalez National Affordable Housing Act (with only one amendment authorized for any such contract).

SEC. 125. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) shall be applied by substituting the date specified in section 107(c) of this joint resolution for ''September 30, 2004''.

SEC. 126. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2004, and for activities under the Food Stamp Act of 1977, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2004, to be continued through the date specified in section 107(c): *Provided*, That notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1 and December 1, 2004, may continue to be made.

SEC. 127. Notwithstanding section 101 of this joint resolution, amounts are provided for ''Special Supplemental Nutrition Program for Women, Infants and Children (WIC),'' at a rate for operations not to exceed $5,087,000,000.

SEC. 128. Notwithstanding section 101 of this joint resolution, amounts are provided for ''Election Assistance Commission—Salaries and Expenses'', at a rate for operations not to exceed $7,800,000: *Provided*, That such amounts may be apportioned to reflect the agency activities associated with a Federal election.

SEC. 129. Funds available under this joint resolution for ''Bureau of Indian Affairs—Indian Land and Water Claims Settlements and Miscellaneous Payments to Indians'' shall be available for payments by the United States pursuant to the settlement of *Seneca Nation of Indians* v. *State of New York*.

SEC. 130. Amounts available under this joint resolution to carry out subtitle D of title XXXVI of Public Law 106–398 shall be deemed to include transfers of funds from other accounts made during fiscal year 2004 to carry out the purposes of the subtitle and the amounts available under this joint resolution for the accounts from which funds were transferred shall be adjusted for the transfer.

SEC. 131. For the purposes of the Ricky Ray Hemophilia Relief Fund Act of 1998 (Public Law 105–369), the term ''expended'' in section 101(d) of such Act and the term ''payment'' in section 103 of such Act shall mean ''delivered orders-obligations unpaid'' as defined in the United States Standard General Ledger Accounts and Definitions.

SEC. 132. Notwithstanding any other provision of this joint resolution, except section 108, for expenses necessary to carry out the Presidential Transition Act of 1963, $2,500,000.

SEC. 133. Title II of Public Law 108–106 is amended under the heading ''Iraq Relief and Reconstruction Fund'' by—

(1) striking ''$3,243,000,000'' and inserting ''$5,090,000,000'' for security and law enforcement;

(2) striking ''$1,318,000,000'' and inserting ''$1,960,000,000'' for justice, public safety infrastructure, and civil society;

(3) striking ''$5,560,000,000'' and inserting ''$4,455,000,000'' for the electric sector;

(4) striking ''$1,890,000,000'' and inserting ''$1,723,000,000'' for oil infrastructure;

(5) striking ''$4,332,000,000'' and inserting ''$2,361,000,000'' for water resources and sanitation;

(6) striking ''$153,000,000'' and inserting ''$845,000,000'' for private sector development; and

(7) striking ''$280,000,000'' and inserting ''$342,000,000'' for education, refugees, human rights and governance.

SEC. 134. Title II of Public Law 108–106 is amended under the heading ''Iraq Relief and Reconstruction Fund''—

(1) in the sixth proviso, by striking ''$29,000,000'' and inserting ''$119,000,000''; and

(2) in the seventh proviso by—

(A) striking ''Coalition Provisional Authority'' and inserting ''United States Agency for International Development''; and

(B) striking ''to fully pay for its'' and inserting ''for''.

SEC. 135. Sections 569 and 574 of H.R. 4818, as passed by the House of Representatives on July 15, 2004, are hereby enacted into law: *Provided*, That not to exceed $360,000,000 of the funds made available by Public Law 108–106 under the heading ''Iraq Relief and Reconstruction Fund'' may be made available for the purposes of such section 569.

SEC. 136. During the portion of fiscal year 2005 covered by this joint resolution, the Corps of Engineers shall continue work on all uncompleted projects underway in fiscal year 2004, notwithstanding budget proposals to withhold funding for shore protection and certain construction projects, and shall not divert funds into any reserve fund not specifically authorized by an Act of Congress.

The SPEAKER pro tempore. Pursuant to House Resolution 802, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

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

Mr. Speaker, I am doing something today that I had hoped throughout the year could have been avoided, and that is a continuing resolution because the Congress has not completed all of its appropriations bills. Before I get into that, though, I think it is important that I say just a brief word about the Committee on Appropriations in the House and the House of Representatives.

The House Committee on Appropriations reported every one of its bills by July 22. Today is September 29. The House has passed 12 of those bills, and all of those bills have been at a level within the budget resolution, the budget resolution which in fact we do not really have. We did not pass a budget resolution this year, and finally about 6 weeks after we should have passed it, we passed a deeming resolution that did allow us to set a 302(a) allocation and our 302(b) allocations.

□ 1500

The House has done a good job. Unfortunately, only one of those bills has actually become law because the House and the Senate must agree on legislation before it can be sent to the desk of the President for his signature. That has only happened on one bill, despite the fact the House has passed 12 appropriations bills and several supplementals.

This continuing resolution would keep the government functioning at existing levels until November 20, 2004. This will allow Congress to recess for a brief period of campaigning for the election which happens on November 2. But we will be back. We will be back the week of November 15 in order to conclude the balance of the appropriations bills.

The Senate has passed a total of six appropriations bills. We will have one of those in conference, hopefully tomorrow, the homeland security bill. There are four other bills that we believe we can conference and report to the House sometime next week before we adjourn for the election. In the meantime, an omnibus bill is going to be necessary. Between the October 8 recess and November 15, the appropriations committees in both Houses will work to conclude the work on an omnibus bill so the Members will have a chance to vote on it prior to sine die adjournment.

The CR includes a continuation of funding for all agencies except those included in the Defense appropriations bill because it has already been enacted into law. We are continuing to work on the other bills, as I mentioned.

Let me say something about what is included in this CR, because there are some anomalies that are time sensitive that must be taken care of. As I said, the CR will go to November 20. As in past continuing resolutions, it does not permit any new starts, and it restricts obligations on high initial spend-out programs so the annualized funding levels in this bill will not impinge on our final budget deliberations.

It includes provisions that allow for the continuation of programs and fee collections that would otherwise expire, such as entitlements under the food stamp program, Medicare part B premium assistance, certain child nutrition programs, the WIC program, and certain SBA loan programs.

The CR also allows for continuation of Department of Defense authorities that expire on September 30. We have worked with the Committee on Armed Services to ensure that these authorities are extended through the period of the CR, and they include something very important to the families of those of our military who were wounded in Iraq, Afghanistan and who are in hospitals or in VA hospitals getting treatment for their wounds. The authority to pay for travel and transportation benefits for those family members and clothing allowances for the military personnel injured during these operations would expire on September 30, tomorrow, at midnight. We provide a correction for that by extending that provision for the period of this CR.

We also extend the authority to provide prepaid phone cards to all of our troops in certain combat zones. Also authority for bonuses and special pay for certain military personnel is extended. Authority for DOD to use funds available for drug interdiction and counterdrug activities to provide assistance to the government of Colombia in support of ongoing counterterrorism efforts is extended. And also authority for a chemical weapons destruction facility in Russia is extended.

A provision is also included that reallocates funds provided under the Iraq Relief and Reconstruction Fund in response to the request submitted to the Congress by the Secretary of State on September 14, 2004, and through a reallocation of existing funds provides sufficient funding for operating costs of the Agency for International Development, continuation of oversight and Iraq debt forgiveness.

The CR also allows the District of Columbia to spend local funds through the period of the CR at the budget levels passed by the House. The CR ensures that funding is available to conduct administrative oversight and to pay certain Department of Transportation personnel managing surface programs in the absence of reauthorizations for such programs. It also ensures sufficient funding for the Election Assistance Commission and funding for Presidential transition staff, if necessary, to be available immediately following the Presidential election.

Mr. Speaker, I do not think this is a controversial CR at all, but it does include these important items that I mentioned. But it is important because tomorrow at midnight, the government runs out of money, so it is important to pass this continuing resolution, get it to the other body, and get it to the President. I hope we can pass this expeditiously.

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

Mr. OBEY. Mr. Speaker, I yield 5½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise to express some concerns about the provisions in the continuing resolution allowing for the reprogramming of $3.46 billion in Iraq reconstruction funds.

I would first like to take a moment to express my appreciation and respect for all military, civilian, and contractor personnel stationed in Iraq today. They are working to bring democracy and stability to Iraq in an atmosphere of extreme danger, and I have great admiration for their courage. We owe them a great deal for their sacrifices.

This bill addresses the administration's request to shift $3.46 billion within the $18 billion Congress approved for the reconstruction of Iraq. This shift moves funds away from essential rebuilding efforts in the water and electricity sectors to deal with the deteriorating security situation in Iraq and the upcoming elections. The bill specifies new amounts for the various sectors of reconstruction assistance while retaining the underlying set of requirements for congressional notification and reporting.

I have great respect for General Petraeus and his staff who have put together this new plan. I am hopeful that the reprogramming will help address the dire security situation that has hindered much of our reconstruction work. But if we examine the facts, we find that since the start of combat operations in Iraq, 1,050 soldiers have been killed, 7,532 wounded; and since the end of major combat operations which the President declared on May 1, 2003, 909 have been killed and 6,990 wounded.

The statistics on the security situation are equally as staggering. In March of this year there were an average of 20 insurgent engagements per day. By September that number had increased more than fourfold, to 87 per day.

President Bush said earlier this month, and I quote, ''What is critical is that the President of the United States speak clearly and consistently at this time of great threat in our world, and not change positions because of expediency or pressure.'' We have given the President what he requested because we need to move aggressively to address the security situation. However, the administration must be honest with the American people.

Before the war, we had the distinct impression from both the President and Vice President that the length of U.S. deployment and the cost of reconstruction would be minimal. Their assessments were hopelessly naive and ignored the lessons of history. Today, 1 year after Congress provided the $18 billion in reconstruction funds, only slightly more than $1 billion has been spent. The insecure environment has

slowed the pace of reconstruction to a crawl. It has become crystal clear that we have no coherent plan to win the peace.

The administration claims that there are 100,000 Iraqi security forces trained and operating in Iraq today and that 145,000 will be trained by January. The facts are that 22,700 security personnel have received enough basic training to make them minimally effective at their tasks. Only 8,200 police have even received a basic 8-week training course. At the current pace of training, we will not have the current 90,000-man force trained until February 2006. Today, only 4,800 Iraqi Army personnel have been trained and equipped. By mid-October we may reach 8,000. Only eight of the 45 existing Iraqi National Guard battalions have reached initial operating capability. No border enforcement personnel have received centralized training.

Despite administration claims to the contrary, Iraq is becoming less secure. The difficulties in training and recruiting Iraqi security forces means even these modest goals will be difficult to attain. Holding elections in January has become a cornerstone of the President's plan to democratize Iraq and has been a critical factor in gaining support across Iraqi society for the interim government.

However, a stalemate between the Electoral Commission and the Ministry of Finance has meant that the commission has received only $7 million of the $232 million in Iraqi funds set aside for them. Many of the critical elements for conduct of the elections, such as procurement of vehicles, voting equipment and ballots are incomplete and voter lists have not even been created yet. No actual parties have formed. There is no process in place for that to happen. The U.N. has yet to deploy enough people to Iraq to supervise the process. We all know of the necessity of these promised elections, but many obstacles remain.

Beneath these numbers is the sad fact that overhead costs on all reconstruction activities in Iraq are now ranging between 30 and 50 percent. This means that for every dollar we appropriate for reconstruction, we only get 50 cents' worth.

We need to get this right. The battle for global stability and security is larger than Iraq. If American strategists cannot outsmart the terrorist insurgents, if we let them derail the bright future we have promised the Iraqi people, there will be serious consequences for U.S. national security objectives.

I hope that this shift in funds helps to win the peace in Iraq and that this plan will succeed where others have failed. I remain firmly committed to bringing stability to Iraq and fighting terror. American lives are at stake. But we must be honest with each other about the pace at which progress can occur and stop the deliberate distortions.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE), the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I do rise in support of House Joint Resolution 107 to provide continuing resolutions for the operations of the United States Government. A number of sections in this continuing resolution do apply to the foreign operations appropriations and many of these items have a direct bearing in our war on terrorism.

Section 117 allows Pakistan, our vital ally in the war on terror, to continue to be eligible for U.S. assistance during the period of the CR. As we know, Pakistan's active participation in the war on terror is critical to U.S. efforts in Afghanistan. Section 119 allows the Millennium Challenge Corporation to offer a limited assistance to those countries that meet some of the criteria for MCC assistance but cannot yet get over the threshold of the criteria that is required for that. The administration is working more slowly than I think a lot of us would like to establish which countries would be eligible for this additional special assistance.

Section 123 allows the Overseas Private Investment Corporation to follow through on transactions to promote the private sector and greater employment opportunities for Iraqis during the period of the CR. Ideally, these transactions will help create some of the preconditions for stability as Iraq moves towards elections in January.

The heart, Mr. Speaker, is section 133. This will enable the Secretary of State to rebalance the assistance in the Iraq Relief and Reconstruction Fund with a significantly greater amount, $1.8 billion, going to train and equip Iraq's security forces. The legislated change is necessary because the supplemental enacted last November allocated funding for specific sectors with flexibility for transfers between sectors. This sectoral allocation was intended to provide transparency and to improve oversight of the use of the funds.

However, due to circumstances that have developed on the ground, the flexibility in current law is insufficient to allow the State Department to provide significantly greater funding for security and employment activities, and I think we all understand that security must be the top priority.

□ 1515

Section 134 provides the Agency for International Development with the authority to use $90 million from within already appropriated amounts for the costs of operating its assistance programs in Iraq. Effective implementation of these programs is important if we are to help Iraq's economic and political systems evolve.

Finally, section 135 allows the U.S. to continue its leadership in pushing for reduction of Iraq's debt. It provides former Secretary of State James Baker with the tools for upcoming debt negotiations in the Paris Club this fall. It would enable the U.S. to forgive nearly $4 billion of debt owed by Iraq, thus spurring vastly greater amounts of debt forgiveness by Iraq's other creditors. This section also makes the modest technical changes to allow the Secretary of State to take responsibility for future reports to Congress on Iraq's reconstruction and to enable greater congressional oversight over the use of agency administrative expenses in Iraq.

On balance, I think this is a good bill and provides some important considerations to keep the foreign policy of the United States moving forward. I urge my colleagues to support this joint resolution.

Mr. OBEY. Mr. Speaker, I yield 6½ minutes to the distinguished gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

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

Mr. Speaker, today, our Republican friends are waving a white flag, announcing what has become so obvious to so many, that they have surrendered to their own intransigence, that they cannot get their work done.

The sad fact is that the gentleman presenting this bill is not responsible for this failure. In fact, his leadership of the committee was consistent with doing our work on time. But his colleagues did not assist him in that effort.

This continuing resolution is nothing less than an admission of failure by the House Republican leadership. But it is a fitting capstone to the least productive session of Congress that I have been a part of since I was elected to this body in 1981.

We are setting a record today, Mr. Speaker, but not a record that any of us can be proud of. So far, and all of my colleagues ought to listen to this, so far in this second session of the 108th Congress, we are on course to work fewer days, 93 as of today, than any other single session since 1948; 1948 was the famous ''Do Nothing Congress.'' This Congress is doing even less than the ''Do Nothing Congress.''

Yet while this Republican Congress keeps banker's hours, it has failed to enact a budget. It has failed to enact a comprehensive energy bill. It has failed to enact intelligence reform. It has failed to enact a bill to eliminate European Union trade sanctions on American manufacturers. And it has failed to enact and pass a highway bill, a reauthorization which would create 42,000 American jobs for every $1 billion spent on repairing and building highways, repairing and building bridges, and fixing and providing for mass transit systems in America so that commerce and people could move effectively.

And now, now, this Republican leadership must pass this continuing resolution because it has enacted only one

of 13 appropriation bills within the time frame established for it. This is the leadership that said in the Contract with America that we are going to bring efficiency and effectiveness to the management of the House of Representatives.

Joe Scarborough the other day said in an article, ''We said all this and we lied.'' Joe Scarborough, conservative Republican from Florida.

I intend to vote, of course, Mr. Speaker, for this continuing resolution, as the chairman will, because it is necessary and responsible to do so. But let no one be mistaken, this CR is far more than a mere formality. The Republicans' failure to pass appropriation bills on time has real-world consequences to real people, to States, localities, municipalities and every individual.

Because they failed to enact the Homeland Security bill, critical funding for the SAFER program is not available, money to hire additional firefighters and emergency response teams. That means fire departments across the Nation will be delayed in their efforts to hire, recruit and retain firefighters.

Because they have failed to enact the Transportation-Treasury bill, nearly $1 billion in airport improvement grants is not available. That means airport security fencing and the construction of airport rescue and firefighting stations will be delayed. Because they failed to enact the Commerce, Justice, and State bill, $658 million in worldwide security upgrades at U.S. facilities, for instance, in Kabul, Afghanistan, are not available.

Mr. Speaker, the list goes on. The majority's failure to pass appropriation bills on time will delay funding for everything from construction at Veterans' Administration facilities to humanitarian assistance to the victims of genocide in Sudan, to additional funding for food safety inspections here at home.

Mr. Speaker, in February, former House majority leader, the majority leader in the last Congress, commented ''Republicans own the town now.'' What he meant was Republicans control the presidency, the House and the Senate. Democrats cannot stop and, frankly, cannot get it to go so that the failure lies solely at the desk and feet of the Republican leadership in both Houses. But everyone can see today their record is not an enviable one, notwithstanding the fact that they own the town. It is an embarrassment. The American people deserve better.

Mr. Speaker, as I said, I will vote for this continuing resolution. It was originally scheduled to be until October 8. The gentleman from Texas (Mr. DELAY) and I have a colloquy at the end of every week, and in that colloquy last week, I asked the gentleman from Texas (Mr. DELAY) how long this CR was going to be. He said he did not know specifically but he thought October 8. But they have decided, no, it will be November 20, after the election, after the American people will be able to make a judgment on what they are really going to do. How sad. How failing in our responsibility to this institution, to the American people and to our Nation.

And I thank the gentleman for yielding me this time.

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

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, the basic job of Congress is to pass the annual budget and appropriation bills in order to keep the government running and to fund the most important functions of government. To do that under our processes, we are first supposed to pass a budget resolution which sets the outline for spending for the coming year, and then we are supposed to follow that on by passing 13 appropriation bills which fill in the blanks in detail.

This continuing resolution is here because, on the domestic side of the budget, none of that has happened. We have passed only one of the 13 appropriation bills that were supposed to pass by the end of the fiscal year. That is for the Department of Defense. But even other national security bills have not been passed, and certainly, nothing has been passed that meets our obligations on the domestic side of the ledger.

The majority party controls this body by a very narrow margin. Ordinarily, if this institution were being run in a rational way, that would mean that the majority leadership would try to reach out, broaden its base of support for basic legislation by making an occasional compromise here and there so that we can broaden the number of people who are willing to support whatever products they bring to the floor. That has not happened either.

When I chaired this committee, we had a bipartisan allocation between the 13 subcommittees. Both parties agreed on how much should go into each of those 13 appropriation bills. That is why we were able that year to finish every single appropriation bill by the end of the fiscal year. The minority has not been afforded that opportunity this year because the majority leadership has been held captive by the most extreme members of the majority party caucus. As a result, they have produced highly ideological appropriation bills which have provided little incentive for other members of their own party to support those bills.

The domestic appropriations have been so stingy in the area of education, in the area of health care, in the area of veterans' health, in the area of law enforcement, and in the area of transportation that their Republican counterparts in the Senate have not wanted to pass those bills. If we take a look at the appropriation bills that have passed the Senate, those bills contain about $7 billion more on the domestic side of the ledger than the appropriation bills in this House. We could probably have reached bipartisan agreement if that $7 billion had been made available here. But oh, no, it was so necessary for the majority party to preserve every single dollar to provide $128,000 tax cuts for people who make a million bucks a year that they were not willing to provide additional funding in the area of health and education and the like.

So now we have what I call a duck-and-run approach to governance. The majority party does not want a vote on the level of veterans' health care funding, so the veterans' appropriation bill is not even coming to the floor. And the majority party is avoiding having to choose between the wishes on the Senate side and the wishes on the House side by simply going to a continuing resolution which ducks all of these questions until after the election. This strategy is being followed either by design or as the result of sheer incompetence, and I am not sure which.

I want to make it clear, as did the minority whip, that that does not apply to the gentleman who chairs the committee. He got every single bill out of his committee on time and passed them out of the House except for VA/HUD, and even though they were extremely short on necessary funding, on the minority side, we indicated that even though we strenuously objected to the stringent limitation of funding in a number of areas, we still procedurally cooperated with the majority party to toss those bills over to the Senate in the hopes that rationality would prevail and we would wind up with a product that could be supported when those bills came by the conference.

□ 1530

But at this point, I guess the bill that passed the House last week is a perfect metaphor for this session, because there was an internal triangular fight within the majority party in this House on that transportation bill, and, as a result, we passed a transportation bill that had been stripped of aid to states for highways, it had been stripped of the mass transit programs, it had been stripped of the funding for airport construction and development. So the only thing left in the transportation bill was the title of the bill.

If you take a look at other legislation, national parks, the President made a promise when he campaigned 4 years ago that he would send down a 5-year plan to attack the maintenance backlog in our national parks. Well, it is 4 years later, folks, and what has happened? The President and this Congress have provided only 12 percent of the funding needed to meet those backlog needs.

As the gentleman from Maryland indicated, we have done nothing to deal with the problems of 45 million Americans who have no health insurance. We have done nothing to expand Pell grants, even though the President in

his spectacularly disingenuous performance at the Republican Convention told the world that we needed more money for Pell grants, even though his administration has blocked the increase in Pell grants for the last 2 years.

So, Mr. Speaker, the fact that this continuing resolution is here today is a monument to ideological zealotry. It is also a monument to institutional failure. This Congress is failing to meet even the most basic and minimal expectations that the country has for it by way of doing our routine business. This is governing in a pitiful way, and I wish that I could say something more positive about it, but, indeed, I cannot.

We have no choice but to vote for this resolution in order to keep the government functioning, but this is a pitiful way to run a railroad or a legislative body.

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

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

Mr. Speaker, I think earlier my first comment was that I am doing something today that I am reluctant to do and I hoped I would not have to do it, and that is to ask the House to pass a continuing resolution inasmuch as the appropriations process has not been concluded.

There have been some criticisms of the majority party leadership in the House. It is easy to criticize anybody, but I would suggest that our leadership has done a pretty good job, considering the fact that we are a bicameral legislature. We have two bodies in this Congress, and one body cannot determine totally the legislative program, any more than the other one can. So as hard as our leaders have struggled to try to make the process work, they have had some difficulties with their counterparts in the other body.

I want to make sure that the Members know that the Committee on Appropriations, and I will repeat this from what I said earlier, completed all of its work, reported all of its bills, by the 22nd of July. That was quite a long time ago. We passed 12 of the appropriations bills, plus a supplemental. There is still one other appropriations bill remaining that has some difficulties that will be dealt with at a later time, probably in the omnibus bill.

And we have worked in a bipartisan fashion. We have tried to keep the minority party at the subcommittee level advised every step of the way. We have tried to make sure they knew what we were planning to do, and to get their input. We did not surprise anybody.

I think that good proof of that bipartisanship, Mr. Speaker, is that we have developed a pretty good record here in the committee and in the House. For example, our appropriations bill for Interior passed on June 17 with a vote of 334 to 86. The Homeland Security bill passed on June 18 with a vote of 400 to 5. On June 22 we passed the defense appropriations bill, 403 to 17. The conference report later was passed with a vote of 410 to 12. On June 25, the energy and water bill passed 370 to 16.

On the 8th of July the Commerce-Justice-State Department bill passed with a vote of 397 to 18. On July 12, the legislative branch bill passed with a vote of 327 to 43. The agriculture bill passed on the 13th of July, 389 to 31. On the 15th of July, the foreign ops bill passed 365 to 41. On the 20th of July, the District of Columbia bill passed 371 to 54. On the 22nd of July, the military construction bill passed 420 to 1.

We then passed on September 7 a supplemental to deal with Hurricane Charlie, which was devastating to certain parts of my State of Florida. We passed that on a voice vote. On the 9th of September we passed the Labor-HHS bill, 388 to 13. On the 22nd of September we passed the transportation appropriations bill, 397 to 12.

So I make the case that the House has worked together very well, majority party and minority party. The committee has worked together very well, majority party and minority party. But we are only half of the equation. We are the House of Representatives. We are the people's House. The other body, for whatever their reasons, did not pass these bills, and we cannot pass a bill in the House and send it to the President without having the other body agree to it, or at least go to conference and have an agreement on what that conference decides.

So, all in all, the criticisms of the House leadership I think are not really in order, but I understand that we are getting close to election time, so I am not offended by that. I just do not think that the criticisms really stand.

Our leadership has worked hard with us to pass these good bills with good votes. I do not like the fact that we did not complete our work. But I would say, again, the House Committee on Appropriations and the House of Representatives, we completed our work, except for one bill that will be held to become part of the omnibus appropriations bill. So, all in all, criticize if you like, but the House has done a really good job in getting its work done.

Now, because we have not concluded the bicameral work on these bills, it is important that we pass this continuing resolution. None of us want the government to shut down, and, without a CR, as of midnight tomorrow night the end of the fiscal year comes and goes, and without an appropriations bill, people would not be reporting to work on Friday.

So we are going to pass this CR now, the other body is going to pass this CR, and we are going to get it to the President in plenty of time so there will not be a government shutdown. We are just not going to do that anymore. We had an experience with that some years back. We are not going to do that again. That is not responsible, and it is important that we meet our responsibility.

Mr. Speaker, I would just appeal for a good strong vote on this continuing resolution. I ask for a ''yes'' vote.

Mr. Speaker, I yield back my time.

The SPEAKER pro tempore (Mr. FOLEY). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 802, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. OBEY. For the moment I am, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution, H. J. Res. 107, to the Committee on Appropriations with instructions to report the same back to the House promptly with the following amendments:

At the end of the bill, add the following new section:

''SEC. . Section 2883(g)(1) of title 10, United States Code, is amended by striking '$850,000,000' and inserting '$1,350,000,000'.''

At the appropriate place in the bill, add the following new section:

''SEC. . Notwithstanding section 101 of this joint resolution, amounts provided to the Department of Veterans Affairs under the heading ''Veterans Health Administration, Medical Services'' in Public Law 108–199, in the first proviso, delete '$17,867,220,000' and insert '20,798,600,000'.''

At the appropriate place in the bill, add the following new section:

''SEC. . Notwithstanding any other provision of law or of this joint resolution, the State Children's Health Insurance Program authorized under title XXI of the Social Security Act shall be implemented under the terms and conditions of H.R. 4936, the Children's Health Protection and Improvement Act of 2004.''

At the appropriate place in the bill, add the following new section:

''SEC. . Special Allowance for Loans From the Proceeds of Tax Exempt Issues—Section 438(b)(2)(B) of the Higher Education Act (20 U.S.C. 1087–1(b)(2)(B)) is amended—

''(1) in clause (iv), by inserting 'or refunded on or after October 1, 2004 and before October 1, 2005,' after 'October 1, 1993'.; and

''(2) by adding at the end the following new clause:

'' '(v) Notwithstanding clause (i) and (ii), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I) of this paragraph, or paragraph (4), as the case may be, for loans—

'' '(I) originated, transferred, or purchased between October 1, 2004 and October 1, 2005;

'' '(II) financed by an obligation that has matured, been retired, or defeased on or after October 1, 2004 and on or before September 30, 2005;

'' '(III) which the special allowance was determined under such paragraphs on or after October 1, 2004 and on or before September 30, 2005;

''(IV) for which the maturity date of the obligation from which funds were obtained for such loans was extended on or after October 1, 2004 and on or before September 30, 2005; or

''(V) sold or transferred to any other holder on or after October 1, 2004 and on or before September 30, 2005.'.''

At the appropriate place in the bill, add the following new section:

''SEC. . Notwithstanding section 101 of this joint resolution, amounts provided to the Federal Bureau of Investigation for counterterrorism and counterintelligence activities shall be provided at a rate of operations which is the higher of the following:

''H.R. 4754, as passed by the House on July 8, 2004; or

''S. 2809 as passed by the Senate Committee on Appropriations on September 15, 2004.'.''

At the appropriate place in the bill, add the following new section:

''SEC. . Notwithstanding section 101 of this joint resolution, amounts provided for education, health and other programs, projects and activities shall be continued at a rate of operations which is the higher of the amounts which would be made available under the following:

''H.R. 5006, as passed by the House of Representatives on September 9, 2004; or

''S. 2810 as reported by the Senate Committee on Appropriations on September 15, 2004.'.''

At the appropriate place in the bill, add the following new section:

''SEC. . Public Law 108–217 shall be applied by substituting the date specified in section 107 of this joint resolution for 'September 30, 2004' each place it appears and by substituting the date specified in section 107 of this joint resolution for 'October 1, 2004' and the provisions of §6(a)(1) of Public Law 107–100 shall continue in effect through the date specified in section 107 of the joint resolution.''

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, if Members oppose this motion to recommit, they will deny 28,165 renovated homes for military families throughout the military housing privatization initiative. If they oppose this motion to recommit, they will deny many of America's veterans access to VA health care, which ought to be their right. This motion would provide an additional $2.5 billion above the President's request to help cut waiting lists, renovate crumbling VA facilities and ensure timely quality health care for America's veterans.

The FBI is the Nation's lead agency for domestic counterterrorism, yet it is the only component of our national security apparatus that will not have its funding for fiscal year 2005 in place. The motion would ensure that the FBI gets its funding now, not later.

Failure to pass this motion to recommit would also shut down the Terrorist Threat Integration Center and the Terrorist Screening Center. Neither received funding in last year's spending bill, so neither would have their funding extended by the continuing resolution without this motion.

The motion to recommit, Mr. Speaker, would also eliminate the nearly $1 billion in special student loan subsidies being paid to lenders that instead could be put to better use by helping students and families afford a college education. This House passed that amendment earlier this month on the Labor-HHS bill in the form of the Kildee amendment.

Also, Mr. Speaker, failure to pass this motion to recommit would deny health insurance to 750,000 children who could be covered under the State Children's Health Insurance Program, or SCHIP. Currently $1.1 billion of SCHIP funds are available to States to provide health insurance to children. These funds were accumulated while the SCHIP programs were just being organized, but current law requires that these funds be returned to the Treasury if they are not used by October 1. With more than 8 million children lacking health coverage, it makes sense to give States more time to use these funds and enroll children in the SCHIP programs. We ought not be robbing these funds from children's health insurance programs because of an arbitrary deadline.

We also by this motion would provide additional funding for education and health care programs funded by the Labor-HHS-Education bill. We ask that in each case in the education and health area that this bill be adjusted to reflect the higher of the numbers between the House and the Senate bill. The result of that, for instance, would be to add $367 million to NIH to maintain momentum in research on diseases like cancer, Parkinson's, Alzheimer's, et cetera. We also would try to deal with the section 7 small business loan program that was dealt with by this House on a similar motion several weeks ago.

Mr. Speaker, I would urge support for the motion to recommit.

Mr. YOUNG of Florida. Mr. Speaker, I am opposed to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, this motion to recommit actually would be an appropriations bill. The continuing resolution merely extends existing appropriations. All of the issues in this motion are in the process of being considered on regular appropriations bills.

□ 1545

For example, I would remind the Members that we had the issue of the military housing cap in our appropriations bill that our committee strongly supported; but on a point of order raised by the Committee on the Budget, we lost that section of the military construction bill. But as we produce the military construction bill in conference, that provision will be in there.

The other issues in this motion are VA medical, children's health, higher education; all of these issues are being addressed as we address the balance of the appropriations bills.

So this motion to recommit, if it were successful, and I hope it will not be, would actually turn this into an appropriations bill that would likely require conferencing and probably would not be concluded by midnight tomorrow night, just because of the amount of time it takes to conference a bill and go to the other body and then come back here for conference, and then to appoint the conferees. We are running a deadline as of midnight tomorrow night.

So I would hope that while all of these are very important issues in this motion, and, frankly, I am supportive of all of the issues that the gentleman from Wisconsin (Mr. OBEY) would have in this motion to instruct, this is not the place to do it. This is a continuing resolution that has to be on the President's desk and signed before midnight tomorrow night. We just really do not have the time to deal with these issues on this bill. We will deal with all of those issues on the other bills that will be working through the Congress in the next few weeks.

So, Mr. Speaker, having said that, basically all I can say is that I would urge the Members to oppose this motion and to get on with the passage of the continuing resolution.

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

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 200, nays 221, not voting 11, as follows:

[Roll No. 478]

YEAS—200

Abercrombie	Berman	Brown, Corrine
Ackerman	Berry	Butterfield
Allen	Bishop (GA)	Capps
Andrews	Bishop (NY)	Capuano
Baca	Blumenauer	Cardin
Baird	Boswell	Cardoza
Baldwin	Boucher	Carson (IN)
Becerra	Boyd	Carson (OK)
Bell	Brady (PA)	Case
Berkley	Brown (OH)	Chandler

Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—221

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

NOT VOTING—11

Boehlert
Cannon
Gephardt
Hastings (FL)
Hoeffel
Lewis (GA)
Meek (FL)
Nethercutt
Putnam
Tauzin
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1610

Mr. PETERSON of Pennsylvania changed his vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the joint resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 389, noes 32, not voting 11, as follows:

[Roll No. 479]

AYES—389

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry

Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—32

Akin
Barrett (SC)
Bartlett (MD)
Beauprez
Chabot
Cooper
Cubin
Duncan
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Green (WI)
Gutknecht
Hensarling
Hostettler
Jones (NC)
King (IA)
Manzullo
Miller (FL)
Myrick
Paul
Pence
Petri
Pitts
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Smith (MI)
Stearns
Toomey

NOT VOTING—11

Boehlert
Brown-Waite, Ginny
Cannon
Gephardt
Hastings (FL)
Hoeffel
Meek (FL)
Nethercutt
Putnam
Tauzin
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1619

Mr. DEMINT changed his vote from ''no'' to ''aye.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). 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 tomorrow.

WELFARE REFORM EXTENSION ACT, PART VIII

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5149) to reauthorize the Temporary Assistance For Needy Families block grant program through March 31, 2005, and for other purposes.

The Clerk read as follows:

H.R. 5149

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 ''Welfare Reform Extension Act, Part VIII''.

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH MARCH 31, 2005.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through March 31, 2005, in the manner authorized for fiscal year 2004, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2005 at the level provided for such activities through the second quarter of fiscal year 2004.

(b) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended by striking ''September 30, 2004'' and inserting ''March 31, 2005''.

(2) CONTINGENCY FUND.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking ''2004'' and inserting ''2005''.

(3) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(A) in subparagraph (A), by striking ''or 2005'' and inserting ''2005, or 2006''; and

(B) in subparagraph (B)(ii), by striking ''2004'' and inserting ''2005''.

SEC. 3. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH MARCH 31, 2005.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through March 31, 2005, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2005 at the level provided for such activities through the second quarter of fiscal year 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

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

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 5149, the Welfare Reform Extension Act, Part VIII. Why Part VIII? Because, unfortunately, we are here again for the eighth time to pass short-term legislation that simply continues the status quo for one of our most important social assistance programs.

Mr. Speaker, this bill will continue funding for the Temporary Assistance For Needy Families program and other related programs that assist low-income families through March 31, 2005. I support this legislation, but as I have said before and will say again today, I wish we were here today to vote on comprehensive, forward-looking legislation like the House has already approved and the President has supported.

In his convention speech, President Bush said, ''Because family and work are sources of stability and dignity, I support welfare reform that strengthens family and requires work.'' In his call for more work and stronger families, House Republicans stand with the President. That is why we approved comprehensive welfare reform legislation twice in the last 2 years, bills that promote more work and stronger families.

Unfortunately, the other body has not yet passed its own bill, and many on the other side of the aisle continue to oppose more welfare reforms designed to promote work and reduce dependence and poverty. Why do some continue to ignore the three overwhelming lessons of the 1996 welfare reform law?

Lesson one: Real welfare reform means more work, less dependence, and less poverty.

Lesson two: Real welfare reform means stronger families and more healthy marriages, improving children's prospects for the future.

Lesson three: Real welfare reform frees up money from welfare checks that is better spent on services like child care so families can support themselves.

Perhaps one reason for the Democrats' opposition to more welfare reform is that many on that side of the aisle opposed real welfare reform all along. Since Congress started voting on welfare reform bills in the mid-1990s, there have been eight major votes in this House. During that time, Democrats collectively registered 1,392 votes against welfare reform and only 188 votes for it. Eighty-eight percent of the time congressional Democrats have opposed welfare reform bills. Half of the Democrats even opposed the landmark 1996 welfare reform law. On those same votes, an overwhelming 98 percent of the Republicans supported welfare reform.

The debate in the past 2 years has been a reminder of what we saw in the mid-1990s. Whatever their reasons, whether it is because they oppose requiring a 40-hour work week of welfare recipients, like other American families, or they oppose promoting stronger families and healthy marriages, or insist on billions more in welfare spending despite the reduced caseload, some have consistently opposed meaningful updates to welfare reform. That is despite the obvious success of welfare reform since 1996, and despite the obvious need to make adjustments that would help the 2 million families still on welfare achieve independence and better lives.

That is precisely what the legislation passed by the House twice, and supported by the President, achieves. Those who oppose this legislation also continue to ignore letters from the States urging forward movement on a long-term authorization. Most recently, the State of New York sent a letter to their Members in the other body and said, ''In these very difficult budget cycles, delaying TANF reauthorization until the next congressional session will certainly jeopardize the current block grant funding level of $16.5 billion currently maintained in both the House and Senate bills, and the Senate-passed $7 billion child care

amendment, which will annually support over 70,000 additional children of New York's working parents.''

Mr. Speaker, now is the time to act, but today we are here to pass yet another piece of short-term legislation that only maintains the status quo. Unfortunately, this placeholder does exactly what the States fear: places any reforms of additional funding in jeopardy.

Just yesterday, I heard from representatives from my own State of California that continued extensions are standing in the way of more welfare reform there. In short, States serving families on welfare are unable to take the next steps to help them achieve independence when there is not certainty of funding and clear goals are not established. Passing the legislation before us today is a necessary step, since we need to help States keep writing welfare checks to 2 million families.

What more we should be doing is obvious: expecting and supporting more work instead of simply supporting more welfare checks. House Republicans supported the President and have twice passed legislation designed to help more parents know the dignity of drawing a paycheck instead of a welfare check. Others who oppose that next step must explain why they continue to block forward movement.

Mr. Speaker, before I conclude, I would like to mention an individual who has been a tremendous asset in our efforts to reform these programs, Ms. Vee Burke. As my statement reflects, Ms. Burke will be retiring from the Congressional Research Service this year after more than 30 years of service to the Members and their staff. Ms. Burke joined CRS in 1970 as a recognized expert in the field of public welfare. For more than three decades she has worked diligently and professionally to assist us with our efforts. Her contributions and knowledge of these programs have had a direct, positive impact on the lives of millions of families and children. We will miss her and we wish her well and thank her for her many years of service.

Mr. Speaker, today I'd like to pay tribute to Vee Burke, a policy specialist in low-income programs at the Congressional Research Service. Ms. Burke joined CRS more than 30 years ago as a recognized expert in the field of public welfare. Much to the regret of many Members of Congress and their staff, Ms. Burke will retire at the end of November.

During her tenure at CRS, Ms. Burke became a leading expert on the history, evolution, and interaction of welfare and public assistance programs for low-income individuals and families. Over three decades, Ms. Burke has played a role in all major congressional deliberations affecting low-income individuals including the sweeping welfare reforms enacted in 1996. Largely considered the most significant social policy change in the past 60 years, Ms. Burke's in-depth knowledge of low-income programs and her tireless efforts to assist Members and their staff with this legislation were instrumental in our success.

Because of her stature as one of the leading authorities in the country in this policy area, Ms. Burke's advice and assistance has been regularly sought by the congressional committees with legislative jurisdiction. She has offered expert testimony and authored numerous reports that have served as the basis for legislation considered by Congress. Her most unique contribution is the series of CRS reports entitled Cash and Noncash Benefits for Persons with Limited Income that she began in 1976. This initially annual and more recently biennial report provides detailed and comprehensive information and statistics on program rules, participation and spending for some 80 means-tested Federal programs. Ms. Burke also has been a key contributor to the House Ways and Means Committee Green Book since that report's inception in 1981. Anyone who has used either of these resources understands the amount of time and effort that such significant undertakings require, but also appreciate the value and contributions they make to our efforts to assist low-income families.

Ms. Burke is respected and admired by congressional staff and Members, by her colleagues within CRS, and by the broader research and policy community. Her contributions have had direct impact on the lives of millions of Americans. I ask my colleagues to join me in thanking her for her service and I wish her all the best in her future endeavors.

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

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

Mr. Speaker, only in this body with Republican leadership can they blame everyone but themselves. Even though they control this body, the other body, and the White House, they seem to blame everybody else for the failure to enact the reauthorization of welfare. Only in this body.

And then my distinguished chairman says that our States want us to pass a long-term reauthorization. And the chairman is absolutely right, but they do not want us to pass the bill that passed this body because it would take us backwards in welfare rather than forward in reform.

I do appreciate the fact that the distinguished chairman at least had the title of the bill accurately reflect what we are doing here, and that is Welfare Reform Extension Act, Part VIII. Eight times in the last 2½ years we have had short-term extensions because of the failure of the Republican leadership to work for a bill that would build on the work that was done in 1996 to give our States the flexibility they need in order to implement welfare reform and give them the resources they need. Instead, we have a bill that passed this body that was anything but bipartisan. In fact, we never even had hearings in our committee. We had a markup, but no hearings in this Congress because of the failure to really reach out and try to do something that could be enacted into law.

So, Mr. Speaker, I am terribly disappointed that we are again looking at an extension. I support this bill, so my distinguished chairman and I are in agreement, we do not want to see this program lapse. It is an important program. It extends not only the TANF program but several related programs, including child care and development block grants and transitional Medicaid assistance for people leaving welfare to work.

I agree with those who say we should be doing more, much more. After all, over the last 3 years, the number of Americans in poverty has grown by 4.3 million. Last year alone, another 700,000 children fell into poverty.

□ 1630

Meanwhile, funding for several antipoverty programs, including TANF, child care and social services block grant and job training through the Workforce Investment Act have declined by $1.7 billion in real terms over the last 3 years. In short, we are responding to rising poverty with declining assistance.

Regrettably, the long-term welfare authorization plan put forward by my Republican colleagues largely ignores this problem. Instead, they have suggested poverty is rising because welfare recipients are not working hard enough. However, this suggestion falls flat when we consider one basic fact: The welfare rolls have continued to decline even though our poverty rates have grown.

The problem is not the unwillingness of people on welfare to work; the problem is that too many of these people leaving welfare are not finding employment, or they are finding jobs which do not lift them out of poverty.

We could help by providing more child assistance and job training, but so far the majority and President Bush have resisted such reforms.

While obviously an imperfect response, temporarily extending TANF funds is certainly better than fundamentally dismantling the successful parts of the 1996 welfare reform law such as providing our States and communities with the flexibility to determine how to best move welfare recipients into the work force. Therefore, I support this legislation to maintain necessary funding for several poverty programs over the next 6 months in the hopes that we can pass a more comprehensive improvement next year.

One area that Congress must focus on next year is providing access to affordable child care, which is undoubtedly one of the biggest problems confronting low-income working families.

Mr. Speaker, the price of child care can easily range between $4,000 and $10,000 per year per child. It is no wonder that the Urban Institute found that families in poverty with day-care expenses spent almost a quarter of their earnings on child care. Unfortunately, many States have cut back on child care assistance because of recent budget shortfalls. This problem has been documented by the General Accounting Office and more recently in a report by the National Women's Law Center.

Their study found that between 2001 and 2004, three-fifths of our States made child care eligibility more restrictive. Half the States raised their copayments on low-income families, waiting lists for those eligible for aid but not receiving it grew in more than a dozen States.

My own State of Maryland has frozen enrollment in child care for working families. In other words, the only way in Maryland that families can get child care assistance is to go on welfare. What a message.

Instead of helping to address this problem, the Federal Government has not even allowed child care funding to maintain the pace with inflation over the last 2 years. The long-term TANF reauthorization bill passed by this body earlier this session will simply continue this disturbing trend by reducing the real value of child care assistance. We can and should do better for America's struggling families.

Mr. Speaker, there is much work to be done, but in the meantime I urge support for this temporary extension of funding for several poverty-related programs for the eighth time in the last 2.5 years. Like the past seven extensions, this bill simply continues current law without including any new controversial policy changes.

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

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW), the chairman of the subcommittee and author of the welfare reform legislation which has done such an incredible job of bettering families.

Mr. SHAW. Mr. Speaker, we are coming again to a crossroads, and why it is that we cannot move this bill ahead in an orderly fashion instead of bits and pieces and jumping all around absolutely escapes me.

The bill that my colleague from California has crafted which has passed this House now on several occasions increases the child care which is so necessary for the single moms struggling to go to work. We want to be sure their kids are taken care of and they are not in the street, and we have increased the funding substantially.

When we look at what we are spending on each welfare recipient, because of the amount of welfare recipients going down and the funding not going down, we are spending well over twice as much on each welfare recipient for job training to get them on their feet and to get them to be productive human beings.

This bill and the bill referred to by the gentleman from California (Mr. HERGER) and the Committee on Ways and Means which has passed this House on several occasions gets to the other side of the Capitol and it is blocked. The other body has constantly talked this bill down and has prevented a vote on the floor of the other body, which is too bad.

Mr. Speaker, we are seeing pre-1996 all over again. One of the proudest accomplishments of this body which I can remember so well culminated on August 22, 1996, when the President actually signed the bill. He opposed it and vetoed it twice, but when it got to him the third time, while the debate was going on in this Chamber, went on national television and indicated his support for this bill. And much to his credit, he signed it.

It was very controversial then. There were massive resignations within the White House in protest of President Clinton having signed this bill. Much to the credit of those who stayed on, including Ms. Shalala who is now President of the University of Miami where the debates are going to be tomorrow night, although she was opposed to it, she saw to it and did the best to see that it worked, and it did work.

It worked not only because we had faith in the human spirit, but also at the end, even though there was bitter partisan bickering to get it to the floor and to get the vote, in the end there was bipartisan support with a Democrat President signing a Republican bill.

We can do better. Let us pass this particular bill because we still have the other problem in the other body, but let us move ahead and let us in the next Congress come back and pass the next generation of welfare reform, and that is the bill that the gentleman from California (Mr. HERGER) has been cosponsoring and working on.

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

Mr. Speaker, I listened to the gentleman from Florida (Mr. SHAW) and I agree with almost everything he said. In 1996 we were able to pass a bill by working together as Democrats and Republicans, and I am amazed that the bill that the Republican leadership has been advancing in this Congress would take us backwards, take away the discretion of our States to deal with the welfare programs. That presumes that some of our States are not capable of dealing with it. In 1996 we trusted our States, and it worked.

Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means and a Member who has worked on welfare reform since he has been in Congress.

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

Mr. LEVIN. Mr. Speaker, I want to briefly review the history of welfare reform, not to finger point, but to have us understand what this is all about.

The gentleman from Florida (Mr. SHAW) said, pointing to 1996, that the third time around, the President agreed to it. What he forgot to say was that there were three bills and that they changed from bill to bill. Many Democrats worked to change those bills so that they would be acceptable. The third time around it was different because it included more adequate health care and also more adequate day care. Neither was taken care of appropriately in the first two times around. That is point one.

So it was a bipartisan product. The President, President Clinton, had kicked off the effort years before, and eventually we worked together to produce a product.

My next point, as the gentleman from Maryland (Mr. CARDIN) has so clearly pointed out, it has been different this time around in terms of this product that came through the House. It has not been a bipartisan product whatsoever. Instead, what the majority has been trying to do is really to rewrite the 1996 welfare reform bill, as the gentleman from Maryland (Mr. CARDIN) has pointed out, to turn the clock back on provisions of that bill, and to do so despite the fact that the research that has been undertaken since passage in 1996 indicates that what is in the House-passed bill is wrong in important respects, and that is why the Senate has failed to act.

First of all, in terms of people moving up the economic ladder, the evidence is clear that a majority of people who have moved from welfare to work earn less than 42 percent of the median average wage in their States. And also these studies make clear that the most successful programs focus on getting people better jobs and increasing their earnings. Former welfare recipients with higher starting wages were 40 percent more likely to still be working 2 years later and those with child assistance were twice as likely to work for 2 years.

So that is why the National Governors Association, when they canvassed the welfare directors, found that 40 of them said that the fundamental changes in the Republican bill were wrong; or to put it another way, that the Republican bill would force fundamental changes in the successful welfare programs. And the researcher who has done so much of the federally funded research on welfare-to-work strategies said that the House Bush administration plan would force the most successful programs to change substantially. So that is what this is all about.

We passed a bill that would, instead of emphasizing people moving off of welfare into work and as they moved, moved up the ladder, would emphasize people on welfare working. The whole point is to help people and get them to move off of welfare and to stay off of welfare.

So in our bill the Democrats proposed a very different approach than the Republicans here in the House. In our bill, States would be rewarded for helping recipients move off of welfare and to get into good-paying jobs, and also trying to fix the transitional Medicaid program, to try to get more health care available for people so when they moved off of welfare, they did not lose it, they would instead continue it for 6 months or a year. Also we proposed in our bill full funding to the social services block grant program.

Let me finish by saying I support the extension. It is better than a bad bill that passed the House, but on child care, the record should be straight: We proposed $11 billion more, the Senate $7 billion, and the House Republican bill won. If child care is not provided, it is going to be difficult for people to move off of welfare into productive work that will move them and help move up the ladder, and that is the true test of welfare reform, people moving off welfare out of poverty and into work.

□ 1645

The gentleman from Maryland has led the effort to emphasize that with the support of Democrats. I am proud to be part of that. We need a bipartisan effort in this House, not ramming or cramming through a bill without ever there being an effort within our subcommittee to produce a bipartisan product. There is hope, but not the Republican bill. Let us vote for the extension and do much better after November 2.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume. I would just like to respond. We hear the other side, the Democrats, indicating, and I have heard them indicate this over and over, that somehow there was bipartisan support, that somehow the Democrats worked with the Republicans. But if we look at what the votes were, we find an entirely different result completely.

For example, in 1995 on our Committee on Ways and Means, zero votes came from Democrats the first bill that came through. The second bill coming through, again, zero Democrats on the Committee on Ways and Means supporting it. Again, where is this bipartisan support? Finally, the third bill that finally after President Clinton vetoed it twice, the third time around, the bill coming through the same Committee on Ways and Means, the first time through all the Democrats except one voted against it. Then the conference committee, over half of the Democrats on the Committee on Ways and Means still voted against it. And on the House floor the Democrats, over half of them voted against it.

So I am not quite sure where all this bipartisan support is. It seems that the Democrats came kicking and screaming all the way to having the welfare reform.

Let me also refer to this book. They indicate that there is not enough money. Let me quote from how a recent book by New York Times welfare reporter Jason DeParle puts it: ''Falling caseloads brought one problem States welcomed. It left them rolling in dough. States literally had more money than they knew how to spend. Over 6 years, States collected $59 billion more than they could have under the previous system, when falling caseloads brought reduced Federal dollars. Having promised to do more with less, the Governors wound up with more, much more, than anyone imagined.'' That is on page 215 from this book. Again, the facts do not meet the reality of what we are hearing from the other side.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON) who has been an active member of the committee on this legislation.

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding me this time.

Mr. Speaker, the goal of TANF, that is, welfare reform, was always twofold: first, it was to help women who had children and no means of support and therefore were dependent on welfare to regain their economic independence by entering the workforce. That goal was for the woman, so she could realize her greatest potential, she could gain control of her life by being economically self-sufficient. And then the second goal was to lift her and her children out of poverty, occasionally he and his children out of poverty.

Those twin goals of helping women on welfare to realize their skills, their potential, their capabilities to gain economic self-sufficiency and to raise children out of poverty were goals that we all shared, both sides of the aisle; but they were goals that were achieved by the structure of the bill that the Republicans crafted and passed and which at the time was extremely controversial.

But it did work. Two million children have been lifted out of poverty. According to the census, the poverty rate for African American children and the poverty rate for children living with single mothers hit a record low in 2001 and 2002. So then the question becomes, What happened during the years of recession since 2001 and 2002? We all know that a recession was in progress when this President was sworn into office and then the economy was terribly jolted by 9/11 and unemployment rates soared and so on.

Yet when we look back, these are the facts. First of all, starting from the overall understanding that poverty in a recession and child poverty in a recession does rise. Two years after the 1990–1991 recession, 15.7 million children were in poverty in 1993, or 22.7 percent of the children were in poverty in 1993. That was after the 1990–1991 recession. Two years after the 2001 recession, 12.9 million children were in poverty, or 17.6 percent were in poverty in 2003.

In other words, in this more recent recession, after welfare reform, yes, more children were in poverty. But far fewer were in poverty than had been in poverty 10 years earlier after the 1990 recession. In fact, 17.6 percent were in poverty in 2003, 22.7 percent had been in poverty in 1993. So there are 2.8 million fewer children in poverty now than there were in the preceding economic cycle.

While it is tragic to see poverty numbers go up, we need to put them in the context of this economy and of welfare reform because, in fact, welfare reform has been so successful in reducing child poverty that even with the rise in child poverty during this recent recession, it is still well below what it was 10 years ago.

Let me just add one other point and that is, it is really a shame that this is not the reauthorization rather than a 6-month extension. In the reauthorization, we do provide far better opportunity for women to get the education they need, not just to get into the workforce but to get up the career ladder.

Furthermore, in the reauthorization we recognize what has become a very real problem and that is that many of the women who are really stuck on welfare now are women who need to have better access to either drug treatment programs of a longer term sort or to mental health programs. Both of those kinds of treatment programs we count as work in the extension bill.

The next round of TANF reform will enable us to meet the challenge of improving the educational support and being more realistic about the health services necessary to help women become self-sufficient and their children to do better and the whole family to rise out of poverty. So it is unfortunate that we are not moving on reauthorization rather than extension, but extension certainly beats letting the current law expire because it has done wonderful things for women in America, allowing them to realize their potential and think about their skills and abilities with the help of supportive programs, and it has certainly lifted many children out of poverty. I urge support of this legislation.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I want to say to the chairman of the subcommittee, if he persists in distorting the record, he is going to continue to make less likely improvement of welfare reform. I am sorry he is not listening, but I will say this for the record.

When welfare reform bills were considered, there were differences. But at important places we proposed alternatives and Democrats voted for them. March 24, 1995, 205 Democrats supported essentially a substitute that was proposed by someone who was then a member of the Democratic Caucus. That was March of 1995. Then if you go over to later on, there was in July 1996 when welfare reform was considered on the floor an alternative proposed by the gentleman from Tennessee (Mr. TANNER) and the gentleman from Delaware (Mr. CASTLE). It received 168 votes.

His attempt to really grab the welfare reform flag and deny the involvement of President Clinton who suggested we end welfare as we then knew it, I think he is now suggesting that we change welfare reform backwards. That effort of his I think only diminishes the chances that we can move welfare reform ahead. His trying to make this

into a partisan issue instead of a chance for bipartisan working together is really antithetical to the needs of the people of this country for further welfare reform. I hope the next time around, he does not sing the same song.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, here we go again. Instead of making this TANF law better, instead of giving welfare recipients the tools to move from welfare to self-sufficiency, we are once again renewing, for the eighth time renewing it, actually, a bill that continues moving families from welfare further into poverty.

Instead, we should be making education or training count as work so that that activity for welfare recipients will help them get ready for better educational opportunities and job training so they can have better opportunities for earning a salary that pays a livable wage. They will not get that unless they have education and training. Instead of again extending an outdated welfare bill, we should be providing quality child care, child care that includes more care for infants, child care that extends to parents who work weekends and evenings. That is what we need. That is what these parents need. That is what they need to help them get their jobs and become self-sufficient.

Let us face it, if parents do not have a safe, convenient place to leave their children, they cannot go to work. Believe me, I know, because over 30 years ago I was a single mother with three small children, abandoned by their father; and even though I was working full-time, I needed welfare, aid for dependent children at that time, to keep our lives together, to get my children the health care, the child care they needed. But eventually I worked my way out of poverty and started my own business before running for Congress. Of course, you have to know that I believe that others should have the same opportunities that I had.

While I support this short-term extension as necessary, I want us to begin to work to authorize a bill that will give workers the training and the education and the child care that they need so that they can be successful. They need the same kind of opportunities that I was afforded 30 years ago.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me just rise and talk about how I on the other side am concerned about our situation now. We are concerned. The census reported just this month in August, 36 million Americans living in poverty, more than ever in recorded history. Forty-five million without access to health insurance. And we are saying we have a good program? This is the most powerful country in the world. Yet we find a large number that still reside in poverty. At the same time we are choosing to cut back in education. We are choosing to say no, when the administration shook hands on Leave No Child Behind.

That Republican compassionate conservatism is self-proclaimed compassionate conservatism because it is not one for allowing young people an opportunity to be able to further their education, to make sure they do not go onto welfare. During the last 4 years, we have lost more jobs than ever recorded. Those jobs that we have gained have been jobs that have paid much less than the ones that we have lost.

□ 1700

So the reality is that we have had an opportunity to make some things happen, and they failed to do that.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Maryland (Mr. CARDIN) has 1½ minutes remaining.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I use that 1½ minutes first to join the gentleman from California (Mr. HERGER) in recognizing the outstanding work that Vee Burke has provided for more than 30 years at the Congressional Research Service.

Vee has helped our committee conduct its work on poverty and public assistance issues by providing detailed and meticulously accurate information on program rules, participation and trends. Since 1981, she has been a regular and valued contributor to the Ways and Means Green Book, which is the key resource on poverty programs for Members of Congress and their staff.

Vee's expertise on welfare issues started during the Nixon administration and has continued through all major developments thereafter, including the 1996 welfare reform law and our current efforts to reauthorize that law. Her work has provided a foundation of understanding needed to improve our Nation's safety net programs.

We wish Vee well in her pending retirement, and we thank her for her contributions to improving social programs in our great Nation. Mr. Speaker, I can assure the Members that the gentleman from California (Mr. HERGER) and I are in complete agreement in regards to Vee Burke's contributions to this body and to this Nation and also urging our colleagues to support this legislation.

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

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

Mr. Speaker, in February of 2003, this House passed long-term reauthorization legislation to encourage more work among welfare recipients and to provide more federal dollars for States to assist low-income families. The other body's unwillingness to work with us to move this legislation forward has resulted in lost resources to the States and 2 years of lost opportunity to provide more assistance so more low-income parents can make the transition from welfare to work.

I wish the legislation before us today were not needed. As I have said before, I wish we were here debating a long-term reauthorization bill. But we do need to pass this legislation. Therefore, I urge all of my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5149.

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. CARDIN. 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. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5149, the bill just considered.

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

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. LINDER (during debate on H.R. 5149) from the Committee on Rules, submitted a privileged report (Rept. No. 108–709) on the resolution (H. Res. 807) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

VETERANS HEALTH PROGRAMS AND FACILITIES ENHANCEMENT ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4768) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into certain major medical facility leases, to authorize that Secretary to transfer real property subject to certain limitations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4768

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

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Health Programs and Facilities Enhancement Act of 2004''.

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

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

Sec. 1. Short title; references to title 38, United States Code; table of contents.

TITLE I—MEDICAL FACILITIES MANAGEMENT

Sec. 101. Major medical facility leases.
Sec. 102. Department of Veterans Affairs Capital Asset Fund.
Sec. 103. Annual report to Congress on inventory of Department of Veterans Affairs historic properties.
Sec. 104. Authority to use project funds to construct or relocate surface parking incidental to a construction or nonrecurring maintenance project.
Sec. 105. Inapplicability of limitation on use of advance planning funds to authorized major medical facility projects.
Sec. 106. Improvement in enhanced-use lease authorities.
Sec. 107. Extension of authority to provide care under long-term care pilot programs.

TITLE II—OTHER MATTERS

Sec. 201. Inclusion of all enrolled veterans among persons eligible to use canteens operated by Veterans' Canteen Service.
Sec. 202. Enhancement of medical preparedness of Department.

TITLE I—MEDICAL FACILITIES MANAGEMENT

SEC. 101. MAJOR MEDICAL FACILITY LEASES.

(a) AUTHORIZED LEASES.—The Secretary of Veterans Affairs may enter into contracts for major medical facility leases at the following locations, in an amount for each facility lease not to exceed the amount shown for that location:

(1) Wilmington, North Carolina, Outpatient Clinic, $1,320,000.

(2) Greenville, North Carolina, Outpatient Clinic, $1,220,000.

(3) Norfolk, Virginia, Outpatient Clinic, $1,250,000.

(4) Summerfield, Florida, Marion County Outpatient Clinic, $1,230,000.

(5) Knoxville, Tennessee, Outpatient Clinic, $850,000.

(6) Toledo, Ohio, Outpatient Clinic, $1,200,000.

(7) Crown Point, Indiana, Outpatient Clinic, $850,000.

(8) Fort Worth, Texas, Tarrant County Outpatient Clinic, $3,900,000.

(9) Plano, Texas, Collin County Outpatient Clinic, $3,300,000.

(10) San Antonio, Texas, Northeast Central Bexar County Outpatient Clinic, $1,400,000.

(11) Corpus Christi, Texas, Outpatient Clinic, $1,200,000.

(12) Harlingen, Texas, Outpatient Clinic, $650,000.

(13) Denver, Colorado, Health Administration Center, $1,950,000.

(14) Oakland, California, Outpatient Clinic, $1,700,000.

(15) San Diego, California, North County Outpatient Clinic, $1,300,000.

(16) San Diego, California, South County, Outpatient Clinic, $1,100,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2005 for the Medical Care account, $24,420,000 for the leases authorized in subsection (a).

(c) AUTHORITY FOR LEASE OF CERTAIN LANDS OF UNIVERSITY OF COLORADO.—Notwithstanding section 8103 of title 38, United States Code, the Secretary of Veterans Affairs may enter into a lease for real property located at the Fitzsimons Campus of the University of Colorado for a period up to 75 years.

SEC. 102. DEPARTMENT OF VETERANS AFFAIRS CAPITAL ASSET FUND.

(a) ESTABLISHMENT OF FUND.—(1) Subchapter I of chapter 81 is amended by adding at the end the following new section:

''§ 8118. Authority for transfer of real property; Capital Asset Fund

''(a)(1) The Secretary may transfer real property under the jurisdiction or control of the Secretary (including structures and equipment associated therewith) to another department or agency of the United States or to a State (or a political subdivision of a State) or to any public or private entity, including an Indian tribe. Such a transfer may be made only if the Secretary receives compensation of not less than the fair market value of the property, except that no compensation is required, or compensation at less than fair market value may be accepted, in the case of a transfer to a grant and per diem provider (as defined in section 2002 of this title). When a transfer is made to a grant and per diem provider for less than fair market value, the Secretary shall require in the terms of the conveyance that if the property transferred is used for any purpose other than a purpose under chapter 20 of this title, all right, title, and interest to the property shall revert to the United States.

''(2) The Secretary may exercise the authority provided by this section notwithstanding sections 521, 522 and 541–545 of title 40. Any such transfer shall be in accordance with this section and section 8122 of this title.

''(3) The authority provided by this section may not be used in a case to which section 8164 of this title applies.

''(4) The Secretary may enter into partnerships or agreements with public or private entities dedicated to historic preservation to facilitate the transfer, leasing, or adaptive use of structures or properties specified in subsection (b)(3)(D).

''(5) The authority of the Secretary under paragraph (1) expires on the date that is seven years after the date of the enactment of this section.

''(b)(1) There is established in the Treasury of the United States a revolving fund to be known as the Department of Veterans Affairs Capital Asset Fund (hereinafter in this section referred to as the 'Fund'). Amounts in the Fund shall remain available until expended.

''(2) Proceeds from the transfer of real property under this section shall be deposited into the Fund.

''(3) To the extent provided in advance in appropriations Acts, amounts in the Fund may be expended for the following purposes:

''(A) Costs associated with the transfer of real property under this section, including costs of demolition, environmental remediation, maintenance and repair, improvements to facilitate the transfer, and administrative expenses.

''(B) Costs, including costs specified in subparagraph (A), associated with future transfers of property under this section.

''(C) Costs associated with enhancing medical care services to veterans by improving, renovating, replacing, updating, and establishing patient care facilities through construction projects to be carried out for an amount less than the amount specified in 8104(a)(3)(A) for a major medical facility project.

''(D) Costs, including costs specified in subparagraph (A), associated with the transfer, lease or adaptive use of a structure or other property under the jurisdiction of the Secretary that is listed on the National Register of Historic Places.

''(c) The Secretary shall include in the budget justification materials submitted to Congress for any fiscal year in support of the President's budget for that year for the Department specification of the following:

''(1) The real property transfers to be undertaken in accordance with this section during that fiscal year.

''(2) All transfers completed under this section during the preceding fiscal year and completed and scheduled to be completed during the year during which the budget is submitted.

''(3) The deposits into, and expenditures from, the Fund that are incurred or projected for each of the preceding fiscal year, the current fiscal year, and the fiscal year covered by the budget.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8117 the following new item:

''8118. Authority for transfer of real property; Capital Asset Fund.''.

(b) INITIAL AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Veterans Affairs Capital Asset Fund established under section 8118 of title 38, United States Code (as added by subsection (a)), the amount of $10,000,000.

(c) TERMINATION OF NURSING HOME REVOLVING FUND.—(1) Section 8116 is repealed.

(2) The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8116.

(d) TRANSFER OF UNOBLIGATED BALANCES TO CAPITAL ASSET FUND.—Any unobligated balances in the nursing home revolving fund under section 8116 of title 38, United States Code, as of the date of the enactment of this Act shall be deposited in the Department of Veterans Affairs Capital Asset Fund established under section 8118 of title 38, United States Code (as added by subsection (a)).

(e) PROCEDURES APPLICABLE TO TRANSFERS.—(1) Paragraph (2) of section 8122(a) is amended to read as follows:

''(2) Except as provided in paragraph (3), the Secretary may not during any fiscal year transfer to any other department or agency of the United States or to any other entity real property that is owned by the United States and administered by the Secretary unless the proposed transfer is described in the budget submitted to Congress pursuant to section 1105 of title 31 for that fiscal year.''.

(2) Section 8122(d) is amended—

(A) by inserting ''(1)'' before ''Real property''; and

(B) by adding at the end the following new paragraph:

''(2) The Secretary may transfer real property under this section, or under section 8118 of this title if the Secretary—

''(A) places a notice in the real estate section of local newspapers and in the Federal Register of the Secretary's intent to transfer that real property (including land, structures, and equipment associated with the property);

''(B) holds a public hearing;

''(C) provides notice to the Administrator of General Services of the Secretary's intention to transfer that real property and waits for 30 days to elapse after providing that notice; and

''(D) after such 30-day period has elapsed, notifies the congressional veterans' affairs committees of the Secretary's intention to dispose of the property and waits for 60 days to elapse from the date of that notice.''.

(3) Section 8164(a) is amended by inserting ''8118 or'' after ''rather than under section''.

(4) Section 8165(a)(2) is amended by striking ''nursing home revolving fund'' and inserting ''Capital Asset Fund established under section 8118 of this title''.

(f) CONTINGENT EFFECTIVENESS.—The amendments made by this section shall take effect at the end of the 30-day period beginning on the date on which the Secretary of Veterans Affairs certifies to Congress that the Secretary is in compliance with subsection (b) of section 1710B of title 38, United States Code. Such certification shall demonstrate a plan for, and commitment to, ongoing compliance with the requirements of that subsection.

(g) CONTINUING REPORTS.—Following a certification under subsection (f), the Secretary shall submit to Congress an update on that certification every six months until the certification is included in the Department's annual budget submission.

SEC. 103. ANNUAL REPORT TO CONGRESS ON INVENTORY OF DEPARTMENT OF VETERANS AFFAIRS HISTORIC PROPERTIES.

(a) IN GENERAL.—Not later than December 15 of 2005, 2006, and 2007, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the historic properties administered or controlled by the Secretary.

(b) INITIAL REPORT.—In the initial report under subsection (a), the Secretary shall set forth a complete inventory of the historic structures and property under the jurisdiction of the Secretary. The report shall include a description and classification of each such property based upon historical nature, current physical condition, and potential for transfer, leasing, or adaptive use.

(c) SUBSEQUENT REPORTS.—In reports under subsection (a) after the initial report, the Secretary shall provide an update of the status of each property identified in the initial report, with the proposed and actual disposition of each property. Each such report shall include any recommendation of the Secretary for legislation to enhance the transfer, leasing or adaptive use of such properties.

SEC. 104. AUTHORITY TO USE PROJECT FUNDS TO CONSTRUCT OR RELOCATE SURFACE PARKING INCIDENTAL TO A CONSTRUCTION OR NONRECURRING MAINTENANCE PROJECT.

Section 8109 is amended by adding at the end the following new subsection:

''(j) Funds in a construction account or capital account that are available for a construction project or a nonrecurring maintenance project may be used for the construction or relocation of a surface parking lot incidental to that project.''.

SEC. 105. INAPPLICABILITY OF LIMITATION ON USE OF ADVANCE PLANNING FUNDS TO AUTHORIZED MAJOR MEDICAL FACILITY PROJECTS.

Section 8104 is amended by adding at the end the following new subsection:

''(g) The limitation in subsection (f) does not apply to a project for which funds have been authorized by law in accordance with subsection (a)(2).''.

SEC. 106. IMPROVEMENT IN ENHANCED-USE LEASE AUTHORITIES.

Section 8166(a) is amended by inserting ''land use,'' in the second sentence after ''relating to''.

SEC. 107. EXTENSION OF AUTHORITY TO PROVIDE CARE UNDER LONG-TERM CARE PILOT PROGRAMS.

Subsection (h) of section 102 of the Veterans Millennium Health Care and Benefits Act (38 U.S.C. 1710B note) is amended—

(1) by inserting ''(1)'' before ''The authority of''; and

(2) by adding at the end the following new paragraph:

''(2) In the case of a veteran who is participating in a pilot program under this section as of the end of the three-year period applicable to that pilot program under paragraph (1), the Secretary may continue to provide to that veteran any of the services that could be provided under the pilot program. The authority to provide services to any veteran under the preceding sentence applies during the period beginning on the date specified in paragraph (1) with respect to that pilot program and ending on December 31, 2005.''.

TITLE II—OTHER MATTERS

SEC. 201. INCLUSION OF ALL ENROLLED VETERANS AMONG PERSONS ELIGIBLE TO USE CANTEENS OPERATED BY VETERANS' CANTEEN SERVICE.

The text of section 7803 is amended to read as follows:

''(a) PRIMARY BENEFICIARIES.—Canteens operated by the Service shall be primarily for the use and benefit of—

''(1) veterans hospitalized or domiciled at the facilities at which canteen services are provided; and

''(2) other veterans who are enrolled under section 1705 of this title.

''(b) OTHER AUTHORIZED USERS.—Service at such canteens may also be furnished to—

''(1) personnel of the Department and recognized veterans' organizations who are employed at a facility at which canteen services are provided and to other persons so employed;

''(2) the families of persons referred to in paragraph (1) who reside at the facility; and

''(3) relatives and other persons while visiting a person specified in this section.''.

SEC. 202. ENHANCEMENT OF MEDICAL PREPAREDNESS OF DEPARTMENT.

(a) PEER REVIEW PANEL.—In order to assist the Secretary of Veterans Affairs in selecting facilities of the Department of Veterans Affairs to serve as sites for centers under section 7327 of title 38, United States Code, as added by subsection (c), the Secretary shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the selection of such facilities. The panel shall be established not later than 90 days after the date of the enactment of this Act and shall include experts in the fields of toxicological research, infectious diseases, radiology, clinical care of veterans exposed to such hazards, and other persons as determined appropriate by the Secretary. Members of the panel shall serve as consultants to the Department of Veterans Affairs. Amounts available to the Secretary for Medical Care may be used for purposes of carrying out this subsection. The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(b) PROPOSALS.—The Secretary shall solicit proposals for designation of facilities as described in subsection (a). The announcement of the solicitation of such proposals shall be issued not later than 60 days after the date of the enactment of this Act, and the deadline for the submission of proposals in response to such solicitation shall be not later than 90 days after the date of such announcement. The peer review panel established under subsection (a) shall complete its review of the proposals and submit its recommendations to the Secretary not later than 60 days after the date of the deadline for the submission of proposals. The Secretary shall then select the four sites for the location of such centers not later than 45 days after the date on which the peer review panel submits its recommendations to the Secretary.

(c) REVISED SECTION.—Subchapter II of chapter 73 is amended by adding at the end a new section with—

(1) a heading as follows:

''§ 7327. Medical preparedness centers'';

and

(2) a text consisting of the text of subsections (a) through (h) of section 7325 of title 38, United States Code, and a subsection (i) at the end as follows:

''(i) FUNDING.—(1) There are authorized to be appropriated for the centers under this section $10,000,000 for each of fiscal years 2005 through 2007.

''(2) In addition to any amounts appropriated for a fiscal year specifically for the activities of the centers pursuant to paragraph (1), the Under Secretary for Health shall allocate to the centers from other funds appropriated for that fiscal year generally for the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary determines necessary in order to carry out the purposes of this section.''.

(d) RULE OF CONSTRUCTION.—No provision of law may be construed to supersede or nullify this section, or an amendment made by this section, unless it specifically refers to this subsection and specifically states that it is enacted to supersede or nullify this section or a provision of this section.

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

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

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

Mr. Speaker, I rise in very strong support and urge colleagues to support and embrace H.R. 4768, the Veterans Health Programs and Facilities Enhancement Act of 2004. I want to thank the gentleman from Illinois (Mr. EVANS), ranking member, who has been a very strong partner in helping shape this legislation. And I particularly want to thank the gentleman from Connecticut (Mr. SIMMONS), chairman of the Health Subcommittee, who is the prime sponsor of this legislation, for his leadership. It has been extraordinary, and I do want to acknowledge that. I also want to thank the gentleman from Texas (Mr. RODRIGUEZ), who likewise has worked as a good partner in a bipartisan effort to craft this very important piece of legislation.

Mr. Speaker, this legislation will help address the need to modernize aging veterans health-care facilities, make better use of existing properties and dispose of unneeded VA properties over the next several years. The Veterans Health Care, Capital Asset, and Business Improvement Act of 2003 gave the Secretary of Veterans Affairs wide latitude to spend funds to improve, restore, or replace those VA health-care facilities most in need of such work. Congress instructed the Secretary to approve individual products based on recommendations of an independent capital investments board, and we placed a premium on projects to protect patient safety as well as privacy, improve seismic protection, and provide barrier-free accommodations. Moreover, we also put an emphasis on improving specialized-care facilities. Thus, even though the VA's budget request of $400 million for fiscal year 2005 to carry out approved modernization projects, the necessary authorization legislation is already enacted.

For the benefit of the many Members who are interested in the plans to improve VA health-care facilities, I will insert a summary of the capital projects which the Secretary listed as the VA's highest priorities when he announced his CARES decision in June of

this year. The cost of the projects for fiscal year 2004 totals $623 million, while the projects listed for fiscal year 2005 total $401 million.

Mr. Speaker, after a multi-year drought in available funds to improve VA's extensive hospital and outpatient network, this long list of OMB-approved projects marks the beginning of a multi-year effort to modernize those facilities that will be needed to serve veterans in the first half of the 21st Century. VA Secretary Principi anticipates that the just-completed CARES process will require additional investment of approximately $1 billion per year for the next 5 years in order to bring the VA's infrastructure up to contemporary standards and meet veterans' expectations of accessible care.

In addition, it should be noted that the CARES process is not complete, and there will undoubtedly be further fiscal consequences when the VA has fully assessed its current and future obligation to veterans who need long-term care as well as mental health care. Honoring these commitments may well mean additional investments in the VA facilities which are not included in the Secretary's $5 billion figure.

This legislation, Mr. Speaker, authorizes major medical facility leases at 16 locations for community-based clinics at a cost of approximately $24.4 million in fiscal year 2005. Most of these leases are for replacement facilities, although some expansion into new locations is also proposed and approved by this bill.

This bill would also provide the Department authority to enter into a unique long-term lease for up to 75 years for the land to construct a new medical facility on the Fitzsimons Campus at the University of Colorado in Aurora, Colorado. It is anticipated that this new VA facility will share many services with the university and also provide services to Air Force beneficiaries. I want to recognize and thank the gentleman from Colorado (Mr. BEAUPREZ) for helping to identify the need to provide this authority to support the Fitzsimons project as well as the close attention he has given it as we have worked on this in the 108th Congress. And I thank the gentleman from Colorado (Mr. BEAUPREZ) so much for that.

This legislation, Mr. Speaker, will also facilitate the Secretary's authority to transfer unneeded real property currently in the VA's portfolio. The bill would require fair-market value for disposals, except when a property would be transferred to a provider of homeless veterans' services under a grant under section 2011 of title 38, U.S. Code.

This bill would also establish a new fund to be known as the Capital Asset Fund. The purpose of the new fund would be to defray VA's cost of transferring real property, including demolition, environmental restoration, maintenance, repair, historic preservation, and administrative expenses. This bill would authorize appropriations of $10 million in seed money to launch the fund and support the capital planning initiatives developed through the VA's capital planning process.

Mr. Speaker, VA controls the fourth largest inventory of owned, leased and operated federal real property. It is estimated that more than half of the VA's facilities are over 50 years old. Many structures date from the 19th Century, and many more were constructed in the late 1940s and early 1950s. Portions of the 24 VA medical center campuses are currently listed on the National Register of Historic Places. Another 61 sites have been determined eligible or potentiality eligible for this designation. Given this array of heritage assets, H.R. 4768 would also allow the Secretary to enter into partnerships or agreements with public or private entities dedicated to historic preservation and to use resources from the Capital Asset Fund to facilitate the transfer, leasing or adaptive uses of these historic properties that no longer serve useful purposes as health-care facilities.

The bill would also require an inventory and series of reports on the status of each historic property. The bill would also require the Department's annual budget submission to include information on each proposed and completed transfer of VA real property, including historic property, using this authority, as well to report deposits and expenditures from the new fund.

Mr. Speaker, the Millennium Health Care and Benefits Act requires the VA to maintain long-term care programs, sustain a defined number of nursing home beds, and enhance other long-term programs, such as geriatric evaluation, domiciliary, and adult day health care, and respite, palliative and hospice programs, in both institutional and noninstitutional settings. The Congress' interest in these programs is strong and ongoing, as evidenced by our decision last year to extend many of the provisions of the 1999 Millennium Health Care Act for another 5 years. Since VA has struggled to meet many of these requirements of the Act, this bill would make the new property transfer authority contingent on the Secretary's certification that the VA is maintaining the long-term-care facility required in that Act.

The bill also includes additional provisions endorsed by the administration, including one to clarify that the Veterans' Canteen Service can serve all enrolled veterans, not just hospitalized veterans. Congress established the Canteen Service in the late 1940s at a time when the VA health-care system was hospital-based and many patients were hospitalized for months at a time at facilities that were far from commercial centers. This restatement of the Canteen's mission is consistent with the shift of VA care over the past 10 years from hospital-based care to an outpatient-based health-care system. Veterans enrolled in the VA health care ought to be able to obtain the products and services available in VA canteens without any restrictions in law.

Below are the FY 2004 and 2005 projects for which VA is requesting authorization and appropriation approval from Congress to proceed.

SUMMARY OF CARES FY 2004 AND 2005 CAPITAL PROJECTS

Year	VISN	Location	Project title—brief description	Priority #	Budget request ($000)
2004	12	Chicago, IL	Bed Tower	*	$98,500
2004	12	North Chicago, IL	Joint VA and Dept of Navy Medical Project	*	13,000
2004	21	Palo Alto, CA	Seismic Corrections Bldg. 2	1	34,000
2004	10	Cleveland, OH	Cleveland-Brecksville Cons., Ph 1 Design	2	15,000
2004	4	Pittsburgh, PA	Consolidation of Campuses, Ph 1 Design	3	20,000
2004	23	Minneapolis, MN	SCI & SCD Center	4	20,500
2004	22	Las Vegas, NV	New Federal Medical Facility, Design and Land Purchase	6	60,000
2004	8	Gainesville, FL	Correct Pt. Privacy Def., Ph 1-Design	7	8,800
2004	11	Indianapolis, IN	7th & 8th Fl. Wards Modernization Addition	8	27,400
2004	18	Tucson, AZ	Mental Health Clinic	9	12,100
2004	19	Denver, CO	New Federal Medical Facility, Ph 1 Design	10	30,000
2004	17	San Antonio, TX	Ward Upgrades and Expansion	11	19,100
2004	8	Orlando, FL	Bed Tower, Phase 1 Design	12	25,000
2004	8	Tampa, FL	Upgrade Essential Electrical Dist. Systems	13	49,000
2004	10	Columbus, OH	Construction of Outpatient Clinic	14	94,800
2004	6	Durham, NC	Renovate Patient Wards	15	9,100
2004	22	Long Beach, CA	Seismic Corrections—Bldgs 7,126, Phase 1 Design	16	10,300
2004	20	Anchorage, AK	Outpt. Clinic/Regional Office, Ph 1 Design	18	11,760
2004		Various	Line Items		64,378
			Total		622,738
2005	8	Tampa, FL	SCI Expansion	**5	7,100
2005	16	Pensacola, FL	Joint VA and Department of Navy OPC	***17	55,500
2005	17	Temple, TX	Blind Rehab and Psychiatric Beds	19	56,000
2005	8	San Juan, PR	Seismic Corrections—Bldg. 1, Ph 1 Design	20	15,000
2005	2	Syracuse, NY	Construct Addition for SCI Center	21	53,900

SUMMARY OF CARES FY 2004 AND 2005 CAPITAL PROJECTS—Continued

Year	VISN	Location	Project title—brief description	Priority #	Budget request ($000)
2005	7	Atlanta, GA	Modernize Patient Wards	22	20,700
2005	21	Menlo Park, CA	Seismic Corrections—Geropsych. NH Replacement (Bldg. 324)	23	33,239
2005	21	San Francisco, CA	Seismic Corrections—Bldg. 203	24	41,500
2005	22	Los Angeles, CA	Seismic Corrections—Bldgs. 500 & 501, Ph 1 Design	25	8,000
2005	8	Lee County, FL	Outpatient Clinic Land Purchase	26	6,510
2005	23	Des Moines, IA	Extended Care Building	27	25,000
2005	22	San Diego, CA	Seismic Corrections—Bldg. 1	***29	48,260
2005		Various	Line Items		*30,091
			Total		400,800

*Projects approved in the pilot CARES study for Network 12—Chicago/Wisconsin.
**Delayed pending results of further SCI study.
***Priority numbers 17 and 18, and 28 and 29 are reversed to maximize the utilization of the funding as requested in the 2004 and 2005 budgets.

The non-CARES capital investment decision process resulted in the identification of the following highest priority non-CARES projects that were reviewed by the Senior Management Council and approved by the Secretary. They were included in the Department's FY 2005 budget submission and are currently being considered by the Congress.

SUMMARY OF NON-CARES FY 2005 CAPITAL PROJECTS

Year	Admin	Location	Project title—brief description	Priority	Budget request ($000)
			Acquisition Business Case Applications		
2005	NCA	Vacaville, CA	Sacramento Area New Cemetery Phase 1 Development	1	$21,600
2005	NCA	Bushnell, FL	Cemetery Expansion	2	20,000
2005	NCA	Rock Island, IL	Moline Cemetery Expansion	3	10,200
2005	VBA	Huntington, WV	New GSA Lease	4	3,700
2005	VBA	Reno, NV	VARO Reno GSA Lease	5	1,000
			Planning Business Case Applications (Requesting Design Funds)		
2005	NCA	San Diego, CA	Ft. Rosecrans Cemetery Annex at Miramar (Design)	1	1,000
2005	NCA	Riverside, CA	Cemetery Expansion (Design)	2	1,400
2005	NCA	Gustine, CA	San Joaquin Valley Cemetery Expansion (Design)	3	800

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

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

Mr. Speaker, let me, first of all, take this opportunity to thank the gentleman from New Jersey (Chairman SMITH) for his efforts in this particular piece of legislation, and I want to thank him personally for his work in the Committee on Veterans' Affairs; as well as the gentleman from Connecticut (Mr. SIMMONS), the subcommittee chairman, for his work and his diligence and outreach to my side. I also want to take this opportunity to also thank the gentleman from Illinois (Mr. EVANS) for his work.

Mr. Speaker, I rise in support of H.R. 4768, the Veterans Health Programs and Facilities Enhancement Act of 2004. For the last 5 years, Mr. Speaker, the VA construction has essentially been nonexistent in large part to allow the completion of the CARES initiative. As the Members well know, the CARES initiative was an effort by the President to go out and look at facilities' utilizations, and so the fact is that we have not had an opportunity to improve on a lot of the facilities that are out there, and I am really pleased that this piece of legislation we have been able to bring forth. For the last 5 years, the VA health-care system has struggled to provide services with infrastructure that is in sore need of repair and upgrade.

H.R. 4768 will help the VA to develop and improve its properties, and under this bill, the Secretary of Veterans Affairs will have the authority to transfer unneeded properties and to retain the proceeds from those transfers.

In place of the Nursing Home Revolving Fund, the bill establishes a Capital Asset Fund, allowing the proceeds from the property transfers to be used for financing the cost of those transfers. The bill also authorizes $10 million to be appropriated to the Capital Asset Fund where it can be used for these purposes. Sixteen new major leases are authorized in this bill, including leases that I would like to mention in South Texas, where the gentleman from Texas' (Mr. ORTIZ) district has had a lack of services in the Corpus Christi area.

□ 1715

The gentleman from Texas (Mr. HINOJOSA), in the Harlingen area, and as well some services in the South Texas area, in San Antonio and others. So I am real pleased to have seen those areas, that even the CARES proposal that identified some areas of disparity that exists in terms of services for veterans.

Because many of the VA's important historic buildings are poorly maintained and are falling apart, I am also pleased that the Committee on Veterans' Affairs concluded that the VA should also use the capital asset fund to preserve historic properties. It is the committee's intent for VA to provide a series of reports to address its large inventory of historic assets.

In addition to the VA's construction, H.R. 4768 will include funds for four emergency preparedness centers we authorized in November of 2004. These centers will enhance medical preparedness for the VA and for the Nation. It is clear to me that as the Nation's largest health care provider, the VA has an important role to play in providing for attack or natural disasters. I have fought for funds to address the initiative costs of these centers, and I am pleased that the provisions are included.

This legislation would also extend the VA's authority to provide care to veterans participating in long-term care pilot programs. These programs were previously authorized in the Veterans Millennium Health Care and Benefits Act, and are set to expire in December of 2005. I am pleased to be an original cosponsor of the legislation, and I hope Members will support this bill.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to my good friend and colleague, the gentleman from Florida (Mr. STEARNS), the prime sponsor of the Millennium Health Care Act referenced earlier in the debate.

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman, and I also thank the chairman of the Subcommittee on Health for his support and commend him for all his actions.

I rise in support of this bill, H.R. 4768. I am also pleased, as the chairman mentioned, to be an original cosponsor of this bill, which authorized projects which have been well analyzed by the CARES Commission. I think we all know what this is, the Capital Asset Realignment For Enhancement Services. It has been recommended to Secretary Principi.

Under CARES, the VA reviewed all of its facilities systematically, and I think that should be an assurance to all veterans, to consider where resources should be allocated for optimum services for the veterans, particularly as more veterans, as we know, relocate to the Southeast, particularly in

Florida. It appears the VA has insufficient clinics down in the southeast portion, and so I am very pleased to see that they are looking at that.

Accordingly, the majority of the leases which the legislation would authorize are in the South. The aim has been to match assets with the veterans, and this bill does just that. Florida, as we know, has the second largest veterans population and the number one in terms of age.

Obviously, I am heartened to see a lease for a regional health care facility providing multiple specialties in South Marion County, Summerfield, Florida, in this legislation. The plans are for such a clinic to offer comprehensive services to veterans. These are comprehensive services you would not get in an outpatient clinic and they are complete. It also will have imaging service in its facility. It will be 75,000 square feet. It will provide more services and greater resources for veterans than existing outpatient VA clinics can currently provide.

Even better, Mr. Chairman, while this clinic is predicted to be open in the summer of 2007, appropriations willing, the generous resourceful people up in north central Florida have offered the VA use of a free space for an interim clinic. We have had the participation of local businesses to help out. So our ever increasing veterans population can see immediate relief for their long health care wait as early as this winter, and then the more comprehensive specialty clinic which the act authorizes in the long run.

So I have great enthusiasm for what we are doing. I am also proud to be the author of the millennium health care bill for veterans' long-term care, and I am pleased to help move this bill forward for outpatient care.

Lastly, let me say to my colleagues, this Congress and this President have delivered real results for the veterans health care system. The total VA budget has increased almost 50 percent, 50 percent, in just 4 years, and the budget for veterans medical care has increased 40 percent in 4 years.

So I say, a record number of veterans are receiving health care today, over 5 million, up 1.2 million from 4 years ago, and the number of veterans on medical waiting lists has dropped from over 300,000 in the year 2002 to just over 3,000 today.

This is America. This is something we should be very proud of, and I think all the veterans should realize this. So all we need to do now to complete this great track record is continue the clinics and, of course, pass H.R. 4768.

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

Mr. Speaker, I want to thank the chairman for the bill, but I just had some concerns with the dialogue on the House floor.

We service about 4.7 million veterans in this country. There are 25 million veterans out there, and our veterans are reaching that age where we really need to reach out to them. So we do have a long way to go. But I am real pleased to have this bill before us.

Mr. Speaker, I would like for the record to show that the ranking member, the gentleman from Illinois (Mr. EVANS) wanted to be here to comment on this important bill, in which he has played a very important role and strategic role, but at the present time he is at the Committee on Armed Services meeting on the 9/11 legislation that is there before him. He does, however, intend to make comments available for the record.

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

Mr. SMITH of New Jersey. Mr. Speaker, it is a pleasure and delight to yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS), the prime sponsor of this bill and the chairman of our Subcommittee on Health.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for yielding me time. I also thank my colleague, the gentleman from Texas (Mr. RODRIGUEZ), the ranking member of the Subcommittee on Health of the Committee on Veterans' Affairs, for all of the hard work he has done over the last 2 years working with me in a bipartisan fashion to bring this and many other bills forward that benefit our veterans. Of course, our chairman, the gentleman from New Jersey (Chairman SMITH) and ranking member, the gentleman from Illinois (Mr. EVANS), have been stalwart advocates for our veterans, and I appreciate their leadership as well.

Mr. Speaker, several years ago the Government Accounting Office revealed that the Veterans Administration was losing millions of dollars because of the upkeep of underutilized facilities, and the VA has been moving to realign their capital assets, their real properties, so that this expenditure of funds is no longer excessive.

What this legislation tries to do is give the VA the appropriate tools to better manage their capital assets. This legislation would not only provide them with the funding authority to open 16 new outpatient clinics, it also provides a mechanism for the transfer of VA properties, to turn the proceeds from such transfers into additional revenues to support veterans health care.

It allows the VA to retain proceeds from the sale or leasing or transfer of excess property, and then these proceeds go into the new capital asset fund where then the VA could reappropriate them to provide delivery of health care to our veterans.

Furthermore, it would allow or require the VA to obtain fair market value for the transfer of any properties except those properties that might be transferred to providers of homeless services for our veterans.

Thirdly, the legislation recognizes that some VA properties have tremendous historic value, such as the Fitzsimons Hospital out in Colorado, which has a room that was used for President Dwight Eisenhower as he recovered from his heart attack. We do not want to destroy those properties that have historic value or that have rooms or bays in them that housed famous personalities.

So what we want to do, as we move the VA properties into the 21st century, we also want to preserve and protect numerous properties that have historic value, and this legislation allows the VA to adopt these historic properties to new uses.

I know my colleague from Colorado is here and that he will be speaking about the Fitzsimons Hospital. So I will pass over that and simply say that this legislation, again, was designed to allow the VA to be more effective in how it manages its capital assets so that as we sell, lease or transfer these properties, the VA can recover those dollars and then reallocate them to provide services for our veterans.

Mr. Speaker, I am proud to work with my colleagues across the aisle on this legislation.

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

Mr. Speaker, let me briefly just mention I am real pleased that in the piece of legislation, in 2002 we had passed the wordings for the emergency preparedness centers. One of the beauties of the VA is the fourth mission, and that is to respond to health care needs in case of emergencies, in case this country is ever hit, such as what happened on 9/11. It is one of the few systems that we have nationwide to respond.

We drafted legislation to establish four emergency preparedness centers, and I am real pleased the effort is there in this piece of legislation to try to make that happen and create that.

This is definitely an area where we really need to beef up on. I am hoping that the appropriators look at this seriously. I know that the discussions in the past have been that this should be a homeland security issue. The bottom line is that homeland security does not have access to health care, VA does, and emergency preparedness centers could provide that care.

So I think this is the appropriate area where we could respond through this legislation.

Let me just add once again on the CARES process, the CARES process also came up with some real good data that I think we also need to be concerned about, and this legislation begins to address some of those, but there are still some gaps there, and that is where it showed the disparities throughout the country.

Depending on where the veteran resides, depending on where he lives, determines basically the types of services that he gets or does not get, and that is one of the proposals and one of the recommendations that the CARES process has.

But one of the negative things that I would like to mention is that in the

process of having this CARES and going throughout the country, I know the VA put out a letter asking the staff not to solicit, not to educate veterans about services. The letter even indicated that even where there were gaps and where utilization of facilities were not being utilized, not to bring in more additional veterans, to the point that the Vietnam Veterans of America got fed up with it and decided to file a lawsuit against the VA.

So I was very pleased to see that, and we need to continue to move forward.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BEAUPREZ), who was instrumental and really took the lead on this Fitzsimons Hospital. I congratulate him on his leadership.

Mr. BEAUPREZ. Mr. Speaker, I thank the chairman of the committee for yielding me time. He is to be commended for his vigilance on behalf of all of our veterans, and the gentleman from Illinois (Mr. EVANS) as well, our ranking member. I say to the subcommittee chairman, the gentleman from Connecticut (Mr. SIMMONS), it has been a pleasure to work with you on this legislation, as it has with the gentleman from Texas (Mr. RODRIGUEZ) on behalf of all of our veterans, and, I might add, on behalf of our taxpayers, because I think we are being good stewards of the taxpayers' money. I think that is a point worth making.

I know with the Fitzsimons project out in Colorado, which has already been mentioned, thank you very much, that I am going to talk about some more, I was convinced early on by the planners of this project that the operational savings of this new facility will more than pay for it as compared to maintaining and upgrading the aged 50-year-old facility we now have. So that makes sense, and we are delivering to our veterans health care in a network of facilities, especially the outpatient clinics, the way we deliver health care now in this 21st century. So it does make sense.

A word about Fitzsimons, if I might. Another word about Fitzsimons, if I might. We are so excited about this project, for many reasons. It will continue a 50-year-plus partnership with the University of Colorado Health Science Center and the VA. The University of Colorado maintains a teaching research hospital that now in the new Fitzsimons campus, the renovated Fitzsimons campus, is going to be an enhanced, expanded, state-of-the-art facility.

□ 1730

It is an absolute true state-of-the-art facility that will attract the best and brightest in the medical industry from all over the world.

Why is that key to our veterans? Because 90 percent of our VA docs have cross privileges, so we have the best talent right there available, yes, for our veterans. We are also going to be in partnership with the DOD. Buckley Air Force Base is right across the street. So we are going to have the most modern facility, a research teaching facility, the greatest staff from which to recruit and staff our hospital. We believe in this hospital creating a state-of-the-art, a new standard, elevating the standard for health care for all of our veterans.

Mr. Speaker, I thank all of the committee members, and I thank Secretary Principi for supporting this as well. It is an opportunity to do the right thing for those among our population who very much deserve the very best: our veterans.

Mr. ORTIZ. Mr. Speaker, this bill is good news for veterans around this great Nation, and it is particularly very good news for South Texas. It recognizes a fundamental truth: The population of veterans in the South Texas area is exploding and the services we currently offer simply are not enough to adequately serve veterans' needs in the 21st Century.

Veterans across South Texas have joined me in talking to DVA in forums and conferences around our area—that one-on-one illustration of how veterans were being served had a large impact on the legislation we are considering today.

I have hosted an annual South Texas Veterans' Fair for the last several years, bringing together South Texas veterans with concerns about the health services and the policy makers at DVA. Earlier this month was the most recent fair I hosted, in Corpus Christi. The most often-repeated concern, as always, was with how to address the lack of in-patient hospital services in South Texas.

Nothing will ever be enough for our veterans—and change can never come fast enough, but this bill, with specific directions on in-patient hospital care and funding for the Secretary to lease medical facilities, is a considerably better place to be than we were before.

Those who wear the uniform of the United States serve this Nation; it is our duty to serve them.

Mr. VISCLOSKY. Mr. Speaker, I rise in strong support of H.R 4768, the Veterans' Medical Facilities Management Act of 2004. I thank Congressman SIMMONS for introducing this important piece of legislation and the Veterans' Affairs Committee for giving it the immediate attention that it deserves. In keeping with our commitment to high-quality veterans' medical care, this measure authorizes $850,000 in funds for the Adam Benjamin Jr. VA outpatient medical facility in Crown Point, Indiana.

It is imperative that we support our Nation's veterans and ensure that their medical care is among our highest priorities. We owe a great debt of gratitude for those who have sacrificed on behalf of all Americans. That is why I strongly support this measure which provides for the consistent supply of quality health care to our veterans.

I urge passage of H.R 4768, an essential step in keeping our commitment to maintaining a strong VA health care service network. I want to recognize the important efforts of all of those who work at the Crown Point VA outpatient clinic, taking up the noble daily effort of caring for our Nation's veterans. And I am proud to honor the veterans of Northwest Indiana who have served our country with courage and distinction. I ask that you and my other colleagues join me in thanking these brave men and women, as well as our other former and current members of the United States military, for their bravery and valor in the face of danger. These men and women risked their lives in order to protect the freedoms that we enjoy each day, and they deserve all of our honor and respect. I am proud to represent them in Indiana's First Congressional District.

Mr. Speaker, I urge my colleagues to support this important legislation so that our brave veterans may continue to receive the health care they so deserve.

Mr. EVANS. Mr. Speaker, I join my colleagues in support of the Veterans Health Programs and Facilities Enhancement Act of 2004.

I'd like to thank both Congressman RODRIGUEZ, ranking member of the Health Subcommittee, and Congressman SIMMONS, chairman of the Health Subcommittee, for their hard work in developing this bill.

VA has requested many of the authorities in this bill, and the establishment of the Capital Asset Fund will help to renovate some of VA's underused facilities.

The VA needs to meet construction priorities in order to maintain a health care system infrastructure that will be called on increasingly as our service personnel return from Iraq with physical and psychological disabilities.

I also support the need to continue some pilot programs we authorized in the Millennium Health Care and Benefits Act of 1999.

I certainly agree that veterans who have been program beneficiaries should be able to continue receiving services.

Under this bill, VA's authority to care for veterans participating in long-term care pilots will be extended until December 2005.

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

Mr. SMITH of New Jersey. Mr. Speaker, we likewise yield back the balance of our time, and ask for a ''yea'' vote.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4768, as amended.

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

The title was amended so as to read: ''A bill to authorize the Secretary of Veterans Affairs to enter into certain major medical facility leases, to authorize that Secretary to transfer real property subject to certain limitations, otherwise to improve management of medical facilities of the Department of Veterans Affairs, and for other purposes.''.

A motion to reconsider was laid on the table.

DEPARTMENT OF VETERANS AFFAIRS NURSE RECRUITMENT AND RETENTION ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4231) to provide for a pilot program in the Department of Veterans Affairs to improve recruitment and retention of nurses, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4231

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 ''Department of Veterans Affairs Nurse Recruitment and Retention Act of 2004''.

SEC. 2. PILOT PROGRAM TO STUDY INNOVATIVE RECRUITMENT TOOLS TO ADDRESS NURSING SHORTAGES AT DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE FACILITIES.

(a) PILOT.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall designate a health-care service region, or a section within such a region, in which health-care facilities of the Department of Veterans Affairs are adversely affected by a shortage of qualified nurses.

(2) The Secretary shall conduct a pilot program in the region or section designated under paragraph (1) to determine the effectiveness of the use of innovative human-capital tools and techniques in the recruitment of qualified nurses for positions at Department health-care facilities and for the retention of nurses at such facilities. In carrying out the pilot program, the Secretary shall enter into a contract with a private-sector entity for services under the pilot program for recruitment of qualified nurses.

(b) PRIVATE-SECTOR RECRUITMENT PRACTICES.—For purposes of the pilot program under this section, the Secretary shall identify and use recruitment practices that have proven effective for placing qualified individuals in positions that are difficult to fill due to shortages of qualified individuals or other factors. Recruitment practices to be reviewed by the Secretary for use in the pilot program shall include—

(1) employer branding and interactive advertising strategies;

(2) Internet technologies and automated staffing systems; and

(3) the use of recruitment, advertising, and communication agencies.

(c) STREAMLINED HIRING PROCESS.—In carrying out the pilot program under this section, the Secretary shall, at health-care facilities of the Department in the region or section in which the pilot program is conducted, revise procedures and systems for selecting and hiring qualified nurses to reduce the length of the hiring process. If the Secretary identifies measures to streamline and automate the hiring process that can only be implemented if authorized by law, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives recommendations for such changes in law as may be necessary to enable such measure to be implemented.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the extent to which the pilot program achieved the goal of improving the recruitment and retention of nurses in Department of Veterans Affairs health-care facilities.

SEC. 3. ALTERNATE WORK SCHEDULES FOR NURSES.

(a) ENHANCED SHIFT FLEXIBILITY.—Chapter 74 of title 38, United States Code, is amended by inserting after section 7456 the following new section:

''§ 7456a. Alternate work schedules

''(a) APPLICABILITY.—This section applies to registered nurses appointed under this chapter.

''(b) 36/40 WORK SCHEDULE.—(1) Subject to paragraph (2), if the Secretary determines it to be necessary in order to obtain or retain the services of registered nurses at a Department health-care facility, the Secretary may provide, in the case of registered nurses employed at that facility, that such a nurse who works three regularly scheduled 12-hour tours of duty within a workweek shall be considered for all purposes (except computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings) to have worked a full 40-hour basic workweek. Such a schedule may be referred to as a '36/40 work schedule'.

''(2)(A) Basic and additional pay for a registered nurse who is considered under paragraph (1) to have worked a full 40-hour basic workweek is subject to subparagraphs (B) and (C).

''(B) The hourly rate of basic pay for such a nurse for service performed as part of a regularly scheduled 36-hour tour of duty within the workweek shall be derived by dividing the nurse's annual rate of basic pay by 1,872.

''(C)(i) Such a nurse who performs a period of service in excess of such nurse's regularly scheduled 36-hour tour of duty within a workweek is entitled to overtime pay under section 7453(e) of this title, or other applicable law, for officially ordered or approved service performed in excess of—

''(I) eight hours on a day other than a day on which such nurse's regularly scheduled 12-hour tour falls;

''(II) 12 hours for any day included in the regularly scheduled 36-hour tour of duty; and

''(III) 40 hours during an administrative workweek.

''(ii) Except as provided in clause (i), a registered nurse to whom this subsection is applicable is not entitled to additional pay under section 7453 of this title, or other applicable law, for any period included in a regularly scheduled 12-hour tour of duty.

''(3) A nurse who works a 36/40 work schedule described in this subsection who is absent on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty shall be charged for such leave at a rate of ten hours of leave for nine hours of absence.

''(c) 7/7 Work Schedule—(1) Subject to paragraph (2), if the Secretary determines it to be necessary in order to obtain or retain the services of registered nurses at a Department health-care facility, the Secretary may provide, in the case of registered nurses employed at such facility, that such a nurse who works seven regularly scheduled 10-hour tours of duty, with seven days off duty, within a two-week pay period, shall be considered for all purposes (except computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings) to have worked a full 80 hours for the pay period. Such a schedule may be referred to as a '7/7 work schedule'.

''(2)(A) Basic and additional pay for a registered nurse who is considered under paragraph (1) to have worked a full 80-hour pay period is subject to subparagraphs (B) and (C).

''(B) The hourly rate of basic pay for such a nurse for service performed as part of a regularly scheduled 70-hour tour of duty within the pay period shall be derived by dividing the nurse's annual rate of basic pay by 1,820.

''(C)(i) Such a nurse who performs a period of service in excess of such nurse's regularly scheduled 70-hour tour of duty within a pay period is entitled to overtime pay under section 7453(e) of this title, or other applicable law, for officially ordered or approved service performed in excess of—

''(I) eight hours on a day other than a day on which such nurse's regularly scheduled 10-hour tour falls;

''(II) 10 hours for any day included in the regularly scheduled 70-hour tour of duty; and

''(III) 80 hours during a pay period.

''(ii) Except as provided in subparagraph (i), a registered nurse to whom this subsection is applicable is not entitled to additional pay under section 7453 of this title, or other applicable law, for any period included in a regularly scheduled 10-hour tour of duty.

''(3) A nurse who works a 7/7 work schedule described in this subsection who is absent on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty shall be charged for such leave at a rate of eight hours of leave for seven hours of absence.

''(d) 9-Month WORK SCHEDULE.—The Secretary may authorize a registered nurse appointed under section 7405 of this title, with the nurse's written consent, to work full-time for nine months with three months off duty, within a fiscal year, and be paid at 75 percent of the full-time rate for such nurse's grade for each pay period of that fiscal year. A nurse working on such a schedule for any fiscal year shall be considered a ¾ full-time equivalent employee for that fiscal year in computing full-time equivalent employees for the purposes of determining compliance with personnel ceilings. Service on such a schedule shall be considered to be part-time service for purposes of computing benefits under chapters 83 and 84 of title 5.

''(e) REGULATIONS.—The Secretary shall prescribe regulations for the implementation of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by inserting after the item relating to section 7456 the following new item:

''7456a. Alternate work schedules.''.

SEC. 4. TECHNICAL CORRECTION TO LISTING OF CERTAIN HYBRID POSITIONS IN VETERANS HEALTH ADMINISTRATION.

Section 7401(3) of title 38, United States Code, is amended—

(1) by striking ''and dental technologists'' and inserting ''technologists, dental hygienists, dental assistants''; and

(2) by striking ''technicians, therapeutic radiologic technicians, and social workers'' and inserting ''technologists, therapeutic radiologic technologists, social workers, blind rehabilitation specialists, and blind rehabilitation outpatient specialists''.

SEC. 5. ASSISTANCE FOR HIRING AND RETENTION OF NURSES AT STATE VETERANS HOMES.

(a) IN GENERAL.—(1) Chapter 17 of title 38, United States Code, is amended by inserting after section 1743 the following new section:

''§ 1744. Hiring and retention of nurses: payments to assist States

''(a) PAYMENT PROGRAM.—The Secretary shall make payments to States under this section for the purpose of assisting State homes in the hiring and retention of nurses and the reduction of nursing shortages at State homes.

''(b) ELIGIBLE RECIPIENTS.—Payments to a State for a fiscal year under this section shall, subject to submission of an application, be made to any State that during that year—

''(1) receives per diem payments under this subchapter for that fiscal year; and

''(2) has in effect an employee incentive scholarship program or other employee incentive program at a State home designed to promote the hiring and retention of nursing staff and to reduce nursing shortages at that home.

''(c) USE OF FUNDS RECEIVED.—A State may use an amount received under this section only to provide funds for a program described in subsection (b)(2). Any program shall meet such criteria as the Secretary may prescribe. In prescribing such criteria, the Secretary shall take into consideration the need for flexibility and innovation.

''(d) LIMITATIONS ON AMOUNT OF PAYMENT.—(1) A payment under this section may not be used to provide more than 50 percent of the costs for a fiscal year of the employee incentive scholarship or other incentive program for which the payment is made.

''(2) The amount of the payment to a State under this section for any fiscal year is, for each State home in that State with a program described in subsection (b)(2), the amount equal to 2 percent of the amount of payments estimated to be made to that State, for that State home, under section 1741 of this title for that fiscal year.

''(e) APPLICATIONS.—A payment under this section for any fiscal year with respect to any State home may only be made based upon an application submitted by the State seeking the payment with respect to that State home. Any such application shall describe the nursing shortage at the State home and the employee incentive scholarship program or other incentive program described in subsection (c) for which the payment is sought.

''(f) SOURCE OF FUNDS.—Payments under this section shall be made from funds available for other payments under this subchapter.

''(g) DISBURSEMENT.—Payments under this section to a State home shall be made as part of the disbursement of payments under section 1741 of this title with respect to that State home.

''(h) USE OF CERTAIN RECEIPTS.—The Secretary shall require as a condition of any payment under this section that, in any case in which the State home receives a refund payment made by an employee in breach of the terms of an agreement for employee assistance that used funds provided under this section, the payment shall be returned to the State home's incentive program account and credited as a non-Federal funding source.

''(i) ANNUAL REPORT FROM PAYMENT RECIPIENTS.—Any State home receiving a payment under this section for any fiscal year, shall, as a condition of the payment, be required to agree to provide to the Secretary a report setting forth in detail the use of funds received through the payment, including a descriptive analysis of how effective the incentive program has been on nurse staffing in the State home during that fiscal year. The report for any fiscal year shall be provided to the Secretary within 60 days of the close of the fiscal year and shall be subject to audit by the Secretary. Eligibility for a payment under this section for any later fiscal year is contingent upon the receipt by the Secretary of the annual report under this subsection for the previous year in accordance with this subsection.

''(j) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. The regulations shall include the establishment of criteria for the award of payments under this section.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after section 1743 the following new item:

''1744. Hiring and retention of nurses: payments to assist States.''.

(b) IMPLEMENTATION.—The Secretary of Veterans Affairs shall implement section 1744 of title 38, United States Code, as added by subsection (a), as expeditiously as possible. The Secretary shall establish such interim procedures as necessary so as to ensure that payments are made to eligible States under that section commencing not later than January 1, 2005, notwithstanding that regulations under subsection (j) of that section may not have become final.

SEC. 6. TECHNICAL CLARIFICATION.

Section 8111(d)(2) of title 38, United States Code, is amended by inserting before the period at the end of the last sentence the following: ''and shall be available for any purpose authorized by this section''.

SEC. 7. UNDER SECRETARY FOR HEALTH.

Section 305(a)(2) of title 38, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''shall be a doctor of medicine and''; and

(2) in subparagraph (A), by striking ''and in health-care'' and inserting ''or in health-care''.

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

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

GENERAL LEAVE

Mr. SMITH of New Jersey. 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 bill under consideration.

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

There was no objection.

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

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

Mr. SMITH of New Jersey. Mr. Speaker, I rise in very strong support of H.R. 4231, as amended, the Department of Veterans Affairs Nurse Recruitment and Retention Act of 2004. I want to thank the gentleman from Connecticut (Mr. SIMMONS), the chairman of our Subcommittee on Health, my friend and colleague, for introducing this legislation, and for his astute judgment and perseverance that was essential in bringing this bill before the House today. I also want to thank the gentleman from Texas (Mr. RODRIGUEZ), as well the gentleman from Illinois (Mr. EVANS), because, again, that partnership is so important in bringing these veterans bills to the floor; and I want to thank them for their leadership as well.

As amended, H.R. 4231 would authorize several new and innovative approaches to help the VA maintain the quality of its workforce in all VA health care facilities. The bill would establish a pilot program to use outside recruitment agencies with interactive and online technologies to improve VA recruitment of vital nursing personnel. It would also allow the VA to offer three alternative work schedules for nurses so that employment in VA can be more sensitive to family and personal needs for scheduling flexibility and career development.

It also contains a provision to aid State veterans homes which care for thousands of veterans in need of nursing home care each and every year.

One measure in the bill as reported deserves a moment of discussion, because it caused some concern for members of the committee and organizations whose members might be affected. As reported, the bill would have prohibited VA from denying employment to a State-licensed registered nurse whose educational preparation was other than a baccalaureate degree. There is a well-documented shortage, Mr. Speaker, of trained, registered nurses in the United States. Community colleges in every State have stepped forward to offer professional nursing careers through associate degree preparation. Their success in preparing their students is reflected in the rate at which associate degreed nurses pass required State registered nurse examinations.

Associate degree nurses are systematically and vigorously recruited in almost every health care institution in the United States. In the VA, there is a preference in hiring baccalaureate graduates and a policy of excluding associate degree nurses from internal VA promotions. At a time when nurses are in short supply and when community colleges are the primary source of new nursing graduates, should the VA be emphasizing baccalaureate degrees to the exclusion of others who are fully qualified as professional nurses? We think not.

The committee is concerned that these current VA hiring practices and the variation in these practices noted in the recent report of the VA's National Commission on VA Nursing discouraged nurses with associate degrees from even seeking VA employment. VA's practice of exclusion in the face of high demand and scarcity of nursing personnel discourages qualified nurses from seeking VA employment. This practice also adversely affects VA's ability to retain current nurses.

Following extensive discussions after this bill was ordered reported, the bill before the House today does not include section 4 of the bill as ordered reported. Section 4 was designed to keep the VA competitive with the private sector and to clarify that the lack of a baccalaureate degree could not be the basis to deny nurse employment in a VA facility. However, the aim of the provision was misread by some who believe that the best qualified nurses are those who have a bachelor's degree or some advanced degree in nursing.

Most of us who seek health care look to providers who are competent, compassionate, critical thinkers, good communicators, and who are dedicated to expanding their knowledge of human

susceptibility to disease. None of those qualities are guaranteed to be present in a particular graduate of any health care profession from any school. In the case of nurses, competence is tested by State licensing exams, and only those who pass the exam are licensed to practice in a State or in the VA. The other qualities I mentioned are acquired from associating with and learning from other professionals who possess them. There is no guarantee that any particular licensed professional possesses all of them.

Mr. Speaker, VA's own hiring policy requires that persons with associate degrees in nursing be considered at entry-level positions. The committee supports the underlying premise of this policy, and there should be no discrimination based against persons who demonstrate competence by passing a State examination. Unfortunately, the committee has gathered irrefutable evidence that some VA medical centers did violate VA's hiring policy and discriminated against prospective employees who possessed an associate degree in nursing.

The committee has recently received assurances, however, from the acting Under Secretary for Health that the VA will correct these improper practices. He has pledged that the VA will continue to adhere to its policy of considering appointment of licensed, registered nurses to entry-level positions without regard to the institution that granted them their nursing degree. In addition, the Under Secretary promised to undertake a number of significant steps to address any lingering effects from the improper recruiting practices which the committee discovered.

In light of this commitment and the VA's concern about the potential inadvertent effect of this language, the bill before us today does not contain the nursing qualification provision as ordered by the committee.

The committee looks forward to full reports on the execution of the several commitments made in a letter signed by Under Secretary on September 21 of this year, and I will include the letter at this point in the RECORD.

DEPARTMENT OF VETERANS AFFAIRS,
VETERANS HEALTH ADMINISTRATION,
Washington, DC, September 21, 2004.

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

DEAR MR. CHAIRMAN: This letter provides the Veterans Health Administration (VHA) position regarding H.R. 4231, Section 4—Appointment of nurses who do not have Baccalaureate Degrees.

VHA is committed to hiring all levels of licensed nurses including Bachelors prepared and registered nurses who have associate degrees or diplomas. In calendar year 2000, VHA appointed 815 associate degree nurses; in calendar year 2004 to date, VHA has appointed 1,337 associate degree nurses. Given the national nursing shortage, VHA cannot afford to overlook associate degree nurses. We recognize and value their contributions.

In order to further enhance recruitment of associate degree nurses, VHA is taking the following actions:

1. Instruct Department of Veterans Affairs (VA) facility managers and human resources staff to no longer include in vacancy announcements language limiting applicants to those who hold a Bachelor of Science in Nursing (BSN) degree or convey a preference for a BSN for ''Nurse I'' positions.

2. Continue working with the American Association of Community Colleges (AACC) to augment our marketing and recruiting efforts to associate degree nursing graduates. The Office of Nursing Services in Washington, D.C., will meet with the AACC on a quarterly basis and will present a marketing and recruiting strategy to them. An acceptable plan, including a commitment of VA resources, shall be in place by June 30, 2005.

3. The Health Care Staff Development and Retention Office will visit at least one community college nursing program affiliated with the AACC in each Veterans Integrated Services Network (VISN) in the coming year, and VA will ensure local facilities conduct outreach to community college programs. VA will provide information regarding employment opportunities, promotion policies, and scholarship and loan repayment programs available from VA. The first cycle of visits will be completed by December 31, 2005. In addition, to accomplish this goal, VISN staff will conduct many of the visits in coordination with the Health Care Staff Development and Retention Office.

I hope this information is of assistance to you. Should you need additional information, a member of your staff may contact Nevin Weaver, Director, Management Support Office at 202–273–5805.

Sincerely,
JONATHAN B. PERLIN, MD,
PHD, MSHA, FACP,
Acting Under Secretary for Health.

The last provision in the amended bill I want to mention incorporates the provisions of a bill that I introduced earlier this year, H.R. 4020. That bill would direct the Secretary of Veterans Affairs to make increased grants to assist States in hiring and retaining their own nursing personnel at State-owned operating nursing homes for veterans. State homes that currently receive per diem payments from the VA and have established employee incentive programs would be eligible to apply for incentive assistance and could receive up to 50 percent of the annual cost of the incentive program.

Mr. Speaker, in the wake of the Civil War, State veterans homes began caring for veterans and are now the largest provider of long-term care to our Nation's veterans. Today, over 16,000 veterans are being cared for in 128 State veterans homes in 47 States in the key partnership between the States and the VA.

The Department of Health and Human Services in 2002 surveyed the 50 States and Puerto Rico to learn how States are responding to the needs of health care workers. Ninety percent reported a shortage of nursing staff as a major concern in their responses. In efforts to respond to these nursing and other health care worker shortages, 44 of the 50 States reporting established task forces and commissions to study and seek solutions. The focus of the task forces or commissions in 25 States was to study shortages in the long-term health care force.

I am aware of difficulties that the three New Jersey State veterans homes in Vineland, Paramus, and Menlo Park have faced over the past several years in recruiting and retaining nursing staff. We can address this effort with new Federal incentives that supplement and assist State initiatives in providing long-term care to veterans. I think this legislation provides a sound blending of authorities to help maintain quality nursing personnel for veterans cared for in both the VA and State-run facilities.

Mr. Speaker, I rise in strong support of H.R. 4231, as amended, the Department of Veterans Affairs Nurse Recruitment and Retention Act of 2004.

I want to thank the Chairman of our Subcommittee on Health, my friend the gentleman from Connecticut, Mr. SIMMONS, for introducing this legislation and for his astute judgment and perseverance that was essential to bringing this bill before the House today. I also want to thank Mr. EVANS, the ranking member of the full committee, and Mr. RODRIGUEZ, the ranking member of the Health Subcommittee for their leadership on this measure.

As amended, H.R. 4231 would authorize several new and innovative approaches to help the VA maintain the quality of its workforce in all VA health care facilities.

The bill would establish a pilot program to use outside recruitment agencies, with interactive and online technologies, to improve VA recruitment of vital nursing personnel. It would also allow VA to offer three new alternative work schedules for nurses so that employment in VA can be more sensitive to family and personal needs for scheduling flexibility and career development. It also contains a provision to aid State veterans homes which care for thousands of veterans in need of nursing home care each year.

One measure in the bill as reported deserves a moment of discussion because it caused some concern by Members of the Committee and organizations whose members might be affected. As reported, the bill would have prohibited VA from denying employment to a State-licensed registered nurse whose educational preparation was other than a baccalaureate degree.

There is a well-ducumented shortage of trained registered nurses in the United States. Community colleges in every state have stepped forward to offer professional nursing careers through associate degree preparation. Their success in preparing their students is reflected in the rate at which associate degree nurses pass required state registered nurse examinations. Associate degree nurses are systematically and vigorously recruited in almost every health care institution in the United States.

In the VA there is a preference in hiring for baccalaureate graduates, and a policy of excluding associate degree nurses from internal VA promotions. At a time when nurses are in short supply and when community colleges are the primary source of new nursing graduates, should VA be emphasizing baccalaureate graduates to the exclusion of others who are fully qualified as professional nurses? We think not.

The Committee is concerned that these current VA hiring practices, and the variation in these practices noted in the recent report of

VA's National Commission on VA Nursing, discourage nurses with associate degrees from even seeking VA employment. VA's practice of exclusion in the face of high demand and scarcity of nursing personnel discourages qualified nurses from seeking VA employment. This practice also adversely affects VA's ability to retain current nurses.

Following extensive discussions after this bill was ordered reported, the bill before the House today does not include section 4 of the bill as ordered reported. Section 4 was designed to keep VA competitive with the private sector, and to clarify that the lack of a baccalaureate degree could not be the basis to deny that nurse employment in a VA facility. However, the aim of the provision was misread by some who believe that the best-qualified nurses are those who have a bachelor's degree or some advanced degree in nursing.

Most of us who seek health care look for providers who are competent, compassionate, critical thinkers, good communicators, and who are dedicated to expanding their knowledge of human susceptibility to disease. None of those qualities are guaranteed to be present in a particular graduate of any health professions school. In the case of nursing, competence is tested by State licensing exams, and only those who pass that exam are licensed to practice in a State or in the VA. The other qualities I mentioned are acquired from associating with and learning from other professionals who possess them. There is no guarantee that any particular licensed professional possesses all of them.

VA's own hiring policy requires that persons with associate degrees in nursing be considered for entry-level positions. The Committee supports the underlying premise of this policy—that there should be no discrimination against person who demonstrate competence by passing a State examination. Unfortunately, the Committee has gathered irrefutable evidence that some VA medical centers did violate VA's hiring policy and discriminated against prospective employees who possessed an associate degree in nursing.

The Committee has recently received assurance from the Acting Undersecretary for Health that VA will correct these improper practices; he has pledged that VA will continue to adhere to its policy of considering appointment of licensed registered nurses to entry-level positions without regard to the institution that granted them their nursing degree. In addition, the Under Secretary promised to undertake a number of significant steps to address any lingering effects from the improper recruiting practices which the Committee discovered. In light of this commitment, and the VA's concerns about the potential inadvertent effects of this language, the bill before the House today does not contain the nursing qualification provision as ordered reported by the Committee.

The Committee looks forward to full reports on the execution of the several commitments it made in a letter signed by the Under Secretary on September 21, 2004. I ask unanimous consent to insert a copy of that letter in the RECORD at this point.

The last provision in the amended bill I want to mention incorporates the provisions of a bill I introduced earlier this year, H.R. 4020. That bill would direct the Secretary of Veterans Affairs to make increased grants to assist States in hiring and retaining their own nursing personnel at State-operated nursing homes for veterans. State homes that currently receive per diem payments from VA and have established employee incentive programs would be eligible to apply for incentive assistance and could receive up to 50 percent of the annual cost of the incentive program.

In the wake of the Civil War, State veterans' homes began caring for veterans and are now the largest provider of long-term care to our Nation's veterans. Today, over 16,000 veterans are being cared for in 128 State veterans' homes in 47 States in a key partnership between the States and the VA.

The Department of Health and Human Services (HHS) in 2002 surveyed the 50 States and Puerto Rico to learn how States are responding to needs for health care workers. Ninety percent reported a shortage of nursing staff as a major concern in their responses. In efforts to respond to these nursing and other health workforce shortages, 44 of 50 States reported establishing task forces and commissions to study and seek solutions. The focus of the task forces or commissions in 25 States was to study shortages in the long-term care work force.

While the HHS study documented the extent of the problems nationally, I am aware of difficulties that the three New Jersey State veterans' homes in Vineland, Paramus and Menlo Park have faced over the past several years in recruiting and retaining quality nursing staff. We can address this effort with new Federal incentives that supplement and assist State initiatives.

State homes are important partners in providing long-term care to veterans. I think this legislation provides a sound blending of authorities to help maintain quality nursing personnel for veterans cared for in both VA and State-run facilities.

Finally, H.R. 4231 would reform the qualification requirements for candidates for the position of Under Secretary for Health. Current law requires the Under Secretary for Health to be a doctor of medicine, limiting the pool of candidates that VA may consider for this vital executive position. Executives in the American health care industry who present exceptional credentials and experience, but did not receive a medical degree as a part of their preparation, are excluded by law from consideration. In fact, of the 62 top hospital, health insurance and managed care organizations in the United States, only five CEOs hold the doctor of medicine degree. H.R. 4231 would repeal the requirement for VA's Under Secretary for health to be a doctor of medicine. This change would allow a future Administration to consider candidates from the widest spectrum of executive talents, including doctors of medicine, nurses, dentists, health academics, health economists, insurance executives and other qualified candidates with the demonstrated abilities to fill such a key leadership role in veterans' affairs.

Mr. Speaker, this is a carefully crafted bill that will advance measures that are important to providing our veterans with quality health care services.

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

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

Mr. Speaker, I rise in support of H.R. 4231, as amended, the Department of Veterans Affairs Nursing Recruitment and Retention Act of 2004. This act has a variety of innovative approaches designed to assist the VA in managing its nursing workforce. The VA nurses are significantly older, on average, than nurses in other sectors; and more than one-third of the VA nursing staffs would be eligible for retirement in the next 5 years. Those are substantial figures.

In the meantime, fewer students are training for careers in nursing care, while the need for those professions is growing. This will make the VA effort to retain and recruit nurses critical in ensuring that it is able to maintain high-quality and accessible services.

This bill contains provisions to address the projected nursing shortage, including a pilot project to examine the effectiveness of new recruiting techniques and, in addition, new flexible work schedules that may be attractive to nurses with young children or those who are interested in full-time employment with seasonable breaks. State veterans homes, an important partner to our veterans health system, may also offer new educational opportunities to their nurses.

I want to take this time, Mr. Speaker, to recognize the gentleman from New Jersey (Chairman SMITH) and thank him and acknowledge the leadership of the chairman of our Subcommittee on Health, the gentleman from Connecticut (Mr. SIMMONS), in his efforts. I want to thank him and his staff in drafting this piece of legislation and working with me and us and all of us together to consider improvements to this particular bill.

I also once again want to thank the gentleman from New Jersey (Chairman SMITH) and the gentleman from Illinois (Ranking Member EVANS), who continues to be at this present time in the Committee on Armed Services as we speak. I urge my colleagues to support this bill.

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

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the remainder of our time be controlled by the gentleman from Connecticut (Mr. SIMMONS), the distinguished chairman of the Subcommittee on Health, and just say how grateful I am for his sponsorship of this very important piece of legislation.

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

There was no objection.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for yielding me the time, I thank him for his leadership, and I thank the ranking member, the gentleman from Texas (Mr. RODRIGUEZ), for all of his hard work.

Mr. Speaker, I yield myself such time as I may consume. I just want to take a few moments to focus on a couple of points that the chairman raised with regard to this legislation. Since 1966, the number of patients treated annually by the VA has risen by 70 percent.

During this same period of time of a growing demand for VA health services, the number of nursing program graduates nationwide began to fall. So at a time when the demand for services went up, the supply of nurses has been going down. The latest U.S. Health Resources and Services Administration report projects that the shortage of nurses this year will reach approximately 138,000 nurses.

We have received testimony before the Subcommittee on Health that the nurse vacancy rate at VA is currently at 9 percent and rising, in excess of 4,500 positions. In addition, the report found that the average VA nurse was nearly 49 years old, ahead of the national average for nurses, which is 42 years old. Now, while 49 years old may be young compared to my age and the age of some of my colleagues, I think that we have to see that there is a serious trend here when it comes to VA nurses. The VA is falling behind in its effort to staff these critical positions.

□ 1745

This legislation before us today would establish a pilot program within the VA to study the use of outside recruitment, advertising and communications techniques. Online technologies that are currently being used by 100 percent of the Fortune 500 companies to attract people into Fortune 500 companies, well, it can attract people into VA nursing.

Furthermore, the legislation includes provisions that allow nurses to have more control over their schedules and their private lives so their work schedules are less inflexible and the working conditions that they have are more congenial.

Another important provision is that the VA will be allowed to assist State nursing homes, that is, veterans facilities managed by States, to reduce shortages at long-term-care facilities operating under the authority of the VA but managed by the State. For example, in my home State of Connecticut, the Rocky Hill Home for veterans is engaged in a major program with the Veterans Administration to provide long-term care. This will include the construction of a 250-bed long-term-care facility, but it also includes partnering between the VA and the Connecticut Department of Veterans' Affairs so that the cost of that long-term nursing care is distributed between the State and the Federal Government.

Mr. Speaker, I want to express my appreciation to our chairman, to our ranking member, the gentleman from Illinois (Mr. EVANS) and to our staffs on the majority and minority staff, and to my colleague, the gentleman from Texas (Mr. RODRIGUEZ), and all the members of the committee and subcommittee for operating in a bipartisan fashion to bring this legislation forward for the benefit of our veterans.

Mr. Speaker, I see that there are no further speakers on my side, and I would be prepared to yield back, but I will give my colleague the opportunity to speak.

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

Mr. RODRIGUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER), my friend and fellow colleague, a member of the committee who has been a staunch supporter of veterans.

Mr. FILNER. Mr. Speaker, I thank the gentleman for the time, and Mr. Speaker, I also rise in support of this bill, H.R. 4231, to provide for nurse recruitment and retention for our Department of Veterans' Affairs.

We have heard that the VA is currently the largest employer of nurses in the United States, and with the growth in the number of veterans using the VA for their health care, the increase in the number of aging veterans and the projected national shortage of registered nurses, we must keep the VA competitive in the recruitment and retention of nurses.

So we have this bill, what we have heard described, establishing a pilot program that would study the use of outside recruitment, advertising and online technology to make the VA more competitive. We also know that the bill provides flexible work schedules to be more family-friendly and to allow nurses to take care of their family needs and personal needs and give them more control over their own schedules.

I thank very much the chairman of the committee for his strong statement on the provision that was in the original bill but is not now, but how we will go about making up for that; in the early drafts of the bill, an important provision clarified the status of nurses who meet the VA's qualification standards but do not have a baccalaureate degree. The National Council of State Boards of Nursing reports that the pass rates for licensing of nurses trained with associate and baccalaureate degrees are virtually identical. So to discriminate against nurses with 2-year degrees makes no sense and, of course, is counterproductive to our needs today.

As first drafted, H.R. 4231 committed to hiring nurses with associate degrees. It is not in the bill now, but as the chairman pointed out, a letter by the acting Under Secretary of Health at the VA, Mr. Perlin, and is now in the record to the Committee on Veterans Affairs' chairman and ranking member, outlined the plans of the VA to enhance the recruitment and hiring of associate-degree nurses. Committee on Veterans' Affairs members will be monitoring their progress.

Of course, the next step we need to take is to fix the promotion requirements for nurses in the VA so nurses with those associate degrees are eligible for promotions based on their competency, not their degree. This is a vital change that must be made in order to retain VA nurses, and I appreciate the gentleman from New Jersey's (Chairman SMITH's) strong statement of the need for competency-based promotion and not on the kind of degree.

All of us here today have made clear that health care for our Nation's veterans must be a high priority. This bill is a step forward in those efforts to provide the VA with the tools to recruit qualified nurses to care for our veterans, whether they are from World War II or to the present conflicts in Afghanistan and Iraq.

I urge support of H.R. 4231.

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4231, as amended.

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

There was no objection.

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

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

Mr. SIMMONS. Mr. Speaker, this bill is responsible legislation that will advance quality health care for veterans, and I urge my colleagues to support H.R. 4231 as amended.

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

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

Let me first of all take this opportunity to thank the chairman, the gentleman from Connecticut (Mr. SIMMONS) for his efforts on this particular piece of legislation, and one of the beauties of this particular piece of legislation also is that it sets a trend. There is no doubt that in this country, and just like the VA's having difficulty with nurses, the entire country is having difficulty in getting nurses.

In addition to that, in the area of health professions, there will be a need for us to look at doctors. I know that we have a large number of slots in the area of doctors in the VA that have also not been filled. For some reason, this country has not produced the number of doctors that we need. We continue to produce 12,000 to 15,000 and bring in about 5,000 from abroad each year. In fact, right prior to 9/11, we brought in some 300,000 professionals from abroad, of which, in that category, was a little less than 5,000 doctors.

So we need to really begin to look, especially in the health profession and how it impacts the VA and these other areas, both these specialties, as well as physicians and the other health professionals that are needed.

So, once again, I want to thank everyone.

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

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

There may not be another opportunity with this session coming to a close to thank my colleague on the floor in the context of doing a bill for our veterans. His leadership in Veterans' Affairs has been extraordinary. The impact of his service on this committee will have a beneficial effect on millions and millions of veterans for many, many years to come, and I thank him for all of his hard work.

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 4231.

It is a good bill that will give the Department of Veterans Affairs some new opportunities to meet the challenges of maintaining a strong nursing workforce during the severe nursing shortage projected for the near future.

I have said many times that nurses are the lifeblood of our medical care system.

VA should be looking at any and all feasible options for ensuring that it is able to satisfy the needs and expectations of these valuable employees.

I want to commend the chairman and ranking member of our Health Subcommittee for their work on this bill and urge Members to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4231, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

COMMENDING FESTIVAL OF CHILDREN FOUNDATION

Mr. OSBORNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 759) commending the Festival of Children Foundation for its outstanding efforts on behalf of children and expressing the support of the House of Representatives for the designation of a ''Child Awareness Month,'' as amended.

The Clerk read as follows:

H. RES. 759

Whereas children represent the Nation's future and numerous individuals and organizations across the United States devote precious time, energy, and resources to enrich that future by helping children advance their hopes and dreams and to realize their aspirations;

Whereas it is in the public interest to increase awareness of children's special needs and the demonstrably effective efforts of those making a real difference in children's lives, which in turn and over time will serve to strengthen the social fabric of our country;

Whereas the Festival of Children Foundation has been established in southern California (1) to showcase those non-profit groups performing exemplary works, so that they may through increased exposure secure and sustain the volunteer, leadership, and financial support necessary to be successful, (2) to provide a free resource to such groups so that they might more easily leverage scarce resources through creative, collaborative efforts to serve their shared constituencies for the betterment of the community at large, and (3) to provide a free and effective platform to facilitate such groups sharing lessons learned in bringing a results orientation to community mobilization, strategic planning, and overall best practices;

Whereas during the last two years more than 100 non-profit groups in southern California have benefited enormously from exposure they could not otherwise have received but for the Festival of Children Foundation, principally through programs and activities at partner organizations such as retail, commercial, and cultural centers;

Whereas September is a time, as children return to school, that families and the Nation as a whole are especially mindful of children and their special needs and opportunities; and

Whereas in September 2004 the Festival of Children Foundation, working with its partners, has invited 50 agencies and organizations that serve children throughout southern California to have a month of high profile exhibits along with another 50 such groups to participate in other programs and activities as part the Foundation's ongoing mission: Now, therefore, be it—

Resolved, That the House of Representatives commends the Festival of Children Foundation of southern California—

(1) for its outstanding efforts on behalf of children; and

(2) for the difference that it is making in the communities in which it is active and in the lives of children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).

GENERAL LEAVE

Mr. OSBORNE. 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. Res. 759.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Res. 759 offered by the gentleman from California (Mr. ROHRABACHER). This resolution honors the Festival of Children Foundation for its outstanding efforts on behalf of children.

Children represent the Nation's future, and numerous individuals and organizations across the United States devote precious time, energy and resources to enrich that future by helping children advance their hopes and dreams and to realize their aspirations.

The Festival of Children Foundation is one such organization that has experienced overwhelming success serving the needs of children in the Orange County community. Through collaboration with numerous charities, the foundation seeks to improve the lives of children and families living in the community by fostering education, community involvement and the arts. Instead of operating independently, charities are able to pool both their resources and ideas to better serve the children and families of southern California.

The Festival of Children Foundation expands the reach of the nonprofits in their community, and their efforts on behalf of children should be emulated. I would like to take this opportunity to commend their work on behalf of children and also their efforts to increase awareness of children's special needs.

I thank my colleague from California for introducing this resolution and urge my colleagues to support it.

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

Ms. WOOLSEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Walt Disney once said that ''our greatest natural resource is the minds of our children.''

Today, we honor the Festival of Children Foundation, an organization that improves the lives of children and families in Orange County, California, by collaborating with local children's charities to promote education, community involvement and the arts.

In the last 2 years, more than 100 nonprofit groups in southern California have benefited enormously from the exposure, partnership and assistance of the Festival of Children Foundation. In particular, the foundation has declared September 2004 as a month to ''Celebrate the Magic of Childhood.'' It is working with 52 agencies and organizations to serve the children of southern California with high-profile exhibits to continue with the foundation's mission.

I would like to congratulate the foundation on its excellent work to strengthen their community and to benefit the lives of children, and I would like to thank the gentleman from California (Mr. ROHRABACHER) for introducing this meaningful legislation.

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

Mr. OSBORNE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman very much for the time.

Mr. Speaker, I rise in strong support for my own bill, H. Res. 759 commending the Festival of Children. Millions of good-hearted American volunteers donate their time, their talent and their personal treasure to help lost and needy children, but no matter how noble the cause, these wonderful charities and their volunteers must struggle just to let the community know

what is available to those who are in need. Clearly, children's charities struggle to find private sources of money to sustain their benevolent programs.

Mr. Speaker, in Orange County, California, we are trying to do our best to do the best. Our needy children are put in this spotlight by a month-long event dedicated to assist organizations that are working with deprived and neglected children.

The Festival of Children Foundation hosts the activities of Child Awareness Month at South Coast Plaza in Costa Mesa, California, which is part of my district.

□ 1800

South Coast Plaza is a premier commercial and shopping location; yet with generosity and kindness, this center also becomes a center of love and caring for children.

There, among the upper crust and upper level stores and shops, you will find new ways during this month of helping children and helping those organizations that are designed to help children. Each year, during the month of September, scores of charities, like the Make-a-Wish Foundation and the Blind Children's Learning Center, are given tremendous support to come together under one roof, and not just one roof but under the roof of one of California's most visited shopping centers, to reach out to tens of thousands of families and then make a difference in the lives of multitudes of children.

Too often in our communities many families have not even been aware that certain charities exist; and at the same time, there are many who are willing to volunteer their energy and their resources to help these charities, yet they do not know these charities even exist. In the meantime, we see there are charities that spend much of their scarce resources that should be going directly to the children to overcome this gulf that separates them from both the donors and the needy.

Well, I take this problem very seriously, and I take caring for the children very seriously. I always have, but that has been brought home to me in a very special way, because yesterday marked the 5-month anniversary of the birth of my three children, my triplets, Amika, Christian, and Trestin. These are lovely little babies, but it certainly has impressed upon me that we need to care for all the babies. We need to make sure that all the children of this world can reach their potential and have a happy life.

And so I applaud those individuals who are engaged in this noble, noble effort. I especially applaud the individual initiative of Sandy Segerstrom Daniels, the founder of the Festival of Children. She took the initiative to form a private nonprofit organization bringing all of Orange County's children's charities together. She enlisted nationally known celebrities, like Arnold Schwarzenegger, Olivia Newton-John and Pat Riley, and others to boost the participation in the children's charities at the Festival of Children.

The effort has paid off. Hundreds of charities and thousands of families now look forward to the month of September when they can gather at the Festival of Children, there at the South Coast Plaza. I am pleased to see this example of a private initiative for a public charity is catching on and that the Festival of Children is expending into other States.

So with this pride in the accomplishment and the benevolence and the good hearts of some of my constituents, I ask my colleagues to join me in congratulating the Festival of Children.

Ms. WOOLSEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY), and I rise today in strong support of H. Res. 759, a bill that recognizes and commends the important work of the Festival of Children Foundation.

The Festival of Children Foundation is an umbrella organization that helps foster collaboration between children's charities in the areas of education, community involvement, and arts appreciation. I want to acknowledge Sandy Segerstrom Daniels, who is here with us today, for her work with respect to this festival.

We in Congress need to increase the public awareness of children's special needs and to recognize our local organizations who lead the way in providing the services in a very local way, in a very humane way, in a very loving way in our own districts, particularly through private and voluntary efforts. That is why I am a cosponsor of this bill with my friend and colleague, the gentleman from California (Mr. ROHRABACHER), and why I would urge my colleagues to support and to vote for this.

Through its extensive network of community organizations, the Festival of Children Foundation offers resources, such as training and workshops, operation and technical support, and planning for conferences and special events to over 100 organizations. The highlight of all these activities is the Festival of Children, a month-long celebration of children, featuring the work of local children's charities.

Just last year, over 55 children's organizations from Orange County, as well as a select group from Los Angeles County, gathered at the South Coast Plaza retail center in Costa Mesa, California, for exhibits, for lectures, presentations, and lots of entertainment. The event was cosponsored by South Coast Plaza, and again I thank the Segerstrom family and Children's Hospital of Orange County, which actually sits in my district, and featured groups such as Elizabeth Glaser Pediatric AIDS Foundation, Juvenile Diabetes Research Foundation, Make-a-Wish Foundation, Special Olympics, and the list goes on and on of all the people who participated to help our special kids in Orange County.

Over one million people visited South Coast Plaza during the festival. Not only did we have the festival going on, but of course there is great shopping there too; and we are very proud of that in Orange County. But the charities really reaped the rewards of this great opportunity because they were able to market themselves to our community. I, for example, have a young adult student organization that is a task force from all the high schools in my area, and they participate in trying to get their young people to these volunteer organizations because they have time on their hands. They just need to know the information. This is a great way when we hold this at South Coast Plaza.

In addition, all the programs that were presented that day were free to the public. The Orange County Board of Supervisors and the California legislature have already commended officially the Festival of Children and even recognized the month of September as Child Awareness Month.

I join my colleagues here today in recognizing the Festival of Children as a model for organizing communities to provide for the needs of their children.

Mr. DAVIS of Illinois. Mr. Speaker, Walt Disney once said that "Our greatest natural resource is the minds of our children." Today we honor the Festival of Children Foundation, an organization with the specific purpose to improve the lives of children and families throughout Orange County, California by fostering education, community involvement, and the arts by collaborating with local children's charities.

Through their hard work and efforts, the Festival of Children Foundation has been able to showcase the work of non-profit groups as a way to increase exposure and sustain volunteer, leadership and financial support for these groups. The Foundation, being an umbrella organization, has made it possible to serve as a free recourse to these groups by encouraging collaborative efforts to serve the community as well as a place for groups to share ideas and lessons on community mobilization, planning and overall best practices. In the last two years, over 100 non-profit groups in southern California have benefited enormously from the exposure, partnership and assistance from the Festival of Children Foundation.

As another way to truly reach out and assist children, the Festival of Children Foundation had declared September 2004 as a month to "Celebrate the Magic of Childhood," working with 52 agencies and organizations to serve the children of southern California with high profile exhibits to continue with the Foundation's mission.

I would like to congratulate the Foundation on their excellent work and assisting to strengthen their community—most importantly, their efforts to benefit the lives of children.

Mr. BOEHNER. Mr. Speaker, I rise as Chairman of the Education and Workforce Committee to add my voice to my voice to my distinguished California colleagues in paying tribute to the Festival of Children Foundation.

I believe the exceptional contributions and services of the Festival Foundation—both to the community and to the State of California—deserves national recognition. The Festival is a good example of private, non-profit groups and charities coming together to serve the public interest—in this case for the benefit of children. Mr. Speaker, the Education committee is always looking for children's programs that are creative, voluntary and community based. Helping our young people—whether it be in the area of children's education, health care, personal development or special needs—should be our highest calling.

This month-long Festival will bring together over 50 private, charitable organizations all under one roof. The goal is to improve collaboration, provide free resources and offer a forum for issues ranging from children's health care to the arts. It has become an invaluable resource for children's charities in Orange County, California.

I commend Sandy Segerstrom Daniels for her leadership in founding the Festival and the Foundation. It is truly a model for other communities in our country to follow.

Mr. CALVERT. Mr. Speaker, I strongly support this Resolution and to recognize the Festival of Children Foundation for its valuable service to the Orange County and Southern California communities.

As my colleagues said, the Foundation is an umbrella group with the specific purpose to improve the lives of children and families. Sandy Segerstrom Daniels, the founder, has had the vision and commitment to create the Festival and the ability to bring together people and organizations devoted to children's issues.

Groups involved in the fields of health, education and the arts all collaborate in the Festival. Lectures, exhibits and information booths at South Coast Plaza take place for the entire month of September. I credit the Festival for increasing public awareness of children's issues and for providing opportunities for the public and non-profit organizations to donate their time and resources. I am told that over two million visitors have seen the Festival's exhibits in the past.

Because of the success of the Festival, the California State Assembly and the Orange County Board of Supervisors have taken official actions commending the Festival. I believe it is now fitting and timely for the U.S. Congress to also recognize the Festival of Children by this Resolution.

I encourage all my colleagues to support the Resolution and thank my colleague DANA ROHRABACHER for presenting the Resolution.

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

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

The SPEAKER pro tempore (Mr. BONNER). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the resolution, H. Res. 759, as amended.

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

The title was amended so as to read: ''A resolution commending the Festival of Children Foundation for its outstanding efforts on behalf of children''.

A motion to reconsider was laid on the table.

COMMEMORATING THE 100TH ANNIVERSARY OF THE BIRTH OF WILLIAM ''COUNT'' BASIE AND ACKNOWLEDGING HIS CONTRIBUTIONS TO JAZZ AND SWING MUSIC

Mr. BURNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 778) commemorating the 100th anniversary of the birth of William ''Count'' Basie and acknowledging his important contributions to jazz and swing music.

The Clerk read as follows:

H. RES. 778

Whereas on August 21, 1904, renowned pianist and bandleader William ''Count'' Basie was born in Red Bank, New Jersey;

Whereas in 1924, William ''Count'' Basie moved to New York City and, under the influence of James P. Johnson and Thomas ''Fats'' Waller, learned the style of piano known as stride piano, a contrasting constant beat from the left hand with a melodious right hand;

Whereas in 1927, William ''Count'' Basie's vibrant musical career took off when he moved to Kansas City, Missouri, and joined Walter Page's Blue Devils Band;

Whereas William ''Count'' Basie joined the Bennie Morton Band, and took over as bandleader in 1935, renaming the band ''Count Basie and his Cherry Blossom Orchestra'';

Whereas Count Basie and his Cherry Blossom Orchestra disbanded, but eventually reformed as the ''Count Basie Orchestra'';

Whereas the Count Basie Orchestra dominated the realms of jazz and swing for several decades;

Whereas the music of William ''Count'' Basie and the Count Basie Orchestra solidified the bond between the musical fashion of jazz and the mournful sounds of the blues;

Whereas William ''Count'' Basie and the Count Basie Orchestra established swing as a predominant force in the musical tastes of generations;

Whereas the music of William ''Count'' Basie maintained a lightness and precision that has set the tone for modern jazz accompanying styles;

Whereas William ''Count'' Basie perfected a style of piano known as comping, a syncopated and highly precise style of chords on the piano;

Whereas William ''Count'' Basie's most famous pieces included ''One O'clock Jump'', ''Swingin' the Blues'', ''Jumpin' at the Woodside'', ''April in Paris'', ''Shiny Stockings'', and ''Every Day I Have the Blues'';

Whereas in 1983, William ''Count'' Basie was awarded an American Jazz Masters Award by the National Endowment for the Arts;

Whereas in 1984, in honor of William ''Count'' Basie's accomplishments, an historic theater in his hometown of Red Bank, New Jersey, was renamed the ''Count Basie Theatre'';

Whereas in 1996, the United States Postal Service issued a commemorative postage stamp in honor of William ''Count'' Basie;

Whereas the National Academy of Recording Arts and Sciences awarded William ''Count'' Basie 9 Grammy Awards throughout his career, as well as the Grammy Trustees Award in 1981, and the Lifetime Achievement Award in 2002; and

Whereas William ''Count'' Basie passed away on April 26, 1984, leaving his music and the Count Basie Orchestra as vivid reminders of his brilliant talent and influential career: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the 100th anniversary of the birth of William ''Count'' Basie; and

(2) acknowledges the important contributions of William ''Count'' Basie to jazz and swing music.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BURNS) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BURNS).

GENERAL LEAVE

Mr. BURNS. 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. 778.

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

There was no objection.

Mr. BURNS. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of House Resolution 778, offered by the gentleman from New Jersey (Mr. PALLONE), commemorating the 100th anniversary of the birth of William ''Count'' Basie, and acknowledging his important contributions to jazz and swing music.

William ''Count'' Basie was born in Red Bank, New Jersey, on August 21, 1904. His vibrant musical career took off in 1927 when he moved to Kansas City, Missouri, and joined Walter Page's Blue Devils Band. From there, William ''Count'' Basie joined the Bennie Morton Band and took over as band leader in 1935, renaming the band the Count Basie and his Cherry Blossom Orchestra.

Count Basie and his Cherry Blossom Orchestra disbanded, but eventually reformed as the Count Basie Orchestra, which went on to dominate the realms of jazz and swing for several decades. The Count Basie Orchestra established swing as a predominant force in the musical taste of generations, and their music set the tone for modern jazz.

In 1983, William ''Count'' Basie was awarded an American Jazz Masters Award by the National Endowment for the Arts. A historic theater in his hometown of Red Bank, New Jersey, was renamed the Count Basie Theater in 1984, and the United States Postal Service issued a commemorative stamp in his honor in 1996.

Over the years, the National Academy of Recording Arts and Sciences awarded William ''Count'' Basie nine Grammy Awards, which led to a Lifetime Achievement Award in 2002.

House Resolution 778 commemorates the 100th anniversary of the birth of William ''Count'' Basie and acknowledges his important contributions to jazz and swing music. Mr. Speaker, I

urge my colleagues to support this resolution.

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

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

Mr. Speaker, today we celebrate the life of William ''Count'' Basie and his influence on jazz and swing music. Born in Red Bank, New Jersey, Count Basie began to learn the piano under his mother's direction. In 1924, he moved to New York City to perfect his talent and begin his remarkable career.

Throughout the years, he developed and advanced his own music style. In 1935, Count Basie formed his own nine-piece group called the Barons of Rhythm. The Barons of Rhythm's style was a powerful one. This earned Basie the nickname ''Count.'' By the end of the 1930s, the band was one of the most popular in the world, with hits like ''One O'clock Jump'' and ''Jumpin' At the Woodside.''

Count Basie continued to share his talent with the world through the 1970s. In 1985, one year after his death, President Reagan awarded him the Presidential Medal of Freedom. In 1996, the U.S. Post Office honored him with a commemorative stamp.

Today, Mr. Speaker, we honor the 100th anniversary of the birth of Count Basie and acknowledge the tremendous impact he had on music. I congratulate our colleague, the gentleman from New Jersey (Mr. PALLONE), for this legislation.

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

Mr. BURNS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank my colleague, the gentlewoman from California (Ms. WOOLSEY), for yielding me this time and for her role in bringing this resolution up on the suspension list today.

It is with distinct honor and pleasure that I stand before this Chamber today to speak in support of House Resolution 778. Count Basie was born in my district and spent the first 20 years or so of his life in my district, and I would like to kind of recount some of the events that occurred in my district during those early years.

This bill recognizes and celebrates the incredible contribution that William ''Count'' Basie has made to jazz and swing music. Furthermore, it is only fitting we acknowledge his pivotal role this year, marking the 100th anniversary of his birth.

He was born, as was stated previously by my colleagues, on August 21, 1904, in his parents' home on Mechanic Streets in Red Bank, New Jersey, which has been in my district the entire time I have been in Congress, and even prior to the time I represented the area. And Count Basie is highly regarded in our area, as well as obviously nationally, as one of the best and most influential musicians and composers of the last century.

The city of Red Bank, where he was born, gave the young William Basie his first exposure to music and the title of one of the most famous tunes associated with his band, ''The Kid From Red Bank''; and it is evidence the city of Red Bank has had on his early musical development.

As a child, Basie would do chores at the Palace Theater in Red Bank so that he could get in free. One day when the Palace's house piano player was unable to travel from New York, Basie offered to fill in for him, but the manager declined the offer. Basie simply waited until the picture had started, then snuck into the pit and accompanied the film anyway on the piano. He was invited back to play the evening show.

Years later, Basie would trace his lifelong interest in the organ to his experiences at the Lyric Theater, another theater in Red Bank, New Jersey, where he would listen to the organ played by Henry La Ross.

Many are surprised to learn that William Basie's first love was not the piano, but rather the drums. However, his aspiration went towards a different direction when he met Sonny Greer, a young talented drummer from nearby Long Branch, New Jersey, which is actually my hometown. The young men quickly realized where their true respective talents really laid, and the drums and piano duo went on to win first place in an Asbury Park piano competition, one of the first of many honors bestowed upon Basie throughout his career.

Asbury Park is also in my district, Mr. Speaker, and some of my colleagues know that Asbury Park was made famous also by Bruce Springstein, another one of our constituents.

□ 1815

Count Basie was awarded with a total of nine Grammys throughout his career, including the Grammy Trustees Award from the National Academy of Recording Arts and Sciences in 1981. In addition, he was the recipient of an American Jazz Masters Award from the National Endowment of the Arts in 1983, and in 1996, he was bestowed the honor of a Commemorative Stamp by the United States Postal Office. And I assure Members myself and many others in my district have lots of those stamps.

Today, the Count Basie Theater in Red Bank, New Jersey stands as a testament to the life, career and accomplishments of this innovative and ingenious musician. In 1984, the historic theater, which first opened its doors in 1926, was renamed to honor Count Basie. Much of the theater has been preserved and remains true to its original appearance. The theater is now owned and operated by Count Basie Theater, Inc., a nonprofit corporation formed solely to operate the theater for the benefit of the community, and one cannot help but think this is exactly how the ''Kid from Red Bank'' would have liked it.

Mr. Speaker, once again I ask my colleagues to vote in favor of this resolution and pay tribute to the life and career of an individual who revolutionized the face of jazz music and to this day stands as a model for all those who have followed him.

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

Mr. BURNS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for introducing H. Res. 778, and urge my colleagues to support this resolution.

Mr. HOLT. Mr. Speaker, today I rise to commemorate the 100th anniversary of the birth of William "Count" Basie, one of the leading figures of the swing era in jazz. Bandleader of the renowned Count Basie Orchestra, Basie was integral in establishing swing as the popular music of subsequent generations. His orchestra was a unique band during a unique time in the history of jazz and American music.

Born in Red Bank, New Jersey on August 24, 1904, William "Count" Basie took an interest in music at an early age. He honed his skills on both the piano and drums in local theatres in Red Bank before moving to New York in 1924, at the age of twenty. It was in New York where he was influenced by two of the greatest early jazz pianists, James P. Johnson and Thomas "Fats" Waller. In 1927, Basie moved to Kansas City, Missouri to capitalize on its nascent jazz scene. He first joined the Blue Devils Band, but soon after he became a member of the famed Benny Moten Orchestra. Basie later took over as bandleader of Moten's orchestra, which was renamed the Count Basie Orchestra.

In 1937, Basie and his orchestra moved to New York City and established their home base in Harlem, where they became one of the leading big bands of the era. Basie's orchestra was best known for its unique "Kansas City Sound," exemplified in such works as, "One O'clock Jump" and "Swingin' the Blues."

Throughout his career, "Count" Basie received nine Grammy awards as well as a Grammy Trustee award in 1981; he was also posthumously recognized for lifetime achievement in 2002. William "Count" Basie was an extremely talented and ambitious musician and bandleader; his influence has persisted throughout time and among many different generations. He made many important contributions to swing, jazz, and American music. Let us honor this great musician and man today. Central New Jerseyans are proud to say "such as he came from among us."

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today in support of H. Res. 778, a resolution to commemorate the 100th anniversary of the birth of William "Count" Basie, one of America's premier swing musicians who rose to national prominence as a jazz pioneer while playing at the Club Reno in Kansas City.

Born an only child on August 21, 1904 in Red Bank, New Jersey, Basie moved to Harlem in 1920 to pursue a career in jazz music. An aspiring pianist, he soon met Thomas "Fats" Waller and developed a style of piano

improvisation called "comping," where he would play a standard chord progression with his left hand, but improvise a melody with his right hand. He soon began touring the country with a variety show, "Gonzel White and the Big Jamboree."

In 1927, Basie was stranded in Kansas City when the tour went bust. After playing silent theatres, he joined Walter Paige's "Blue Devils," a well-known performance ensemble in the city. In 1929, he used his reputation and contacts to secure a spot as arranger and backup pianist with the Bennie Moten band, a local mainstay. During an internal dispute about an engagement at the Cherry Blossom club, the band voted to kick out Moten and install Basie as its new leader.

The new band called themselves "Count Basie and his Cherry Blossom Orchestra," marking the first time with Basie was billed as "Count." After a few months with his new orchestra, Basie reunited with Moten's new band, which he then took over in 1935 following Moten's death. Basie and saxophonist Buster Smith brought in former members of the Blue Devils and created a nine piece orchestra called "Count Basie and His Barons of Rhythm."

Under Basie, the band perfected a sound based on syncopated rhythms and simple musical themes. These arrangements produced light, straightforward and uncomplicated music that was a marked contrast to the style of many other jazz groups of the time, who tended to employ complicated melodies and layers of improvisation. That style of music became known as the "Kansas City Sound."

On the popularity of their new sound, Basie's band played a long engagement at the Club Reno in Kansas City, which turned out to be a critical turning point in Basie's career. Basie performed nightly from 8 p.m. to 4 a.m. The Club Reno performances were broadcast nationally over radio WXBY from 11:15 p.m. until midnight, offering exposure far beyond that of the nascent Kansas City jazz scene.

In Chicago, a young music writer and promoter named John Hammond heard the broadcast on shortwave radio and took an immediate interest in the Basie band. After writing several articles about the band, he traveled to Kansas City to meet Basie and a life long friendship was formed.

Hammond arranged for a national booking deal with MCA and a record deal with Decca Records, and by 1937 an enlarged thirteen piece band known as the Count Basie Orchestra had become one of the country's leading big bands. Over the next 13 years the band toured and recorded relentlessly, delivering the Kansas City jazz sound to all corners of the country. During this period, Basie and his orchestra were featured in five movies and headlined the famous "Spirituals to Swing" series from 1938 to 1939, one of the first Carnegie Hall productions to present African American performers to a predominantly white audience.

Later in his career, Basie performed with a number of famous performers, from saxophone player Lester Young to trumpeter Dizzy Gillespie to crooner Frank Sinatra. He received nine Grammy awards, the Grammy Trustee's Award and the American Jazz Masters Award in 1983 from the National Endowment for the Arts. His songs "One O'Clock Jump" and "Everyday I have the Blues" are included in the Grammy Hall of Fame.

Though Count Basie died from cancer on April 26, 1984, he is still considered one of the premier jazz greats. The Count Basie band was featured in famous Kansas City Filmmaker Robert Altman's movie "Jazz '34." Just 2 years ago in 2002, 18 years after his death, a tribute album entitled "Homage to Basie" won the Grammy award for Best Large Jazz Ensemble Album.

Over the course of a career that spanned seven decades, Basie's style of Kansas City swing became a prominent fixture in jazz repertoire. His legacy continues to inspire new generations of jazz musicians and remind new performers of the important role Kansas City played in American musical history.

This past August 21st, I had the honor of hearing two Kansas City jazz greats and former members of Basie's famous group, pianist Jay McShann and trumpeter Clark Terry. They joined Bobby Watson and the "18th and Vine Big Band" to perform a tribute that was broadcast worldwide on National Public Radio. Sponsored by Kansas City's American Jazz Museum, the live performance sold out Kansas City's historic Gem Theatre. For his contributions to American music, and his role in bringing the Kansas City jazz sound to the wider world, I join my colleagues in commemorating Count Basie's enduring legacy.

Mr. DAVIS of Illinois. Mr. Speaker, today we celebrate the life of William "Count" Basie and his influence on jazz and swing music. Born in Red Bank, New Jersey, William "Count" Basie began to learn the piano under his mother's direction. In 1924, he moved to New York City to perfect his talent and begin his remarkable career. In 1927, Count Basie began playing piano accompaniment to silent movies. He then joined Walter Page's Blue Devils and from there along with several other members joined Bernie Moten's Kansas City Band. Throughout the years, he was developing and advancing his own music style. In 1935, Basie formed his own 9 piece group, Barons of Rhythm, gaining much attention from live appearances. The Barons of Rhythm style was a powerful swing, intensified by Basie's frequent playing with the rhythm section alone using short phrases called "riffs" exchanged back and forth between sections, giving the band a unique sound and identity. This raised Basie's stature in the community onto an even keel with Duke Ellington, earning him the nickname "Count". By the end of the 1930s, the Basie band was one of the most popular in the world, with massive hits like "One O'clock Jump" and "Jumpin at the Woodside."

William "Count" Basie continued to share his talent with the world through the 1970s. One year after his death, on May 23, 1985, Basie was awarded the Presidential Medal of Freedom by President Ronald Reagan. He was also honored in 1996 with a United States Postal Service commemorative postage stamp. Mr. Speaker, we honor the 100th anniversary of the birth of Count Basie and acknowledge the tremendous impact he had on music.

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

The SPEAKER pro tempore (Mr. BONNER). The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the resolution, H. Res. 778.

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

A motion to reconsider was laid on the table.

HONORING LIFE AND WORK OF DUKE ELLINGTON

Mr. BURNS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 501) honoring the life and work of Duke Ellington, recognizing the 30th anniversary of the Duke Ellington School of the Arts, and supporting the annual Duke Ellington Jazz Festival.

The Clerk read as follows:

H. CON. RES. 501

Whereas jazz music is America's classical music and is an art form that is indigenous to the United States;

Whereas the influence of jazz has spread across the world and jazz truly incorporates and transcends differences of nationality, religion, language, culture, socioeconomic status, and race;

Whereas Edward Kennedy "Duke" Ellington, who was born on April 29, 1899 in Washington, D.C., and died on May 24, 1974 in New York City, was one of the pioneers of jazz music;

Whereas Duke Ellington formed his first band in 1917;

Whereas over the course of his 50-year musical career, Duke Ellington took jazz to the farthest corners of the world, performing in Europe, the Soviet Union, Japan, and Australia during the 1960's on diplomatic tours sponsored by the Department of State;

Whereas among his numerous other public honors, Duke Ellington was appointed to the National Council on the Arts in 1968, received the President's Gold Medal in 1966 from President Lyndon Johnson, and was awarded the Presidential Medal of Freedom, the highest honor a civilian can receive in the United States, in 1969;

Whereas Duke Ellington has also received many awards and honors from private entities, including 13 GRAMMY Awards from the National Academy of Recording Arts and Sciences over 40 years, the Pied Piper Award from the American Society of Composers, Authors, and Publishers in 1968, and honorary doctoral degrees from 16 institutions;

Whereas after the death of Duke Ellington, Western High School in Washington, D.C., was renamed the Duke Ellington School of the Arts and is celebrating its 30th anniversary this year;

Whereas the House of Representatives has declared that jazz is a rare and valuable national treasure that deserves attention, support, and resources to ensure that it is preserved, understood, and promulgated;

Whereas Washington, D.C., does not currently host its own jazz festival;

Whereas Charles Fishman, who was Dizzy Gillespie's personal manager and producer until his death and is highly regarded in the jazz world, has established the Duke Ellington Jazz Festival, a non-profit organization which will produce an annual Duke Ellington Jazz Festival in Washington, D.C., beginning in 2005;

Whereas Duke Ellington Jazz Festival will consist of events across Washington, D.C., over a number of days, most of which will be free of charge, and will culminate in 2 days of concerts on the National Mall;

Whereas the rich musical legacy, international character, and diverse community of Washington, D.C. make it the ideal city to host a world-class international jazz festival; and

Whereas the Duke Ellington Jazz Festival will soon become known as one of the leading jazz festivals in the world, showcasing the best in jazz music in the shadow of the United States Capitol: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the life and work of Duke Ellington and his immortal contributions to American and world music;

(2) recognizes the Duke Ellington School of the Arts in Washington, D.C., on the occasion of its 30th anniversary; and

(3) supports the annual Duke Ellington Jazz Festival to be held in Washington, D.C., beginning in 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BURNS) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BURNS).

GENERAL LEAVE

Mr. BURNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 501.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 501 offered by the gentlewoman from the District of Columbia (Ms. NORTON) which honors the life and work of Duke Ellington, recognizes the 30th anniversary of the Duke Ellington School of the Arts and supports the annual Duke Ellington Jazz Festival.

Edward Kennedy ''Duke'' Ellington was born on April 29, 1899 in Washington, D.C., and formed his first band in 1917. Over the course of his 50-year musical career, Duke Ellington pioneered jazz music and took it to the farthest corners of the world, performing diplomatic tours in Europe, the Soviet Union, Japan and Australia.

Among his numerous other public honors, Duke Ellington was appointed to the National Council of the Arts in 1968, received the President's Gold Medal in 1966 from President Lyndon Johnson, and was awarded the Presidential Medal of Freedom, the highest honor a civilian can receive in the United States, in 1969 from President Nixon.

During his distinguished career, Duke Ellington received many awards and honors from private entities, including 13 Grammy Awards from the National Academy of Recording Arts and Sciences, the Pied Piper Award from the American Society of Composers, Authors and Publishers, and honorary doctoral degrees from 16 different institutions.

Sadly, Duke Ellington died on May 24, 1974 in New York City. After his death, Western High School in Washington, D.C. was renamed the Duke Ellington School of the Arts, home of the famous Hexagon Theater.

This school seeks to meet the needs of talented students who are considering careers in the arts by providing intensive arts instruction through arts programs of the highest quality, and strong academic programs that help each student meet the intellectual and artistic challenges of their future.

Unfortunately, Washington, D.C. does not currently host its own jazz festival. However, Charles Fishman, who was Dizzy Gillespie's personal manager and producer until his death, and is highly regarded in the jazz world, has established the Duke Ellington Jazz Festival, a nonprofit organization which will produce an annual Duke Ellington Jazz Festival in Washington, D.C. beginning in 2005.

Because of the District of Columbia's rich musical legacy, international character, and diverse community, it is an ideal city to host a world-class international jazz festival.

House Concurrent Resolution 501 does three things. First, it honors the life and work of Duke Ellington and his immortal contributions to American and world music. Second, it recognizes the Duke Ellington School of the Arts in Washington, D.C. on the occasion of its 30th anniversary. Finally, this resolution supports the annual Duke Ellington Jazz Festival to be held in Washington, D.C. beginning in 2005.

Mr. Speaker, I urge my colleagues to support this resolution.

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

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

Mr. Speaker, Duke Ellington has been called the ''quintessential American composer'' and is one of the greats of world music history. He brought a great deal of refinement and elegance to jazz.

His first piano lessons began around the age of 7, but it took seeing a few great live performances to cement his commitment to music. The Duke found piano playing jobs at clubs and cafes throughout the Washington, D.C. area. In late 1917, he formed his first group. By the late 1920s, his band became the most sought after band in the United States. Duke Ellington and his band played everywhere from New York to New Delhi, Chicago to Cairo, Los Angeles to London. Duke Ellington and his band played with Miles Davis, Cab Calloway, Dizzy Gillespie, Ella Fitzgerald, Tony Bennett, and Louis Armstrong, and entertained everyone from queens to Presidents.

Thirty years ago, Washington, D.C. honored the Duke by renaming a high school the Duke Ellington School of Arts. I am pleased that today we will again honor the Duke by passing this resolution which came to us through the gentlewoman from the District of Columbia (Ms. NORTON) who knows good music when she hears it. This resolution commemorates Duke Ellington's life and work, and supports the annual Duke Ellington Jazz Festival on the mall.

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

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

Ms. WOOLSEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me this time, and also for her help on this bill. I thank the gentleman from Georgia who is managing the bill for his excellent statement and for bringing the bill forward.

I also would like to begin by thanking my good friends who have taken a special interest in this bill, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. TOM DAVIS), as well as the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for scheduling this resolution.

I rise today to honor the 30th anniversary of the Duke Ellington High School named for the legendary composer and musician, the great Duke Ellington, a native son of the District of Columbia. The genius and artistry of Duke Ellington and his fabulous 50-year career are universally recognized. Many of today's musicians, from a variety of genres, but most especially jazz, look to Ellington as the world-class leader of the American classic, jazz.

I am pleased to recognize his achievements during the 30th year anniversary of the Duke Ellington School of the Arts, a nationally acclaimed high school that trains talented area students in a variety of arts such as dance, theater, instrumental music and the visual arts. The Duke Ellington School of the Arts operates in the tradition of Ellington excellence. It has a partnership with the John F. Kennedy Center for the Performing Arts and offers a college preparatory curriculum with advanced placement courses and professional artistic training. Students perform and work at professional-quality levels. Its graduates, such as the famous soprano, Denise Graves, have carried the Ellington tradition proudly into the arts. The work of students and graduates alike have shown that the high school is worthy of the Ellington name.

Duke Ellington was much celebrated during his glittering career. He was a recipient of the President's Gold Medal in 1966 and of the Presidential Medal of Freedom in 1969. He won 13 Grammy awards and numerous honors from organization all over the world. His music gave rise to the famed Cotton Club, which showcased jazz talent from Sarah Vaughn to Ella Fitzgerald to Dizzy Gillespie and Louis Armstrong.

The popularity of jazz music that he helped spread spawned the creation of Blue Note Records, the influential jazz recording label which is marking its 65th anniversary this year. Music critics have been writing about jazz in the

equally important Downbeat Magazine which is celebrating its 70th anniversary.

Jazz is our much-celebrated unique American treasure, and Ellington was the leader of the band. We are particularly pleased to recognize the Duke Ellington Jazz Festival which will begin next fall. It will feature a number of artistic events culminating in 2 days of concerts on the National Mall. It is especially fitting this festival will take place here in the Nation's Capital, Duke Ellington's birthplace and the city that nurtured his talent on the 30th anniversary of the extraordinary high school named for the Duke.

Mr. Speaker, I urge my colleagues to vote for and support H. Con. Res. 501.

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

Mr. BURNS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from the District of Columbia (Ms. NORTON) for bringing H. Con. Res. 501 to the floor today. I urge my colleagues to support this measure. All of us have been impacted by the life and work of Duke Ellington.

Mr. DAVIS of Illinois. Mr. Speaker, he has been called the "quintessential American composer" and considered to be one of "great musicians along with Bach and Beethoven and Shoenberg." Duke Ellington brought a level of refinement and elegance to jazz.

The Duke's first piano lessons began around the age of seven—but like many youngsters—he was more interested in going to the Washington Senators baseball games than practicing. It took seeing a few great live performances, even sneaking out of school to seek out and listen to ragtime pianists in Washington and, during the summers, in Philadelphia or Atlantic City, where he and his mother vacationed. Duke was taken under the wings of Oliver "Doc" Perry and Louis Brown, who taught Duke how to read music and helped improve his overall piano playing skills. Duke found piano playing jobs at clubs and cafes throughout the Washington area.

In late 1917, Duke formed his first group: The Duke's Serenaders, which years later was renamed as The Washingtonians. By the late 1920s, Duke's band became the most sought-after band in the United States and even throughout the world. Duke Ellington and his band went on to play everywhere from New York to New Delhi, Chicago to Cairo, and Los Angeles to London. Ellington and his band played with such greats as Miles Davis, Cab Calloway, Dizzy Gillespie, Ella Fitzgerald, Tony Bennett and Louis Armstrong. They entertained everyone from Queen Elizabeth II to President Nixon.

Duke Ellington did not just make an impact on music to the world, but he made his hometown of Washington, DC, proud. Thirty years ago Washington, DC, honored him by renaming one high school the Duke Ellington School of the Arts. It only makes sense that in 2005, Washington, DC, will be able to honor The Duke of Jazz once again by hosting 2 days of concerts on the National Mall each year as the Duke Ellington Jazz Festival.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 501.

The question was taken.

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

Ms. WOOLSEY. 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.

HONORING UNITED NEGRO COLLEGE FUND ON 60TH ANNIVERSARY

Mr. BONNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 792) honoring the United Negro College Fund on the occasion of the Fund's 60th anniversary and the Fund's unflagging dedication to enhancing top-quality college opportunities to millions of students.

The Clerk read as follows:

H. Res. 792

Whereas the United Negro College Fund was founded on April 26, 1944, with 27 member colleges under the leadership of Dr. Frederick D. Patterson;

Whereas the United Negro College Fund is the Nation's largest, oldest, most successful, and most comprehensive minority higher education assistance organization;

Whereas the United Negro College Fund's mission is to enhance the quality of education by providing financial assistance to deserving students, raising operating funds for member colleges and universities, and increasing access to technology for students and faculty at historically black colleges and universities;

Whereas over 60 years, the United Negro College Fund has raised more than $2.3 billion to assist a total of more than 300,000 students attend college;

Whereas the United Negro College Fund administers more than 450 scholarships and fellowships for students and faculty, who attend more than 950 colleges and universities throughout the nation;

Whereas the United Negro College Fund has distributed more funds to help minorities attend school than any entity outside of the federal government;

Whereas the United Negro College Fund provides key support to historically black colleges and universities as a means to keep tuition down to a rate half that of tuition at comparable schools, while its member institutions provide a quality education to students, many of whom are the first in their families to attend college and are from low-income families;

Whereas both the Non-Profit Times and the Chronicle of Philanthropy rank the United Negro College Fund among the top ten charitable education organizations in the country, and Barron's ranks it as the number one educational charity in terms of efficiency in distributing funds raised;

Whereas the United Negro College Fund provides operational funds, technology enhancement services, and advanced training for faculty and administrators for its member institutions;

Whereas the United Negro College Fund's member institutions enroll seven percent of African American college students nationwide;

Whereas the United Negro College Fund's colleges and universities are the top producers of successful medical school applicants; and

Whereas the United Negro College Fund has contributed immeasurably to the nation by producing countless graduates who have contributed to our communities as nurses, teachers, civil servants, business leaders, doctors, lawyers, elected officials, and community leaders: Now, therefore, be it

Resolved, That the House of Representatives recognizes the United Negro College Fund, on the occasion of its 60th anniversary, for the Fund's outstanding commitment towards providing a quality education for minority and low-income students and towards strengthening our communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BURNS) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BURNS).

□ 1830

GENERAL LEAVE

Mr. BURNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 792.

The SPEAKER pro tempore (Mr. BONNER). Is there objection to the request of the gentleman from Georgia?

There was no objection.

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

I rise in support of H. Res. 792, honoring the United Negro College Fund on the occasion of the fund's 60th anniversary. I want to thank the gentleman from California (Mr. GEORGE MILLER), ranking member of the Committee on Education and the Workforce, for bringing this resolution to the floor of the House. All members on our committee recognize the important role that Historically Black Colleges and Universities play in the postsecondary education environment. Moreover, we recognize the dedication and commitment the United Negro College Fund has made to enhance top-quality college opportunities for millions of students.

In my home district, I have two historically black institutions, Paine College in Augusta, Georgia, and Savannah State University in Savannah, two of our State's leading institutions of higher education. The United Negro College Fund is the Nation's oldest and largest minority higher education assistance organization that has helped to raise more than $2.3 billion to assist over 300,000 students attend college.

Not only does the United Negro College Fund have a mission to enhance the quality of education by providing financial assistance to students but the organization raises operating funds for member colleges and universities and increases access to technology for students and faculty at HBCUs. Additionally, the United Negro College Fund

ensures that first-generation college students have the resources and support they need to pursue the dream of a college education. The contributions made by the United Negro College Fund and its member institutions are undeniable. UNCF member institutions enroll 7 percent of African American college students nationwide and are responsible for producing a significant number of all bachelor's, master's and professional degrees earned by African Americans. In many instances, UNCF member institutions do not have access to the resources or endowment income that other institutions can draw upon. Despite this, with the assistance of UNCF, these institutions tend to keep their tuitions affordable in comparison with other institutions of higher education.

For over 60 years, the United Negro College Fund has made it possible for students to pursue the dream of higher education, and the organization has ensured that its member institutions have the resources and support to provide students with educational opportunities. I urge my colleagues to recognize and honor the important contributions that have been made by the United Negro College Fund, its member institutions, and their graduates and to vote ''yes'' on this worthy resolution.

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

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

I rise in the place of the gentleman from California (Mr. GEORGE MILLER), our Education and Workforce ranking member, in strong support of this resolution and to honor the United Negro College Fund on the occasion of the fund's 60th anniversary. Founded in 1944 by Dr. Frederick Patterson, the United Negro College Fund is the Nation's largest, oldest, most successful and most comprehensive minority education assistance organization. The United Negro College Fund has long been a forerunner in recognizing the importance of a quality education for both individuals and for the greater good of society. Just as millions of students, particularly minority and low-income students, struggle to pay for a college education, the fund continues to enhance the quality of education by providing college aid to deserving students. In fact, the United Negro College Fund has raised over $2 billion towards helping more than 300,000 students attend college.

Over the past 60 years, the fund has distributed more funds to help minority students attend school than any other organization outside of the Federal Government. In addition, the fund continues to provide critical support to Historically Black Colleges and Universities as a means to keep tuition down to a rate that is about half that at comparable schools and to continue to provide a quality education. If not for their important work and investments, many students in my own district would be unable to attend college.

The United Negro College Fund is also dedicated to raising operating funds for Historically Black Colleges and Universities and to boosting access to technology for students and faculty at these institutions. These funds help to ensure that students have access to quality academic student support services and to new technologies necessary to prepare them for careers in science, medicine, and public safety. The United Negro College Fund has contributed immensely to the Nation by producing graduates who have given back to their communities as nurses, teachers, elected officials, civil servants, community leaders, and doctors.

I commend the United Negro College Fund on its 60th anniversary for its outstanding commitment toward providing a quality education for minority and low-income students and towards strengthening our communities.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman from California who is controlling this piece of legislation for yielding me this time.

Mr. Speaker, today I rise to congratulate the United Negro College Fund on its 60th anniversary. I would like to thank my colleague from California (Mr. GEORGE MILLER) for sponsoring this legislation.

Mr. Speaker, ''A mind is a terrible thing to waste.'' These words have long been associated with the strength and commitment of the UNCF. In providing financial assistance to students, raising operating funds for Historically Black Colleges and Universities, and increasing access to technology at these schools, the UNCF has assured that a student with a dedicated mind will not be wasted. From its formation in 1944, UNCF has grown to become the Nation's oldest and most successful African American higher education assistance organization.

Currently, Mr. Speaker, of the 65,000 students UNCF supports at 1,000 colleges and universities, 60 percent are the first in their families to attend college and 62 percent have annual family incomes of less than $25,000. So it is evident that without this vital assistance, these students would be left out of sharing in the American Dream.

In administering over 450 scholarships and fellowships supporting students at the undergraduate, graduate and doctoral level, the United Negro College Fund makes lasting contributions to our Nation. The funding provided to students builds successful careers in the many areas that are essential to increasing the competitiveness of the United States in the world community.

It is with the greatest honor that I list some of the alumni whom UNCF has trained to become some of our esteemed leaders:

Dr. Martin Luther King, Jr.;

The Honorable L. Douglas Wilder, the first African American Governor to be elected;

Dr. David Satcher, former U.S. Surgeon General and former director of the Centers for Disease Control and Prevention;

The Honorable Alexis Herman, former U.S. Secretary of Labor, along with some of our distinguished Members of this House: the distinguished gentlemen from Georgia, Congressman SANFORD BISHOP and Congressman JOHN LEWIS; the distinguished gentleman from Florida, Congressman ALCEE HASTINGS; the distinguished gentleman from New York, Congressman MAJOR OWENS; and the distinguished gentleman from Mississippi, Congressman BENNIE THOMPSON.

Congratulations to the United Negro College Fund on 60 years of excellence in leading the way for providing financial assistance and training to African Americans enabling them to obtain higher education and to find their role on the world stage.

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

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

Mr. Speaker, I thank Chairman BOEHNER, Ranking Member MILLER, the gentlewoman from California and others who have supported H. Res. 792. Mr. Speaker, this resolution honors the United Negro College Fund on its 60th anniversary. I urge my colleagues to vote ''yes'' on this resolution.

Mr. HOLT. Mr. Speaker, I rise today to honor the United Negro College Fund on its 60th anniversary of assistance in higher education. The United Negro College Fund (UNCF) was founded upon a mission to improve the quality of education through the provision of financial aid to deserving students, raising operation funds to assist member institutions, and increasing access to technology at historically black colleges and universities (HBCUs). Throughout the past six decades, the UNCF has raised over $2 billion, allowing the Fund to help over 300,000 students receive a higher education, thus designating the Fund as the largest contributor of funding, aside from the government, to help minorities attend school.

Today, the UNCF extends operational support through technological enhancement and financial assistance to 38 member colleges and universities, allowing these schools to maintain a tuition level 54 percent lower than that of similar schools. The UNCF also provides over 450 scholarships and fellowships that support deserving students through the doctorate level of education. Moreover, of the 65,000 students supported by the UNCF, 60 percent are the first in their families to attend college and 62 percent have annual family incomes of less than $25,000.

The Fund has also recently established Liberty Scholarships, which allow the children of the victims of the attacks of September 11, 2001—regardless of age, race or creed—to attend any of the UNCF's member institutions. Finally, through its efforts and philanthropic activities, the United Negro College Fund has produced innumerable graduates who have

made lasting and significant contributions in fields such as politics, education, law, business, health care, and the arts.

In its 60 years of existence, the United Negro College Fund has undoubtedly changed the lives of hundreds of thousands of students, friends and families, and has thus changed the communities and the country in which we live. Therefore, I would like to honor the United Negro College Fund in recognition of these great achievements and contributions to our society.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H. Res. 792, honoring the United Negro College Fund, (UNCF), on the occasion of its 60th anniversary and the Fund's unflagging dedication to enhancing top quality college opportunities to millions of students.

Mr. Speaker, we know ''the mind is a terrible thing to waste.'' And Mr. Speaker, we know that education is an unequaled blessing. Before Emancipation, slaves risked corporal punishment as they secretly gathered to read together. As a slave in Baltimore, Frederick Douglass tricked his white playmates into teaching him the alphabet, trading morsels of food for morsels of schooling. Throughout American history, African Americans possessed an unquenchable thirst to learn, finding innovative ways to educate each other.

Dr. Frederick Patterson was a key contributor to that history. One hundred and fifty years after Douglass's death, Dr. Patterson founded the UNCF in an effort to support Historically Black Colleges and Universities and make higher education more accessible to African Americans. In the last 60 years, through grants and scholarships, the UNCF has raised over $2 billion in aid and has helped over 300,000 students attain a college education. Sixty percent of the students UNCF supports are the first in their families to go to college. Many of these students come from families who make less than $25,000 a year.

The UNCF also extends its aid to students beyond the confines of college campus, providing internships at hundreds of Fortune 500 companies and supporting students in their doctoral and post-graduate study. Additionally, UNCF provides millions of dollars in technical and structural support to Historically Black Colleges and Universities by providing computers and training faculty.

I am grateful to the UNCF for its contributions to the education of many of my esteemed colleagues in Congress, including, to mention a few, Congressmen HASTINGS, LEWIS, OWENS, THOMPSON and BISHOP of GA. I know these men personally. I know how their education has contributed to their quest for justice and their tireless work for a better America. I have seen the fruits of their education as they harness their inquisitiveness and leadership to the most difficult challenges of governance.

Mr. Speaker, there are countless others I do not know personally who have received the immeasurable gift of education because of the UNCF. Let me share a few stories with you from the UNCF's 2003 Annual Report. When she was in high school, Gabrielle Brown maintained a part time job mowing lawns in public parks to help her family. The UNCF made Ms. Brown's dream of college a reality. At Johnson C. Smith University, Ms. Smith was on the honor roll and served as a Big Sister. She said, ''the people and companies who give to the UNCF may not realize that their contribution is more than just money, it's hope for the future.''

Another UNCF recipient, Theodore Wesby, spent much of his childhood homeless, sleeping in shelters and bus stations. When he could not afford to live in the dorms at Edward Waters College, the UNFC awarded him a scholarship to cover his expenses. The formerly homeless young man plans to pursue a career in real estate, helping others locate their homes, just like the UNCF helped him locate his. It is in the name, honor, and gratitude of these inspiring students that I express my appreciation to the UNCF for its contributions

W.E.B. DuBois, a graduate of the historically black Fisk University and Harvard University, wrote in The Souls of Black Folk:

''I sit with Shakespeare, and he winces not. Across the color line I move arm and arm with Balzac and Dumas, where smiling men and welcoming women glide in gilded halls. From out of the caves of evening that swing between the strong-limbed Earth and the tracery of stars, I summon Aristotle and Aurelius and what soul I will, and they come all graciously with no scorn nor condescension. So, wed with Truth, I dwell above the veil.''

Mr. Speaker, because of the United Negro College Fund, so many more of us have been able to sit above the veil of ignorance with Shakespeare and Balzac, with Einstein and Pythagoras, with Martin and Mandela. I thank the UNCF for the tremendously important work it does, and I urge my colleagues to accept this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor the United Negro College Fund for providing assistance to allow minority students the opportunity of achieving their dream of a college education for 60 years. The Fund is the nation's largest, oldest, most successful and most comprehensive minority higher education assistance organization. Over those 60 years, the United Negro College Fund has raised more than $2 billion to help a total of more than 300,000 students attend college and has distributed more funds to help minorities attend school than any entity outside of the government. UNCF administers over 450 scholarships and fellowships that support students at the undergraduate, graduate and doctoral level. Of those students UNCF helps, 60 percent are the first in their families to attend college and 62 percent have annual family incomes of less than $25,000—reinforcing the fact that without UNCF, those individuals may not have been able to finance their education.

It was the dream of Dr. Frederick D. Patterson in 1943 to raise money collectively with other black college presidents through an ''appeal to the national conscience.'' His call was heard and answered by the Nation. UNCF does amazing work—but more students would get the opportunity of attending and graduating from college if the maximum amount for Pell grants were increased and students were relying less on student loans.

Mr. Speaker—the United Negro College Fund has proven its slogan to be fact—''a mind is a terrible thing to waste''.

Mr. GREEN of Texas. Mr. Speaker and fellow members. I rise to support this resolution and commemorate the 60th anniversary of the United Negro College Fund.

As the oldest comprehensive minority higher education assistance organization, the United Negro College Fund has enhanced educational opportunities for hundreds of thousands of young men and women.

In today's times tuition increases are the rule, not the exception, many minority students rely on organizations like this to navigate financial aid applications and to get the financial help they need to pay for school.

The students who attend college through this organization often go on to become doctors, lawyers, teachers, and elected officials.

United Negro College Fund students don't just become graduates, they become productive citizens and I congratulate all the students back home in Houston and across America who have been helped by this program.

$2.3 billion has been invested in our future by this organization and I wish the United Negro College Fund continued success.

Mr. SCOTT of Virginia. Mr. Speaker, I rise today in honor of the 60th Anniversary of the United Negro College Fund. The United Negro College Fund is the nation's oldest, most successful and most comprehensive minority higher education assistance organization.

Over the past 60 years, UNCF has raised more than $2 billion to help a total of more than 300,000 students attend college. Today, of the approximately 65,000 students UNCF supports, 60 percent are the first in their families to attend college and 62 percent have annual family incomes of less than $25,000. UNCF doesn't just give students an opportunity to get a college education, but more of an opportunity to make a lasting contribution to our communities and nation by building successful careers.

We all know how important a college education is today. It is virtually impossible to compete in today's global economy without a college degree. Studies have shown that workers with a college degree earn 75 percent more than those with only a high school diploma. While there are many obstacles that deter students from going to college, finances by no means should be the deciding factor.

No one should be denied the opportunity to get an education and increase their earning potential based solely on their inability to pay for a college education. UNCF's founder, Dr. Frederick D. Patterson, president of what is now Tuskegee University, recognized that for many African-American students, lack of finances was the only thing standing in the way of their goal of getting a college education. In 1944, he issued a call to other black college presidents to raise money to help educate these qualified students. Now for the past 60 years UNCF has made sure that minority students at over 1,000 colleges and universities have the financial support they need.

Not only does UNCF support students, but also higher education institutions throughout the country. UNCF provides operating support to 38 member historically black colleges and universities (HBCUs), which help the member schools keep tuition down at a rate 54 percent lower than tuition at other comparable schools. UNCF also administers millions of dollars to help provide computers, technology integration training for faculty members and technological infrastructure support for HBCUs.

The fact that UNCF plays such a significant role in supporting our nation's HBCUs is important. HBCUs graduate far more than their share of African American professionals. While HBCUs represent just 3 percent of the nation's institutions of higher learning, they graduate nearly one-quarter of African Americans who earn undergraduate degrees. Nine of the top ten colleges that graduate the most African Americans who go on to earn Ph.Ds are HBCUs.

Mr. Speaker, I am proud to have two of UNCF's member institutions in my state—Virginia Union University and Saint Paul's College. And two other HBCUs in my district that benefit from UNCF funding and programs—Hampton University and Norfolk State University.

Graduates of UNCF institutions have indeed made lasting contributions in the fields of business, health care, the arts and even politics. In fact, several of my distinguished colleagues are UNCF alumni.

In 1972, UNCF introduced its now famous slogan: "A mind is a terrible thing to waste". And through the diligent efforts of all who work with UNCF, by donating financial resources, time and in the case of many celebrities—their good name, they have made sure that the meaning of that slogan resonates across America. Most importantly, they have made sure that every student who has the desire can attend college. I commend those involved with the United Negro College Fund for their hard work and congratulate them on 60 years of service.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the resolution, H. Res. 792.

The question was taken.

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

Ms. WOOLSEY. 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.

NATIONAL ESTUARY PROGRAM REAUTHORIZATION

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4731) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program.

The Clerk read as follows:

H.R. 4731

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

SECTION 1. REAUTHORIZATION OF NATIONAL ESTUARY PROGRAM.

Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking ''2005'' and inserting ''2010''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

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

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 4731, to reauthorize the National Estuary Program. Estuaries are unique and highly productive waters that are important to the ecological and economic bases of our Nation. Fisheries, wildlife, recreation, and tourism are heavily dependent on healthy estuarine systems. Yet despite their value, most estuaries in the United States are experiencing stress from physical alteration and pollution, often resulting from development and rapid population growth in coastal areas.

In the 1980s, Congress recognized the importance of and the need to protect the natural functions of our Nation's estuaries. As a result, in 1987 Congress first authorized the National Estuary Program. Today this program, the National Estuary Program, is an ongoing nonregulatory program designed to support the collaborative, voluntary efforts of Federal, State, and local stakeholders to restore degraded estuaries. Currently all 29 estuaries in the National Estuary Program have developed and are implementing restoration plans. Under this program, $35 million a year is authorized to allow the EPA to help these State and local restoration efforts. The program's current authorization expires in 2005. Thus, the need for this legislation.

H.R. 4731 reauthorizes the National Estuary Program at the same level of funding for an additional 5 years. The bill contains no Federal mandates and imposes no costs on State or local governments. I certainly want to congratulate the gentleman from Pennsylvania (Mr. GERLACH) and the gentlewoman from California (Mrs. TAUSCHER) on sponsoring this bill and on the great leadership they have provided on this. I urge all my colleagues to support this bill.

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

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

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I want to thank my good friend from Tennessee (Mr. DUNCAN) for his leadership on this bill and rise in strong support of H.R. 4731, a bill to extend the authorization of the Environmental Protection Agency's National Estuary Program. This popular program provides Federal assistance to local stakeholders to implement locally designed management plans for the protection of the Nation's estuaries.

At the same time, the program serves as a national clearinghouse for successful management approaches, technologies and ideas, providing local communities with concrete examples of what works in addressing the unique needs of estuaries. This program authorizes funding for the development and implementation of comprehensive conservation and management plans for estuaries of national significance.

A comprehensive approach to addressing estuary health is particularly important as the stressors on the health of estuaries continue to expand. EPA's most recent water quality report indicated that 50 percent of estuary waters do not meet their designated uses. Programs such as this, coupled with significant additional resources for wastewater infrastructure, may allow for water quality in estuaries to improve and ecosystems to be restored.

□ 1845

I strongly support authorization for the National Estuary Program. And I urge my colleagues to vote ''aye'' on H.R. 4731.

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

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GERLACH), the author of this legislation.

Mr. GERLACH. Mr. Speaker, I rise in support of H.R. 4731, a bill I introduced to reauthorize the National Estuary Program. I would like to particularly thank the gentleman from Tennessee (Mr. DUNCAN) for his efforts on this bill and for his work as chairman of the Committee on Transportation and Infrastructure's Water Resources and Environment Subcommittee.

H.R. 4731 is a simple reauthorization of a highly respected and successful National Estuary Program. A program whose authorization will expire at the end of fiscal year 2005. Like the previous authorization, the bill will authorize $35 million annually for the program and will extend the authorization through fiscal year 2010.

Estuaries are coastal bays, harbors, sounds and lagoons, places where rivers meet the sea. Estuaries and the lands surrounding them are places of transition from land to sea and from fresh to saltwater. Up to 80 percent of the fish that we catch spend at least part of their lives in estuaries. EPA's National Estuary Program was established by Congress in 1987 to improve the quality of estuaries of national importance. Section 320 directs EPA to develop plans for attaining and maintaining water quality in an estuary. This includes protection of public water supplies and propagation of a balanced indigenous population of shellfish, fish

and wildlife; allows for recreational activities on and in water; and requires control of point and nonpoint sources of pollution to supplement existing controls of pollution.

The National Estuary Program now boasts 28 estuaries in almost every coastal State around the country. Since 1987 the program has restored or protected 700,000 acres of coastal habitat. The EPA works with federal agencies, State and local governments, nonprofit institutions, industry, and citizens to address an estuary's environmental problems. The program is a watershed approach in which all affected interests participate in creating solutions that balance environmental objectives with competing issues.

Estuaries support many commercial and other activities. The shipping industry relies on estuaries and is a large source of employment and an integral part of the national economy. Estuaries also provide great opportunities for tourism and recreation. Finally, coastal populations depend on clean water drawn from an estuary's freshwater tributaries to support public infrastructure such as drinking water and water supplies for industrial facilities, wastewater treatment plants, and irrigation.

Much of my congressional district lies within the Delaware Estuary Study Area, so I am intimately familiar with the importance of protecting this particular estuary. The Delaware Estuary has sustained a human population for thousands of years, but by the end of the 19th Century, increased population and industrialization had transformed much of the upper Estuary watershed. Fisheries were in decline due to pollution, and drinking water supplies were contaminated by pollution which caused outbreaks of typhoid and other diseases in urban areas. Both the industrialization and pollution of the water led to a dramatic decrease in the recreational use of the Delaware River. And it became less of a regional focal point as fewer people had direct contact with it.

By the mid-20th Century, even more pollution flowed into the Delaware Estuary, and the urban reach of the Delaware was one of the most polluted stretches of river in the world, with essentially zero dissolved oxygen in the water during the warmer months of the year.

Throughout the 1960s and 1970s, increased State, interstate, federal and public interest led to dramatic improvements in the Estuary's water quality. Today, with the assistance of the Estuary Program, the Delaware Estuary is cleaner than at any time in the last century. Over 90 percent of the Estuary meets swimmable and fishable goals of the Clean Water Act. Public access to the Estuary is increased as a result of public parks.

Seeing the rebirth of the Delaware Estuary as a valuable natural resource is certainly encouraging, and I am encouraged not just by the progress made in the Delaware Estuary but in estuaries throughout the country. For this reason, I believe it is vitally important that we act quickly to reauthorize the National Estuary Program and allow this progress to continue.

Mr. Speaker, again, I would like to thank the gentleman from Tennessee (Mr. DUNCAN), the chairman of our subcommittee; and the gentleman from Alaska (Mr. YOUNG), chairman of our committee, for their efforts and their leadership, and I urge all Members to support this important bill.

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

Sometimes some of the best and most important legislation that this Congress does comes to the floor without much fanfare and does not receive a lot of attention because it is noncontroversial. This is such a bill. But I can tell the Members that it is a privilege for me, as chairman of the Water Resources and Environment Subcommittee, to bring such vital legislation to this floor and urge its passage.

I want to thank the gentleman from Pennsylvania (Mr. GERLACH), the sponsor, and I want to thank the gentlewoman from the District of Columbia (Ms. NORTON) for her assistance and cooperation on this, and I especially want to thank the staff that has worked on this very important bill. I urge passage of this bill.

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

The SPEAKER pro tempore (Mr. BONNER). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 4731.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. 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 bill, H.R. 4731.

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

There was no objection.

AUTHORIZING BOARD OF REGENTS OF SMITHSONIAN INSTITUTION TO CARRY OUT CONSTRUCTION AND RELATED ACTIVITIES IN SUPPORT OF VERITAS ON KITT PEAK

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5105) to authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

The Clerk read as follows:

H.R. 5105

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

SECTION 1. AUTHORIZING BOARD OF REGENTS OF SMITHSONIAN INSTITUTION TO CARRY OUT CONSTRUCTION AND RELATED ACTIVITIES IN SUPPORT OF VERITAS ASTROPHYSICAL OBSERVATORY PROJECT.

The Board of Regents of the Smithsonian Institution is authorized to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000 for fiscal year 2005 to carry out section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

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

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

I want to begin this evening by congratulating the gentlewoman from the District of Columbia on the impending return of Major League Baseball to the Washington, D.C., area. I would only ask if she could use her considerable clout to get the new team located in the American League, and I could watch the Cleveland Indians play here in the Nation's Capital.

Mr. Speaker, H.R. 5105, introduced by the gentleman from Ohio (Mr. NEY), my good friend, authorizes site development and construction of support facilities for the VERITAS project at Kitt Peak National Observatory in Arizona.

I want to pause for a minute because this particular piece of legislation has been sort of a tug of war with our good friends in the Parliamentarian's Office and our good friends in the Committee on House Administration, together with the Committee on Transportation and Infrastructure. And I want to commend the gentleman from Ohio (Mr. NEY), chairman of the Committee on House Administration, for working with us. Those of us who love and enjoy the jurisdiction of the Committee on Transportation and Infrastructure believe that this is a piece of legislation and this is a project that belongs solely within our jurisdiction. We have an artistic difference with some of our friends, and we have worked through that. So, again, I want to thank the parliamentarians and the gentleman from Ohio (Mr. NEY) for getting us to this point this evening.

This project, carried out by the Smithsonian Institution in conjunction with nearly a dozen universities from the United States, U.K., Canada, and Ireland, the new telescopic array will

be able to see gamma rays, which are not visible from traditional earth-based telescopes.

The ability to view gamma-ray radiation will allow scientists to learn new things about the universe including shedding light on previously unseen parts of the universe. Gamma rays are only produced with high-energy galactic events such as exploding stars, pulsars, quasars and black holes. The new telescopic array will be able to view these gamma rays by observing the secondary radiation created when the gamma rays hit the earth's atmosphere.

The VERITAS telescope will increase the viewable power by a factor of ten, making it one of the most powerful gamma-ray telescopes on the planet. This is an important scientific project, and I encourage my colleagues to join me in supporting this legislation.

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

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

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I thank the gentleman from Ohio for his graciousness and good wishes. And he knows I would do almost anything for him, but as he knows, baseball has been well beyond my jurisdiction for 33 years. We think we have rectified that with today's announcement. I may have a little more to say about it than I have had since I was a child and the Senators were here. I want him to know that some wise guy called in, when we said, what should we name the Senators? And they said, noting my status on this floor, why do we not call them the Delegates?

Mr. Speaker, H.R. 5105 authorizes the Board of Regents at the Smithsonian Institution to construct an astrophysical observatory located at Kitt Peak, Arizona, and to carry out related activities in support of the project. The bill was introduced by the gentleman from Ohio (Mr. NEY) and referred to the Committee on Transportation and Infrastructure.

This construction project will support the work of the Very Energetic Radiation Imaging Telescope Array System, or VERITAS, the project that deals with radiation imaging. The bill authorizes $1 million for the construction and related activities. The construction will involve an inexpensive metal building which will be approximately 4,500 square feet to include a repair area, meeting rooms, general storage and kitchen. The building will be fire-resistant.

The project is being conducted in partnership with the National Science Foundation and the Department of Energy. It is a very worthwhile project, and I urge passage of the bill.

Mr. LARSON of Connecticut. Mr. Speaker, as ranking minority member of the House Administration Committee, which has primary jurisdiction over the Smithsonian Institution, I urge passage of H.R. 5105, a bill to authorize $1 million for the Smithsonian for site development and construction in support of the VERITAS project, an international astrophysical research consortium in which the Smithsonian Astrophysical Observatory SAO plays a principal role.

VERITAS the Very Energetic Radiation Imaging Telescope Array System will be located on Kitt Peak near Tucson, Arizona.

The control building will house computers, electronics and other support required by astronomers to run the telescopes and cameras conducting the VERITAS observations and research, as well as a kitchen, storage space and meeting space for working astronomers. VERITAS is expected to come online in October 2006.

The funds authorized by this bill were contained in the President's budget request and are included in the FY 2005 Interior Department Appropriations bill, which funds the Smithsonian. A nearly identical bill, S. 2362, passed the Senate on June 14 by voice vote and was referred to our committee.

VERITAS is part of the continuing revolution in the science of astronomy. New discoveries, techniques and devices have dramatically reshaped our view of the universe, as well as the mechanics of studying it. Different types of phenomenon, and radiation from different portions of the spectrum are studied in unique ways, and astronomy has become increasingly specialized to facilitate such research.

VERITAS is intended to study gamma radiation from some of the most exotic, high energy sources in space, such as supernovas, black holes, quasars and pulsars. Gamma radiation is very difficult to detect from the Earth's surface and VERITAS will employ new scientific techniques to do so.

VERITAS is a collaboration of seven institutions in the U.S., including the Smithsonian Astrophysical Observatory, along with three institutions in Canada, the U.K. and Ireland, to build an array of four 40-foot diameter reflector which will give stereoscopic images of gamma rays.

It represents the next generation of telescopes studying gamma radiation, which the Smithsonian has done since 1968 at the Whipple Observatory. The Department of Energy and the National Science Foundation each will provide 40 percent of the costs of equipment and construction, with the Smithsonian and overseas collaborators supplying the rest. The total cost of VERITAS would be about $17 million, and this authorization bill is necessary to allow the Smithsonian to use $1 million in Federal funds to complete its financial contribution to the project.

The Smithsonian Astrophysical Observatory SAO, a bureau of the Smithsonian, is the world's premier facility in the exploration of astrophysical phenomena from Earth to the edge of the known universe, employing more than 300 scientists. It was funded in Washington, D.C. in 1890 initially to focus on studying the Sun. In 1955 it relocated to Cambridge, Massachusetts to join with the Harvard College Observatory and in 1973 an umbrella entity, the Harvard-Smithsonian Center for Astrophysics, was created.

Mr. Speaker, we can look forward to the significant advances which VERITAS will bring to our understanding of some of the most fascinating objects, and most powerful and mysterious forces, in the universe, and I urge approval of the bill.

Mr. NEY. Mr. Speaker, I rise today in support of H.R. 5105, which authorizes the Smithsonian Institution to construct an instrumentation support facility on Kitt Peak, Arizona.

The Smithsonian Institution requires this base facility to support the ongoing collaborative VERITAS project.

VERITAS, which is a high energy telescope research project, was listed as a priority for international ground and space research initiatives, in a report of the Astronomy and Astrophysics Survey Committee of the National Research Council.

The goals of the VERITAS project are to further develop the field of high-energy gamma-ray astronomy. This project expands on work done through the Smithsonian's Astrophysical Observatory or SAO, and will help to maintain the Smithsonian's goal of excellence in scientific research.

With the help of VERITAS, SAO astronomers will be able to produce the next levels of knowledge about gamma-ray astronomy, develop further scientific instrumentation to detect this highest energy form of light, and remain as one of the world's leading authorities on gamma-ray bursts.

The VERITAS project enables astronomers to explore solar flares, supernovae, neutron stars, black holes and active galaxies. By exploring gamma rays, the SAO astronomers will gain further knowledge into the origins of the universe, the rate at which it is expanding, and its current size.

This bill authorizes a total of $1 million for fiscal year 2005, for constructing a support facility and the necessary utilities and equipment housings.

The balance of the $17 million dollars will come from other non-Smithsonian sources, such as the U.S. Department of Energy, the National Science Foundation, and the international consortium, so the Smithsonian will get enormous value for its investment.

The Smithsonian has been a leader in scientific research, and this project will go a long way in furthering this worthwhile endeavor. I urge my colleagues to support H.R. 5105.

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

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5105.

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

A motion to reconsider was laid on the table.

F.H. NEWELL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3124) to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the ''F.H. Newell Building''.

The Clerk read as follows:

H.R. 3124

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

SECTION 1. DESIGNATION.

The facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, shall be known and designated as the ''F.H. Newell Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the ''F.H. Newell Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

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

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

H.R. 3124, introduced by the gentleman from Idaho (Mr. OTTER), designates the facility of the U.S. Geological Survey and the U.S. Bureau of Reclamation located in Boise, Idaho, as the ''F.H. Newell Building.''

Fredrick Haynes Newell was born in Bradford, Pennsylvania, on March 5, 1862. He attended MIT where he studied mining engineering. Upon his graduation he went to work for the U.S. Geological Service, when he was tapped to head an irrigation survey team mapping sites of potential dams in the American West.

While doing his work, F.H. Newell developed several stream-gauging techniques and invented the instruments that are still in use today by the Geological Survey. Upon passage of the Reclamation Act of 1902, F.H. Newell was appointed as the first chief engineer and later the second director of what has now become the Bureau of Reclamation.

In his autobiography, President Teddy Roosevelt praised Newell for his ''constructive imagination,'' leadership, and high character. After leaving federal service, F.H. Newell became an educator, being named head of the Department of Civil Engineering at the University of Illinois. He was also the author or co-author of seven books and a number of articles on engineering techniques.

This is a fitting tribute to a creative and dedicated public servant. I urge my colleagues to join me in supporting this legislation.

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

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

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, H.R. 3124 is a bill to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the ''F.H. Newell Building.''

F.H. Newell was the first hydrographic engineer for the U.S. Geological Survey and a person who contributed significantly to the water development in Idaho and throughout the West. He appreciated the need for saving the forest and the soil as well as the need for irrigation.

Mr. Newell was single-mindedly devoted to the task of reclamation and protection of natural resources. He is described as having a constructive imagination, a forceful drive and dedication. President Roosevelt viewed him as the model public servant. It is very appropriate to acknowledge the significant career contributions of F.H. Newell with this designation. I urge passage of the bill.

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

□ 1900

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BONNER). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3124.

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

A motion to reconsider was laid on the table.

GARZA-VELA UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1402) to designate a United States courthouse in Brownsville, Texas, as the ''Garza-Vela United States Courthouse,'' as amended.

The Clerk read as follows:

H.R. 1402

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

SECTION 1. DESIGNATION.

The United States courthouse located at the corner of Seventh Street and East Jackson Street in Brownsville, Texas, shall be known and designated as the ''Reynaldo G. Garza and Filemon B. Vela United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Reynaldo G. Garza and Filemon B. Vela United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 1402 introduced by the gentleman from Texas (Mr. ORTIZ) designates the United States courthouse located in Brownsville, Texas, as the Reynaldo G. Garza and Filemon B. Vela United States Courthouse.

This legislation honors two men who were pioneers, as well as judicial giants, yet at the same time two men who made time for family and community.

Reynaldo Guerra Garza was born in Brownsville, Texas in 1915 and spent his lifetime working in and serving that community as an attorney in the Army Air Corps and as a Federal judge committed to protecting the rights of legal immigrants.

President Kennedy appointed Judge Garza to the U.S. District Court for the Southern District of Texas in 1961. At that time, Judge Garza became the first Mexican American on any U.S. District Court. In 1979, when President Jimmy Carter appointed Judge Garza to the Fifth Circuit Court of Appeals, he became the first Mexican American to gain that honor as well.

Filemon Bartolome Vela was born in Arlington, Texas in 1936 and attended the Harlingen public schools. Like Judge Garza, he dedicated his life to South Texas, first as a State judge, and then as a Federal judge, taking over the seat vacated by Judge Garza upon his appointment to the circuit court of appeals.

Judge Vela is perhaps best known in the community for his work with the schools, speaking to children on career days and encouraging youth to get an education by supporting literacy programs.

Each of these gentleman succumbed to their illnesses in the past year. This naming is a fitting tribute to their dedicated service. I urge my colleagues to support this legislation.

I also want to recognize my colleague, the gentleman from Texas (Mr. ORTIZ), for his dedication in bringing this legislation to the floor. I thank him for ensuring that these men are recognized for their service.

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

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

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I join with Mr. ORTIZ of Brownsville, Texas, in supporting H.R. 1402, a bill to name the courthouse in Brownsville, Texas as the Reynaldo G. Garza—Filemon B. Vela United States Courthouse.

Mr. Speaker, this bill honors the life and works of two extraordinary Mexican-Americans. Judge Reynaldo Garza was born in Brownsville in 1915. He graduated from local elementary schools as well as Brownsville High School. After graduating from Brownsville Junior College he attended the University of Texas where he received a combined degree of Bachelor of Arts and Bachelor of Law.

Judge Garza served his country during World War II in the Air Force. After the war he returned to Brownsville to practice law.

In 1961 President Kennedy appointed Judge Garza to the District Court for the Southern

District of Texas. In 1979 President Carter appointed him to the United States Court of Appeals for the Fifth Circuit.

In addition to his judicial duties Judge Garza has long been interested in education issues. He served former Governors John Connally and Governor Mark White on commissions to improve the quality of education in Texas. Judge Garza recognized the importance of education in judicial proceedings and his concern for the uneducated man at the mercy of unscrupulous people.

Judge Garza was very active in his church, and has served the Knights of Columbus in the Brownsville area for many years. Pope Pious XII twice decorated Judge Garza for his work in behalf of Catholic Charities. In 1989 Judge Garza was honored by the University of Texas with the Distinguished Alumnus award.

His record of public service includes work with the Rotary Club, the Latin-American Relation Committee of Brownsville, trustee at his law school, advisory council for the Boy Scouts, and he was elected as City Commissioner of the City of Brownsville.

It is fitting and proper to honor Judge Garza's outstanding, rich life, his commitment to excellence, and his numerous public contributions.

Judge Filemon Vela was also a native Texas and a veteran of the United States Army. He attended Texas Southmost College, and the University of Texas. His law degree is from St. Mary's School of Law in San Antonio.

Judge Vela served as a Commissioner of the City of Brownsville. He was an active member of the Judges Advisory Committee to the U.S. Sentencing Commission. Judge Vela is a former law instructor, and an attorney for the Cameron County Child Welfare Department.

His civil activities include being the charter President for the Esperanza Home for Boys, and co-sponsor of the Spanish Radio Program "Enrich your Life, Complete your Studies," Judge Vela's other civic activities include membership on the Independent School District Task Force, and membership in the General Assembly of the Texas Catholic Conference. He is also an active member of the Lions Club.

Judge Vela was nominated by President Carter for the Federal bench and was confirmed by the United States Senate in 1980.

Judge Vela's career was filled with successes, commitment to his family, devotion to his religion and his church, love for his work and respect for his colleagues. It is most fitting to honor Judge Vela with this designation.

I join Congressman ORTIZ in supporting H.R. 1402.

Mr. Speaker, in recognition of the hard work of the author of this bill who brought this bill forward, I yield such time as he may consume to my good friend the gentleman from Texas (Mr. ORTIZ).

(Mr. ORTIZ asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. ORTIZ. Mr. Speaker, I thank very much the gentleman from Ohio (Mr. LATOURETTE) for bringing this bill to the floor, as well as the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Tennessee (Chairman DUNCAN), the gentleman from Alaska (Chairman YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and members of the staff for quickly bringing this bill to the floor.

I also want to thank the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Texas (Mr. GONZALEZ) for also speaking on this matter.

Mr. Speaker, today we are passing long overdue legislation that names the United States Federal Courthouse in Brownsville, Texas, the Reynaldo G. Garza and Filemon B. Vela United States Courthouse. Earlier this year, Judge Vela sadly passed away, and 2 weeks ago Judge Garza also passed away, leaving behind two distinct and honorable legacies in South Texas.

These two men were judicial stalwarts. Individually, they were trailblazers, pioneers, and an inspiration for many Hispanics, particularly Mexican Americans from the Rio Grande Valley. Together they are an enormous wealth of riches we want to forever remember.

Mr. Speaker, I thank the House for their action on this bill, and ask that we pass it unanimously

Mr. Speaker, I provide the following for the RECORD:

QUORUM REPORT

BROWNSVILLE NATIVE DESCRIBED AS TRAILBLAZER, JUDICIAL LEGEND

Tributes have been pouring in for Judge Reynaldo Garza, the nation's first Hispanic federal judge. The Brownsville native and son of Mexican immigrants died Tuesday at the age of 89 after battling pneumonia.

President Kennedy appointed Garza to the federal judgeship in 1961. President Carter appointed him to the 5th U.S. Circuit Court of Appeals. In between, he turned down an opportunity to be Attorney General under President Johnson because he liked being a federal judge and did not want to be away from his family.

"Judge Garza was a trailblazer, a pioneer who set the stage for all those that followed," said state Sen. Eddie Lucio (D–Brownsville). "He was a man of great stature. He lived life as he preached it, as a devout Christian. He had a tremendous work ethic and was an inspirational speaker. He gave you a big grin that made you feel good. You just knew he cared."

Lucio said he knew Garza all his life. Garza officiated when Lucio took his oath of office as Cameron County Treasurer in 1971.

"I remember seeing him around the county courthouse when I was a young boy and he was still practicing law," Lucio recalled. "I am proud to say that he and my father were the two most influential men in my life. He preached Americanism and patriotism."

U.S. Rep. Solomon Ortiz (D–Corpus Christi) said South Texas has lost a friend, pioneer, hero and judicial legend with his passing.

"Judge Garza became a legend in the South Texas area by virtue of his commitment to education, community and family . . . and in the evenhandedness of how he dispensed justice," Ortiz said.

"Judge Garza's wit, workhorse energy, pointed candor, and razor sharp focus on questions of law won him an amazing number of fans in Washington and elsewhere in the legal/judicial establishment."

Ortiz said Garza's granddaughter had worked as an intern in his Capitol Hill office this summer. Ortiz said he was working in Congress to name the new federal courthouse in Brownsville partially in his honor.

"I have talked to members on the Committee where the bill is being held, appealing for them to move quickly to pass this bill. Its rapid passage would be a great tribute to Judge Garza's life work," Ortiz said.

Garza's funeral is scheduled for Saturday at the Fort Brown Memorial Center in Brownsville.

[From the Brownsville Herald, Sept. 15, 2004]

NATION'S FIRST MEXICAN-AMERICAN DISTRICT JUDGE DIES OF PNEUMONIA

(By Laura B. Martinez)

U.S. Circuit Judge Reynaldo G. Garza, the nation's first Mexican-American district judge, died Tuesday at a Brownsville hospital. He was 89.

Garza died at 9:40 a.m. at Valley Baptist Medical Center-Brownsville, formerly Brownsville Medical Center, surrounded by his family, according to his son Reynaldo G. Garza Jr. The judge died of pneumonia. He had been battling the illness since July 11.

"He had gone home for 10 days and had a relapse," Garza Jr. said.

"Pneumonia is a tough thing for an 89-year-old to beat and his body finally gave up."

As recently as Sunday, Judge Garza was still mentally alert, his son said.

Up until last month, Judge Garza's law clerks were still bringing work to his home and the hospital.

"He would read over the papers and sign whatever was necessary," Garza Jr. said, "He was sharp enough to still be working.

"He was physically in bad shape, but mentally he was still in very good shape."

Judge Garza is survived by his wife, Bertha Champion Garza; five children, Reynaldo G. Garza Jr., David C. Garza, Ygnacio P. Garza, Bertha Garza Elizondo and Monica Garza; 12 grandchildren and three great grandchildren.

He was nominated to the bench by President John F. Kennedy in March of 1961 and confirmed by the Senate in April 1961 for the Southern District of Texas. He was nominated to the U.S. Court of Appeals for the Fifth Circuit by President Carter in April 1979 and confirmed by the Senate in July 1979. He assumed senior status in July 1982.

In 1977, the Brownsville school district honored Garza by naming an elementary school after him. There's also a school in McAllen named for him as well.

In 2003, U.S. Rep. Solomon Ortiz, D-Corpus Christi, renewed his efforts to get the new federal courthouse partially named after Garza and the late senior U.S. District Judge Filemon B. Vela.

Vela died in April of stomach cancer. He was 68.

The bill is pending.

Former Brownsville Mayor Blanca S. Vela said Tuesday that Garza had been something of a father figure to her late husband.

When her husband Judge Vela died in April, Garza took the loss very hard. The two had been close friends, she said. "They were close with each other for years. He was in tears," Blanca Vela said. "I went to his house to console him.

"The judge was an inspiration to my husband. My husband though very much of him as a father," after his own father died more than 10 years ago, she said.

The two families had been friends for more than 30 years. The two met when Judge Vela was a practicing attorney and Judge Garza was on the bench.

"It's a loss in the field of law, for justice, fairness and equality and all those virtues that he had and was so supportive of," Blanca Vela said. "I'm saddened to hear about his death."

Garza touched many in the legal community, both professionally and personally.

Undeterred by his illness, he officiated the swearing in of U.S. District Judge Ricardo H. Hinojosa in McAllen as chairman of the federal sentencing commission. The ceremony was performed in Garza's hospital room in Brownsville on Aug. 3, Hinojosa said.

Hinojosa met Garza when he was on the bench at the federal courthouse in Brownsville. The two courtrooms were located on the same floor.

''Judge Garza was a great mentor and immediately made me feel at home . . . he was always ready to provide advice in counsel,'' Hinojosa said.

Hinojosa said he has admired Garza since he was a boy. He remembers attending naturalization ceremonies in Starr County, which Garza presided over.

''I remember sitting there and not realizing that someday I would be working on the same floor as he did,'' Hinjosa said. ''He's an example of anything that is possible in this great country.

''The rest of us have come along after him because he opened doors for us. He opened doors that remain open for the rest of us.''

Students and staff at Reynaldo G. Garza Elementary School were informed of the judge's death Tuesday afternoon.

''Judge Reynaldo G. Garza has been an incredibly positive role model for the students at Garza Elementary since the school's inception in 1977,'' Principal Cesar Martinez said.

''The entire administration, staff, student body and community have his family in their thoughts.''

Judge Garza and his family were actively involved at the school, showing up on the campus to read to the students during National Reading month, and helping out with fund-raisers, Martinez said.

The school will have a remembrance ceremony for the judge on Sept. 24. Details are pending.

School officials had planned to have a TAKS or Texas Assessment of Knowledge and Skills testing rally on that date, but opted to change the rally to a service instead.

News of Garza's death brought Brownsville resident Joe C. Wolfe to tears Tuesday. Wolfe said Garza was a guest speaker at a Veterans for Foreign Wars event in 1990. Wolfe was the commander post captain in Brownsville at that time.

After watching a television news broadcast, Wolfe, 78, went outside and lowered the U.S. Flag posted in front of his home to half-staff.

''He's my hero,'' an emotional Wolfe said. ''He'll go down in history. I'm proud, because of him.''

Funeral services are under the direction of Darling Mouser Funeral Home. Preliminary plans include family visitations at 5 p.m. Friday at St. Mary's Catholic Church, 1914 Barnard Road, followed by a rosary at 7 p.m.

A funeral Mass is tentatively set for 10 a.m. Saturday at Jacob Brown Auditorium with burial to follow at Buena Vista Burial Park.

[From the Rio Grande Valley Bureau]

(By Mariano Castillo)

McALLEN.—Reynaldo Garza, a senior judge on the U.S. Fifth Circuit Court of Appeals and the first Mexican American appointed to the federal bench, died Tuesday in a Brownsville hospital at 89.

A native of Brownsville, Garza was described as an inspiration for generations of Hispanics, particularly Mexican Americans from the Rio Grande Valley.

He'd been battling pneumonia for more than a month.

''He was truly one of the greats of the area,'' said U.S. District Judge Ricardo Hinojosa of McAllen, a longtime friend. ''We followed his path after he was the first to walk through that door.''

Hinojosa recalled the awe he felt when as a boy he watched Garza officiate at a naturalization ceremony. More than 20 years later, when he and Garza presided over similar ceremonies together, ''it always took me back,'' he said.

But the judge said Garza's influence transcended race and region, adding: ''He was a role model for all federal judges in this country.''

President John F. Kennedy appointed Garza to the federal bench in 1961. In 1979, President Carter named him to the New Orleans-based appeals court, which has jurisdiction over federal cases in Texas, Louisiana and Mississippi.

People from all backgrounds respected Garza for being accessible yet sophisticated, U.S. District Judge George Kazan of Laredo said.

''He's one of those guys that you talk about that can be just at ease with a president as with an undocumented alien because he just had a good touch with people,'' Kazen said.

U.S. Rep. Solomon Ortiz, D-Corpus Christi, said he'd try once again to pass a bill to rename the federal courthouse in Brownsville in Garza's honor.

Garza recalled turning down an offer by Carter to be U.S. attorney general so he could remain in the Valley.

Garza's parents were from Matamoros, Mexico.

The sixth of eight children, Garza was born July 7, 1915, and attended junior college in Brownsville, graduating in 1935. He was a laborer for the Works Progress Administration to pay for his studies at the University of Texas at Austin, where he obtained a law degree. He started a law practice in Brownsville.

He ran for the school board and city commission. During World War II he served in the U.S. Army Air Corps. He was an established lawyer by the time Vice President Lyndon B. Johnson recommended him to Kennedy for the federal judgeship.

''I always said I hope I got the appointment because I was qualified, not because I'm Mexican American, but I knew I had to do a good job or else my actions would reflect not only on my ability, but also that of other Mexican Americans,'' Garza said in ''All Rise,'' a biography written by Brownsville native Louise Ann Fisch.

Fisch, who now lives in Maryland, said Garza ''never lost his small town origins and he could bridge the gap between the Anglo and Mexican cultures.''

The cases he presided over as a federal judge in the 1960s and 1970s included several that contributed to the civil rights changes of the era, such as challenges to a racially segregated union and the suspension of a public school student for passing out anti-war leaflets during the Vietnam War.

Garza worked during his retirement years, and from his hospital bed, he administered the oath of office for Hinojosa to chair the U.S. Sentencing Commission as seven friends and witnesses crowded into the room Aug. 3.

''It is unfortunate in some respects that so few people, unless they were close to him, have a sense of what a pioneer and what a leader he was—not only in the legal field but in the community in terms of the charitable,'' said U.S. Ambassador to Mexico Tony Garza, who is not related to the judge. ''He was there doing things when other folks were not even imagining them. He has, and it should be recognized, a huge legacy.''

Visitation will be Friday at 5 p.m. at St. Mary's Catholic Church in Brownsville, with a rosary at 7 p.m.

The funeral is scheduled for Saturday at 10 a.m. at the Fort Brown Memorial Center in Brownsville. He'll be buried in Buena Vista Cemetery.

Garza is survived by his wife, Bertha; five children; 12 grandchildren; and three great-grandchildren.

[From the Brownsville Herald, Sept. 19, 2004]

JUDICIAL TRAILBLAZER: JUDGE GARZA LAID TO REST

(By Ildefonso Ortiz)

Hundreds gathered Saturday to bid farewell to a judicial pioneer.

U.S. Circuit Court Judge Reynaldo Garza, the nation's first Mexican-American district judge, was laid to rest Saturday as family, friends and colleagues wiped tears from their faces.

But even in their sorrow, mourners could not help but smile as they watched a video of Garza recalling some of his memorable moments from a legendary career on the bench.

''I had a young man from a well-known family in Donna and I sentenced him to five years. I was going to give him probate, but the poor lad fainted before I had the chance,'' Garza said, chuckling. ''After they revived him I suspended the sentence and gave him probation.''

Garza's chuckle lightened the mood—something he did countless times in life, according to his son Ignacio. Even in Garza's last days, he maintained his sense of humor.

''He began to plan,'' the son said. ''He said, 'don't bury me for three or four days. I want to give time for my law clerks to be there.' If he ever figures out how to use a phone in heaven he will call those who didn't come.''

Judging by the overflowing crowd at the Mass and burial, Garza won't have many phone calls to make.

Senators, federal judges and other well-wishers crammed inside Jacob Brown Auditorium for a morning Mass and paid their final respects to Garza at Buena Vista Cemetery.

President Bush also offered his condolences in a video message played after the Mass.

''Those of us who are from Texas are proud to say we are both Texans,'' Bush said. ''We will honor his memory today.''

Judge Garza died of pneumonia on Tuesday after battling the illness since July 11. He was 89.

Garza was appointed to the bench in March 1961 by President John F. Kennedy, who nominated him for the Southern District of Texas. Garza was nominated to the U.S. Court of Appeal for the Fifth Circuit by President Carter in March 1979 and the Senate confirmed the nomination in July. Three years later he assumed senior status.

During Saturday's Mass, Monsignor Gustavo Barrera took to the podium to talk about Garza's unbreakable faith, as Bishop Raymundo Peña sprinkled ritual incense throughout the altar.

''When he was able, he was at daily Mass,'' Barrera said as he looked at the sea of people holding back tears. ''He was with his family, at the bench or at church.''

Barrera said the judge had a gift to help those who needed it most.

''He had the light of Christ in him,'' he said, ''and he could see the light of Christ in other people.''

After Mass, dozens of vehicles lined the streets of Brownsville as they followed Garza to his final resting place at Buena Vista Cemetery. More than 40 law enforcement officers escorted the procession to the cemetery as a Border Patrol helicopter hovered above.

The mourners were greeted by dozens of flower arrangements, creating a 5-foot wall that served as a background for the burial ceremony.

There, they bid farewell to the judge.

''Judge Garza, he was a wonderful mentor to me and to many of my colleagues,'' said U.S. Circuit Court Judge Hilda Tagle. ''He was devoted to his family and he was loved by all.''

Juliet V. Garcia, president of the University of Texas at Brownsville and Texas Southmost College, said Garza was a good friend.

''He was a simple, man, he was a friend to all and we will miss him,'' she said.

Even those who had not met the judge attended the burial to pay respects.

''He was a good person, he did a lot of good for people,'' said Cervando Cardenas. ''I lived a few blocks from the school with his name (Garza Elementary), my kids went there and I had to come say goodbye.''

[From the Brownsville Herald, Apr. 14, 2004]

JUDGE FILEMON VELA LOSES BATTLE WITH STOMACH CANCER

Senior U.S. District Judge Filemon B. Vela, one of Brownsville's most notable figures, died Tuesday at a Harlingen hospital. He was 68.

Vela died at 12:33 p.m. in the emergency room at Valley Baptist Medical Center, said hospital spokesman Mike Swartz. The judge had been on an airplane Tuesday en route from Houston, where he had been undergoing treatment for stomach cancer at M.D. Anderson Cancer Center, said his son Filemon Vela Jr.

''My father fought a very courageous battle with cancer, and this morning, he was returning for further treatment, and after landing in this place that he loved so dearly, he passed away in peace,'' he said.

''On behalf of our father and our family, I would like to thank all of our friends for their phone calls, their visits, their thoughts and prayers.''

Judge Vela was married to former Brownsville Mayor Blanca Sanchez Vela. They had three children.

Viewings will be held from 7 to 9 a.m. Thursday and Friday at the Brownsville Events Center on Paredes Line Road. A prayer service will follow Thursday's viewing; funeral services will begin at 9 a.m. Friday under the direction of Darling Mouser Funeral Home in Brownsville.

Vela, a Harlingen native, served as a federal judge from 1980 to 2000 when he retired and received senior status.

As a senior judge, Vela traveled through the Southern District of Texas Region relieving the load of district judges hearing cases in Brownsville, McAllen and Laredo.

''Judge Vela was a great man. That's something you hear about a lot of people, but it's really true with him,'' said U.S. Magistrate John William Black of Brownsville, who first met Vela in 1965 when both were practicing attorneys.

''He had a lot of people appear before him but he never let himself be jaded by the fact he had handled so many cases,'' Black said.

''He looked at people as people, not as numbers or statistics.

''He was truly a great man and will be missed.''

Vela graduated from St. Mary's School of Law in San Antonio in 1962. He practiced law in Harlingen and Brownsville from 1962 to 1974.

He served on the Brownsville City Commission from 1971 to 1973. He was a state district judge in Cameron County from 1975 to 1980.

In 1980, he was a candidate for the federal bench. U.S. Sen. Lloyd Bentsen, D–Texas, and former President Jimmy Carter nominated him. At the same time he was confirmed by the Senate as U.S. district judge for the Southern District of Texas.

In 2000, Vela opted to take senior status instead of retiring at age 65.

News of Vela's death spread quickly through the Southern District of Texas' U.S. District and Bankruptcy Courts.

The region covers the area from Houston to Brownsville.

''It's a very big personal loss, because he was a very good friend and a teacher and aide with regards to my taking on the role as a judge 21 years ago,'' said U.S. District Judge Ricardo Hinojosa of McAllen.

Hinojosa worked with Vela for more than four years in Brownsville federal courts before transferring to the McAllen federal courthouse.

''He would often joke with people that he and I were appointed by presidents from different parties but that when it came to judging we were one, because our constitution and our laws don't have partisan flavor,'' Hinojosa said.

Former President Ronald Reagan appointed Hinojosa.

It was just two months ago Vela was handling cases in federal court, Hinojosa said.

''He was still offering help as he always did.''

Black said Vela was instrumental in getting a new federal courthouse built in Brownsville.

''He was the one that carried all of the water and did all the things that needed to be done to get it to happen,'' Black said. The U.S. Courthouse and Federal Building at Sixth and East Harrison streets was opened in 2001.

In 2003, U.S. Rep. Solomon P. Ortiz, D–Corpus Christi, renewed his efforts to get the new federal courthouse partially named after Vela and U.S. District Judge Reynaldo Garza.

This bill is pending.

About five years ago, the bill passed in the House but stalled in the U.S. Senate.

''South Texas lost a legend today with the passing of Judge Filemon Vela,''Oritz said in a prepared statement. ''He was my friend, he was a hero and he was a judicial giant in the Rio Grande Valley.''

Federal public defender Roland Dahlin of Houston said attorneys in Houston were sadden by the news of the judge's death. Many had worked with him on federal cases.

Beside attending court, Judge Vela routinely visited area schools, encouraging children to continue their education and to stay away from drugs.

He often administered the oath of citizenship to new U.S. citizens at citizenship ceremonies held across the Valley.

''He touched everybody in this city in his own way,'' said Raul Besteiro, Port of Brownsville director and a former colleague of Vela's at The University of Texas at Austin.

''He was always available to do things for people. He had a heart that was bigger than anybody else,'' Besteiro said.

''He did a great job with his family and his kids. And he was very proud that his wife (Blanca S. Vela) was mayor of this community.

''All I can say, he's passed the baton to us, and we have to make sure you put that baton ahead.''

Sen. Kay Bailey Hutchison, R-Texas, described Vela as ''a steadfast advocate for the rule of law.''

''His leadership will be missed along the border and across the state,'' she said.

In lieu of flowers the Vela family asks that donations be made to the Vela Middle School Scholarship Fund 4905 Paredes Line Road, Brownsville, Texas 78520.

[From the Brownsville Herald]

FAMILY, FRIENDS PAY RESPECT TO JUDGE VELA

(By Laura B. Martinez)

Carlos Vela stopped speaking in mid-sentence and listened to a student mariachi group play a tune.

Vela's eyes welled up. ''That was his favorite song,'' he said. The song was ''Laureles,'' a favorite of his brother, the late U.S. District Judge Filemon B. Vela.

Judge Vela died Tuesday, soon after arriving home from Houston where he was treated for stomach cancer. He was 68.

The University of Texas at Brownville and Texas Southmost College Mariachi Escorpion performed the melody Thursday at the Brownsville Events Center, where a viewing was held for Judge Vela's body. A funeral service and burial is set for today.

The music was overwhelming for Carlos Vela, who listened briefly then walked to the main room at the Events Center.

''All the Velas like mariachi music,'' he said before slowly walking away.

Hundreds of mourners filed into the center to pay respect to the judge who has been referred to as a South Texas legend.

Many of those who attended Thursday's service worked at the U.S. District Courthouse in Brownsville, where Vela held court.

''He was a wonderful man,'' said Belia Zepeda, who works for the U.S. Marshals Service in Brownsville. ''He was so respected, and everybody looked up to him.''

While many attending Thursday's prayer service knew him as Judge Vela, to his nieces and nephews he was ''Tio Filo.''

''He was my uncle, my godfather and most importantly, my friend,'' said Manny Vela, one of the judge's numerous nieces and nephews.

Manny Vela said his uncle did not care whether someone was rich or poor, the color of one's skin or if an individual had a title with his or her name.

''He treated people with the respect and dignity that they were due,'' he said.

''I was blessed to be raised among giants. All my life I've been surrounded by family members living larger than life—people who do the right thing for the right reasons.''

Also speaking at Thursday's service was Chief District Judge Hayden W. Head Jr. of Corpus Christi.

Head said he met Judge Vela in 1981 and formed a close friendship with him.

''Judge Vela was a wise judge who knew the law and knew it well,'' Head said. ''But there was more to the senior judge.

''He had that connection with people. . . . He was compassionate when compassion was required and firm when it was needed.''

SOUTH TEXAS LOST A GOOD MAN WITH THE DEATH OF JUDGE FILEMON VELA

U.S. District Judge Filemon Vela died at noon Tuesday as his plane landed at Valley International Airport in Harlingen. Judge Vela was stricken with stomach cancer two months ago and had been in treatment at M.D. Anderson Hospital in Houston since that time.

Judge Vela was a fair but strict judge who enforced this country's laws and sent thousands of criminal defendants to prison during his 29 years on the bench.

He was born in Harlingen in 1935 and lived with his parents and brothers, Moises, Robert and Carlos and his sister, who helped raise him after the death of his mother. His father was a notary public and had his office in the same building where the family ran a small grocery. The Vela family lived in Fair Park on the west side of Harlingen.

Moises and Carlos are also attorneys and Moises is a former Cameron County Judge and Harlingen municipal judge. Moises' son, Manny, is Cameron County Democratic Party Chairman.

Judge Vela was no product of affirmative action. His character was molded by his father who insisted that his children get an education. When St. Anthony Catholic

School opened, in 1948, Filemon and Carlos were among the first students signed up.

Filemon Vela graduated from Harlingen High School in 1954 and became a student at Texas Southmost College, Brownsville, where he was known for his quick wit and love of debate. He served in the U.S. Army from 1957 until 1959. After his army duty he enrolled in St. Mary's Law School, San Antonio, where he graduated in 1962. Although he didn't have the money to pay tuition he earned it by working in the cafeteria.

Upon graduation he practiced law in Harlingen for two years then moved to Brownsville where he practiced for 11 years, entering politics in 1971. Vela was a Brownsville City Commissioner from 1971–73 and was elected state district judge of the 107th court in 1975. In this capacity he presided over cases in Willacy County as well as in Cameron County.

In 1980 he was nominated by President Jimmy Carter to a federal judge seat in Brownsville being vacated by Judge Reynaldo Garza. He was confirmed by the Senate later that year and served until May 1, 2000 when he assumed senior status.

My family has known the Vela family since 1948. Judge Vela's brother, Moises, was my father's attorney and he was my mother's attorney. Judge Vela honored my family by swearing in my son, Dan, after he also graduated from St. Mary's Law School and passed the state bar exam. And while he was a student at St. Mary's, my son clerked for Judge Vela in Brownsville.

Some 50 years ago, my brothers and I camped with Filemon and Carlos Vela at Camp Perry, while in the Boy Scouts.

Recently Judge Vela hosted his 1949 St. Anthony School graduating class and gave his fellow classmates a tour of the new federal courthouse in Brownsville with dinner in Matamoros.

Filemon Vela was a good lawyer, a good judge, a Christian and a longtime friend. Our condolences go to his family, wife, Blanca, a daughter, and his son, Filemon, Jr., an attorney who practices in Corpus Christi.

The Editor

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA)

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of H.R. 1402, the Garza-Vela United States Courthouse Designation Act offered by my good friend and colleague, the gentleman from Texas (Mr. ORTIZ).

This bill pays tribute to two great men, Federal Judge Reynaldo G. Garza and Federal Judge Filemon B. Vela, who were judicial legends in South Texas.

Judge Garza was the Nation's first Mexican American Federal district judge. Appointed to the Federal bench by President John F. Kennedy in 1961, Judge Reynaldo Garza served this Nation through the turbulent years of the civil rights movement. His decisions contributed to the changes that opened up many opportunities for minorities.

In 1976, President Carter asked him to serve as the Nation's Attorney General, but he declined because he did not want to leave his beloved South Texas and his service on the Federal bench.

He was committed to education, particularly in encouraging literacy, and he was known to all for the even-handed way in which he dispensed justice.

His last official act took place from his hospital bed when he officiated at the swearing-in of his protege, Judge Ricardo H. Hinojosa as the new chairman of the Federal Sentencing Commission. When he passed away a few weeks ago at the age of 89, I was privileged to join the thousands of mourners in paying tribute to this outstanding and extraordinary pioneer.

I offer his wife Bertha and all his children and grandchildren my heartfelt condolences.

Judge Vela was nominated to the Federal bench by President Carter in 1980 and worked tirelessly to design and have built the new courthouse in Brownsville. It is indeed fitting that his name will be on this new Federal Courthouse.

Judge Vela, like his good friend Judge Garza, was known for his impeccable integrity and fairness on the bench. He also was passionate about teaching children about the law and the criminal justice system in order to encourage them to make the right choices in life. He would bring inmates to school to tell children about the mistakes they had made and the consequences they suffered as a result.

Judge Vela was often heard on the radio giving advice and counsel to parents and students on the importance of education. Like Judge Garza, he was also a mentor to many others in his profession.

We lost Judge Vela earlier this year. He is survived by his beautiful wife Blanca, and his three children, Filemon, Jr., Rafael, and Sylvia.

Mr. Speaker, I urge my colleagues to support this legislation in and honor these two great Americans for their service to this Nation.

Ms. NORTON. Mr. Speaker, I am happy to yield such time as he may consume to my friend the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank the gentlewoman for yielding me time, and I thank my colleagues for their assistance in getting this piece of legislation to the floor, and I hope it will successfully pass with very little difficulty.

Mr. Speaker, I rise in strong support of the legislation, of course, but I do want to remind individuals, and I will be quick, because I know it has been a long evening and people have a lot of business, but I think Judges Vela and Garza deserve 1 minute of praise and recognition.

In 1961 when Judge Garza was first appointed, he was the first, as has already been pointed out, Mexican American Hispanic to be appointed to the Federal bench. It was the same year that my father was elected and he was the first Hispanic from Texas to have been elected to this House.

At that time, it was such a great celebration for all of us, but the truth was, we knew that they were the first, but we did not know they were not going to be the last. Things have not turned out that way, thank God.

But truly, to honor their legacies, I had the great benefit of being counseled and mentored and lectured to by both Judge Vela and Judge Garza when I was a State district judge in Texas, and I know the lessons that they imparted are still with me today, and they would reverberate today in this Chamber if they had an opportunity to meet with us, members of that other branch of government, the legislative branch, they would remind us of that incredible but very important balance and separation of powers. And their legacies will only be recognized and their contributions will only be recognized to the extent that the other two branches of government, the executive and the legislative, understand their service in the context of this wonderful, wonderful concept that we have here in the United States, in our democracy, three equal branches of government, checks and balances and separation of powers.

So I know if they were here today, they would say, ''Charlie, let us do our job. Let us go ahead and review what needs to be reviewed.''

It is the collective wisdom of that branch of government that really gives this Nation great guidance, as well as the leadership in this House and the leadership in the White House.

So to judges Vela and Garza, to their families, proper recognition tonight, but hopefully that in the future we honor their memory and their hard work by respecting the work that they did within the context of this wonderful framework called the United States of America.

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

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

Mr. Speaker, I urge our colleagues to support passage of the bill. I again want to congratulate the gentlewoman from the District of Columbia (Ms. NORTON), and look forward to sporting a new Washington Delegates baseball cap in the near future.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1402, as amended.

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

The title of the bill was amended so as to read: ''A bill to designate the United States courthouse located at the corner of Seventh Street and East Jackson Street in Brownsville, Texas, as the 'Reynaldo G. Garza and Filemon B. Vela United States Courthouse'.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. 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. 5105, H.R. 3124 and H.R. 1402.

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

There was no objection.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The Speaker pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, September 28, 2004.

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

DEAR MR. SPEAKER: Pursuant to section 1012(c)(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 42 U.S.C. 242b note, I hereby appoint Mr. Thomas M. Priselac of Los Angeles, California, to the Commission On Systemic Interoperability.

Best regards,

NANCY PELOSI.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BONNER). 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.

ENCOURAGING PROGRESS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, this past weekend, several of my colleagues and I journeyed to Baghdad and returned, and I would just like to make a few observations. Obviously, this is a very intense time in Iraq as the elections approaches, but I had three observations that I think were somewhat meaningful.

Number one, we were tremendously impressed by the morale and the attitude of our soldiers. One would say, well, how in the world could that be? It is 110, 115 degrees every day, body armor, helmets, very difficult work, some danger, considerable distance from family. I guess the main reason that we felt we were observing this was there seemed to be a very strong sense of mission, a very strong sense of purpose and accomplishment.

One thing that I often heard from the soldiers was this: they said, you know, it seems like there are two wars over here. There is the one that we see on CNN: we see the IEDs, individual explosive devices; we see the car bombs; we see the beheadings.

But the part of the story that we think is meaningful is not being told. They said, the thing that we see is that in education, 2,500 schools have been renovated, 30,000 teachers have been trained, there is an 80 percent increase in attendance in schools, and most of that is girls who have not been going to school at all under Saddam Hussein. Health care, 240 hospitals operating, 1,000 clinics, 90 percent of the children are currently vaccinated, and this again is something that had not occurred before.

So health care has improved. Infrastructure is getting better. Water supply, power, sewage. It still needs improvement, but it is doing better, and of course the provisional government and the June 30 hand-off. So what they were saying is please make sure the people in the United States understand that there is more going on than what many times they are hearing about.

The second thing that I thought was somewhat optimistic is that the Iraqis are providing more and more security. The goal is to train 270,000 Iraqis; 135,000 police; 100,000 Army and National Guard; and then 32,000 border guards. Right now we are a little bit more than halfway there. We are making excellent progress.

So in Najef, not long ago, Iraqi troops led the charge and, along with Ayatola Sustani, calmed a very dangerous situation. So we see progressively more and more operations with Iraqis taking the lead.

The third thing that I would say that was very encouraging to me is that in talking to the Iraqis, they very much want the elections. If the Iraqis do not care or if they do not want elections, then obviously the whole thing that we are doing is for naught. I talked to an Iraqi woman today and I asked her, I said, are the Iraqis willing to line up and take the risk on Election Day, and she said, without question we will have a tremendous turnout.

So Prime Minister Allawi told us last week, and this was confirmed on our trip, that roughly 15 out of 18 provinces are sufficiently secure right now to maintain elections, and the other two or three are coming around. Splinter groups who have been primarily terrorist-oriented in the past are now becoming politically active. They are beginning to realize that if they do not become part of the political process, they are going to be left out. So a lot of things are changing very rapidly. Iraqi women will tell you this, that they see their future as being much brighter. So when there is hope, I think there is a good chance.

So if we pull out, as many are currently advising, we will tell the families of the 1,000 soldiers we have lost that they have died in vain, and I do not think we can afford to do that. Secondly, we will have broken our promise to the Iraqis. We have told them that we will absolutely not do that, and many of them have trusted us. So if we pull out now, literally tens of thousands of Iraqis are going to lose their lives and will be sacrificed because of our duplicity.

Thirdly, I think if we show vulnerability as a Nation; and if we show that we do not have resolve and that we will not see something through, and if terrorists can steer our agenda here, we become more and more vulnerable to terrorist activities. So I do not think that we can afford to do this.

So at this point, as I see it, and I think some of those who were on the trip would also say that the only viable exit strategy is to win. When we say to win, we mean that we will stay the course until the Iraqis themselves are able to secure their country and be able to govern their country. This is not going to be easy, but we think it is doable. We were encouraged by what we saw.

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.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

SMART SECURITY AND IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Bush administration loves to tout George W. Bush's willingness to stay the course as the source of his strength as a President. Day after day, the President and his surrogates use this ''resolve'' to demonstrate why he should be reelected.

The sad truth is that President Bush's resolve amounts to little more than a campaign tool to disguise the fact that his administration's policies have increasingly made Americans far less safe in the world. The President's resolve is actually nothing more than his attempt to lead our Nation while wearing blinders.

President Bush failed to demonstrate resolve in fighting terrorism in the days before the September 11 terrorist attack. In fact, he vacationed at his ranch in Crawford, Texas, for the entire month of August in the year 2001, neglecting to act on his daily intelligence briefings which specifically warned against terrorists crashing planes into large city buildings.

Since September 11, President Bush has continued to fail in his resolve to fight international terrorism. Despite a promise to apprehend Osama bin Laden, dead or alive, President Bush actually pulled troops out of Afghanistan in the year 2002. This grave error

allowed the al Qaeda leader to flee to the shadowy hinterlands between Afghanistan and Pakistan.

Early in 2002, with bin Laden still on the loose, President Bush turned his attention to Iraq. Citing the threat of Iraq's nuclear weapons program and Saddam Hussein's links to al Qaeda, Bush marshaled a war resolution through Congress.

Resolve, however, was not enough to win the support of the United Nations; so our President, determined to stop Iraq's supposed nuclear threat, went to Iraq with the support of only a loose and fragmented coalition of other countries.

Since the beginning of the war in Iraq, no weapons of mass destruction have been found and no evidence has ever linked Saddam Hussein to al Qaeda. Still, the President's handlers point to his resolve as a source of strength. Strength for whom? The terrorists who have escaped from America's grasp as we shamefully turned our attention to Iraq? The leaders of Iran and North Korea who continue to develop the deadliest weapons known to man? Resolve, as thousands of insurgents savagely attack our soldiers and Iraqi civilians? Resolve, as more than 1,000 American soldiers and at least 13,000 innocent Iraqi civilians are killed in Iraq? And let us not forget about the more than 7,000 U.S. soldiers who have been gravely wounded. Where is the resolve to protect our troops?

I, for one, am sick and tired of the White House calling it resolve when President Bush continues to focus on Iraq at the expense of other, more important issues.

Today the House voted to reallocate $3.4 billion of last year's $18.4 billion supplemental, using it for military purposes instead of for Iraq's reconstruction. So now we are forced to pilfer money that is supposed to pay for infrastructure needs for the Iraqi people.

This, after spending less than $2 billion of the $18.4 billion allocated for Iraq's reconstruction in the first place. I do not consider that resolve; I consider it malignant neglect of an entire country's needs.

There has to be a better way to handle the quagmire in Iraq. That is why I have introduced H. Con. Res. 392, a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism.

SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships, and it controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes.

If we had pursued a SMART security strategy in the first place, America would not be embroiled in this violent situation in Iraq. Let us not forget that Saddam Hussein did not have a nuclear weapons program and Iraq did not have ties to al Qaeda. Instead of blindly focusing our country's resources on a conflict that has nothing to do with American security, President Bush should take off his blinders and focus on the real threats to our country.

How can we be secure if our public schools are failing our children and 40 million Americans lack health insurance? How can we be secure when our President's shameful tax cuts force our children to repay America's debt for the next several decades?

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE JUDGES OF MADISON COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Madam Speaker, the previous speaker makes me want to spend my next few minutes talking about another subject. I guess what I need to do is just totally say that I am sorry to be in the same room with some of those remarks, but I will stay on my subject tonight, because I rise tonight to begin a discussion of the ''number one Judicial Hellhole'' for 2003, as named by the American Tort Reform Association.

A year ago, prior to a long list of complaints I received from Georgia companies, I had never heard of the place known as Madison County, Illinois. Now that has changed within the last year; and from the facts that I have heard, it seems that the judges of all people of Madison county regularly apply the civil laws in an unfair manner and violate the fundamental constitutional rights of defendants, particularly those that hail from other States. One might wonder why a person from Georgia would be complaining about judges in Illinois. Well, the reason is they are affecting my constituents and the citizens of my State.

Madam Speaker, I could not sit on these complaints from good Georgia companies any longer. I sent a letter to Attorney General Ashcroft on September 10 asking for a formal investigation of Madison County.

Little did I know that this letter would send the attorneys of Madison County into complete temper tantrums. It should. They are guilty of lining their pockets at the expense of their clients. Yes, at the expense of their clients. And perhaps, Madam Speaker, one of the most guilty is Randall Bono.

Mr. Bono's law firm, Simmons-Cooper, generated over $1 billion in settlements in 2003. Somewhere between 30 to 40 percent of those settlements were kept by that firm. The public service that Mr. Bono has offered in his career includes two lawsuits against Ameritech. He walked away with $16 million. His clients each got a $5 phone card.

Contrary to the comments Mr. Bono made during his tantrum, my only motivation is to protect the companies of Georgia from frivolous lawsuits. Not only do those frivolous lawsuits triple car insurance rates for the people living in and around Madison County, they also send doctors fleeing from the region and, of the greatest concern to me, they force American companies to close up shops and take good American jobs overseas to avoid such harassments.

□ 1930

These kind of illegal shenanigans do cause outsourcing of jobs. We are all suffering, and for what? To line the pockets of lawyers like Bono?

The letter I sent to Attorney General Ashcroft is five and a half pages full of cases where defendants' constitutional rights to due process have been violated. I can take all night reviewing them, and I will outline them over the coming weeks. However, what I want to outline here is a possible reason why Madison County has become such a judicial hellhole.

Between 1980 and 2002, 90 percent of the contributions made to Madison County judicial candidates came from plaintiffs' lawyers. Judges have received tens of thousands of dollars in contributions, even in the years that they are unopposed. Several plaintiffs' firms with no Madison County office have contributed money to Madison County judicial campaigns.

Madam Speaker, I have a strong belief that when Attorney General Ashcroft looks into the situation in Madison County, he is going to find that the cases I have outlined are just the tip of the iceberg.

I take it very personally when judges try to legislate from the bench. I take it even more personally when they overreach their power and steal from good companies in Georgia.

This will be an ongoing thing, Madam Speaker. I will report to my colleagues every night of how we are doing in the hellhole of the United States, Madison County, where the judges and plaintiffs' lawyers are stealing from the people.

NAMING POST OFFICES SHOULD NOT TAKE PRIORITY OVER BASIC CONGRESSIONAL RESPONSIBILITIES

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Madam Speaker, I would like to thank my colleague beforehand who spoke, and I am pleased to be here in the chamber when he did.

Yesterday, on the subject of the marriage amendment and D.C. gun-rights bill, the House majority leader said yesterday, ''It is our job to make the laws in this country, and as easy as life would be for us if the most controversial bill we had to vote on was to rename a post office, that's not what we were elected to do.''

I find the majority leader's comments almost ironic. I have done some research.

This Republican-led Congress, the 108th, the House and Senate, has been hard at work naming post offices. In fact, more post offices were named in this Congress than ever in the history of the Congress. In fact, under the Republican leadership, we have named an impressive 94 post offices, just three last night. We have also named 22 Federal buildings, passed 34 resolutions honoring athletic teams, introduced 35 resolutions creating commemorative postage stamps, recognized the Garden Club of America, recognized the importance of music education and authorized the use of the Capitol grounds for the soap box derby.

This is in stark contrast to when the Republicans first took control of the House in the 104th Congress. They only managed to name 12 post offices, compared to 94 this Congress. The 106th only squeaked out a pitiful three resolutions honoring sports achievements.

Without question, this Congress has proved that it is the most adept at naming post offices and Federal buildings, honoring sports achievements and conceiving of new postage stamps of any Congress in the history of the United States.

It takes a lot of time and effort to name a post office. First, you have to decide which post office to name. This is not an easy task. Then you have to pick a name, build support for it back home among your constituents and among your colleagues. The final test is to get a vote on the name, which is no small feat when you consider only one out of every 100 bills ever sees a floor vote.

However, in this Republican-led Congress, 80 percent of the post office naming bills introduced in the House have actually been passed. That is a record to be proud of.

But while we have spent all this time naming post offices, we could have been dealing with the problems some of the American people are facing.

While Congress worked on the backlog of nameless post offices, we have lost 1.7 million jobs here in America; median household incomes fell by more than $1,500; household bankruptcies have sky-rocketed by over a third in the last 2 years; and health care costs are rising at three times the rate of inflation; and 5 million more Americans find themselves without health insurance, for a record 44 million Americans.

More than 1,000 Americans have been killed in action in Iraq. Reconstruction has been pushed to the sidelines because of mounting violence, and we have not found any weapons of mass destruction or called oversight hearings in this Congress about why we went to war on that premise.

President Kennedy once said, ''To govern is to choose.'' Unfortunately for us and unfortunately for the country, this Republican Congress has made some very tough choices.

Time after time, the Republican leadership has been forced to choose between naming post offices and using its control of the House, the Senate, the White House and the Supreme Court to improve the lives of millions of Americans. More often than not, they chose to name post offices.

Please do not misunderstand; I am not opposed to naming post offices. In fact, I have cosponsored a few pieces of resolutions naming post offices myself. Congress should do these things, but we should not do it at the expense of other activities and other responsibilities.

We should not use it as an excuse not to deal with the health care crisis in America; not to deal with the higher education crisis in America; not to deal with the stagnant wages and income in America; not to deal with a war for which we do not have an effective policy and a President who does not know it is a burning morass, as three Republican Senators said just last week; nor should we use them as excuses for failing at our most basic responsibilities.

It is now past 7 months before we passed a budget resolution, which is a responsibility of Congress. We have not done it. We have only passed one of the 13 appropriations bills we are required to pass. We have not passed a higher education reauthorization act required by law this year. We have failed to reauthorize a series of laws. We have not yet passed the highway and mass transit bill which employs billions of Americans in good paying jobs and guides this economy, and yet we have taken the responsibility with precious time that we are here to name 94 new post offices.

Our Nation and economy rely on the most basic functions of Congress. Yet, this Congress, the Republican Congress, has failed on both. We can do better. Congress can name post offices and keep our Nation moving forward.

Mr. Speaker, election day is only weeks away. I hope, when Americans go to the polls, they will reflect on what kind of job this Congress has done. Republican leadership has made their priorities clear, and that is for new post offices and the naming of new post offices in America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

(Mr. HENSARLING 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 American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

(Mr. FALEOMAVAEGA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. STUPAK. Madam Speaker, I ask unanimous consent to proceed out of order and address the House for 5 minutes.

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

There was no objection.

THE NEED FOR MORE RESEARCH AND MANAGEMENT OF RISK OF ACCUTANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker, I rise tonight to inform the American public on the safety concerns of Accutane. Accutane is a dangerous, powerful prescription drug approved by the Food and Drug Administration in 1982 to treat severe, recalcitrant, nodular acne that is unresponsive to conventional treatments, including antibiotics. Today, approximately 1.5 million prescriptions are written each year to hundreds of thousands of young people.

The horrific birth defects associated with Accutane are well-known and understood. The psychiatric effects associated with the drug, including depression, suicidal thoughts and behavior, suicide and aggression are less known and are denied by its manufacturer, drug company giant Hoffman-LaRoche.

Tonight, I want to share the results of a study that sheds light on these psychiatric effects. Dr. J.D. Bremner of Emory University recently completed a study which demonstrated that Accutane affects the metabolism of the orbitofrontal cortex, a brain area known to mediate symptoms of depression. If you look at this chart, Dr. Bremner had two PET scans, the baseline PET scan before the patient began Accutane therapy and 4 months into the Accutane therapy. Even my inexpert eyes can tell the difference, and Dr. Bremner will present his findings in November to a convention of psychiatrists studying this issue.

For every question Dr. Bremner's work may answer, there are other questions that need to be answered about the psychiatric effects of these drugs. These scans show the promise more research can hold.

If you take a look at these, you can see there is a 21 percent change in the metabolism of the front orbitofrontal cortex. These scans show the promise of more research, and Hoffman-LaRoche has always denied that Accutane affects the brain. We know this is not true, as the PET scans show. This person had a 21 percent change in

their orbitofrontal cortex of the brain. Is this damage to the brain permanent? Only more research will answer this question.

I do not know why the FDA and Hoffman-LaRoche seem reluctant to look for these answers. The FDA has already determined that the link between Accutane and psychiatric events is strong enough to require a bold warning on the physician label and the packaging label for this drug.

The FDA should also re-examine previous studies submitted on Accutane. A 2001 review of three studies that were not disclosed by the drug company found the drug to cause an excessive serotonergic response and concludes that it should be noted that increased serotonergic function is presumed to be the mechanism of action of a major class of antidepressants or SSRIs, or selective serotonin re-uptake inhibitors. In other words, Accutane acts like antidepressants in the brain so it couldn't possibly cause psychiatric effects.

We all realize the uproar that has been caused by the FDA when they would not allow their own expert to testify that antidepressants used in young people were ineffective and increased suicidality. The British came to the same conclusion, and they banned the use of antidepressants in people under the age of 18.

Just 2 weeks ago, the FDA finally declared that there is an increased risk in suicidality in children who take SSRIs. It has created a firestorm of debate about how safe these drugs are and how they affect kids.

Yesterday's Wall Street Journal had a story about the possible reasons why there is an increase of suicidality of children who take antidepressants. The story says, ''One hypothesis is that, in some patients, these drugs have a disinhibiting effect,'' says one Wayne Goodman, chairman of the FDA panel that examined the issue in young people. ''Children are already a bit disinhibited because their brains aren't fully developed.'' Remember, in 2001, Accutane studies that the FDA reviewed concluded that Accutane was like the antidepressants with its SSRI function.

The FDA must demand a full accounting of how these drugs, both Accutane and antidepressants, affect our children and their developing brains.

There is no excuse for allowing Accutane to be prescribed to hundreds of thousands of kids without, at the very least, continuing to demand answers as to the effect of this drug on the brain.

At the very least, FDA can begin to address the ''off label'' use of this drug, but yet the FDA estimated in 2002 that 90 percent of the prescriptions were written for ''off label,'' meaning they were not written to treat severe acne unresponsive to other antibiotics.

At the very least, FDA can finally approve a mandatory risk management plan to track Accutane's side effects and prevent thousands of pregnancy exposures, miscarriages and abortions each year. FDA advisory committees have called for stricter distribution of the drug and a registry of the patients to control the use of this drug. They have called for this twice in the last 4 years. Unfortunately, the FDA has ignored these recommendations, and the same failed policy and system is in place with this drug.

Last week, I and a few of my colleagues shared our concerns with the Secretary of Health and Human Services Tommy Thompson about the lack of action on implementing these advisory committee recommendations.

The birth defects caused by Accutane are similar to those of thalidomide. People of my generation and older remember vividly the thalidomide babies of the 1960s.

Over 1.5 million prescriptions for Accutane and its generics were written in 2003, and clearly, Accutane has the potential to do greater damage, so why do we not have the same controls as we do on thalidomide?

Madam Speaker, my time has expired, and I will insert the rest of my remarks at this point in the RECORD.

It's no secret that I am no fan of the FDA's handling of Accutane or the drug company, HLR's, constant denial that Accutane does not cause depression or affect the brain—we know with this PET Scan their denials are baseless! However, I am appalled at the FDA's inaction on this registry. That's why in June, I joined with colleagues on both sides of the aisle and introduced the Accutane Safety and Risk Management Act (H.R. 4598). The legislation would create a mandatory program to manage the drug, and includes provisions to protect the health of patients and their children. To make sure we do not allow our children and their developing brains to be destroyed.

History suggests that unless there is strong leadership from Congress on this issue, the Advisory recommendations to the FDA will end up collecting dust on a shelf.

I hope my colleagues on both sides of the aisle will join me in cosponsoring this important legislation to send a strong message to the FDA and HLR that we will not accept their inaction any longer.

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.)

SUPPRESSING THE COST ESTIMATE

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. Madam Speaker, November 17 a year or so ago, just three weeks before the Medicare bill was signed into law, President Bush said this law would cost $400 billion. That is what he told the American public. That is what he told the Congress. Five months earlier, his actuaries in the center for Medicare/Medicaid services, the Medicare bureau, estimated the President's Medicare bill would cost $534 billion.

I am not saying that the President lied about this, but it is pretty clear the President's people knew this bill cost $134 billion more than it really did. Whether the President knew about it, whether his top aides told him, remains a question.

Now, the White House says, though, the bill will cost $576 billion. It is bad enough that the President and Republicans in Congress advertised one thing to this Congress and to the American people and sold them on another. What is worse is the deliberate nature of this deception and tactics used to achieve it.

□ 1945

But let us go back and look at this whole Medicare bill and how we ended up where we did, starting from the time the drug industry and the insurance industry met in the Oval Office with President Bush and wrote the bill. Starting with then and following through all the way until Labor Day weekend, 3 weeks ago, where the President announced a 17 percent, a record increase, 17.4 percent in Medicare premiums that seniors will be forced to pay.

First the bill was written with President Bush and Vice President CHENEY sitting down with the drug industry, sitting down with the insurance industry and writing a Medicare privatization bill. You know that it was written by the drug and insurance industry because the drug industry profits go up $180 billion under this bill, that is $180 billion with a ''b,'' and you know the insurance industry was part of this because they benefit to the tune of billions of dollars in direct subsidies from seniors through increased premiums and taxpayers in increased dollar subsidies to the insurance industry.

Now, we also know that the passage of this bill was perhaps the most sordid spectacle we have seen in this Chamber of the House of Representatives in decades. The debate started at midnight, the votes started at 3 o'clock in the morning after most of the press had gone home and after most Americans had turned their televisions off. Normally, a vote takes about 20 minutes, but this took 2 hours and 55 minutes. There was arm-twisting on the House floor, when this bill was actually defeated, for the first 2 hours and 45 minutes. The bill was down 216 to 218. We also know that there was a Member of Congress from Michigan, Republican, who the next day told a radio station in Michigan that Republican leaders attempted to bribe him on the House floor with campaign money. We know

all of that. And we know that as a result of this bill, we end up with a 17 percent premium increase.

So the vote was taken in the middle of the night when people were not paying attention, Members of Congress had their arms twisted and were made promises, with one Member of Congress reporting an attempted bribe, and we also know that come March, after this bill passed, that even though the drug benefit does not start until 2006, we find out that starting in March, the Federal Government and seniors whose premiums have gone up begin to pay a monthly payment to the Medicare HMOs.

In March 2004, Medicare HMOs were paid $229 billion by taxpayers. In April of 2004, the Medicare HMOs were paid by taxpayers and Medicare beneficiaries through a premium increase of $229 billion. In May, June, July, August, and September, every single month, taxpayers and Medicare beneficiaries have paid HMOs $229 billion. Next month, November, December, and all of next year, the government and seniors will pay $229 billion to the Medicare HMOs, and the drug benefit does not start until 2006.

There are 22 months of direct payments from seniors through an increased premium, and taxpayers, to the tune of billions of dollars, 22 months of $229 billion a month payments to the insurance industry, insurance company HMOs, from seniors and taxpayers, even though the drug benefit does not start until 2006.

Mr. Speaker, you can see the perfect circle here. You can see that the bill was written by the drug and insurance industry with the President and the Vice President and Republican leaders. The drug and insurance industry get huge subsidies, much bigger profits, direct subsidies, with seniors paying a 17.4 percent premium increase, and taxpayers paying billions of dollars in order to pay off the insurance industry and the drug industry. And the completed circle ends this way: with the President and Republican leaders of this Congress getting tens of millions of dollars in campaign contributions from the drug and insurance industry.

It is corrupt, it is shameful, and it is morally reprehensible.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman will refrain from improper references to the President and Vice President.

Mr. BROWN of Ohio. What was that, Madam Speaker?

Madam Speaker, I do not understand. I did not say the President. What did I say that was improper?

The SPEAKER pro tempore. Improper references to the President and Vice President, whether by accusation or innuendo are not in order.

Mr. BROWN of Ohio. Madam Speaker, I only said that the President and Vice President sat down with the drug and insurance industry and wrote this bill, and I never said the President did anything illegal. I questioned that it was the right thing to do. Am I not allowed to say that, Madam Speaker?

The SPEAKER pro tempore. The gentleman may not, even by innuendo, allege a quid pro quo between receipt of campaign contributions and public-policy decisions.

Mr. BROWN of Ohio. Madam Speaker, I really just want to make sure I understand. So if the President wrote a bill with the drug and insurance industry, then by my saying that the drug and insurance industry gave money to the President's campaign, that is improper to say?

The SPEAKER pro tempore. The gentleman's characterization of the process as corrupt conveyed the impression of undue influence.

Mr. BROWN of Ohio. Madam Speaker, I was talking about the leadership of this Congress being corrupt by passing a Medicare bill the way they did.

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.)

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.)

THE THREE Rs

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, the three Rs used to stand for reading, writing and arithmetic. Now the three Rs stand for Republican rhetoric is not reality. Here is the proof.

Under this administration, Bermuda has become corporate America's favorite destination. And I am not talking about vacations. The Tax Code encourages and rewards U.S. companies to set up storefronts offshore to exploit their profits, with $75 billion last year alone, and avoid U.S. taxes.

And if the administration has its way, it will get even worse. The armored trucks, loaded with U.S. corporate profits, will be lining up at the docks waiting to transfer the money out of our country. It is made to work that way. Policies by the administration and approved by the Republican House are costing the American people between $10 billion and $20 billion a year in exported tax revenue, money that should go for health care, education, senior citizens, and worker retraining. The need is there but the revenue is somewhere else.

U.S. companies deserve to make a profit, but America deserves to have everyone pay their fair share to support the country that gave them the opportunity to make those profits. Indeed, the administration has put corporate interests ahead of America's interests. It is a double-edged sword and both sides are hurting the American people.

More corporate profits are being shifted offshore and more corporate expenses are being shifted on to the workers. Over the last 4 years, health care premiums paid by American workers have risen three times faster than the average earnings. Today, over 14 million Americans spend at least 25 percent of their earnings on health care costs.

And let me clarify something, Madam Speaker, before the Republican rhetoric kicks in. Those 14 million Americans, spending at least 25 percent of their earnings on health care, all of them are under the age of 65. It is the middle class, in other words, that is being struck under the burden of administration policies that put corporate interests ahead of America's interests.

Over the last 4 years, health care premiums in 26 States have risen more than 40 percent. What did the administration do in response? Reward the drug companies with more profits and renege on a promise to senior citizens. Americans today, old and young alike, are paying more and earning less. And Americans are going to be paying a lot more in the coming years.

When the administration exported the U.S. Treasury into the bank accounts of the rich, America was left holding an IOU that is a black hole on America's future. There is no way to see in it, through it, or out of it. Fully one-half of that massive deficit this year alone is a direct result of the administration's fiscal binge. They have created a mountain of debt and a mole hill of economic progress.

Despite the Republican rhetoric, the administration is short at least 100,000 jobs per month. Per month. Despite the Republican rhetoric, the American people know that. Consumer confidence was down again last month because people are not buying the administration's rhetoric. The number of consumers saying jobs are hard to come by went up. Consumers drive the U.S. economy. They are worried, and with good reason. The number of people living in poverty is up. The number of people without health care coverage is up. The number of people who have exhausted long-term employment benefits is dramatically up.

And then, Madam Speaker, there is Iraq. Escalating casualties, chaos, and crisis lead the President to conclude things are getting better. That must explain why over one-third of former soldiers called up this month and ordered to report for active duty in Iraq have not shown up.

Americans can tell the difference between a photo op in the Rose Garden and a reality check in Iraq. Things are not getting better. At every opportunity to talk straight to the American people, the administration has chosen to sacrifice credibility in hopes of perpetuating its story. Trouble is, the real story about Iraq is every night on the news. The administration can try and change the rhetoric, but the American people are not changing the channel. They know what they see and read. They know it is not what the administration claims. They know that only new leadership will solve the crisis in Iraq and revive the economy at home.

The administration had its chance, again and again and again and again. The rhetoric got better, even as the reality got worse, and even as we went further into debt, and even though the debt is the biggest we have ever had in our history in 1 year. That is the choice facing America. Believe the administration's rhetoric about Iraq and the economy, or elect JOHN KERRY to take care of reality.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

(Mr. VAN HOLLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

(Mr. RYAN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

(Ms. EDDIE BERNICE JOHNSON of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UPCOMING ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Madam Speaker, last week, a number of members of the Congressional Black Caucus, myself included, addressed the issue of upcoming elections, with particular attention going to voter intimidation, oppression, and suppression. I congratulate the Congressional Black Caucus, and particularly the leadership of our chair, the gentleman from Maryland (Mr. CUMMINGS), for making Americans aware of this very serious issue.

The sad truth is that in every election since reconstruction, in every election since the Voting Rights Act passed in 1965, voters, and particularly African Americans and other minorities, have faced calculated and determined efforts at intimidation and suppression, both above and below the Mason-Dixon line, indeed throughout the Nation.

It appears that the upcoming national elections will not break that pattern. In an article on the op-ed page of Monday's Washington Post, former President Jimmy Carter states the following: ''The disturbing fact is that a repetition of the problems of 2000 now seems likely, even as many other nations are conducting elections that are internationally certified to be transparent, honest, and fair.''

President Carter cites two significant requirements for free and fair elections. First, standards that the State of Florida still fails to meet. The first is a nonpartisan electoral commission or a trusted and nonpartisan official who will be responsible for organizing and conducting the electoral process. And the second requirement is uniformity in voting procedures so that all citizens, regardless of their social or financial status, have equal assurance that their votes are cast in this same way and will be tabulated with equal accuracy.

Madam Speaker, as many of my colleagues know, President Carter is not speaking off the cuff when it comes to election monitoring. The world renowned Carter Center has monitored more than 50 elections around the world, many under difficult and dangerous circumstances. When it comes to certifying that elections are free and fair, the Carter Center is the gold standard. People listen and they take note.

They listen and take note, it appears, everywhere in the world but here in the United States.

President Carter is dead-on target in stating that ''It is unconscionable to perpetuate fraudulent or biased electoral practices in any nation. It is especially objectionable among our Americans, who have prided ourselves on setting a global example for pure democracy.''

That is why I introduced House Resolution 793, a sense of Congress resolution, condemning all efforts to suppress and intimidate voters in the United States and reaffirming that the right to vote is a fundamental right of all eligible United States citizens.

□ 2000

The resolution also urges States to replace decade-old election machinery with less error-prone equipment before the November 2004 national elections; calls upon all States to institute a moratorium on the erection of roadblocks or identity checkpoints designed to racially profile voters on Election Day, and calls upon the Attorney General to vigorously monitor all credible allegations of voter intimidation and suppression and to expeditiously prosecute all offenders to the full extent of the law.

Mr. Speaker, House Resolution 793 is a simple resolution that reaffirms the most basic right of every American, the right to vote and have their vote counted. This is not a partisan issue. It is not a Democrat or Republican issue, and I would note, however, that not one single Member on the other side of the aisle has cosponsored this resolution.

Can anyone take comfort in conducting elections under flawed circumstances that depart from the principles of fair and equal treatment? Can anyone condone an election that perpetuates fraudulent or biased electoral practices? I certainly hope that our Nation's noble experiment in democracy has not.

Madam Speaker, in closing, I want to briefly address another issue of voter inequity. This past weekend I held a voter awareness workshop in my congressional district for ex-offenders. It is a model for the rest of the Nation, and I would hope that we would look to letting ex-offenders exercise their right to vote after they have served their time and paid their debt to society.

Last week, a number of members of the Congressional Black Caucus, myself included, addressed the issue of the upcoming elections, with particular attention given to voter intimidation, oppression, and suppression. I congratulate the Congressional Black Caucus, and particularly the leadership of our Chair, Congressman ELIJAH CUMMINGS, for making Americans aware of this very serious issue.

The sad truth is that in every election since Reconstruction, in every election since the Voting Rights Act passed in 1965, voters—and particularly African-Americans and other minorities—have faced calculated and determined efforts at intimidation and suppression, both above and below the Mason-Dixon Line, indeed throughout the Nation.

It appears that the upcoming national elections will not break that pattern. In an article on the op-ed page of Monday's Washington Post, former President Jimmy Carter states the following, and I quote: "The disturbing fact is that a repetition of the problems of 2000 now seems likely, even as many other nations are conducting elections that are internationally certified to be transparent, honest and fair."

President Carter cites two significant requirements for free and fair elections—standards that the State of Florida still fails to meet: The first is "a nonpartisan electoral commission or a trusted and nonpartisan official who will be responsible for organizing and conducting the electoral process"; and, the second requirement is "uniformity in voting procedures, so that all citizens, regardless of their social or financial status, have equal assurance that their votes are cast in the same way and will be tabulated with equal accuracy."

Mr. Speaker, as many of you know, President Carter is not speaking off-the-cuff when it

comes to election monitoring. The world-renowned Carter Center has monitored more than 50 elections around the world, many under difficult and dangerous circumstances. When it comes to certifying that elections are free and fair, the Carter Center is the gold standard; people listen and take note.

They listen and take note, it appears, everywhere in the world but the United States.

President Carter is dead-on target in stating that "It is unconscionable to perpetuate fraudulent or biased electoral practices in any nation. It is especially objectionable among us Americans, who have prided ourselves on setting a global example for pure democracy."

That is why I recently introduced House Resolution 793—a sense of Congress resolution condemning all efforts to suppress and intimidate voters in the United States and reaffirming that the right to vote is a fundamental right of all eligible United States citizens.

The resolution also urges States to replace decade-old election machinery with less error-prone equipment before the November 2004 national elections; calls upon all States to institute a moratorium on the erection of roadblocks or identity checkpoints designed to racially profile voters on election day; and calls upon the Attorney General to vigorously monitor all credible allegations of voter intimidation and suppression and to expeditiously prosecute all offenders to the full extent of the law.

Mr. Speaker, House Resolution 793 is a simple resolution that reaffirms the most basic right of every American—the right to vote and have their vote counted. This is not a partisan issue. It is not a Democrat or Republican issue. I would note, however, that not one single member on the other side of the aisle has cosponsored the resolution.

Can anyone take comfort in conducting elections under flawed circumstances that depart from the principles of fair and equal treatment? Can anyone condone an election that perpetuates fraudulent or biased electoral practices? I certainly hope that our Nation's noble experiment in democracy has not.

Mr. Speaker, in closing, I want to briefly address another issue of voter inequity. This past weekend I held a voter awareness workshop in my congressional district for ex-offenders. In many States around the nation, ex-offenders' right to vote is either restricted or banned. This week the Sentencing Project released a study showing that African American men in Atlanta were 11 times more likely than non-African American to be disenfranchised. Nationwide, an estimated 5 million Americans are affected by felony voting restrictions. African-American males account for about 8 percent of the U.S. population and 40 percent of the prison population.

The high numbers of disenfranchised African American males casts a pall on voting. Why should any State have the authority to restrict the right of persons to vote who have paid their debt to society? This is fundamentally unfair and unjust.

Mr. Speaker, the credibility of our Nation is under attack from around the world. We cannot afford to witness another election debacle like the one we experienced in 2000. It is time for the American public and this body to sit up and take note of a potentially serious crisis facing the United States.

MARRIAGE PROTECTION

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Madam Speaker, I thank the body for allowing us to speak tonight on this extremely important issue.

The state of a society is an ongoing process. We tend to want to think that we can pass along our values and the rights and freedoms that we have in a current age to those in the next generation. For instance, I just think that I can pass along the right to my daughter, who can pass along to our grandson and granddaughter the rights to own a business or the rights to a public education, or maybe even the right to understand exactly what society is about, the good parts and the bad parts.

Well, the Nation is involved right now in a discussion about what is best for America when it comes to marriage. The Massachusetts Supreme Court made a decision a couple of months ago that began to cause us all to think about what is the right definition for marriage, how should we change it, why should we change it, or should we change it.

We have several Members here on the floor tonight to help present this discussion to this body, and I yield to the gentlewoman from Colorado (Mrs. MUSGRAVE) who is the sponsor to the amendment to the Constitution that would declare marriage as simply between a traditional man and woman.

Madam Speaker, I yield to the gentlewoman to explain her ideas.

Mrs. MUSGRAVE. Madam Speaker, the best gauge of whether the American people want the definition of marriage to be a union of a man and a woman is to look at elections in recent activities in the States on this subject.

Madam Speaker, voters in 7 States have gone to the ballot box to enact either a State Defense of Marriage Act, to pass State marriage amendments, or to permit the State legislature to define marriage, thus preventing a State court from doing so. Each time the initiative passed overwhelmingly.

The people of Hawaii voted with 69 percent approval to pass a State marriage amendment. The people of Alaska voted with a 68 percent approval to pass a State marriage amendment. The people of California voted with 61 percent approval to pass a State defense of marriage statute. The people of Nebraska voted with 70 percent approval to pass a State marriage amendment. The people of Nevada voted with a 70 percent approval to pass a State marriage amendment. The people of Missouri voted with 71 percent approval to pass a State marriage amendment. The people of Louisiana voted with a 78 percent approval to pass a State marriage amendment.

Madam Speaker, 44 States have recently enacted laws that provide that marriage shall consist only of a union of a man and a woman. These 44 States constitute 88 percent of the States, well more than the three-fourths required to approve a constitutional amendment, and they include 86 percent of the United States population. The American people have spoken on this subject. It is time that Congress send to the States the marriage protection amendment so that States can decide for themselves whether to ratify the policy that marriage is the union of a man and a woman. Marriage is what really matters to the American people, to the American moms and dads, to the American children. It is just common sense.

Mr. PEARCE. Madam Speaker, I thank the gentlewoman from Colorado (Mrs. MUSGRAVE) for cosponsoring this amendments.

We hear a lot of discussion in this Nation about tolerance and about diversity and we should hear all sides of the discussion, but I will tell Members that the same people who shout loudest about tolerance and diversity have been the same people who have attacked the sponsor of this amendment to the Constitution. She has had threats made on her life. She has had slurs and insults thrown into her face, and she has tolerated abuse no one should have for simply speaking in America.

I worry in this same discussion about what the marriage is and what the family is and what it consists of, I worry that the opponents in this argument really do not want free speech, they do not want a public discussion. And that is what we are saying on this side of the aisle, that the discussion should be taken to the American people, that judges who are not elected should not make this decision; and that is exactly what is going to happen if we do not have the courage to make a stand and to identify what we think is the language which should amend the Constitution of the United States.

Madam Speaker, I thank the gentlewoman for having the courage to withstand the death threats from the people who disagree with her, and for standing tall and for defining the moment in American history that is before us right now.

Madam Speaker, I yield to the gentleman from Indiana (Mr. PENCE) to talk about this issue.

Mr. PENCE. Madam Speaker, I thank the gentleman from New Mexico (Mr. PEARCE) for leading this Special Order tonight. I thank him for his courageous leadership as a freshman.

Madam Speaker, I associate myself with the remarks about our previous speaker. While we address the Speaker, we are nonetheless cognizant at times many millions of Americans look into our deliberations on this floor, and I think it is altogether fitting to recognize that a freshman, the gentlewoman from Colorado (Mrs. MUSGRAVE), arrived in this institution and brought her support for traditional marriage to the floor of this Congress, and has turned her face like flint against the

wind and has brought us to this point where we are on the eve of an enormously important vote in the life of our Nation, and I commend the gentlewoman for her tenacity and courage. To a lesser extent, I commend the people from Colorado for sending leaders like the gentlewoman to this institution.

That said, we are here tonight for the purpose of gathering thoughtful colleagues like the gentleman from New Mexico (Mr. PEARCE) and those that will follow to consider out loud what will no doubt be lost in sound and fury on this floor tomorrow when the Marriage Protection Act, a constitutional amendment that defines marriage in the traditional terms as a union between a man and a woman, is brought to the floor of the House of Representatives.

There are those, and it is almost understandable in a season where a national election is just around the corner, there are those who will say this is politics. The more initiated among us would use phrases like ''wedge issues'' to explain the value of tomorrow's vote. But I must say and I believe I speak for the heart of this President whose moral courage has brought us to this vote today, of the leadership of this majority, of Republicans and even many Democrats who will tomorrow stand for this constitutional amendment when I say this is not about politics. This is, as the gentleman from New Mexico (Mr. PEARCE) said, this is about who we are as a people. This is about the foundations of our society. It is about what it is we will hand on to our children and grandchildren.

In my judgment it all comes down to the simple belief, that is millenia old, that marriage matters. In one debate after another with some constituents in Indiana and in some national broadcast forums, I have allowed people who disagree with me on the need for a constitutional amendment. I have said if you do not think marriage matters to children, to communities, and thereby to the life of the Nation and to the vitality of our civil society, then I can understand why you would not be prepared to go to the necessary means of a constitutional amendment to defend it and define it in traditional terms.

But if you believe, as I do, and as survey after survey shows us, that the overwhelming majority of the American people do, that marriage matters, that far beyond the conviction that I share and that millions of Americans share that it first matters because it was ordained by God, we see it even beyond those terms as an institution upon which our society was founded. Rightly understood, marriage and the family is the first and original unit of government. It is the glue of the American family and it is the safest harbor for raising children.

None other than a predecessor who represented northeastern Indiana on this floor from 1976 to 1980, Dan Quayle, made this point when he was Vice President of the United States in 1992. Dan Quayle, against a withering assault, suggested in a national debate that the statistics proved that children who were raised, however imperfectly, in a two-parent home with a mother and father did significantly better in avoiding all types of social maladies than children, who for whatever reason, no fault of their own or their parents, found themselves in a different circumstance.

Dan Quayle's Murphy Brown speech became a national political joke, Madam Speaker, until after the election was over and the esteemed Atlantic Monthly Magazine pulled together a group of psychologists and sociologists and published in February 1993 that famous headline ''Dan Quayle Was Right''; because what Vice President Quayle said is even more true today, that children that are raised in traditional two-parent homes find themselves, for whatever reason, but looking at the facts, find themselves able to avoid a host of social maladies that beset our children: teen pregnancy, sexually transmitted diseases, falling into gang violence or drugs, dropping out of school. Children raised in two-parent homes are significantly less likely to fall into those maladies.

That is not to say that single parents are less significant to our Nation. My wife was raised by a single mom, and we laid her to rest early this year, and I honor single moms maybe more than any other moms in our Nation because they bear such an extraordinary burden with such dignity and grace.

But in the development of social policy, you recognize good, better, and best, and the reality is the sociologists have spoken; the unflagging truth of western civilization and of modern American history is that marriage matters to kids and therefore is worth being preserved.

My second and only other point before I yield to my colleagues is much addressed to all of us who will consider this debate on this floor tomorrow. I am a conservative Republican Member of this Congress, and yet I have noted there are conservative colleagues of mine who are troubled that we are bringing an amendment to the Constitution every bit as much as there are liberal Democrat colleagues of mine.

□ 2015

And so I wanted to take just a few more minutes to speak about why this Marriage Protection Act is necessary to amend the Constitution of the United States, because I truly believe that it is.

Let me say from my standpoint, the constitution of a nation rightly understood as the supreme law of the land of which it is a part is a document, yes; but as John Locke first described, it is part of a charter between the people. What I would offer today, the question is not whether our charter will be changed, or whether marriage will be defined one way or another in our social contract. Rather, it is whether that definition will be brought by the people in an orderly amendment process to the Constitution or whether this issue in a constitutional perspective will be decided by unelected Federal judges. That is it.

The point that I will make here in the few remaining minutes that I will take I hope, Madam Speaker, will make this point. This issue is coming to the fore. It is coming to our Federal courts. As I will prove in a few moments, the United States Supreme Court, which I venerate and respect, has in recent decisions signaled a willingness to extend the right of privacy to certain types of behavior which could very well, according to legal leading scholars, have laid the foundation to recognize gay marriage by a narrow majority of the Supreme Court.

Here is the record. Activist lawyers and their allies in the legal academy over the last decade have devised a strategy to override the public opinion that I described earlier which is, by one reckoning or another, by referendum in Missouri recently, 71 percent of the public affirmed the traditional definition of marriage, survey after survey shows the overwhelming majority of the American people support it, but there has been an effort to use the courts much in the same vein as in Roe v. Wade in 1973 to redefine the laws of all 50 States through judicial fiat.

They achieved their first success in 1999 when they convinced the Vermont Supreme Court that they should order the State legislature to legalize same sex marriage or create same sex civil unions. The legislature chose the latter despite strong public opposition. The activists won their second victory when they convinced the Massachusetts Supreme Judicial Court to force that State to give full marriage licenses to same sex couples. Even though citizens of that State opposed same sex marriage and no law had ever been passed to authorize it, same sex marriage in Massachusetts became a reality on 17 May 2004.

The activists have, Madam Speaker, literally plotted a State-by-State strategy to increase the number of judicial decisions mandating same sex marriage. The goal is to force the same sex marriage issue on the Nation piecemeal and then to demand the United States Supreme Court order the holdout States to accept and do the same. It is a fairly transparent and ingenious legal strategy. And the United States Supreme Court has provided potent ammunition for these activists when they decided the Lawrence v. Texas case of June 2003. In that case, dealing with same sex sodomy, the Supreme Court strongly signaled that a right to same sex marriage could be found in the number of the Bill of Rights, in the so-called right of privacy of the U.S. Constitution. This, Madam Speaker, is precisely the same right that the late Justice Blackmun derived the right for

an abortion in 1973 in the infamous Roe v. Wade case.

Again I say, this Supreme Court in Lawrence v. Texas in June of 2003 signaled that a right to same sex marriage could be found in the U.S. Constitution. In fact, experts as varied as Laurence Tribe of Harvard and Justice Antonin Scalia agree that the court's decision points to the end of traditional marriage laws. Let me say it again. This is something of a consensus opinion when Justice Scalia on the right and the famed author and professor Laurence Tribe of Harvard on the left agree that the Texas case lays the foundation for essentially the redefinition of traditional marriage.

Activists are attempting to build on their successes as we speak. In Vermont, Massachusetts, and in the Supreme Court in the Lawrence case, same sex couples are now challenging marriage laws in my State of Indiana, California, Florida, New Jersey, New Mexico, New York, Oregon, Washington, and West Virginia. In addition, lawsuits have been filed in Alaska and Montana to force those States to grant particular marital benefits to same sex couples. And while I support the Defense of Marriage Act strongly, according to many experts it provides a weak defense to these lawsuits. State and Federal courts are poised to strike down that law under the Constitution's equal protection and due process clauses and force recognition of same sex marriage.

The only way, therefore, Madam Speaker, to prevent this core societal decision which, as the gentleman from New Mexico said, is central to who we are as a people, it is central to that which we would bequeath to our children and grandchildren, the only way to prevent this core societal decision from being made by unelected judges is to allow the people to speak on this issue through the constitutionally mandated amendment process. This process which requires, and we will attempt to achieve it tomorrow, two-thirds of the Congress and three-fourths of the States by votes of their legislature is the most dramatic grassroots political mechanism available to let the people speak.

Let me close and yield back to my colleague with that point. We are in the people's House. Our founding documents speak of we, the people. Abraham Lincoln, standing on what would become the graveyard at Gettysburg, spoke of a Nation of the people, by the people and for the people. Yet there are those, and we will hear it on this floor tomorrow, I suspect, Madam Speaker, who will make the case that rogue, unelected judges know better than the people of the United States and that somehow what we are doing on this floor tomorrow in an amendment to protect marriage as it is traditionally defined is somehow contrary to our best traditions.

I would offer to you as I close, our best tradition is that we are a government of the people, by the people and for the people. And when it comes to that institution which is marriage, which is so central to who we are, so necessary to the vitality of our society, we must hear from the people and that is what this majority will bring with our great leadership to the floor tomorrow for consideration.

I yield back my time with gratitude to the gentleman from New Mexico and my colleagues for being a part of this very important starting conversation about the Marriage Protection Act.

Mr. PEARCE. Madam Speaker, there are a lot of questions that I am given when I bring this subject up in the district that I represent and they are fair questions and they are good questions and I think that we have a responsibility to deal with some of those questions. Many people say, aren't you just infringing on the rights of the gays and lesbians? It does not appear that we are. What appears that we are trying to do is to say that gays and lesbians have the right to choose any life-style they want but what we are going to limit is their ability to redefine what marriage is.

Marriage is not defined by the Constitution. Marriage really is not even defined in law first. Marriage was defined in nature first. It is in nature that we find that men and women come together to have children and in the process of having the children, the sexual acts that caused the children create bonds that cause the couples to stay together. Those bonds create the family that sustain and nurture and raise and defend and protect our children. This argument is not about what is right for any class of people except children. When we move the children out of the central focus, we begin to stray away from the most vital, important part of this discussion because it is through the children that we have the next generation, the generation that will work and sustain us, the generation that will produce succeeding generations.

Those countries which have already admitted same sex marriages as a right and as a law, we find that in those societies that marriage is beginning to dissipate and disappear. Some would say, so what? So what is that the main structure, the main defense mechanism, the main way that children are born, raised and put onto the path in life that they should be put on is the family. So we cannot have a so-what attitude about it. We must understand that if we choose this, that it is going to radically affect our Nation and radically affect those things in society which keep our standards the way they are which make this Nation great.

If it is the decision of the majority of the American people to do that, it is one thing; but if it is the opinion of some activist judges who wish to redefine the American culture, then I think America is speaking out right now and we have an obligation to listen to what America is saying.

I would like to recognize another one of my colleagues, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) who is always involved in issues involving the family.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I stand tonight in strong support of the Marriage Protection Amendment, and I consider this debate among the most important of my tenure in this House. I also want to make clear up front that this amendment is about reaffirming a national definition for one of our Nation's, and the world's, most important institutions, namely, marriage. This amendment does not, and I repeat, does not interfere with the right of State legislatures to change laws for their States, nor does it deny individuals the right to make sexual choices. The right to marriage will remain the same for everyone, that is, the right to marry another individual of the opposite sex.

I find it unfortunate that we must act today on something as seemingly clear as the definition of marriage, but activist judges have forced our hand in this important matter. You see, poll after poll and vote after vote at the State level have indicated that the American public overwhelmingly supports the definition of marriage as consisting of the union of one man and one woman. Indeed, 44 States have enacted laws affirming this very definition.

Moreover, in 1996, an institution no less than this very Congress and then President Clinton enacted the Defense of Marriage Act that defines marriage for Federal Government purposes as the union of one man and one woman. Contrary to what you may have heard elsewhere, the notion that marriage is the union of a man and a woman is not controversial. However, activists in the judiciary, as evidenced by the Massachusetts Supreme Judicial Court deciding that there is no rational reason for restricting the benefits of marriage to heterosexual couples, seem bent on redefining marriage for an entire Nation in direct opposition to the wishes of the vast majority of Americans and with a flagrant disregard for the millennia-old institution of marriage that has been responsible for the successful propagation of the human race.

Since ancient days in all corners of the globe, men and women have left their own families to join together and form new families for intimate companionship and, importantly, the rearing of children.

To those opponents of this amendment who contend that marriage in this country is broken already, citing statistics that half of marriages end in divorce, I must say that I agree with you. Admittedly, our debate today does not go to the heart of the problem, but rather addresses a symptom after years of degradation of the institution of marriage in America.

Certainly it is a great tragedy when men and women divorce and children are not raised by both a mother and a father. While there are millions of men

and women in this country who bravely and lovingly raise children by themselves, social science and our everyday experiences teach us that children raised without a mother and a father experience more poverty, more welfare dependence, more substance abuse, more physical illness, higher infant mortality, more homicide, more premature and promiscuous sexuality, more early unwed pregnancy, more juvenile delinquency, more educational failure, more conduct disorders and more adult criminality.

It is also true that the future of marriage as a strong institution of America goes far beyond whether or not the Constitution is amended to reaffirm the definition of marriage as the union of one man and one woman.

□ 2030

That fact, however, does not mean that the Marriage Protection Amendment is unimportant. Rather, it is exceedingly important. For as a society, we will have no hope of strengthening the bonds of marriage without a unified national definition of marriage, a definition consistent with the understanding of marriage as a union of one man and one woman.

Mr. PEARCE. Madam Speaker, I thank the gentlewoman for her comments. They address the issue in a very sensitive and appropriate way.

We have many people who say to me also, What does it matter? Gays can love each other. Should they not be allowed to marry?

And it is a very compelling question, one that we should look at. I will tell the Members that emotions are not the basis for raising children. They are not the basis of relationships. If emotions are the basis of relationships, if love is the question, two brothers can love each other. Would we allow them to marry? But when we bring that argument up, our opponents say, no, no, we do not want to go there. But I am sorry, that is where we go if we begin to say that love, that emotions are the basis of relationships. If love is the basis, two men can love two women. Why not all four get married? One man can love five women.

If we are going to do that, if we are going to allow emotions to determine that love is fine for the same-sex marriage, what we do is we give away the legal standing for prohibiting those things which become more onerous: incestuous marriage; the polygamists; polymorphism; or, even worse, the child-adult relationships that we have been able to keep so far as a thing that should not be approved in society. But once we give in to the rationalization that the marriage relationship is only about love, not about nature, we give up all the legal arguments that would keep us from moving into each one of those successively. One might say that is ridiculous, that no one would do that. But I will tell the Members that there are websites currently suggesting each one of those forms of relationships should be legalized, standardized and to be made public. So it is a very critical question here, what we are dealing with, and I think the Nation must be involved. We must not leave it to the decisions my friends say of the United States Supreme Court. My greater fear is that it is going to be one of the State Supreme Courts that makes the decision for the rest of the Nation, and I think that we see that potential time after time.

We are joined tonight by the gentleman from Texas (Mr. SMITH), chairman of the Committee on the Judiciary's Courts, the Internet, and Intellectual Property Subcommittee. I appreciate his willingness to talk about this issue and give his insights.

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

Mr. SMITH of Texas. Madam Speaker, I thank the gentleman from New Mexico (Mr. PEARCE) for yielding to me.

Madam Speaker, judicial activism in America has reached a crisis. Judges routinely overrule the will of the people, invent so-called rights and ignore traditional values. So far, judges have censored the Pledge of Allegiance in public schools, removed the Ten Commandments from public buildings and parks, banned the acknowledgment of God in public schools, imposed taxes, and now they have changed the definition of marriage.

Most Americans simply do not want judges to establish a new kind of marriage that is so different from the one that has served so many so well for so long. They want to protect marriage as we know it.

But what should citizens do and their elected representatives when a few judges impose their personal views on the American people? We have a choice. Either let judges decide or pass the Marriage Protection Amendment. Either we act in Congress or courts will continue to impose their definition of marriage on the country. Judges should interpret the Constitution, not promote a political agenda. The people and their representatives, not judges, should set social policy.

Madam Speaker, most Americans do not want to redefine marriage. Forty-four States already have enacted laws that provide that marriage shall consist only of the union of a man and a woman. The 44 States include 86 percent of the Nation's population.

We need to protect the right of the voters of these States to define marriage as they see it. This right is now threatened by activist judges who would overturn these States' policies. On behalf of the American people, we should vote for the Marriage Protection Amendment because it rightfully restrains judges who threaten our democracy.

We often hear opponents say that a constitutional amendment goes too far too fast. But amendment supporters were not the ones who, for example, ordered Massachusetts to legalize same-sex marriage. It was a panel of activist judges by a four-to-three vote. It is time to return this debate on society's core institution to the democratic decision-making process. Let us take this decision away from the courts and give it back to the American people where it belongs.

The constitutional amendment process is an integral part of our democratic process, requiring approval from two-thirds of each House of Congress and three-quarters of the States by votes of their State legislatures. Passing a constitutional amendment will place this debate back where it belongs, with the American people.

If we pass the marriage amendment, we will retain our understanding of marriage as the union of a husband and wife, ratified by the States. If we do not act now, the courts will redefine marriage. But it is the American people and their representatives who should determine how marriage is defined.

Madam Speaker, that is why we should support the Marriage Protection Act, as I hope all my colleagues will do tomorrow.

Mr. PEARCE. Madam Speaker, reclaiming my time, I thank the gentleman from Texas for his comments and appreciate his principled stand on so many issues.

Madam Speaker, we have to admit that marriage is universal. People ask me when I make the comment that nature has defined what marriage is first, law simply tries to capture it in language: What does it matter that nature describes what marriage is? Basically, there is a design to all things. There is an order to the universe. Marriage is universal. What the left is trying to do is to upset that order and to take order completely away because there will be no order once there are not restrictions on exactly the definition of marriage.

But beyond that, we must understand that when nature designs, any time we break a design, things just do not function as well. For instance, a car, that has a design to run on gasoline with oil in the engine. If we reverse the process and put oil in the gas tank and gasoline in the oil containment part of the vehicle, the design is not well served, and the machine simply does not work.

It is very true in nature, too. Our bodies are designed with blood to run through our veins, the heart pumping blood. But if we take the blood out and replace it with water, we find that the design simply quits working.

And it is the contention of many social scientists that marriage is one of the natural designs that simply will quit working if the design is not understood and adhered to.

So it is very critical, as we look at these things, to understand that marriage is far more than just a current-day definition. It is something where men and women have come together throughout history in all nations. All nations of different government types, tyranny, freedom, they all have one

constant, that marriage is between a man and a woman and the family is better served, children are better served, when we have a clear definition of what marriage is. And children are the issue in this debate.

I have a gentleman here tonight from Iowa who is a good friend and whose views I often wait to hear.

Madam Speaker, I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from New Mexico for be willing to come to the floor so regularly and stand up for the values that are so dear to this country, and I thank him for the opportunity to speak on this issue of marriage tonight.

I would point out that, tomorrow, we will bring the Marriage Protection Amendment to this floor, and we will debate this issue, and it will be debated intensely on both sides. There will be Members on both sides, Democrats and Republicans, who will vote for and against this amendment tomorrow. Those who vote for it will tell us that they do not believe we need to go to this drastic step in order to preserve marriage. What they are really saying when their vote goes up is they do not believe the people should have the opportunity to voice their will, their votes, within their own States in the process that is set up through ratification of our Constitution that is for a constitutional amendment.

The gentleman from Texas pointed out that the courts have overruled the will of the people. And a question I often ask is, how did we get here? What brought us to this point? We, the people of the United States, those of us who see these three different branches of government, those of us who view that they should be balanced branches of government, that it is the job of the people to establish social policy and that it is our job to reflect that here in this Congress and to promote that across this country, it is not the job of unelected, lifetime-appointed judges to direct the society that we live in, and we get into great trouble when we allow that to happen.

We have allowed it to happen for a long time, Madam Speaker, and that long time goes back, by my measure, 42 years, to 1962 when a Supreme Court case, Engel v. Vitale, was brought before the courts. And that is the famous case, Madalyn Murray O'Hair's name comes to mind, where the Supreme Court pulled prayer out of the public schools. I believe they misread our Constitution. The Constitution does not provide that there cannot be prayer in the public schools. It simply provides there cannot be an established religion. And how we got to this point of this separation between church and State being imposed upon pulling prayer out of the public schools is a complicated and convoluted legal argument that cannot be sustained by a reading of the Constitution.

A point was made in the Committee on the Judiciary the last couple of weeks, and I want to credit that to the gentleman from Indiana (Mr. HOSTETTLER), who said, when people on the other side are opposed to our amending the Constitution, saying leave it alone, do not amend it, leave it as it is, what they really mean is leave it alone and do not read it. When we read the Constitution, we have a whole different view of the document, that precious and sacred document, than we do when we read the news articles or listen to the arguments on the other side.

But in 1962, prayer was taken out of the public schools by the United States Supreme Court. Then 3 years later, 1965, came a case that we do not talk about very much. It is a case called Griswold v. Connecticut. And that was a case where the State legislature in Connecticut had passed laws that said that there would not be the selling of contraceptives in the drug stores in the streets of Connecticut. In that case, Griswold took it to the Supreme Court, and the Supreme Court found that there was a right to privacy. The first known sign of a discovered right to privacy supposedly in our Constitution, and that said that married people should have a right to go buy contraceptives and take them back to the privacy of their home and that the general assembly of Connecticut had no business sticking their nose into that privacy between two married people.

How in the world did we get from that right to privacy to where we are today? Incremental steps. The next incremental step was 1973, Roe v. Wade, where the Supreme Court found that this right to privacy was not just a right to go purchase contraceptives if they are married and bring them back to their home, but also a right to determine that that baby that was conceived would not be brought to term because the liberty of the pregnant female and the right to privacy superseded the right to life of that unborn child. An astonishing decision made by a Supreme Court to take that right to privacy and roll it into a right to abortion.

Now, I go to a couple of other cases. Stone v. Graham, 1980. 1962; 1965; 1973, Roe v. Wade; and let us leap to 1980, 7 years later, pulled the Ten Commandments out of our public schools. The gentleman from Texas (Mr. SMITH) spoke to that issue somewhat. Then, behind that came 1994, the case of Madsen v. Women's Health Center, Incorporated, and it removed the demonstration rights of people who were pro-life from demonstrating outside abortion clinics. Another right pulled away. It is okay to strike, and it is okay to demonstrate. It is just not okay to do it if it is not in a politically correct fashion, according to the courts.

Then there was a case in 1996, Romer v. Evans, where the Supreme Court overturned a constitutional amendment that was voted on with an overwhelming majority by the people of Colorado that said they will not impose special rights for certain classes of people at any level of political subdivision, and the Supreme Court said that the people of the State of Colorado had no business imposing their will on the political subdivisions.

□ 2045

That had to do with special rights for sexual orientation and gender identity. It removed the right of the people of Colorado, suspended the tenth amendment, because they found another value there that I cannot quite discern. That is 1996.

2002, Newdow v. U.S., that was the ninth circuit, the infamous ninth circuit, that pulled ''under God'' out of our Pledge of Allegiance. That case correctly did not make it to the Supreme Court. The Supreme Court ruled that the gentleman who brought the case, Mr. Newdow, did not have standing.

I think there had to be some relief there, because I have stood in the Supreme Court chambers and I think about what that would be like to reference ''under God'' in our Pledge or what it would be like for the Supreme Court to rule on a decision on whether there would be the Ten Commandments in school. I do not know how they do that.

I stand in the Supreme Court chambers and I look up and I see Moses on the wall with the tablets. Maybe it does not seem so imposing to the Supreme Court, because the Ten Commandments on the tablets are in Hebrew, but we know what they mean. That was 2002.

2003, Lawrence v. Texas, where the Supreme Court found there was a right to sodomy, a right to homosexual relations. As I read through that decision, and I read it through four times, five times, maybe six times, and my margin notes are in different colored ink and they get heavier and heavier each time I read through there, and I get more chilled by the breathtaking decision of Lawrence v. Texas, not just the simple description I have given; but in that decision it says that the people elected by the citizens of Texas to represent them in the Texas legislature have no business imposing their moral values on the people that elected them.

The Lawrence decision, a six to three decision written by one of the Justices, really said ''do not impose your moral values in any case whatsoever.'' If the Supreme Court does not approve of the values you bring to the legislative process, they might just throw it out on that basis alone. Breathtaking. It is not a constitutionally founded decision; it is a will-of-the-courts decision; it is a legislative type decision. And in fact that was 2003.

But I recall sitting in also in 2003, the date was April 19, 2003, Gratz v. Bollinger and Grutter v. Bollinger, the affirmative action cases at the University of Michigan. I went in and sat in on those two cases. For 2 hours and 30

minutes, I went to sit in the place where I could hear the most profound constitutional arguments, the United States Supreme Court. As I listened to those arguments, I heard legislative arguments.

I know what a legislative argument is. I have sat in on them for 8 years in my public life. We weigh unintended consequences. We weigh the result of a policy. But the Court's job is to weigh the constitutionality and the letter of the law and the congressional intent, not the result.

So the only constitutional argument I heard that day was from Justice Scalia, who said, ''If we rule against you and it results in one minority in your school, 100 percent minorities in your school or no minorities, what possible constitutional difference can that make?'' Thank God there is at least one Justice that asks a constitutional question. We are here with a constitutional question before this Congress tomorrow.

But the real question brought before us is under Goodridge v. Department of Public Health, Massachusetts Supreme Court, a four-to-three decision that imposed same sex marriage on the State of Massachusetts.

Now, anybody that has read Lawrence v. Texas and read the dissenting opinion that said ''if this says it does not have to do with same sex marriage, do not believe it,'' would be an exact quote from the dissenting opinion, I did not believe it before I got to that point in reading that particular case; and I do not believe today that Lawrence v. Texas does not address same sex marriage.

I believe it set the stage. I believe they knew it was setting the stage. I believe that Goodrich v. Department of Public Health in Massachusetts that imposed same sex marriage in that State was a logical follow of Lawrence v. Texas. And we have 10 or so States or more that are bringing these cases through the courts working their way to the Supreme Court, where I believe the Supreme Court is poised to find a constitutional right to same sex marriage.

If that happens, we cannot put the toothpaste back in the tube. The courts will have taken us from removing prayer from the public school in 1962, right to privacy in 1965, right to abortion in 1973, I will read the rest of these years quickly: 1962, 1965, 1973, 1980, 1994, 1996, 2002, 2003, 2003, 2003, 2003. Do you get the pattern? This is accelerating on us.

This demise of our civilization is going far faster than it did for Rome. It took 200 to 300 years for Rome. I do not think it can take two to three generations in this country.

It is time for us to pass a constitutional amendment and slow down this activism of the courts and then save marriage, the very cornerstone of civilization. And then we can get to work with the hard work of winning back our schools, our educational institutions, and also our media in this country, so that we have good solid people grounded in solid constitutional values growing up in this country and taking over these roles that we are performing here tonight.

I thank the gentleman for yielding. I appreciate the opportunity to speak before this country.

Mr. PEARCE. Madam Speaker, reclaiming my time, I thank the gentleman for his comments,

Again, I would reiterate this question is about children. To those who would ask what about the gays and lesbians who are affected, no one would choose for them the lifestyle that they have chosen. But we do contend earnestly to defend the right of the people to continue to define marriage in the traditional sense as between a man and a woman.

There are those who would say, what gives you the right to limit the gays' and lesbians' freedoms? And the response is what gives us as a society the right to choose our desires over the needs of children? Because children are the question, and children are the objective of the marriages.

There are those who say that traditional marriage is plagued with divorce and should we not fix divorce if we are so concerned about the traditional marriage?

You would have to look at other arguments in the same vein. We all drive cars, and cars have crashes. Would crashes not argue against the use of cars? No, crashes simply tell us we should design better cars, we should drive more carefully, we should act with restraint, but they do not tell us we should not drive cars.

Neither does divorce, no matter how heinous it is, and it is a deep problem in our society, but it does not argue against the traditional marriage.

The people wonder who gets harmed if we make this change. If we redefine the marriage in society, who is harmed by that? I will tell you who gets harmed: the people of this Nation, who lose the right to define marriage as the union of a husband and wife get harmed, because even now in this country there are attempts to define and to codify and to put into law hate crimes legislation which would begin to chill the discussion about values that one family would like to pass on to their kids and to their grandkids.

If courts rule that same sex marriage is a civil right, then people like you and me who believe that children need moms and dads, we will be treated like bigots and racists. Religious groups like Catholic Charities or the Salvation Army may lose their tax exemption or be denied the use of parks and other public facilities unless they endorse gay marriage.

It gets to a point where in the classroom every description of families would have to include the whole universe of families, because we have already seen that happen. We have seen that the people on the liberal left would redefine even the way that we talk to our children.

Public schools will teach young children that two men being intimate is just the same as a husband and wife being intimate. That is not something that many of us feel comfortable with, and that is not something that I think should be forced on us by an activist Supreme Court.

If that is to be the way we are to govern and that is to be the way we live, it is right and proper that we would take that discussion to the American people. That discussion should be on every street corner, not in the closed chambers of the supreme court of some State, any State, or even the Supreme Court of the United States.

The Supreme Court has made decisions before about values, and we have had to amend the Constitution to change that. The most notable example is when the Supreme Court said in the Dred Scott decision that the will of the majority cannot be used to tyrannize the minority. It is almost the same rationale that was used in Lawrence v. Texas.

The will of the majority cannot be used to tyrannize minority, the court said, and we fought a civil war over it, because the will of the majority said slaves should be free and the Supreme Court said the slaves will not be free.

Not to have learned their lesson after the Civil War was fought and after we amended the Constitution, the Supreme Court came back 100 years later in the Plessy v. Ferguson case and said that if we could not have our way and mandate slavery, we, the Supreme Court, will mandate separate but equal facilities. Again, it took our society a long time to overcome those Supreme Court decisions.

It would be much simpler and much easier if we would recognize right now that the American people should be the ones to determine this issue; and I, for one, am supporting the attempt of the gentlewoman from Colorado (Mrs. MUSGRAVE) to amend the Constitution of the United States to declare in the minds of people for once and for all that marriage is a union between a man and a woman.

I will stand and fight for any one person's right to choose their life style, but I will also oppose their attempt to redefine for all of America exactly what marriage is.

Madam Speaker, I recognize that my colleague, the gentleman from Iowa (Mr. KING), would like to address this issue again, and would yield to him.

Mr. KING of Iowa. Madam Speaker, I appreciate the opportunity to pick up on some of the things that I did not address in my earlier talk.

I think we need to go back and look a little bit at the argument that there is a civil right or a constitutional right. I believe the courts are poised to either declare full faith and credit from the Massachusetts marriage to all 50 States in the Union; and, if they do not rule on that, I think they have got also

a chance they could rule with the full faith and credit, but also the equal protection clause. Either one of those imposes same sex marriage on all the States, even though a vast majority of the States have passed marriage protection language, either in their constitutions or statutorily; and some of them have done both.

But a different way of thinking about this too is the argument is made that marriage is a civil right; therefore, you could not deny it to consenting adults.

I want to argue that marriage is not a civil right. It is not a civil right for a man and a woman, it is not a civil right for two consenting adults, and, in fact, it is not a right whatsoever. It is a privilege.

The reason I declare marriage to be a privilege is because we grant a marriage license. A license is something that gives you a permit. It is a permit to do that which is otherwise illegal.

So we grant a marriage license, or we grant a license to drive a car or to fish or hunt or whatever it might be, because we want to promote a certain kind of behavior and we want to regulate a certain kind of behavior. And certainly it is discriminatory in favor of those activities that we license.

So for the same reason, we grant a marriage license, a permit to do that which is otherwise illegal. It is not discriminatory, except that it is constructive because this cornerstone of civilization has been proven since the beginning of time to be the very element, that cornerstone of civilization through which we procreate, we pass along our religious values, our moral values, our work ethic, our very culture and civilization, all of the things that come through the marriage.

The children learn from a father and a mother. Say, for example, a little boy falls down and skins his knee, and he runs to his mom and she says, Come here, honey. I will kiss it and make it better. That is a mom's role in a case like that.

□ 2100

And the father says, oh, come on, son, you are going to have to be a man one day. You are going to have to tough this one out. That is the other message. They are not really conflicting messages; they are messages that need to come from the ideal circumstances between a man and a woman in holy matrimony.

Madam Speaker, so much of our history, so much of our culture, and so much of our civilization and our respect for our ancestors flows through marriage, and we know the things we learn there, because we revere our ancestors, we also want to be worthy of that respect from our descendants. Those values are taught through marriage, through the family, through the ideal way of raising children as a man and woman in the home, and that is the point I think is important to make, and I would be happy to conclude and yield back to the gentleman from New Mexico.

Mr. PEARCE. Madam Speaker, I thank the gentleman from Iowa. A couple more questions. People ask, is it fair? What about benefits? Are gay couples, if they cannot marry, denied benefits? If medical proxies are not working, let us fix that problem. If people need health care, let us fix that problem, but let us not mess with marriage.

Marriage is about children and it is about the best institution for raising children, and that is the issue. Kids are better off with a mother and father. The issue is not whether gays can be good parents or not; no one is talking about that. We are saying that children are generally better off with a loving mother and a loving father; and that is the role, that is the method, that is the paradigm that works best.

Madam Speaker, I would like to thank the people who have helped me present this case to this body.

IMPORTANT STRATEGIES FOR FIGHTING THE WAR ON TERROR

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER of Texas. Madam Speaker, I rise tonight to talk about what I believe to be the most difficult and the most important issue facing this Congress, a Congress that has the responsibility under the Constitution to provide for the common defense, and that problem is the threat of international terrorism.

It has been over 3 years now since the horrific attacks against our Nation occurred on September 11. Our world has changed in many respects since then. We know that we are engaged in a global war against terrorism. New security measures have been put in place at our ports, along our borders, and even along the roads leading to our Nation's capital. We know now that the circumstances in Arab and Muslim countries on the other side of the globe can affect the safety and security of all Americans right here at home.

With our national elections less than 5 weeks away, the American people are asking whether we are truly winning this war against our terrorist enemies. They want to know whether this government is taking the steps necessary to ensure that we are as safe as we need to be.

The members of the Select Committee on Homeland Security have been studying this issue closely for almost 2 years. We have visited our ports and our borders. We have heard testimony from hundreds of government officials and expert witnesses, and we have met with law enforcement and security professionals in our congressional districts. My colleagues and I are here tonight to say that, no, we are not as safe as we need to be. We say this reluctantly and regretfully, but it is our constitutional duty to be honest with our constituents and to tell the Nation how it really is.

Despite the rhetoric that we hear so often from this administration, the truth is that our government has not taken the steps necessary to provide genuine security from the threat of terrorism, and whether or not we are winning the war on terror has yet to be determined.

Indeed, 2 months ago, the 9/11 Commission, a bipartisan group appointed by this Congress in very important legislation, they drew the same conclusion that we draw tonight. That bipartisan report identified severe defects in the administration's policies to counteract terrorism, many of which were well-known years ago, but have not been adequately addressed. Indeed, the bipartisan 9/11 Commission Report and its recommendations are an indictment of this administration's efforts over the past 3 years to secure the homeland and to defeat our terrorist enemies.

The 9/11 Commission concluded, as we did in our report called ''Winning the War on Terror,'' that we must engage on three fronts simultaneously. First, we need a more aggressive strategy to attack the terrorists directly by using our military and our other national security agencies wisely and cutting off the terrorists' source of funds. Such an aggressive strategy should ensure that we strengthen our intelligence capabilities to penetrate terrorist organizations and ensure that we translate and analyze all of the intelligence information that we collect in real-time.

Yesterday, the New York Times revealed in an article that the Justice Department's own Inspector General has determined that nearly a quarter of all ongoing FBI counterterrorism and counterintelligence wiretaps are not being monitored and that nearly 120,000 hours of wiretap recordings from terrorist investigations since September 11 have not even been translated.

This is unacceptable. This is the same problem that we had before 9/11. It was one of the key reasons that 9/11 occurred. If we are serious in our efforts to attack the terrorists, we must take full advantage of the information that is collected by our intelligence agencies. And to learn that 3 years after 9/11, our government has yet to get itself in a position to be able to translate the intelligence that we are collecting, to be able to have the linguists available to make those translations occur rapidly is totally unacceptable.

Additionally, we need to increase our special forces in our military to more aggressively attack our terrorist enemies. We must create greater numbers of small and light forces that have proved so successful in hunting down terrorist cells, and we must dry up the sources of funds for the terrorists and for their organizations. We must lead an effort to establish international financial standards to halt money laundering and to help other countries

crack down on individuals and organizations who provide money to terrorist groups.

One may rightfully ask, why has this administration not done these things some 3 years after 9/11? The gap between the rhetoric on protecting the homeland and the reality of protecting the homeland is indeed very great.

In addition to attacking the terrorists directly, we need to protect our homeland by constructing and strengthening the layers of protective measures overseas, at our borders, at our airports, our seaports, and our critical infrastructures like the nuclear and chemical plants that are targeted by our terrorist enemies.

As an example, we must commit the necessary resources and take constructive steps with our allies to ensure that our dangerous nuclear and radiological materials are safe and secure overseas and do not threaten us here at home. We must ensure that we install the radiation portal detectors at our ports to ensure that a weapon of mass destruction cannot be shipped into our country on an 18-wheeler or in a cargo container coming off a ship at one of our seaports.

It is unacceptable that 3 years after 9/11 we still have not installed sufficient radiation portal detectors to know that this country is safe from our terrorist enemies bringing a nuclear bomb or a radiological device into our country. We must move much faster to protect our borders, to protect our ports, to secure our airports, our airplanes, and improve the capabilities of our Nation's first responders; and we must ensure that we can protect our citizens from the threat of bioterrorism, one of the most serious threats that we face today and increasingly will face in the years ahead.

As we aggressively fight our terrorist enemies, as we work to improve our homeland security, we must also engage in the third prong of making America safe as recommended by the 9/11 Commission. We must create a political, a social, and an economic strategy for this country to engage the Arab and Muslim nations to prevent the rise of future terrorists. Many observers who have looked closely at the war on terror acknowledge very freely that we cannot win the war on terror with military power alone. It will take all the tools in our national arsenal to defeat al Qaeda and our terrorist enemies.

It is clear that we cannot coexist with our terrorist enemies. We cannot bridge over our differences with al Qaeda, but we must be aware of the nature of the current ideological struggle that is going on and is very much a part of the war on terror. We must know our enemies, we must understand what motivates them, and then we must support initiatives to rob them of that support.

To prevent the rise of future terrorists, we must first pursue policies that promote and support the voices of moderation in the Middle East and offer an alternative vision of hope for the millions of people, particularly young people, who today are appealed to by the message of bin Laden and al Qaeda.

Secondly, we must promote and support democratic institutions and practices worldwide, making it possible for democracy to rise in those places in the world where it does not currently exist. We must have the wisdom to recognize that democracy cannot be forced upon others; but it must be the result of people willingly, freely choosing liberty for themselves. We must launch an economic development partnership in the Arab and Muslim world that is in the spirit of the Marshall Plan that followed the Second World War. I would call this effort a renaissance partnership, for it would lead to a rebirth of prosperity and a new spirit of openness and tolerance in the Middle East. People without hope, people without the chance for a better way of life, they are the ones who respond to the ideology and to the message of the terrorists. We can change the world, but we must do so by engaging the world, by uniting with our allies in the rich Arab States to improve the conditions of the Muslim and Arab world.

All three of these tasks, going after the terrorists more aggressively, securing the homeland better than we are doing today, and preventing the rise of future terrorists, must be the principal focus of our national efforts to win the war on terror. Unfortunately, we do not have a comprehensive strategy in place today to deal with these elements in the war on terror, and that is why today we are not as safe as we need to be.

Tonight I will be joined by some of my colleagues on the Select Committee on Homeland Security and other Members who have played a leading role in homeland security issues in this House. We will discuss what we need to do to fight a smarter, a stronger, and a more effective war against terrorism. We will talk about the security gaps facing our Nation and our ideas for closing them.

We know that our terrorist enemies are not waiting. They continue to plot. They continue to scheme to attack America. We must have a sense of urgency, for the time to act is now; and we cannot wait any longer.

□ 2115

I am pleased to yield to the distinguished delegate from the Virgin Islands (Mrs. CHRISTENSEN), who has been a leader on the Select Committee on Homeland Security on the issues of bioterrorism and public health preparedness. Her background in the medical field has enabled her to have unique insights into what we need to be doing as a Nation to be better prepared to deal with the threats it faces.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER) for yielding, and I want to thank him for his leadership and for bringing us here this evening. I am pleased to join him and other Members of our committee to call attention to the glaring deficiencies in homeland security, which continue to exist now more than 3 years after the attacks of 9/11, and the failures of the administration in this regard.

I do not call attention to them to cause alarm but to continue to put pressure on the administration and the Department to address what every commission or task force has told us even before that fateful day, and what polls show is the primary concern of Americans, our safety and the safety of our children, our protection from terrorism.

I am going to focus on the area of bioterrorism, and we can all agree that the threat of biological attack is a very real one.

Indeed, we have seen biologic agents used in this very building against our colleagues and those who work here. We also witnessed the differences in public health response here and in our neighboring communities, especially communities of color where several people died.

At committee meeting after committee meeting, we called the attention of this administration and the department to the fact that our public health system is inadequate in many areas; that the disparities in health care reflect this; and that many, especially in the private sector of medicine, are not trained or prepared to respond adequately in the case of an attack. Yet we still lag behind in these critical areas.

First of all, the health sector is not yet as fully incorporated as it should be in all areas of planning, and the development of systems that are important to the protection of our citizens.

Just this morning, we heard from Dr. Joseph Barbera of the George Washington University Institute for Crisis, Disaster and Risk Management, at a subcommittee hearing on the National Incident Management System, the very core of our response.

In his statement, the fact that he saw it necessary to stress to us that ''medical care necessary for a mass casualty event must be recognized as a public safety function and therefore as a governmental responsibility that is equal in importance to fire suppression, emergency medical services, public works and law enforcement,'' the fact that he had to tell us, that speaks volumes about where this expert sees our state of readiness in this critical area. It is not where it should be.

I can tell my colleagues that in too many instances, health, both public and private, are not included. This while 62 percent of emergency rooms are over capacity and public health laboratories are reportedly operating at an average of 75 percent above capacity.

The funding that this administration has supplied to address these deficiencies is far below the estimated $10 billion that is reportedly needed to

bring just the public health sector to where it needs to be. We have not begun to scratch the surface.

Another aspect of bioterrorism preparedness which this administration and the Department has failed to adequately address is the need to develop the capacity to rapidly diagnose and develop treatments for any agents that might be used.

In May, the gentleman from Texas (Mr. TURNER) and I introduced the Rapid Cures Act which would promote technological advancements to reduce the time frame from several years to a few months at the most for the development of new medical countermeasures to treat or prevent disease caused by not only agents of bioterrorism but disease agents or toxins that have the potential to plague our communities today.

SARS has shown us that we cannot know or predict what will be used. In that respect, Project Bioshield is not helpful. This bill gets to the heart of the matter and develops capacity that is more of the all-hazards approach that Governor Gilmore and many others have so strongly recommended.

We need to have protection and treatment against dangerous biological agents that might be used in an attack quickly, not in the 10 or 15 years it is now estimated to take. That bill has not even had a hearing yet.

Lastly, the administration has pretty much ignored the role of the public. They have not been brought into the discussion or development of the systems to the extent they need to be.

In every town meeting that I have had, I have heard critiques of what has been promulgated, and I have been asked how they can participate in developing the preparedness and the response. We ignore them at the potential peril of all of us.

One of the most important things that is needed in a disaster or any emergency is for people to follow instructions. If they do not, they put themselves and all of us at risk.

Just in the last few weeks, we saw people who clearly knew what their instructions were out in the ocean or not evacuating their homes, and that was in a relatively familiar disaster.

To date, most of the public are unclear about what they are to do in the case of the different forms of possible terrorism attacks.

On September 14, the New York Academy of Medicine's Center for the Advancement of Collaborative Strategies in Health along with the Joint Center for Economic and Political Study released a groundbreaking report entitled Redefining Readiness: Terrorism Planning through the Eyes of the Public.

The New York Academy of Sciences found that only two-fifths of the American people would follow instructions to get vaccinated in the event of a smallpox outbreak. In addition, it stated that only three-fifths of the American people would shelter in place for as long as told in a dirty bomb explosion.

One reason for the lack of cooperation is that many people would be also worried about something other than what the planners are trying to protect them from. Three-fifths of the American people would have serious worries about the smallpox vaccine itself, and that is twice as many people as would be seriously worried about getting smallpox in the outbreak.

What we find in the case of the public is that the administration and the Department, as they have done too often in the case of first responders, have assumed that they knew what was best, or what was needed, instead of letting the people, in this case, speak for themselves, participate in the process of developing the strategies and the plan. On something this important, there must be a methodology in place to do this. Three years later, there is none.

First responders, all of them must be fully engaged in the process and so must the public.

This administration has spent too much time assembling a bureaucracy, one that does not even reflect the diversity of the country which it protects and too little time on putting the kinds of protections in place to be able to begin to claim the security high ground.

Two weeks ago, senators released a report card on this administration's progress in homeland security. While many other areas got a C to an F, bioterrorism actually got a B. The grade has to be much lower than that. Too much remains unaddressed. I would give them at best a C minus, and below average is not good enough for protecting us and our families. They have a lot more that needs to be done to ensure that we are as protected as we can be from a bioterrorism attack.

We know that there is no way to be 100 percent safe, but the White House has fought us, the Democrats particularly, on almost every step of the way to get to even where we are today. It has not provided the kind of leadership that is required, and it has certainly not lived up to its promises.

As a result, today, we are not as safe as we ought to be 3 years after that horrific wake-up call.

I thank the gentleman from Texas (Mr. TURNER) for yielding to me and giving me the opportunity to be included in this special order. I thank him again for his leadership on the committee.

Mr. TURNER of Texas. Mr. Speaker, I thank the gentlewoman very much. I thank her again for her leadership on this issue.

Next, I would like to yield to the gentlewoman from New York (Mrs. LOWEY), another member of the House Select Committee on Homeland Security, a lady who has shown not only leadership on our committee on behalf of homeland security but great leadership on the House Committee on Appropriations. She has also worked vigorously to protect her State from the threat of terrorism, the great State of New York. So it is a pleasure to yield to her.

Mrs. LOWEY. Madam Speaker, I want to thank my good friend from Texas for his leadership on this committee. He worked so hard and helped us put together a really outstanding plan. It is unfortunate that because of various interactivities of the Republican leadership that we have not been able to take this plan to the finish line, but I personally want to thank him for his important contributions in helping us work towards a plan that would help keep America safe. So I thank him so very much for his important leadership.

Mr. Speaker, it really amazes me that more than 3 years after September 11, we are still talking about gaps in our Nation's strategy to protect against and prepare for another terrorist attack.

Several of my colleagues from the Select Committee on Homeland Security have already highlighted ways in which we can improve port and rail security; how can we better prepare public health communities to deal with a biological attack; and how to protect and secure our borders. We all agree that more needs to be done and must be done and that Congress should not go home without addressing each of these critical issues.

In my judgment, this administration and this Congress need to beef up their efforts to provide for first responders. Local police, firefighters, EMS technicians need information. They need training. They need the life-saving equipment necessary to protect them from the dangers they face every day.

I was appalled when I read in yesterday's New York Times that more than 120,000 hours of potentially valuable terrorism-related recordings had not yet been translated by linguists at the FBI. This is outrageous and particularly dangerous, especially for the residents of my home State of New York, which is referenced in intelligence reports time and time again.

How can we expect first responders to be able to adequately prepare for an attack when the Federal Government does not even have the capability to analyze and share with them the intelligence information it has collected? We can and we must do better.

As I travel throughout my district and speak with first responders, like Chief John Kapica from the town of Greenburgh, Chief Robert Breen from the town of New Castle, Chief Robert D'Angelo from the town of North Castle and all the other chiefs with whom I have been working closely, they all tell me that implementing an interoperable communications system is one of their highest priorities and that they have not received nearly enough guidance, support or resources to achieve this goal.

The 9/11 Commission report confirms that, despite the heroic efforts and experience of first responders, communications deficiency and lack of interoperable systems among police, firefighters and other rescue agencies hindered their response at the World Trade Center.

Eight years ago, let me repeat, 8 years ago, the final report of the Federal Public Safety Wireless Advisory Committee concluded that, ''unless immediate measures are taken to promote interoperability, public safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient and cost-effective manner.''

Now, forgive me if I sound impatient or even extraordinarily angry, but I am. With nearly every major study and report on homeland security concluding that lack of interoperability remains one of the most serious issues facing first responders in this country, I just simply cannot understand why this administration has done little more than pay lip service to the seriousness of this issue.

With estimates for implementing a nationwide interoperable communications infrastructure ranging anywhere from $7 billion to $18 billion, local governments and first-responder agencies cannot be expected to pick up the tab without significant help from the Federal Government.

Some of my colleagues may argue that current homeland security grants can be used to upgrade communications systems. While this may be true, the costs are so enormous, there simply is not enough money to go around. In my judgment, we are forcing our communities to make impossible decisions on how to use these funds.

□ 2130

That is why I joined with my colleague, the gentleman from Texas (Mr. TURNER), to introduce the CONNECT First Responders Act. This legislation establishes a Federal interoperability office and creates a new $5 billion DHS grant program dedicated to helping States and localities achieve communications interoperability.

I understand that Secretary Tom Ridge recently announced the creation of an Office of Interoperability and Compatibility, with similar goals to the office that we propose in the legislation. I am pleased that the Department has taken this important step, and I am glad that our legislation may have encouraged those efforts.

We have learned the hard way that, at best, gaps in communications hamper rescue efforts; and at worst, they can lead to the loss of life for emergency personnel and victims. Our communities should not have to wait 2 years or 5 years from now until another disaster strikes to get the help they need to close this glaring and unnecessary gap in our Nation's security. Our first responders served us with honor and distinction on September 11 and every day before and since, and they deserve better.

In closing, Madam Speaker, I want to once again thank my good colleague, the gentleman from Texas (Mr. TURNER), and my other colleagues on the committee, as well as the staff for all their work in putting together a plan that really can win the war on terror.

We are, in America, at risk. As the mother of three and the grandmother of six, I worry every day about the future of my community and about the future of this great country of ours. We are talking about a complete overhaul of our intelligence system. Yes, they may be part of it, but there are specific actions that we can take right now. Shame on us if we do not move forward on the recommendations that can be implemented as we speak.

Madam Speaker, I thank the gentleman from Texas again for his leadership.

Mr. TURNER of Texas. Madam Speaker, I thank the gentlewoman from New York for her comments and her leadership.

Next, Madam Speaker, I wish to yield the floor to the gentleman from Rhode Island (Mr. LANGEVIN), a distinguished Member of this House who has worked diligently on our committee, who not only is a good legislator but a fine gentleman and is very committed to implementing the third prong of the war on terror as recommended by the 9/11 Commission, which is preventing the rise of future terrorism.

Mr. LANGEVIN. Madam Speaker, I thank my friends and colleagues, the gentleman from Texas (Mr. TURNER) and the gentleman from Michigan (Mr. STUPAK), for leading this Special Order. I especially want to recognize the work of the gentleman from Texas as our ranking member on the Select Committee on Homeland Security. Your colleagues and all Americans owe you a great debt of gratitude for your consistent valiant efforts to keep these critical issues at the forefront of the national debate.

Madam Speaker, there is no question about the importance of our efforts here at home to improve domestic security and preparedness, but I want to spend my time this evening addressing a topic that I think deserves equal attention, mainly the need for a full-scale global effort to enhance the image of America in the world and prevent the rise in recruitment of future terrorists. I think we often overlook this aspect of Homeland Security, perhaps because it is not as tangible, or the path is not as clear-cut, or perhaps because success is harder to measure. But we do so at our own peril and at the peril of countless future generations.

Dr. Joe Nye, the former dean of the Kennedy School of Government at Harvard and former Assistant Secretary of Defense for International Security Affairs, has talked about the need to supplement our military might with soft power, efforts to win the world's hearts and minds with our values and culture. Successfully exercising this type of power requires that we pursue many fronts, including international diplomacy, democracy building, cultural exchanges, economic development, educational initiatives, and communication about our values and our ideals.

Now, most people do not give this strategy the attention it deserves, but I am pleased that the 9/11 Commission report recognized that soft power will be a critical component in our long-term efforts to stop the spread of Islamist terrorism.

It is easy to say that we were attacked on September 11 because the terrorists despise freedom and hate the American way of life, but the truth is much more complicated, and we do ourselves a disservice if we accept the simple answer.

To win the ideological battle being waged in the world today, we have to offer an alternative to the hopelessness and despair that the likes of Osama bin Laden and al Qaeda prey upon. Madam Speaker, there are millions of young people in the Islamic world who are hungry for hope and opportunity, and it is in our interest to show them that hope lies in freedom, liberty, and democracy, not in extremism and hate.

By pursuing policies abroad that promote voices of moderation, we can isolate the extremists and present a better vision of the future. By promoting democratic institutions, we can show that there is a better way, and we can offer a choice. By supporting economic development partnerships in the Arab world, we can help these nations become prosperous and self-sufficient. And by spearheading an international effort to offer educational alternatives to children in the Muslim world, we can provide the next generation with the tools to build a better future. These efforts will require significant resources, but the payoff will be immeasurable.

Perhaps most importantly, we must show the world what America and Americans truly stand for: tolerance, opportunity, hope, and freedom. And we must do it quickly, before an inaccurate image is indelibly emblazoned on the minds of millions. As the 9/11 Commission so eloquently put it, we need to defend our ideals abroad vigorously. If the U.S. does not act aggressively to define itself in the Islamic world, the extremists will gladly do the job for us.

Madam Speaker, in closing, let me again thank our ranking member, the gentleman from Texas (Mr. TURNER), and the gentleman from Michigan (Mr. STUPAK) for bringing us to the floor this evening to discuss these critical issues. September 11 should have made clear to all of us that we do not have the luxury of time when it comes to addressing our security at home and abroad. I urge the President and his administration to exercise strong leadership and provide the necessary resources to ensure the safety of our citizens and our Nation.

Mr. TURNER of Texas. Madam Speaker, next I would like to yield to the gentleman from Michigan (Mr. STUPAK), a gentleman who is most active on behalf of the first responders across our country or those on the front lines in the war on terror. He is a gentleman who serves on our Democratic Task Force on Homeland Security, a gentleman who is most respected by all of his colleagues in this House, and who has served here for many years with distinction.

Mr. STUPAK. Madam Speaker, I thank the gentleman from Texas for his efforts and for leading our intelligence task force in all the work we have been doing here under the gentleman's leadership on this issue, along with the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from Rhode Island (Mr. LANGEVIN), and the gentlewoman from Texas (Ms. JACKSON-LEE), who we will hear from next.

Having been in law enforcement for many years, and having founded the Congressional Law Enforcement Caucus here, we are now looking at the third anniversary of September 11, and the question on many Americans' minds is: Are we safer? Is America safer today than we were on 9/11? The current administration says we are safer. The Republican leadership in Congress says we are safer. But just because they say we are safer, does not make it so.

For instance, when we are talking about our northern border, I come from Michigan and I border Canada. President Bush said on January 25, 2002, ''We are analyzing every aspect of the border and making sure that the effort is seamless, the communication is real, that the law enforcement is strong.'' He also said on February 2, one week later, ''We are focusing on the heroic efforts of those first-time responders. That's why we want to spend money to make sure the equipment is there, strategies are there, communications are there to make sure that you have whatever it takes to respond.''

The Bush administration has mastered the rhetoric. They talk a great game about homeland security, but the numbers reveal a stark reality. Here are a few points: we are 2,000 border patrol officers short along the northern border with Canada, and the President's budget request fails to include additional funding to make these border patrol officers a reality.

Only 5 percent of passenger planes are screened for explosives, according to the GAO. And the President wants to cut the number of air marshals by 20 percent this year.

Our maritime security efforts are severely understaffed and underfunded, allowing us to screen only 5 percent of the nearly 8 million seaborne containers entering the U.S. each year, and $7.5 billion is needed over the next 10 years in order to secure our ports and waterways. The Bush administration has distributed a mere $441 million for this purpose.

This year's budget is the first time the Bush administration has ever asked for any port security grant money. Without the Bush administration's support, Congress has provided only $587 million for port security since 2001. That is less than 10 percent of the money we need to do the job.

The President has cut overall funding for adequate protective gear and training for first responders. And this year is no different. He proposed more than a 20 percent cut in first responder training and State grants for training, equipment, and other homeland security needs. More than 40 percent of our Nation's firefighters have not received training for responding to nuclear, biological, or radiological attack.

Finally, national reports on the 9/11 emergency response found that the inability of our first responders from different agencies to talk to one another was a key factor in the deaths of at least 121 New York firefighters at the World Trade Center.

The independent 9/11 Commission report said ''funding interoperable communications should be a Federal priority.'' Here is what they said, the 9/11 report says: ''The inability to communicate was a critical element of the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites, where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the State, local, and Federal levels remain an important problem. Federal funding for such interagency,'' interoperability as we call it, ''units should be given high priority.''

Here is what the President said: ''It is important that we understand in the first minutes and hours after attack. That is the most hopeful time to save life, and that is why we are focusing on the heroic efforts of those first-time responders. That is why we want to spend money to make sure equipment is there, strategies are there, communications are there to make sure you have whatever you need to respond.''

Strong language from the 9/11 Commission; strong language from the President. The reality is what it costs to get interoperability going in this country 3 years later is $18 billion. What has President Bush requested since 2003? He has requested $100 million.

The President even has zeroed out these accounts in the Department of Homeland Security budget over the past 2 years. At the rate we are going, according to the Department of Homeland Security officials, it will be another 20 years before our Nation's first responders are interoperable, where they can talk to each other, communicate with each other. Madam Speaker, we do not have 20 years to wait.

Earlier this year, on this floor, I asked how much in the formula grants provided for State homeland security has gone to interoperability. The Department of Homeland Security could not tell me. They committed to let Congress know the answer soon. We have recently found out that it is going to be about another year before we can even get an answer as to where the money has been spent, if it has been spent at all on interoperability. That does not say much about the oversight or planning in the Department of Homeland Security, and about where the billions of dollars of State grant formula money is going.

Madam Speaker, the problems I have outlined are occurring because of a lack of commitment on this administration to homeland security. Even the Department of Homeland Security still has not hired some 30 percent of the needed staff to properly run the agency. The homeland security challenges we face, whether it is border, airline, rail, or port security all require the same approach: real solutions instead of rhetoric, real resources and not political pronouncements.

Day after day we are told our Nation is better prepared against a terrorist attack than it was 3 years ago; but when only 4,000 Americans guard a border over 4,000 miles long, I cannot agree our Nation's northern border is secure. When our ports are not secured from the entry of a chemical, biological, or nuclear attack, I cannot take the word of anyone when they tell me my family and constituents are well protected.

□ 2145

And there is no comfort in the fact that our first responders are no closer now than they were after 9/11 to be able to talk to each other in times of natural disaster or terrorist attack. So how safe are we? The administration points to the toppling of Saddam Hussein. That does not make it. How does that make us safer when he was not an imminent threat, when there were no weapons of mass destruction, and we have diverted so much of our military and intelligence operations to Iraq. Osama bin Laden is still out there. Iraq is now a haven for new terrorist groups. Our country internationally is hated more than ever. We have alienated our allies, so exactly, how are we safer?

In the meantime, the current administration and the Republican Congress refuse to give our local, State and Federal agencies what they need to protect our borders and our communities. We will not even give them the equipment to talk to each other. On these issues, sure the present administration has mastered the rhetoric, but when looking at facts, we are dangerously behind in securing our borders to help prevent another attack or be ready when one comes.

As head of the Congressional Law Enforcement Caucus, we are going to have a hearing next week on intra operability. There are technologies which

could be implemented today where police officers, State, local, and Federal, could talk to each other because of software developed by some of these companies. It is there. We should not have to wait more than 3 years after 9/11 for something as simple as allowing people to talk to each other. We hope we do not have another terrorist attack, but if we do, maybe we can tell those brave first responders, say, with the second building at the World Trade Center, the building is about ready to come down, get out. We could have saved 120 lives if we had the ability to communicate. Having been involved with law enforcement for over 30 years, it is time to look at reality. This administration is not doing the job. We are not safer at home than we were before, at, during or after 9/11.

Madam Speaker, I thank the gentleman from Texas (Mr. TURNER) for heading up our homeland security task force in our committee, and I look forward to working together in the future. Maybe together we can convince this Congress and the American people something as simple as first responders being able to talk to each other would save so many lives if we only had a commitment. I thank the gentleman for his leadership.

Mr. TURNER of Texas. Madam Speaker, I thank the gentleman from Michigan (Mr. STUPAK) for his leadership and for his conviction.

I think many of us are dismayed by the lack of preparedness 3 years after 9/11 at a time when our government tells us every day that we are faced with another terrorist threat, even estimating that we may be attacked between now and the election or between now and the end of the year. These are deadly, serious matters. I thank the gentleman from Michigan (Mr. STUPAK) for his leadership and for his hard work on behalf of first responders and on behalf of the security of our country.

Madam Speaker, I am pleased to yield the floor to my friend, my fellow Texan, fellow member of the Committee on Homeland Security, from the great city of Houston, and I have seen the gentlewoman work on behalf of first responders in her great city. I have seen her talk to the many citizens who gather at her town meetings to discuss their concerns about security. I have seen her visit the port of Houston and the FBI office in Houston to talk about security. I know of her dedication and leadership, and it is a pleasure to yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished ranking member for gathering us today. In fact, let me add my accolades for the extensive work, the serious work that has been the defining track record of the gentleman's leadership as the ranking member of the Committee on Homeland Security, and certainly, it has been, as the staff you have guided, as you have guided us as members of that committee.

Madam Speaker, there could not be more appropriate timing for this Special Order to speak to our colleagues, and certainly to bring attention to this very serious issue to the American people because, as the gentleman knows, many of us spent a good part of the day marking up legislation that pretends to be the recommendations of the 9/11 Commission.

I think that if the wisdom of the gentleman's staff and leadership could have been exercised in the process, we would have had a full, comprehensive legislative initiative that would have addressed the concerns of the 9/11 Commission, the 9/11 families, and also put together a fair package that would have responded to some of the needs that have been addressed. I thank the gentleman from Texas (Mr. TURNER), and I would like to start by referring first of all to the document that was prepared, Transforming the Southern Border, Providing Security and Prosperity in the Post-9/11 World, done by the staff, mentioning the gentleman's leadership and that of the committee.

I would like to read directly out of it because this sets the tone for the remarks that I would like to make on the southern border, and I appreciate joining the gentleman from Rhode Island (Mr. LANGEVIN) and the gentlewoman from New York (Mrs. LOWEY) and the gentlewoman from the Virgin Islands (Ms. CHRISTENSEN) to talk about all of the issues, and the gentleman from Michigan (Mr. STUPAK) just mentioned the northern border, and I come to focus on the southern border, but I do so with the point that we have friends to the south. Mexico is a friend. Many Central American states are friends. South American states, our neighbors, are friends, and we speak about security in the context of friendship because I actually believe if we are going to be secure, it must be a collaborative effort.

Let me cite remarks on page 23: Infrastructure at the southern border ports of entry cannot effectively handle hundreds of millions of inspections annually. In addition, the southern border's infrastructure cannot support the implementation of new border security programs without harming the economies of border communities. There is a need to balance the competing tension between screening people and vehicles for terrorist weapons, contraband, smuggled immigrants and other prohibited items with the need to ensure an efficient flow of commerce.

Substantial investment in border infrastructure is needed to ensure national security while sustaining economic prosperity caused by increased cross-border trade over the last 10 years.

That is what we have been saying. The reason why these issues are so important is, we have not been able to balance the needs that are so very important, between free trade opportunities and the idea of security. There are 509 official ports of entry in the United States, including land, airports and seaports. Of these, 166 are land ports of entry, 43 of which are located on the southern border. These southern border ports are equipped with 86 pedestrian lanes, 216 passenger vehicle lanes and 70 cargo lanes. These ports of entry are generally large facilities with high volumes of vehicular and commercial traffic.

This lays out just a photographic story of the kinds of challenges we have at the length of the border, the kinds of challenges we have at the border, and what we need of course is to have the skilled technocrats and law enforcement that the U.S. Customs and Border Patrol agents allow us to do. It is important to recognize in balancing these issues that we must do something. What have we done, in the committee that we are members of, we have done not as much as we should. Homeland security will not work if local communities are not consulted on border security policies, their cooperation is not sought, or if implementation of border security programs is not coordinated. Homeland security will not work if we are force-feeding border security policies as opposed to collaborating with the community.

I joined the gentleman from Texas (Mr. TURNER) along with the gentleman from Texas (Mr. ORTIZ) to look at border control issues, and that was one of the main points addressed. That is to work with those local officials who live right on the border and let them tell us the kinds of concerns that they have. One was not only dealing with the lack of security measures there, in terms of the number of border patrol agents, but we also found out that there really is a need for changing policies and laws that allow some of those who have been detained to simply walk away because we do not have the legal procedures to hold them.

I want to make sure that all of the oversight issues are taken care of, such as making sure that there is judicial process; for these detainees to go through that process; making sure there are lawyers there to help with those processes and see that they are fair. But at the same time, we cannot have a secure border if we are allowing individuals to simply walk away because there is no place for them to be held. So more detainee facilities need to be there, adequately equipped, and the border patrol agents need to be well-trained.

The bottom line is that we must secure the borders by having the resources placed appropriately there. We also cannot ignore President Vicente Fox. Just 2 years ago, President Bush spoke about immigration reform and has done nothing to ensure that happening. That allows President Fox to talk about having the borders in the manner that he wants them in, and that certainly does not match the needs of this Nation. We must have collaboration, but we must have a fixed understanding of how we can continue

to have cooperation but not have the kind of systems that other nations want us to have.

First, international cooperation is critical, as I indicated, to an effective border security, and that means working with President Fox and Mexico to make sure what we have works for all of us. We must work with our neighbors to the north and south. Many of the border solutions require the cooperation by neighbors to effectively implement. Second, we must ensure that security at the border is delivered in a manner that enhances and enforces our priorities. The foundations on which our security programs are built, how they are implemented and how the borders are staffed, all of these factors must be taken into account, along with the security and economic interests of those living in the border region.

We have U.S. customs. As I watched them go through the many ports of entry, not enough staff. Technology, not enough technology at the borders. We have just been able to secure the opportunities for children to be detained in other facilities, but again, large numbers of unaccompanied children coming into the United States, no real resources to handle them. So we are finding ourselves caught between what is a rock and a hard place.

We need, again, as I have mentioned over and over again, additional technology. We need to have the kind of ability to survey the various trucks that are coming in, and so we need to be able to use the new technology to be able to survey trucks without actually going into the trucks. We have seen that kind of technology at our various seaports.

Mr. Speaker, we are talking about doing something. That is what this Special Order has been. We are talking about the great needs of infrastructure. Let me also suggest that I hope this Special Order will argue for the continuation of the Committee on Homeland Security in the next Congress. The reason why we bring these matters to the attention of our colleagues is because we have heard over and over again from Secretary Ridge that he wants a focused authorizing body where he can address the concerns of homeland security in a fair and orderly way.

We have spoken about the ideas of first responders. We have talked about the need of medicine and emergency response, and the idea of dealing with the needs that will occur if there is a terrorist attack, and we have talked about intraoperability and then the question of border security. None of these issues have been fully addressed in the select committee because we have either not had the time or wherewithal by the majority to follow through. It is crucial that this committee continues, but it is more crucial that we do things, and the way that we must do things to adequately ensure the security of this country is we must do it in a very bipartisan manner.

□ 2200

The number of legislative initiatives that the ranking member has helped us forge over the 2 years of the existence of this committee, I would hope that these items will find a place in the legislative history of this Congress. I hope they will be passed. I certainly hope the Secure Borders Act, which my colleague, Ranking Member Turner, introduced last week articulates a consensus approach to border security. I hope by some miracle that we might even pass it if not at the end of this session, in the lame duck that we are more than likely to have.

The idea is, Madam Speaker, that security is not a lonely task. It is a task that requires us to work together in an honest and open dialogue. It requires us to pay attention to the work that has already been done. Seven to 12 million illegal aliens enter into the United States. We can do this. We can make a difference. We can do this by passing border security legislation. We can do this by working with the Select Committee on Homeland Security.

My final point would be, we can do this recognizing we need complete immigration reform such that we deal with those illegal documents that are already here, by providing them earned access to legalization and family reunification. We can do that in a parallel track. I would only say, Madam Speaker, the question is why? Why have we not done this? Why have we not been able after the 9/11 tragedy to come together around concrete, effective, important legislative initiatives as offered by the ranking member and the Democrats on the Select Committee on Homeland Security. The question is why? The response should be if not now, then when? When are we going to address America's security needs? I hope that we will do it soon. I thank the distinguished gentleman for his time and effort.

SPECIAL ORDERS—BORDER SECURITY—MS. SHEILA JACKSON LEE

INTRODUCTION

As a Representative from Texas—a border State—I am deeply concerned about the state of homeland security at our land borders. My constituents—the good people of Texas—and those in border States across America—understand better than anyone in Washington what our unique challenges are along the land borders.

Living in isolation has never been an option for us. We all know the cost of shutting down that border—political, economic, social and cultural. We are all united in wanting to keep our borders working—to make sure that legitimate travelers and cargo are not held up but that we do not let in those who would harm us.

When there is a threat to our country, it is our constituents and businesses that are on the front-lines. Whatever comes into our country—be it a crate of bananas or weapons of mass destruction, be it a tourist come to spend some money in Houston or a terrorist seeking to do us harm—our constituents feel it first.

In the aftermath of September 11th, we all agree that security is and always must be our Nation's highest priority. There is no balancing act as some might suggest. Balancing involves competing interests and a give on all sides. We will and must not balance our Nation's security against competing interests. Rather, we must ensure that the border security solution that SECURES also serves to FACILITATE trade and travel.

Additionally, local and international buy in to border security solutions is critical if we want a system of border management that works. Hoemland security will not work if local communities are not consulted on border securities policies, if their cooperation is not sought, or if implementation of border security programs is not coordinated. Homeland security will not work if we are force feeding border security policies on the very communities that rely on the border for the economic livelihood.

The bottom line but the key to whether we successfully secure our borders is how we choose to go about doing it. It isn't just that we need to secure our country and our borders, but it's important how we deliver that security.

First, international cooperation is critical to effective border security. We must work with our neighbors to the north and south. Many of the border security solutions, such as US-VISIT, require the cooperation of our neighbors to effectively implement.

Second, we must ensure that security at the border is delivered in a manner that enhances and fosters other border and national priorities. How border security programs are designed, the foundations on which they are built, how they are implemented and how the borders are staffed—all of these factors must take into account the security and economic interests of those living in the border region. This is not about balancing competing interests, rather it means that the implementation of security at our borders must be done in a manner that fosters and enhances other border and national priorities.

Democrats believe that to secure our borders we must make a long term investment in our border communities.

We must make a substantial investment in infrastructure improvements at our ports of entry and to the transportation corridors that flow into those ports of entry. According to a report issued by the DHS's own Data Management Improvement Act Task Force, many approach highways and border inspection facilities were considered inadequate and overburdened prior to 9/11.

Additionally, with infrastructure expansion, we must add inspectors to our land ports of entry and ensure that they receive necessary training in foreign languages, fraudulent document detection and in interviewing techniques.

While technology is not a cure all, we must invest in technology that will both secure and facilitate the inspections process.

The Secure Borders Act which my colleagues and Introduced last week articulates a consensus approach to border security. While it was introduced by Democrats, it is a bill that everyone can and should support.

Lastly, what our Nation needs is a honest and open dialogue on comprehensive immigration reform—something Congress has been avoiding for years. As we invest in securing our borders, we must look at solving the issue of the estimated 7–12 million illegal aliens who call the U.S. home. After 9/11, having such a large number of people live in the shadows of society is even more unacceptable. We must review proposals that encourage these people to step forward. And we must at the same time enhance Federal enforcement of our immigration laws.

SECTION SUMMARY—THE SECURE BORDERS ACT

The SECURE Border Act is designed to implement the recommendations of the report, Transforming the Southern Border, issued by Representative Jim Turner, the Ranking Member of the Select Committee on Homeland Security. The bill seeks to close the security gaps that exist on the Southern Border that were identified in the report.

TITLE I—SECURING OUR BORDERS

Subtitle A—Infrastructure Enhancements

Sec. 101—Creation of a Land Border Infrastructure Improvement Fund

This provision authorizes $1 billion for an infrastructure investment fund to enhance and facilitate security and commerce at our nation's ports of entry. The Secretary of Homeland Security is authorized to carry out infrastructure improvement projects recommended in the report submitted under Section 102.

Sec. 102—Requiring a Vulnerability Assessment of Land Border Ports of Entry

This provision requires an assessment of and a report on the vulnerability of our nation's ports of entry to terrorist attack, the infrastructure and technology improvements needed based on the level of risk posed by vulnerabilities at the ports of entry, and follow up assessments every two years to monitor progress in securing ports of entry. Funds authorized in Section 101 should be distributed based on assessed priority.

Sec. 103—Enhancing SENTRI, FAST and NEXUS Pre-Enrollment Programs

This provision expresses the Sense of Congress that pre-enrollment programs should be expanded to every major port of entry, and authorizes pre-enrollment programs, the creation of pre-enrollment centers away from the border, funds necessary to build infrastructure to effectively access pre-enrollment lanes, funds to reduce—participation fee in order to increase participation and creates an appeals process for those whose participation has been terminated. Additionally, the provision requires a report detailing the cost of the program as well as enrollment and enforcement information.

Subtitle B—Enhancing Border Monitoring Technology

Sec. 111—Deployment of Surveillance Systems Along the US-Mexico Border

This provision requires the deployment of surveillance systems along the southern border, such as the integrated surveillance and intelligence system (ISIS), and ensure that the entire border is monitored 24/7.

Sec. 112—Deployment of Surveillance Systems Along the US-Canada Border

This provision requires that the development of a plan to deploy surveillance systems along the northern border and provide Congress with a cost estimate and deployment schedule by September 30, 2005.

Sec. 113—Level of K–9 Units Working on the Southern Border

This provision requires an increase in K–9 bomb detection units by 20%.

Sec. 114—Deploy Radiation Portal Monitors

This provision authorizes $49 million to install radiation portal monitors at all land border ports of entry by September 30, 2005.

Subtitle C—Ensuring Well Trained Personnel at Our Borders

Sec. 121—Double the Number of CBP Personnel

This provision authorizes the doubling of Customs and Border Protection personnel based on existing positions in FY 2004, and increasing the number of Border Patrol agents stationed between ports of entry by 3000 over FY 2005 and 2006.

Sec. 122—Assessing Staffing Needs at Our Borders

This provision requires DHS contract with an independent entity with human resource and staffing expertise to produce a study on staffing levels should be at ports of entry and between ports of entry in order for CBP to accomplish its border security mission. The study is due within one year of enactment.

Sec. 123—Additional and Continuous Training for Inspectors

This provision requires training for inspectors and where needed for associated support staff in new technologies. The section also requires that inspectors along the southern border be proficient in Spanish, and that appropriate language training be provided to inspectors and border patrol on the northern border. The provision also recommends the creation of a program to ensure the retention of customs and immigration expertise to supplement the One Face at the Border Initiative.

Sec. 124—Requiring a Report on the One Face at the Border Initiative

This provision requires the DHS to submit to Congress a report on the One Face at the Border initiative outlining the goals, strengths and weaknesses, and information relating to training and staffing. The GAO is required to provide Congress with an assessment of the report.

Subtitle D—Establishing a Comprehensive Border Security Strategy

Sec. 131—Border Security Strategy

This provision requires the development of a comprehensive inter-agency national Land Border Security Strategy to identify and fix security gaps along the land borders of the United States. The strategy is to review a variety of issues related to land border security including personnel, infrastructure, technology, coordination of intelligence among agencies, legal responsibilities, criminal statutes, apprehension goals, prosecutorial guidelines, economic impact and the flow of commerce. The report is due on year after enactment and a GAO assessment is due fifteen months after enactment.

Sec. 132—Improved Information Sharing

This provision requires that IDENT, a two fingerprint database, and IAFIS, a ten fingerprint database, be made interoperable by October 1, 2005.

Sec. 133—Creation of Northern and Southern Border Coordinators

This provision creates northern and southern land border coordinator, appointed by the Secretary who serve as the primary official of the department responsible for coordinating federal security activities along the border.

Sec. 134—Smart Border Accord Implementation

This provision requires the President to submit to Congress quarterly updates on the progress of the Smart Border Accord Working Groups.

Sec. 135—Sense of Congress on the Period of Admission for Border Crossing Card Holders

This provision expresses the Sense of Congress that citizens and nationals of Mexico and Canada should be treated with parity in establishing the periods of time that they are in the US. The provision directs that once US-VISIT is fully implemented that the period of admission for Mexicans using a border crossing card should be increased to 6 months.

Subtitle E—Enhancing Border Security Programs

Sec. 141—Creating a More Effective Entry-Exit System

This provision authorizes the creation of a US-VISIT Outreach Office to better inform border communities about the implementation of US-VISIT, reauthorizes the creation of the Data Management Improvement Act Task Force to study issues related to border security, and requires that information currently collected by the I–94 arrival/departure form be collected by electronic means, namely US-VISIT.

Sec. 142—Transportation Worker Identification Card

This provision requires the submission of a report by December 31, 2004, on the development and distribution of the transportation worker identification card, including (1) information on how the card will be distributed, (2) the eligibility of Canadian and Mexican truck drivers who are certified under FAST, (3) selected biometric feature and (4) the cost and deployment schedule for card reading equipment.

Sec. 143—Standards and Verification Procedures for Inter-modal Cargo Containers

This provision requires that the DHS develop standards for container security 180 days after the enactment of this bill. It also requires the Department to develop a security verification process for container seals and evaluate container tracking technologies, cargo targeting data, and the inspection policy for empty containers.

Sec. 144—Sense of Congress on the Need for Additional Staff for the US Consulate General in Mexico

This provision expresses the Sense of Congress that the level of staffing for the US mission to Mexico has not kept pace with rising consular workloads and that a 25% increase in staff is necessary.

Subtitle F—Securing Our Tribal and Federal Lands and Territories

Sec. 151—Office of Tribal Security

This provision creates an Office of Tribal Security to coordinate relations between the federal government and Indian tribes on issues relating to homeland security.

Sec. 152—Transfer of ''Shadow Wolves'' from CBP to ICE

This provision transfers the Shadow Wolves unit from Customs and Border Protection to Immigration and Customs Enforcement.

Sec. 153—DHS and DOI Coordination on Border Security; Provision of Temporary Authority to DHS to Transfer Funds

This provision provides the Secretary of Homeland Security with temporary authority to transfer funds from the DHS to the Department of the Interior to compensate the DOI for border security activities. The DHS and DOI are instructed to enter into a Memorandum of Agreement establishing (1) criteria for DOI to receive such funding, (2) priorities among projects, and (3) scope of activities for such projects. The DHS is required to report the transfer of funds to the appropriate congressional committees and a copy of the Memorandum of Agreement must be submitted to Congress. This provision will expire on the completion and implementation of the National Land Border Security Plan in Section 131.

Mr. TURNER of Texas. I thank the gentlewoman from the great State of Texas.

THE NATIONAL ECONOMY

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. DREIER) is recognized for 60 minutes.

Mr. DREIER. Madam Speaker, as I look at the clock, I see it is 10 o'clock. At this time tomorrow evening, we will be two-thirds of the way through the debate that is scheduled to take place between President Bush and Senator KERRY, and I know that the focus of that debate is going to be on foreign policy issues. And so I have chosen this evening to talk about economic issues because that obviously will be down the road, but I think that as we get ready for the debate on foreign policy and we spend a great deal of time talking about that, I think it is also important for us to talk about very important economic issues.

Just a few weeks ago, Madam Speaker, most American kids headed back to school signaling what obviously was the end of summer. Kids had 3 months away from the classroom which is usually enough time for them to forget most of what they learned the year before. September is the time when teachers across the country settle down to the task of reviewing what was forgotten and maybe even tackle some new material.

Madam Speaker, I am standing here tonight because I believe that it is not just America's youth that spent the summer forgetting what they have already learned. Last spring I spent a lot of time standing here talking about our economy and debunking a number of the economic myths that were being propounded by so many, like the myth of the, quote-unquote, jobless recovery that is a familiar term. We have heard it so often. We were dealing with a jobless recovery. The myth that we have an economy similar to that of the Great Depression. And, of course, the ever-popular myth that all we have created are hamburger-flipping jobs.

Eventually we saw some sanity in the debate over the state of our economy. Overwhelmingly positive economic news managed to silence or at least quiet this economy's noisiest critics because we were getting very positive news. Strong growth, high consumer confidence, record homeownership, and robust job creation all made it quite clear that our 21st century economy is strong and very vibrant. And the economic policies of this Congress and this administration have been a tremendous success. That was sort of the word that was finally getting through to the American people and to our colleagues on both sides of the aisle before the summer.

Then a few misrepresented statistics this summer managed to convince a lot of pundits, talking heads and even some of my colleagues that our vibrant, dynamic economy was tanking. Once again they began to believe that no jobs were being created, or at least no good jobs were being created. Perhaps it is not just the youngsters that needed to go back to school. I would like to set the record straight on the true state of our economy and give this summer's data and figures a very much needed perspective.

Gross domestic product is perhaps the broadest measure of the economy's health. The growth in GDP. In the second quarter of this year, Madam Speaker, gross domestic product growth grew at a 3.3 percent annualized rate. This is a very healthy and solid pace. But initial GDP estimates were somewhat lower, first 3 percent, and they were later revised downward to 2.8 percent, just under that 3 percent growth. Even these numbers indicate a healthy rate of growth.

But because they were lower than predicted by most economists, the growth rate was widely reported as an alarming sign that our economy was in trouble. I think perhaps the media missed the point. The fact that economists incorrectly forecasted second-quarter growth may be interesting, but the big news here is that the U.S. economy has had 11 straight quarters of economic growth. Eleven straight quarters uninterrupted growth in this economy. Not only do we now know that it grew by 3.3 percent in the last quarter, but the first-quarter rate was revised upward from 3.9 percent to a 4.5 percent rate. This means that the average growth rate of our economy for the first half of 2004 was 3.9 percent, very robust by any standard and higher than the average during the much-heralded Clinton era where we had strong economic growth. The rate then was 3.7 percent on average. Again the first 6 months of this year saw a 3.9 percent GDP growth.

Another supposed cause for concern are the latest consumer confidence numbers. After steadily rising month after month, consumer confidence decreased somewhat in recent months. There is no doubt that constant headlines reporting rising oil prices caused Americans to wonder what impact they would have on the economy resulting in a modest dip in consumer confidence. But despite this blip on the screen, consumer confidence remains at a nearly 2-year high. Let me say that again, Madam Speaker. Consumer confidence, even with that dip with the increase in oil prices, it is at a nearly 2-year high.

Perhaps the more telling number, consumer spending, is also very healthy. Retail spending has grown 5 percent over the past year, a strong pace by historical standards. Excluding auto sales, retail sales have grown at a rate of 7 percent. Americans are clearly demonstrating their confidence in the strength of our economy. Madam Speaker, real earnings also continue to grow. Real average weekly earnings grew seven-tenths of 1 percent in the month of July, and they are up 1 percent during the Bush administration.

To give these numbers a little context, real average weekly earnings increased by just four-tenths of 1 percent during the first 4 years of the Clinton administration, less than half the growth that we are experiencing today. Real hourly compensation has grown four-tenths of 1 percent in the first half of this year and is up 5.2 percent since President Bush has been in office.

Again, in order to give some context, Madam Speaker, real hourly compensation fell four-tenths of 1 percent during the first 4 years of the Clinton administration. That is 5.2 percent growth that we have had during the Bush administration versus a four-tenths of 1 percent reduction in real hourly compensation.

Real disposable personal income is perhaps the best and broadest measure we have of an individual's wealth because it takes into account many forms of after-tax income. This measure also shows a steady, solid pace of growth. During the Bush administration, real per capita disposable income has increased by $1,521 versus the $1,332 increase of real per capita disposable income during the first 4 years of the Clinton administration. So we have actually seen a pretty dramatic increase in the 4 years of the Bush administration juxtaposed to the 4 years of the Clinton administration.

Again, the reason I make these comparisons is that we constantly hear about how we long for the days of the bold and strong and dynamic economic growth that we had during the Clinton administration; and, of course, we recall very well that Bill Clinton was running for reelection in 1996, running on that strong, bold and dynamic economy; and if you look at real per capita disposable income, it actually has increased more in the past 4 years of the Bush administration than it did during those first 4 years of the Clinton administration.

Industrial production continues to climb. Manufacturing output is stronger than ever. Let me underscore that again, Madam Speaker, because we have over the last few months been continuing to hear these lines about how the manufacturing sector of our economy is in the Dumpster. Manufacturing output is stronger than it has ever been.

Productivity. Remember how important productivity is. Constantly for decades we have really had a focus on productivity. Productivity is on a long, steady upward trend. Exports, one of the important things that this administration has focused on, prying open new markets for U.S. goods and services, exports are surging. Business investment is very healthy, growing nearly 9 percent in the last quarter, marking the fifth consecutive quarter of growth. This is particularly significant in light of the 2001 economic recession which was characterized by abysmally poor business investment.

Madam Speaker, today's robust investment demonstrates the strength and competitiveness of U.S. companies as well as a healthy climate in which firms are willing to take risks. Madam Speaker, on all fronts, the U.S. economy is vital and strong. Despite some misrepresentation, the recent economic data demonstrate a healthy and growing economy.

This is not just a temporary phenomenon. These positive indicators are part of a 2½-year trend of growth and a rising standard of living. Of course, we are not going to be satisfied until every single American who wants a job has a job, but as we hear these constant gloom-and-doom predictions and these outlines from so many of our colleagues that you would think that we were in a deep depression, the numbers as well as empirical evidence prove otherwise.

Of course, as I say, in any discussion of the economy, the issue of job creation is obviously the highest priority. On this front as well, the outlook is very bright and continues to be bright. But once again, as I say, some misrepresented numbers are leading to more rhetoric of doom and gloom that have come from so many naysayers.

In July, the new payroll jobs number, the payroll survey jobs number was 32,000. This was much lower than previous months' numbers and fell far short of expectations. Immediately when those numbers came out for the month of July of 32,000, we heard the naysayers, led by JOHN KERRY. They could be heard lamenting the end of our recovery and the start of a downward trend. That is what we continued to hear at midsummer. The announcement of 144,000 new payroll jobs in August has quieted some of the gloom-and-doom rhetoric, but JOHN KERRY & Company still claim that good new jobs are not being created.

But in order to understand what the payroll numbers mean, the payroll survey, there are several key points that we need to keep in mind. The first is that in spite of the July number, the payroll survey does in fact show a very strong job growth. This is the payroll survey, and I am going to talk about the difference between the payroll and the household surveys in a moment; but the payroll survey itself has shown 1.4 million new jobs created in this calendar year alone and almost 1.7 million new jobs created since August of last year.

The second point, Madam Speaker, to keep in mind is that the payroll survey is notoriously inadequate at accurately accounting for new job creation following an economic recession.

□ 2215

This survey showed a very weak job recovery following that recession in 1991. Quarter after quarter, the meager payroll survey numbers seem to suggest a jobless recovery. Sound familiar? Once more, complete data became available, and once we were able to look at more complete data, we realized that the job creation had, in fact, been very strong throughout 1992. The payroll numbers were revised upwards significantly. Most economists agree that this phenomenon is taking place again today and that the payroll numbers will once again be revised upward.

But the third and more fundamental point about the payroll survey is that it does not measure the entire workforce. Again, the payroll survey numbers that we regularly have come out on a monthly basis do not reflect the entire workforce of this country. This survey only counts jobs in established firms. It does not count self-employed workers. It does not count small-business owners, independent contractors and consultants, LLC partners, and it does not count farmers. The payroll survey, the numbers that we regularly look at, do not take all of those into consideration. Those innovative job creators out there are not taken into the mix.

Historically self-employed workers represented only a small slice of the entire labor force. That is one of the reasons people have relied on the payroll establishment survey as opposed to the household survey. But our economy is many years into a fundamental shift in the overall nature of job creation. Self-employment currently accounts for one-third of all new job creation. Self-employment accounts for one-third of all new job creation, Madam Speaker. That means that that is not taken into consideration in the payroll survey. The Internet and modern technology, especially digital technologies, are making the American dream of owning one's own business a much more accessible reality. Small business startups are booming. LLC partnerships are exploding, doubling the total number in just 3 years in some States. And these small merchants, empowered by the Internet age, are able to compete in the global market right alongside the multinational counterparts. And yet their work is not taken into consideration when the payroll survey is done.

Our 21st Century economy is giving a quickly growing number of Americans the flexibility to work independently and to be their own bosses. This is very good news for workers and, Madam Speaker, for families as well. But it means, as I say, that the payroll survey is increasingly inadequate for measuring this new dynamic 21st Century workforce because that innovation and creativity that is out there is not taken into the mix. It is not taken into the mix at all. Furthermore, the payroll survey numbers are highly susceptible to changing the rates in job turnover. When job turnover is high, a significant amount of double counting takes place as workers move from one employer to another during a short period of time. The result is an inflated payroll number during periods of high turnover. Subsequently, when turnover begins to ebb, the payroll number is artificially deflated.

A number of economists have long been pointing out this volatility in the payroll survey. Tim Kane, who is a very bright economist whom I know at the Heritage Foundation, estimates that high turnover could inflate the payroll jobs survey number by over a million jobs. As a result, there is huge potential for overstating job losses during points in the business cycle when turnover drops. The Bureau of Labor Statistics recently published its first assessment of this problem. Its report did not estimate the full potential for inflating payroll job numbers during high-turnover periods. But the Bureau of Labor Statistics did find that this turnover effect has led to an undercount of at least a quarter of a million, 250,000 jobs, during the period between March of 2001 and June of 2004, a period of low turnover and economic recovery.

Let me run through that problem again. High job turnover prior to the 2001 recession inflated the payroll number in the preceding years. The result has been that, over the past 3 years, while turnover has been low, the payroll survey has shown an artificially low number by at least 250,000 jobs. Based on Mr. Kane's estimate of a potential overstatement of 1 million jobs, the current undercount could be even greater than that quarter of a million. It could certainly be smaller.

Steven Braun at the Council of Economic Advisors estimates that the current undercount could be as low as 145,000. But the point is, there is simply no doubt that the payroll survey is vulnerable to distortion from the job-turnover effect.

So we know that the payroll survey has its shortcomings. But we have several measures of our labor force that, taken together, help to paint what is clearly a more accurate picture of job creation in this economy. The Bureau of Labor Statistics' household survey that I have been mentioning, for example, counts employed workers by going directly to households, directly to the households and counting the number of employed persons. Rather than surveying established businesses, the household survey counts all types of workers. This method makes it possible to account for the self-employed workers who are missed by the payroll survey.

As I have said, the self-employed historically accounted for a relatively small section of the workforce in years past. Because of this, the payroll and household surveys, while taking different approaches to assessing employment, came up at that time in the past with similar results. There were differences here and there, but the two surveys, because of the fact that self-employed made up such a small segment of the workforce in the past, the difference between the household and the payroll surveys, so-called establishment survey, trended together, and the differences were not that great, and they demonstrated a very similar sort of the same employment climate.

In the last few years, however, as I have been saying, an unprecedented divergence has taken place between the establishment payroll survey and the household survey. Since March of 2001, the two surveys have shown an incredible discrepancy in job creation. The gap currently stands at nearly 3 million jobs. That is a 3 million job spread

in the disparity between the prediction of the establishment payroll survey, which simply takes into account those in companies that are actually employed, juxtaposed to looking at the household survey, which goes directly to the homes and asks if people are working there. And while the household survey measures 1.9 million new jobs created since 2001, the payroll data suggests a net job loss of a million over that same period of time.

This divergence shows no sign of correcting itself. In July, the household survey showed a net job creation of 629,000. Remember, as I said, the payroll survey, as I mentioned a few minutes ago, showed 32,000 jobs created. So by the antiquated way of determining jobs in the pre-21st Century economy, what we had was 32,000 jobs created, and yet with the household survey, the month of July showed 629,000 jobs created. There are likely a number of reasons contributing to that major divergence. The turnover factor, as I was mentioning earlier, has obviously had a big impact. And as I discussed, the payroll survey tends to undercount jobs in periods of recovery as was the case in the months following that 1991 recession.

But it is clear, Madam Speaker, that the fundamental changes in the nature of job creation that are taking place in our economy have led to a far greater slice of the labor force that is working independently. As this trend continues, the payroll survey will be increasingly incapable of accounting for all working Americans. I think it is already there myself if we look at the numbers. The household survey alone is not enough to see the complete picture, however. But if we look at all the numbers that are available to us, it is clear that the current household survey numbers are much more in line with other economic indicators than is that very antiquated payroll survey. Average weekly jobless claims have been dropping for 13 straight months. The unemployment rate has fallen to 5.4 percent, lower than the average for the past 3 decades. The ISM manufacturing employment index has shown gains for 15 straight months. The same index for nonmanufacturing employment has been showing gains for 11 straight months.

All of these employment figures are pointing in one direction, and that one direction is up. And yet Democratic presidential nominee JOHN KERRY tries to claim that the economic policies of the Bush administration and this Republican Congress have been an abysmal failure. He claims that no jobs are being created. We have heard that line over and over again: ''George Bush is the first President since Herbert Hoover to preside over a net job loss.'' And yet faced with the evidence that thousands upon thousands of jobs are being created, JOHN KERRY says that they are only low-wage hamburger-flipping jobs that have been created.

Yet we can see from the overwhelmingly positive economic data that this is clearly not the case. Even the payroll survey, Madam Speaker, has shown 13 consecutive months of job creation. And these gains have been across virtually every single industry in our Nation. Gains have been especially strong in high-wage, high-skill industries like business and professional services. There is simply no denying the fact that job creation in this economy is strong and sustained. But the negative rhetoric just keeps on coming, and with it comes several new economic proposals.

JOHN KERRY says he would repeal the very tax cuts that halted a recession, revived business investment, gave Americans bigger paychecks, and produced all of the strong economic indicators that I have just been discussing, including $56 billion in unanticipated revenue to our Federal Treasury that came in because of the economic growth that followed our tax cuts.

In addition to raising taxes on individuals, the Senator from Massachusetts would increase the tax burden on U.S. companies, the job creators, who compete and invest in the worldwide market. He would also impose new labor regulations on these global leaders and create new restrictions.

For example, JOHN KERRY supports preventing globally engaged companies from competing for federal contracts. He is also a cosponsor of the so-called Jobs for Americans Act. Sounds great, but it would impose dramatic new restrictions and regulations on any company, large or small, that invests in growing overseas markets. JOHN KERRY would also bring our trade liberalization agenda to a standstill. He has proposed reopening the trade agreements that have removed barriers to U.S. goods and services, and we are all very proud of this Congress having in the past year passed agreements with Morocco and Chile and Singapore and Australia, very important; yes, small economies but very important market-opening opportunities. So he has proposed reopening the trade agreements that have removed barriers to U.S. goods and services and created new opportunities for American workers and provided quality, affordable choices for the American consumer, which is something we so often forget in the trade debate. He says he would put a moratorium on all negotiations currently in progress. And he has called for reinstating the Super 301 process, which would violate our commitments to the World Trade Organization. Remember, the WTO, often maligned, is an entity which has as its goal eliminating tariff barriers, and it would also, by taking the action that JOHN KERRY has proposed, open up an opportunity for retaliation by our trading partners in the world.

In short, JOHN KERRY's economic platform consists of claiming that our vibrant, growing economy is actually weak and then proposing to make innovators and job creators even less competitive than they are today.

Madam Speaker, several months ago I stood in this well and discussed many of the proposals that JOHN KERRY has made and pointed out that he has been advocating policies that countries like France and Germany have had in place for many years. For decades, Madam Speaker, the French and the Germans have saddled businesses with high taxes and heavy regulation all in the name of what? Protecting jobs. As I said a few months ago when I stood here, we do not have to wonder what the impact of the Kerry economic agenda would be. Why?

□ 2230

All we need to do is look at the economies of France and Germany and decide that that is what our economy would look like under the policy proposals that have been put forth by JOHN KERRY.

So let us look, Madam Speaker, at these numbers again. Since 1999, unemployment in France has been stuck right around 10 percent. At the end of 2002 it dipped as low as 9.1 percent, but it is now back up to 9.5 percent. The French unemployment rate is nearly double the 5.4 percent unemployment rate that we have here in the United States, and it continues to rise at a time when the overall unemployment rate for OECD countries is actually falling.

Remember, this increase is being led by falling unemployment in the United States. For the overall number of OECD countries, our economy is providing leadership. Unfortunately, the French economy, setting the example for the policies that JOHN KERRY has proposed, unfortunately is headed in the wrong direction.

Economic growth, overall economic growth in France has also been very disappointing. Last year GDP growth grew at a very paltry 1.8 percent. Remember, we have talked about it in excess of 3 percent growth here. Estimates for 2004 are that economic growth in France will be at 1.7 percent. Its finance ministry announced it is hopeful the economy could grow by as much as 2.5 percent next year. But even they admit that this relatively slow rate of growth will be difficult to achieve. Getting up to 2.5 percent will be tough for them.

This stagnation is not a recent or temporary situation in France. Average annual growth in gross domestic product throughout all the 1990s was less than 2 percent, Madam Speaker, just over half of the average growth of 3.4 percent that we have had here in the United States.

Germany has faced similar dismal jobs and growth numbers. Since the late 1990s, unemployment in Germany has remained just above 8 percent, and has steadily climbed over the past year. In 2003 it inched up from 9 percent to 9.2 percent; and unfortunately for the German people, it continues to climb.

At the same time, German GDP growth has been a very meager 1.7 percent for the last 2 years, and economic

forecasters have downgraded their predictions of growth for 2004 from 1.8 to 1.6 percent.

Just like their neighbor to the West, Germany has experienced economic stagnation for many, many years. Throughout all the 1990s, economic growth averaged just 1.5 percent, an abysmal one-third of the U.S. growth that we have seen.

But perhaps the most telling numbers of all, Madam Speaker, are what I call the ''innovation indicators,'' the innovation indicators, in terms of new patents, research and development, and venture capital. The United States far outpaces France, Germany, and the entire European Union. As a result, we are the world's leading innovator, right here in the United States.

Our level of innovation, which demonstrates the vitality and dynamism of an economy, together with factors like unemployment and growth in GDP, clearly show that our economy is creating far more and far better opportunities for workers.

Madam Speaker, the competitive edge has led to a significant brain drain from Western Europe to the United States. Over 100,000 European researchers currently work in the U.S. A recent European Commission survey found that more than 70 percent of European recipients of U.S. doctorates in the last decade plan to stay and work in America. This has the commission fretting that by the end of the decade Europe will have 700,000 fewer scientists and engineers than will be necessary to compete in the global economy.

This realization, along with years of flagging growth and rising unemployment, has served as a wake-up call to Europe that their economic policies have failed.

In fact, the policies that JOHN KERRY is advocating have performed so poorly in France, Germany, and throughout the euro-zone area that the Europeans are now proposing significant reforms. It is long overdue, but it is great to hear it. They are starting to move in precisely the opposite direction that JOHN KERRY is proposing to see the U.S. move in. The European Union has realized it is time for them to go back to school and learn what it takes to make sure that economies thrive.

The most sweeping changes are taking place within the European Commission, beginning with the appointment of Jose Manual Barroso of Portugal as the new president of the European Commission. France and Germany had supported the Belgium Prime Minister Guy Verhofstadt, who favors high taxes and heavy-handed government intervention. But EU member countries chose Portugal's Prime Minister, a staunch free market proponent with strong reform credentials.

Mr. Barroso has signaled his continued commitment to the principles of economic liberty in virtually every major appointment he has made for his team of commissioners. The competition portfolio is one that France in particular was interested in nabbing. But the job did not go to a French favorite. Instead, it went to Neelie Kroes-Smit of the Netherlands, a member of the free-market Liberal Party in the Netherlands. As transport minister in the 1980s, she supervised the privatization of key naturalized industries, such as the postal system and the telephone monopoly.

The trade post went to a Brit, Peter Mandelson, a close ally of Tony Blair and a strong proponent of aggressive trade liberalization. The internal market position went to Charlie McCreevy, that great supply-sider who cut Ireland's taxes to the lowest in the European Union and helped Ireland enjoy 8 percent, 8 percent, GDP growth. Latvia's Ingrida Udre was given the taxation portfolio in a clear signal of his support for lower taxes.

Madam Speaker, Latvia adopted a 25 percent flat tax 10 years ago, and has experienced growth rates averaging over 6 percent during the last 5 years.

Clearly, the European Union has witnessed the damaging effects of Franco-German policies of high taxes and high regulation which stifle innovation and entrepreneurship; and as a result of that, the new leadership is attempting to make a fundamental shift in the EU's economic and labor policies.

While France and Germany still seem to be lagging behind in this enthusiasm for change, there are signs that even they realize that their policies are not working. The German Chancellor, Gerhard Schroeder, has been struggling to institute new labor reforms that would significantly reduce the burdens of employers, particularly small business owners, in an attempt to jump-start job creation.

There have also been some surprising proposals in the area of tax cutting. Last month the influential advisory panel to Germany's Finance Ministry actually proposed a flat tax of 30 percent on both corporate and personal income. That is still a high rate by international comparisons. Russia's individual flat tax rate, for example, is 13 percent. But it would be a significant reduction, not to mention dramatic simplification, of the very, very complex system that they have in Germany.

German corporate profits are now taxed at 37 percent and individual rates as high as 45 percent. The tax burden is so formidable that a recent European Commission report estimates that the black market in Germany has grown to 6 percent of its GDP.

While much of Western Europe still has a very long way to go to undo the decades of burdensome labor regulations and protective tax policies, the seeds of change, I am happy to say, are being sown. But it is simply mind-boggling that at precisely the same time that the European Union is getting the message and beginning to deal with the very detrimental effects that they have had of years of bad economic policies, JOHN KERRY is proposing that we as Americans begin adopting those failed policies.

He wants to saddle employers with new regulations. He wants to burden U.S. companies that are global leaders and innovators with higher taxes. He wants to disrupt trade agreements that have created new opportunities for American workers, business and consumers. He wants to fundamentally alter the U.S. business environment that has made us the global economic leader and a magnet for the world's best and brightest.

It is hard to understand what JOHN KERRY could possibly be thinking, but at least he provides the American people with a very clear, distinct choice. On the one hand you have a President who cuts taxes, boosting the after-tax dollars of all Americans and making U.S. companies more competitive; a President who aggressively seeks to alleviate the burdens of unnecessary regulations and frivolous lawsuits on employers and job creaters, particularly small business owners; a President who tears down trade barriers that hurt U.S. manufacturers, service providers, farmers, investors and consumers; a President who has helped to lead our economy into the 21st century economy so it will continue to be the global standard bearer.

On the other hand you have a candidate who wants to stymie the freedom and flexibility that have allowed innovators to develop and harness new technologies; a candidate who wants to prevent our most competitive businesses from investing in the global market; a candidate who wants to burden employers and individuals with new taxes and new regulations; a candidate who looks at our dynamic, vibrant, growing, innovative economy and sees only an opportunity for more heavy-handed government intervention.

Madam Speaker, it sounds like JOHN KERRY could learn a few things from the very Europeans whom he proposes we emulate. Our economy is the global leader because the hard work and innovations of millions of Americans are not constrained by excessive government meddling. France and Germany are reluctantly learning this lesson.

I hope very much, Madam Speaker, that as he continues his career in the United States Senate after this November, that JOHN KERRY will learn those lessons as well.

Madam Speaker, I am very happy to yield to my friend the gentleman from San Diego (Mr. CUNNINGHAM).

A VISION OF PEACE IN THE MIDDLE EAST

Mr. CUNNINGHAM. Madam Speaker, I thank the gentleman from California for yielding. I applied for a 1-hour Special Order, but under the rules you are only allowed 2 hours; and thanks to the goodness of my friend, the gentleman from California (Mr. DREIER), I am able to speak for a few minutes.

Madam Speaker, my intent is to bring something different, something

refreshing to a Special Order. As I listened to my colleagues on the other side, you would think that the White House and Republicans are mean-spirited, evil, and do not really care about the American public. I think it would be refreshing to listen to a Special Order that actually projects a vision. I wish it was my vision, Madam Speaker, but there are many great men that have tried to work on this, and the good news is that it is achievable.

Now, tonight I only have 20 minutes left to speak. On Monday night I will have a full hour and I will expand. But history has witnessed great men with a vision accomplishing some very difficult tasks, and that vision is a safe and secure Israel. That vision is a Palestine that lives in peace beside its neighbor, Israel. It is a vision that says that the Muslim world can be supportive of both Palestine and Israel. And to make this happen, I want to go through this vision.

I am just a Member of Congress. I do not have the power to bring this to fruition. But I think it is possible, and I think if all of us pull together on both sides of this aisle, it could be something that will change this world for the better, for Republicans, for Democrats, and all Americans.

Can you imagine a time of peace? I know in my life I thought there would never be peace in Ireland. I am of Irish descent. A Democrat went under the Clinton administration and I think worked wonders in that part of the world. He had a vision of bringing Ireland together in a time of peace. Are there differences today? Yes. But it is a lot better than it was.

That is what I want to talk about, and this is why I think it is possible, is to talk over this 20 minutes and then the hour on Monday night.

First, I want to tell why I think it is possible. This is coming from a pilot that flew in Vietnam and also flew in Israel in the 1970s. It comes from a Member of Congress that is a strong supporter of Israel, but yet sees the possibility of Palestine living side by side with Israel and peace in the Middle East.

I recently visited Saudi Arabia for a week.

□ 2245

I went there with a constituent of mine who is an American citizen and has been for many years. He is an American citizen first, but he also wants that vibrant feeling that used to exist between the United States and Saudi Arabia to be rekindled. Madam Speaker, I think that vision is possible, so much so that I am willing to lay out political capital to invest in this Special Order.

I would like to thank Minister Mohammed. He put together a difficult schedule in which I was able to speak to every minister in the council. I was able to talk to the Shura Council, which is like our Congress, to business leaders, to students, to families, to bankers. We even went to an orthopedic rehab center that is rivaled nowhere in the world that takes care of people with orthopedic problems.

Saudi Arabia is a leader, Madam Speaker, in the Muslim community. What happens in Saudi Arabia directs the rest of the feelings in the Muslim community itself. Both Mecca and Medina are looked upon by 1.3 billion Muslims many times a day and pray towards Saudi Arabia, Muslims that want peace, not their counterparts that are active terrorists and extremists.

On 9/11, Saudi Arabia saw many of the Saudi Arabians involved in the 9/11 attacks. They were shocked. And one of the reasons they were shocked is that it was purported that many of the people that were still walking around in Saudi Arabia had been linked to those aircraft crashing into our World Trade Centers, and they were not.

So they acted in disbelief that a nation that had been an ally of the United States, yes, they had problems. They had problems then and they still have problems now. But the majority of Saudi Arabians have a very strong friendship and belief with the United States itself. They thought that this terrible event, when it was confirmed, the Saudi leadership at first was slow to react in some areas; but in other areas, they stepped forward.

One example is they provided millions of barrels of oil right off the bat to stabilize the U.S. economy and to help us meet our needs to help New York, to help the rest of the community when jobs were being destroyed right and left. Madam Speaker, in many instances I will discuss tonight, Saudi Arabia has helped us over and over again.

I want to talk about some of the things I think that hurt us, that can take away from this vision. I look at the students before 9/11 from Saudi Arabia. When I spoke to the cabinet in Saudi Arabia and I spoke to the Shura Council, 75 percent of both the cabinet and Shura Council graduated from U.S. universities. Saudi Arabians that came to this country made personal investments in this country; and to a person, not a single one that had graduated said that they want to separate the ties with the United States. Quite on the contrary. They love the United States; they want to see those relationships rekindled. But, yet, they are angry at some of the things the United States is doing towards Saudi Arabia and the rhetoric that comes out of much of our newspapers that hurts that relationship.

If Osama bin Laden wanted to achieve a division with the United States and one of its best allies in the Middle East, it would try and drive a wedge between us. They feel that is exactly what Osama bin Laden did on 9/11 in using Saudis. He could have used anybody within the entire world.

Let me tell my colleagues about some of these students. I spoke to cabinet members that had graduated and, as a matter of fact, Madam Speaker, the majority of those students obtained Ph.D.s. These are the people who are now leading the Saudi government, both in the Shura Council and within the cabinet itself. But those who had just visited in the United States to a person said, we do not need the United States. I am going to send my son and my daughter to Australia, to England, to Austria, to New Zealand, to English-speaking schools, because they did not make that personal friendship bond with the United States.

My biggest concern, Madam Speaker, is the fact that if we lose that strong support for the United States, 30,000 students from Saudi Arabia prior to 9/11, do we know how many we have today in U.S. universities? Two thousand Saudi students. There is a fine line between issuing visas and national security. Colin Powell is working desperately to change that and weigh the differences between making sure that those visas are offered only to people that are safe; but on the other hand, we are denying access to our universities and our schools, which people within 5 to 10 years, we are going to ask to support the United States, and that support is not going to be here. That is dangerous, Madam Speaker.

I will give a couple of significant issues as examples. When I talked to one of the students, one of the students who had been attending a United States university for many years had gone back and forth, a strong supporter of the United States even though he was a Saudi. When he checked in through INS, the INS agent looked at his passport and saw that he was from Saudi Arabia. The INS agent said, smile for me like a terrorist. These are the affronts that every single day Muslims in this country face, and the ignorance of some people on how it affects people.

I have a constituent that lives in San Diego. He has been an American citizen for many, many years. His brother is still in Saudi Arabia. His brother's son had been a student within the United States, again for many years. He stepped foot into the United States after traveling back and forth many times, was put into handcuffs, was shackled, his legs where he could just shuffle, and shipped back to Riyadh with no explanation. And guess what? When he got to Riyadh, our agency said, oh, it is a big mistake.

Now, when this constituent of mine goes to Saudi Arabia and speaks about how strong the love is that the United States has for Saudi Arabia, can we imagine what his brother purports to him about his son being shipped back without any reason and then it is proven wrong? And did the United States even offer to ship this man back? No, that is not the case.

When I talked to this young man, his name is Badar, and Badar was even allowed to go get a meal. He had handcuffs, his legs were in irons, he had a

tray, and as he is walking to the little cafeteria, he looks over and sees the very agents that had secured him, and he looks and says, can I pick you up anything while I am on my way? I am on my way to do that; can I help you get anything? This is the attitude of many of these young men and women who attend our universities, and it is a shame. They give us support, and the problem is that we may do away with that support in the future.

Madam Speaker, I have heard over and over the media, and even some of our Members of Congress, purport that Saudi Arabia is evil. They have problems in Saudi Arabia. I sit on the Subcommittee on Defense of the Committee on Appropriations, and I also sit on the Permanent Select Committee on Intelligence. I will tell my colleagues directly, not rhetoric, not spin, but the Saudi Government is working with the United States intelligence service in which on Monday, I will purport and submit for the record reams and reams and pages of al Qaeda that they have captured, that they have killed of their own soldiers dying to help us and the rest of the world live in peace from these terrorists. Again, have they had problems in the past? Yes. Do they have problems now? Yes. But we need to help a nation that is trying to help us instead of bashing that nation. In trade, in oil, they have always been there.

Now, in the 1970s, when we had our oil shortage, Saudi did not help us. But since that time, under the first George Bush, under President Clinton, and now under George W. Bush, while the world is providing us oil at $50 a barrel, Saudi Arabia is working to give it to us at $38 a barrel. In the 1970s, when some of us were old enough to remember the gas lines, it was $72 and $73 a barrel. Yet, Saudi is pushing their own wells to make sure that the United States is taken care of, not just for Republicans, but for Democrat administrations as well. Colin Powell is working desperately to resolve this as well.

Let me get into one last issue before my time runs out. Some of my friends that I meet with regularly, and I meet with Jewish constituents, with Persian constituents, with Muslim and Arabic constituents, and they have told me, those who have served in Saudi Arabia, that the Saudi curriculum, education curriculum has not changed in 40 years. Eighty-five percent of that curriculum was okayed by U.S. standards. Fifteen percent was in a gray area. Five percent taught the Wahabiism, the antitolerance system. Well, guess what? Saudi not only supported the 85 percent that we support; they got rid of the 15 percent that was in a gray area. The 5 percent that taught intolerance; they fired those individuals, over 3,000 teachers that were teaching intolerance were eliminated, fired. And they actually have schools that go to purport a new curriculum to help not only not teach intolerance, but to help the Saudi education system itself. Many Americans do not recognize that, that they are trying to work in that direction.

So the students coming to the United States and establishing a bond, the curriculum that they have changed to make sure that it is a curriculum not of intolerance, but of tolerance for other nations and adhere to the United States standards. I think that is significant.

Madam Speaker, I am not sure how much time I have left, but I think it is a good start to set forth on Monday, when we talk about the issues and how do we get from this vision of having Palestine and Israel secure, yet to have a strong Middle East with support for a peaceful system in the viable future.

Madam Speaker, I will start by saying on Monday, I am going to talk about a controversial issue. The Crown Prince Abdullah purported U.N. resolutions and supported U.N. resolutions 338 and 442, and those resolutions were adopted by the United States. They were adopted by the U.N. and NATO and all of the Arab nations. And what that did is it established a Palestinian state, a Jewish state, and if anyone violated those resolutions, the Arab nations would come to the rescue of Israel and support it.

Now, I ask my colleagues, Madam Speaker, can we in today's environment continue the Israeli-Palestinian issue as it exists today? Every day people are losing their lives. I strongly feel before we ever have peace in Iraq and in Afghanistan and Egypt and Syria and Lebanon and other areas that the resolution between the Israeli and the Palestinian people has got to be fixed, and that is no easy issue. They have been fighting for a long time.

So on Monday I want to give my colleagues a vision, not my vision, but a vision that has already been adopted by the United Nations, by the United States, by all of the Arab world, and supported by Crown Prince Abdullah. That is the antithesis of the direction that I would like to go forward in on Monday and give examples of how Saudi Arabia has helped the United States and other nations in the war on terror and the directions that we can go to have peace in the Middle East.

□ 2300

IRAQ WATCH

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Madam Speaker, I come to the floor tonight and will be joined shortly by my colleagues who have been consistent in manning our stations in the Iraq Watch. Now, for several months, my colleagues and I in the Iraq Watch have been coming to the floor of the House of Representatives to discuss our policy in Iraq and to ask if we are on the right course in Iraq.

I am reminded why we have been doing that when just before I came to the floor in the cloakroom, watching the TV, I saw a tribute to another fallen American hero in Iraq. That is all too regular an occurrence recently and reminds us why we come here for the Iraq Watch, because we are dedicated to the proposition that the men and women who fall in Iraq should not be shuttled off to page 12 and 14 and forgotten by Americans and have this trial and tribulation in Iraq somehow become sort of a back-burner issue.

We who have participated in the Iraq Watch are committed to the proposition that we need to be diligent in asking hard questions of our government as to whether or not our government is doing the right thing or making mistakes in Iraq. This is important to do for a variety of reasons.

The Vice President of the United States has suggested that only Members of Congress should just act as good little Members of Congress and be silent about Iraq and simply defer to the administration. The Vice President has suggested, at least implicitly, that whatever the administration is doing must be right and that all good Americans must fall in line and be silent about the Iraq policy and to do otherwise would give somehow aid and comfort to the enemy.

Let me suggest that that would be the least patriotic thing for Americans to do, from the U.S. Congress all the way down to the voting booth on November 2, because the people in Iraq serving tonight deserve the right American policy. That is only going to happen if Americans stand up on their hind legs and speak their minds about what we should be doing in Iraq.

So we are doing that, and representing my 600,000 constituents, and I know I will not be alone in expressing some sentiments tonight, to suggest that this administration has not made the right decisions in Iraq and, in fact, has repeatedly made the wrong decisions in Iraq that have now been responsible for us being in this terrible situation that we are now in tonight in Iraq.

Before I yield to the gentleman from Ohio (Mr. STRICKLAND), I would suggest in our discussion tonight there will be two parts of our discussion. One, we will ask whether or not this administration has been right or wrong on a variety of decision-making in Iraq. That is the first part of our discussion. The second part of our discussion is what should we do now to get a fresh approach in Iraq to increase our chance of success in bringing our troops home in a reasonable fashion. Those are both important parts of our discussion.

I have some questions that I would like to pose to the administration, but before I do so, I would like to yield to my friend, the gentleman from Ohio (Mr. STRICKLAND), who has been a very stalwart member of the Iraq Watch to start our discussion this evening.

Mr. STRICKLAND. Madam Speaker, I thank my friend from Washington State for yielding.

Why do we stand here and talk about this subject late at night? The reason is because the people who have made the decisions which have brought us to this current situation, this mess that we face in Iraq, where we have lost well over 1,000 of our soldiers' lives, where approximately 7,000 of our American soldiers have been injured, these same people, and I am talking about from the President to the Vice President CHENEY on down to Secretary Rumsfeld, Paul Wolfowitz, Richard Perle and others, the so-called ''neo cons,'' they have made the decisions which have led us to this place where we are tonight.

We are in a mess. We are in a quagmire in Iraq, and we talk about what has happened in the past because the same people who have brought us to this point want to remain in positions of decision-making. They want to remain in power, and they want to make decisions for what we do in the future.

I just a few moments ago left a dinner that I had with some of my friends from Ohio. These are people who have children and young relatives, and we were talking about the fact that we are in a situation in this country where our military is stretched so thinly that we are literally extending Reserve and National Guards persons well beyond any reasonable length of service in Iraq. They have been jerked out of their communities, away from their families, away from their jobs and professional responsibilities, and they find themselves now in Iraq.

We have a situation where we have instituted the so-called backdoor draft where those who had felt that they had long since fulfilled their military obligations to this country, some in their forties, even I believe many in their fifties, are being pulled out of their communities, away from their families, sent to Iraq.

We are taking our troops away from other really troubled spots in this world, and I would especially mention South Korea. We know that North Korea has stated they are going to go ahead and pursue their nuclear strategies. We are bringing troops away from South Korea simply because we cannot meet our military obligations.

We have got about 135,000 to 140,000 American troops in Iraq tonight. The next country that has a significant number of troops in Iraq is Great Britain. They have got somewhere in the vicinity of 6,500. We have got 135,000 to 140,000, and the reports are that even Great Britain is considering withdrawing up to one-third of their troops from Iraq.

So what do we have? We have a situation where every mother and father in this country should pay attention if they have a child and they do not want that child facing a military draft and being forced to go fight this war that George Bush has started in Iraq. I do not care if a parent's child is 10 years old or 14 years old or 18 years old. If they do not want that son or daughter to be subject to a military draft, they should be paying attention, because although the President says he has no intention of instituting a mandatory draft, if you look at the situation, you look at our manpower needs, you look at the fact that the National Guard is currently having difficulty recruiting sufficient numbers, that they are even taking people who are pre-enlisting, they may still be completing their education, for example, and will not actually be eligible to enter the military for another year or so, they are counting those people as new recruits in order to at least pretend that we are meeting our current manpower needs. That is happening right now.

Mr. INSLEE. Madam Speaker, I just want to add to the point backup for what you are saying.

I read in the last 3 days two very disturbing things. Number one, for the first time in 15 years, the National Guard has fallen over 5,000 people short in their recruiting, for obvious reasons, that we see the stretch that has resulted in a silent draft already of pulling people back repeatedly, and 50-year-old people who have gone to Iraq once for a year, come back for several months, now have to go back again, leaving their families and careers. Of course, the National Guard is going to fall short.

We already have a silent draft because now the Army's pulling people back who served 4- and 5-year terms already, who never understood that they could realistically thought they would be pulled back, and it is disturbing to show you how bad this is. I think something like 25 percent of those people have not appeared for duty. They are so upset about what has happened. This is a major problem in our military because the President planned so poorly about what was going to be involved in Iraq.

Mr. STRICKLAND. Madam Speaker, if the gentleman would yield, my understanding is that those people, those citizens out there, are now being considered deserters because they have not reported.

This is a serious matter. I think the President should be talking to the American people in a very straightforward way about how he intends to meet our military personnel manpower needs without a draft.

□ 2310

Just simply saying we are not going to have a draft is not an answer, because we have the need.

What happens, for example, if something were to break loose on the Korean peninsula? What happens? North Korea is basically thumbing their nose at this administration and basically saying, what are you going to do to us? You are bogged down there in Iraq. Your military is stretched thin. What are you going to do to us if we decide to continue to pursue our efforts to acquire nuclear weapons?

Then there is Iran. Iran is saying basically the same thing. Do they feel intimidated by us? Well, apparently not, because they are indicating they are going to go right ahead with their nuclear program. And we are bogged down in Iraq.

Now, the fact is that Iraq did not have a nuclear program. Iraq was not an imminent threat to this country. Iraq did not present a danger to the American people, but we have diverted our resources and our military capabilities to Iraq, and now we are bogged down there. It is a quagmire. The President wants to avoid that word, but when you have large geographic areas and huge cities in Iraq that are off limits, that are ''no-go zones,'' where our soldiers cannot even enter, then you are living in a make-believe world to say things are going well; that we are going to have elections in January; that democracy is on the march. It is not.

We are not winning in Iraq. And it is not the fault of our soldiers. We honor the service of our soldiers, all of us in this chamber do. But we are just sick and tired of the lack of candor coming from this administration.

Mr. INSLEE. Reclaiming my time, Madam Speaker, I want the gentleman to know that it is not only our sort of hard military assets, when we think of soldiers and tanks and ships that have been pulled away from the real threats that we face, it is our intelligence services. Our intelligence services were pulled off of hunting Osama bin Laden to deal with Iraq.

They actually took the Predator aircraft that was searching for Osama bin Laden up in Afghanistan and moved it to Iraq. And we still have not found Osama bin Laden. We actually diverted intelligence sources that could have been used to find out what Iran is actually doing with their nuclear program, a real threat to this country, a real statement that Iran wants to develop fissionable material. But we moved it to Iraq.

Instead of having intelligence services in North Korea to find out what they are really doing, it is in Iraq. Our intelligence services have been malpositioned as a result of this.

Before we go on into a lot of detail, I would like to suggest ten questions that we in Congress have a duty to ask the administration, and I think the American people have a duty to ask the President of the United States. I think, during the next 5 weeks, this is a very important time to ask these ten questions, and I will posit these ten questions and maybe even hazard an answer about the President's performance in Iraq.

The President's performance is a life or death matter, and we have to ask whether the President's performance has been up to snuff or whether it has been something below expectations and whether it has cut the mustard.

Mr. STRICKLAND. Before the gentleman asks those questions, Madam

Speaker, if he will continue to yield, I would like to make one further comment.

I would hope every parent in this country would ask themselves, as they contemplate this war and the situation in which we find ourselves, do they believe that this President's leadership is such that his wisdom, his maturity, his judgment is such that they would entrust their son or their daughter to go fight this war in Iraq?

And the reason I think that is a relevant question is because the President is asking no one to sacrifice for this war save the soldiers who are there risking their lives, in too many cases dying and being injured, and the people who love them back here at home. No one else is being asked to participate in this war.

We are not being asked to pay taxes to pay for the war. We are not being asked to in any way discipline ourselves by saving energy so that we are less reliant on the Middle East for oil and gasoline and such. The President is not sacrificing for this war. It has not touched his life in any direct way. Members of this House, our friends in the other body, by and large, are not sacrificing for this war. I believe there are maybe two Members of the 435 Members of the House and 100 Senators who actually have a child, a son or daughter, who is a part of the active military now.

So we are not sacrificing during this war. The American people generally are not being asked to sacrifice. Are we being asked to pay taxes so that the cost of this war will not be passed on to future generations? No. No. That is not happening.

So it seems appropriate that as we contemplate the fact that some moms and dads are sacrificing and have sacrificed, some husbands and wives have sacrificed, this very night they go to bed wondering whether or not their loved one is going to be safe, it seems that we should reflect upon what is happening here with regard to the fact that we have entered a war of choice.

Iraq did not attack us. Osama bin Laden attacked us. The al Qaeda network attacked us. Iraq was not an imminent threat, yet we find our sons and daughters fighting and dying in this war. So I think it is appropriate to pause and say to the mothers and fathers in this country, do you think this war is worth the sacrifice of your son or your daughter?

And if the people who are listening cannot answer that question in the affirmative, it seems to me then that they should start to question whether or not the sacrifice of some other moms' or dads' sons or daughters is worth the sacrifice.

Mr. INSLEE. Madam Speaker, this Congress needs to ask an additional question. Do we have the right people making the decisions that have exposed our sons and daughters to this life-and-death situation? It is certainly appropriate to ask at least ten hard questions in that regard to see whether this administration has been right or wrong in Iraq.

So I will ask quickly ten questions and posit an answer, and they all are very simple. Was the President right or wrong on various issues in Iraq? I will ask these ten questions, and then I have pretty clear answers that should be pretty obvious to anyone.

Question number one: Was the President right or wrong when he started a war under the statement clearly made to the American people that there is no doubt, no doubt, he said, that Iraq had weapons of mass destruction? Was he right or was he wrong on this life-or-death question?

The fact simply is, he was wrong. He was wrong not only in hindsight, which is easy, but in foresight, because we now have seen the intelligence, and we know there was lots of doubt. This President says there was no doubt, and he was wrong. Then when he made that statement, and over 1,000 Americans have died as a result of that misstatement. The President was not right. He was wrong.

Question number two: Was the President right or wrong when he led Americans to believe that Saddam Hussein was connected to the attack on America on September 11? Was he right or wrong when he led Members to believe that?

Mr. STRICKLAND. Madam Speaker, if the gentleman will yield, I would like to answer that question.

He was absolutely wrong. And in spite of all the evidence, the evidence, for example, that is coming from the 9/11 Commission, this bipartisan commission that found that there was no credible relationship between Saddam Hussein and the attack upon our country, in spite of that evidence, the Vice President continues to try to mislead the American people and to cause the American people to see a connection that did not exist between Saddam Hussein and the attack upon our Nation.

So the answer to the gentleman's second question is, the President was wrong.

Mr. INSLEE. Let us go to question number three: Was the President right or wrong when he led the American people to believe that we would be welcomed as liberators, with rose petals aplenty, with joy in the streets for months welcoming us, which would reduce the need for American troops? Was he right or wrong?

He was wrong, unfortunately. And he was wrong not just in hindsight but he was wrong in not listening to his own intelligence reports that we now know that he had. A report came out last week about the intelligence report he had at that time that predicted because of the ethnic tensions in Iraq that we would be seen as occupiers from day one. He was wrong.

□ 2320

Question number four: Was the President right or wrong in rejecting the advice from his own military personnel that we would need several hundred thousand troops in Iraq to provide security immediately after the collapse of the Iraqi Army or else loitering would run crazy and anarchy would run through the streets? Was he right or wrong when he sent out his hit men to defame General Shinseki, to say that General Shinseki did not know what he was talking about when he said we would need at least 300,000 or 400,000 troops to do this job?

Mr. STRICKLAND. Madam Speaker, he was wrong again. The fact is that this question points to the fact that the civilian leadership within this administration really discounted the professional military advice coming to us from the military folks who had given their lives to studying and having knowledge about these issues. The fact is that General Shinseki, they say he was not fired, but he was pushed aside. He was forced into retirement because they did not want to hear what he had to say. When he gave advice that they found inconsistent with their own predetermined notions of what they wanted to do, they forced General Shinseki into retirement. Once again, the President was wrong.

Mr. INSLEE. Madam Speaker, my fifth question: Was the President right or wrong when he said or the assumption was made that not all of our troops needed body armor and we did not need heavy armor in the streets of Baghdad because only the people in the front lines would be targets? He was wrong. Anyone who knows anything about insurgency should have reached that conclusion. The gentleman from Ohio (Mr. STRICKLAND) has done yeomen's service in fighting this administration to get that body armor to our people.

Mr. STRICKLAND. Madam Speaker, I know something about body armor. There have been accusations that one of the candidates for president voted against an $87 billion supplemental request, somehow deprived our soldiers of body armor. I know something about this because, early on in the conflict, a young constituent of mine, a graduate of West Point and a gung-ho Army guy, wrote to me and said, my men wonder why they do not have this body armor protection. The fact is I started writing letters to Secretary Rumsfeld and General Myers.

I got letters back, and basically, they said to me, we did not plan adequately, we do not have the materials that are necessary to provide this body armor.

So the truth is, in answer to the gentleman's question, the President was wrong because the President chose to send our young soldiers into battle without body armor. It took this administration an entire year from March of 2003 until March 2004 to protect all of our soldiers with individual body armor. And the body armor I am talking about is referred to as the interceptor vest. It costs about $1,500 a piece. It is composed of a vest made of

Kevlar with pockets in the front and back for the insertion of ceramic plates. This vest is capable of stopping an AK–47 round. I believe to the core of my being that we have had soldiers lose their lives and be unnecessarily injured simply because this administration prematurely sent our soldiers into battle without this vital equipment. The President was wrong when he sent our troops into battle without adequate body armor.

Mr. INSLEE. Madam Speaker, the sixth question: Was the President right or wrong when he told Americans that, after the mission was accomplished and the President made his grandiose landing on the aircraft carrier in full regalia with the wonderful flight suit and helmet on, and stood in front of a banner that said ''Mission Accomplished'' and led Americans to believe it was going to be a decreased violent situation, was he right or wrong? And let me suggest that it was 800 lost American heroes ago. He was wrong sadly.

But the problem with this is this is a repeated circumstance with this administration. The administration said that after the Iraqi Army collapsed, things would get better. They got worse. The President said that when we had the turnover, the purported turnover to a provisional Iraqi government, things would get better. They have gotten worse. We are having an accelerated loss of men and women since the turnover.

The President says after the election, things will get better. The President simply has been wrong time and time again with his rose-colored glasses and not facing the truth of the situation in Iraq.

The seventh question: Was the President right or wrong when he decided that the way he was going to do the reconstruction of Iraq was not to hire Iraqis, not to hire Iraqi personnel to do the work, not to hire poor Iraqis which he might get off the street and reduce unemployment, but instead give the contracts to his friends at Halliburton so Halliburton could hire people from the Philippines with our taxpayer money? He was wrong in giving the money to Halliburton and the reason he was wrong is we know that every employed Iraqi is one less potential recruit for the insurgency, and we have been wasting billions of American taxpayer dollars, not using it effectively in the reconstruction of Iraq.

Madam Speaker, my final question, my eighth question is: Was the President right or wrong in saying now that we have done enough, at a proper rate of training the new Iraqi security force, was he right or wrong?

I am going to give Members one tidbit that I read today. Today, a year and a half after the invasion, this administration still has less than 40 percent of the infrastructure for the military necessary to train the Iraqi Army. So here we are with our GIs in harm's way and a year and a half later this administration has less than half of the people they need to do the training of the Iraqi Army, and they expect to have an election in 3 months.

Madam Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Madam Speaker, here we are again late at night asking questions.

Madam Speaker, it is a rare commodity, unfortunately, in Washington, D.C., when one speaks of courage. We witness courage all over America. We witness courage in terms of our men and women overseas risking their lives. We observe courage every day in our streets, particularly with our public safety officials. We clearly witnessed an extraordinary level of courage and heroism on September 11, but we seem to have a paucity of political courage because I believe and I think that most Americans share the view that political courage involves admitting that you are wrong when it is clear that you have made a mistake.

Madam Speaker, all of the questions that the gentleman from Washington (Mr. INSLEE) posed to the gentleman from Ohio (Mr. STRICKLAND) elicited an obvious answer, that the President was wrong.

□ 2330

But what I find most disturbing is the inability of this President to summon the political courage to acknowledge that he was wrong. It is certainly no disgrace to make a mistake, to be wrong. We have all done it. I do it every day. But what I think is particularly un-American, undemocratic, is a reluctance to be forthright and honest about your failures. We do not hear that from this President. That is sad. Because that kind of courage would be the earmark of genuine leadership, of leadership that would be embraced by all of us, irrespective of partisan differences. But it is so sorely lacking at this moment in our history.

We need a leader with political courage. I think it became clear to me last March when David Kay, the man who led this White House postwar effort to find the weapons of mass destruction that were purportedly in Iraq, called on the President to come clean with the American people. I think when he made that call, he felt that the President was receiving poor political advice and that what was necessary was to acknowledge that a mistake had been made. I know that the two of you remember his appearance before a committee in the other branch that appeared on the front page of, I think it was Time magazine, but it was eloquent in its courage when he said, ''We were all wrong.'' It is not a sin to be wrong, but it is not being patriotic and American to lack the courage to admit a mistake was made.

David Kay said, and I am quoting from a story that appeared in the Guardian, a highly respected English magazine. He said that the administration's reluctance to make that admission was undermining its credibility at home and abroad. He called for a frank admission, even though it was embarrassing.

Not only are we losing our prestige, not only are we losing our claim to moral authority but because of this President's failure to admit he was wrong, let me suggest we are losing the war on terror, because we are losing allies every day and the American people should know that. Because when you review the hard evidence that shows that incidents of terror are increasing dramatically every day all over the world, particularly in Iraq and in Afghanistan, I fear that we are losing that war, a war that every American wants to win. I thank the gentleman from Washington for enumerating that list of mistakes. But I could even forgive this President if he could accept responsibility, but he cannot. That is a failure of courage.

Mr. INSLEE. I think the ninth question dovetails with what you are saying so eloquently that all of us can make mistakes. It is human. And these are difficult situations, obviously. But my ninth question, I think, goes to an issue that exposes why we are in such a difficult situation in Iraq. The ninth question is, Is the President right or wrong when he tells us, or leads us to believe that most of this violence against Americans in Iraq are outside forces of Iraq, sort of these outside terrorists who are coming into Iraq to commit this horrendous violence against us? The reason he has said this, I think, is he wants to believe that because he does not want to believe that the Iraqis themselves do not view us as liberators, because he always believed that apparently we would be greeted as liberators. He apparently cannot get out of that mind-set that some Iraqis view us as occupiers.

So was the President right or wrong when he says that most of the violence against Americans is caused by people from outside of Iraq? The President is wrong. The reason I know that is they finally did an evaluation of the people in custody in our prisons, Abu Ghraib where we obviously had a lack of leadership as far up as the Secretary of Defense; but what they found was of all the people we had in custody, less than 2 percent were from outside of Iraq. Less than one out of 50 of these people that we had in custody were from outside Iraq.

What does that tell you? That is bad news for us, because what it means is that 49 out of 50 of those people are Iraqis who are fighting, who are domestic and who live there. That means that the President's working assumption from day one that we would be seen as liberators simply is not the case, and he refuses to recognize that reality.

Mr. STRICKLAND. On this question, this ninth question, I think the President is partly right. I think he is mostly wrong because as my friend from Washington has indicated, the people

in Iraq simply do not want us there. All the opinion polls indicate that. When you see the people dancing in the streets when one of our tanks has been exploded or something, oftentimes you see young Iraqi children. These are not foreigners that have invaded Iraq. But I will admit that the President is partly right, because some of the people in Iraq now are in fact terrorists from outside the country.

But that leads to another question. When did they come there, and why are they there? The evidence is that Iraq was not a country that was filled with al Qaeda terrorists prior to this war, but in fact since this war has started, now Iraq is becoming a haven for terrorists. Terrorists are in fact coming. Some of the Taliban, we are even being told, the former Taliban terrorists that were in Afghanistan are now finding some haven for themselves in Iraq. Some of the large cities in Iraq are havens for the terrorists. These are the so-called no-go zones where our troops cannot go and say they are places which are really breeding terrorists.

So I do think that we have created a mess in Iraq. We have taken a country that was not an imminent threat to us, we took a country that was controlled by an authoritarian, despicable dictator who abused his own people, that is true. That is Saddam Hussein. Are we glad he is gone? Absolutely. He was a terrible human being, a terrible person. But the fact is that does not cover the problem we have of justifying invading Iraq as the President indicated because they were connected to the attack on our country or they were somehow an imminent danger to us or were developing nuclear weapons or had weapons of mass destruction.

□ 2340

None of those things are true. So what I am trying to say to my friend in regard to his ninth question, which I think is a thoughtful question, we have created in Iraq, or this administration has created in Iraq, a breeding ground for terrorists, and many of those terrorists are homegrown Iraqis. Some of them are the result of outsiders seeing an opportunity now to go into Iraq because of all the chaos that exists there and join this effort against the United States.

Mr. INSLEE. Madam Speaker, I really think that is a perceptive comment, what he said, which I agree with, that while Iraq may not have presented a terrorist threat before this invasion, it does now. And I think that is a very perceptive thing to say and I agree.

Mr. STRICKLAND. Madam Speaker, if the gentleman will continue to yield, to make an effort just to clarify what I am saying, the President has made every attempt to convince the American people that the war in Iraq is the war against terror, and he has tried to blur the distinctions between Osama bin Laden and Saddam Hussein. He has tried to imply that al Qaeda, this terrorist network, was operative in Iraq.

The fact is that the American people know better. They know the war on terror is the war against Osama bin Laden and against those who attacked our country. And the fact is that when the President tries to blur that distinction, I think he is doing a disservice to the American people.

There is a war in Iraq, a preemptive war which we initiated. There is a war against terror, against those who were associated with Osama bin Laden and who are determined to once again strike our country. And I would just remind the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Washington (Mr. INSLEE) that the leader of the war against us in terms of a terrorist network is Osama bin Laden. And Osama bin Laden is alive and well somewhere. And this President spoke for 63 minutes at the Republican convention and never once mentioned his name.

Mr. INSLEE. Madam Speaker, reclaiming my time, I have heard it said that he is really ''Osama been forgotten,'' and unfortunately that has some truth to it.

Let me ask my tenth question about whether the President has been right or wrong on these critical issues.

Was the President right or wrong when he told us that the American taxpayer would not have to pay for this effort because the Iraqi oil fields would be producing enough to essentially pay for this operation in the reconstruction of Iraq? Something Mr. Wolfowitz told I think every single Member, 435 Members of Congress, looked us in the eye and said not to worry, the Iraqi oil revenues will pay for this; the American taxpayers are not going to have to sacrifice a dime for this operation.

Madam Speaker, I yield to Mr. DELAHUNT to answer that question, was the President right or wrong in that regard?

Mr. DELAHUNT. Madam Speaker, not only was he wrong, but what the administration did, and we have heard much about $87 billion, and the White House attacks JOHN KERRY because he voted against the $87 billion, but what they failed to do was tell the other half of the story, like we all voted against the $87 billion also, because not only did he fail to tell the truth about the cost of reconstruction but rather insisted that the monies that were to be utilized in rebuilding Iraq were to be a gift, a giveaway. So all of those American taxpayers who are out there who were misled about the cost of the war being paid for by the Iraqis in the first instance, they should understand that all of the money we are pouring into Iraq is not a loan. It is a gift. It is a giveaway. It is welfare, if you will.

We heard today about welfare, welfare to work. We are providing welfare for the Iraqi people. We are building them 6,000 miles of roads. We cannot get a transportation bill through here to help build American roads and repair them. We are building schools in Iraq, and we are rehabilitating schools in Iraq, thousands of them. But there is no money to rebuild and rehab schools in America.

And do my colleagues know what else we are doing? We are building affordable housing, 25,000 units, for Iraqi people. In the United States, with our population, which is ten times that of Iraq, we are building 5,000. And do my colleagues know what? Mr. and Mrs. Taxpayer are not going to get a dime of it back. Sure, there are other nations that are giving something, nowhere near what we are, but their governments insisted it be a loan.

So, in short, Madam Speaker, we were misled, and the American taxpayer has been duped, and the American taxpayer is not going to get a dime back.

Mr. INSLEE. Madam Speaker, reclaiming my time, let me add insult to injury. The President has essentially wanted to fight this war on the cheap and not pay for it, the first time in American history where a President has done massive tax cuts in the middle of a war. And as a result of that, what this President has done has put the real cost of this war and the reconstruction of Iraq not on our generation. It is all deficit spending. The $200 billion-plus is all deficit spending because the President has not had the gumption to go to the American people and ask them to pay for this war. Winston Churchill said, ''All I have to offer you is blood, sweat, toil, and tears.'' This President has not been willing to level with the American people to really say, I am asking them to buck up for the cost of this. And when one is not willing to be candid with the American people in that regard, how can we continue to maintain support for this operation? This deficit spending is wrong.

I just want to summarize before we go to the future and use our remaining time talking about where we go in the future. I just want to summarize our discussion. We have asked ten questions tonight, the ten critical questions about this President's performance in Iraq, was he right or wrong? Here is the summary of the answers:

He was wrong on WMD. He was wrong about al Qaeda's links. He was wrong about our being greeted as liberators with rose petals. He was wrong about the number of troops that we would need to maintain security in Iraq, despite the advice of his own generals. He was wrong about not saying that we needed body armor for everyone. He was wrong about saying, as soon as mission is accomplished and there is a new government, things would get better. He was wrong about saying it is better to give deals to his friends at Halliburton than it is to Iraqis working to get this work done. He was wrong about saying there would be a decrease in violence. He was wrong about saying that the majority of the people essentially are outside of Iraq. He was wrong about not providing enough trainers early enough to get an army of Iraqis up to face this threat. And, lastly, he

was wrong in not facing the real cost of this operation and wrong in making this all deficit spending.

Those are ten very serious failures of leadership by this American President. And these are not peripheral issues. And it shows a pattern. And one thing the gentleman from Ohio (Mr. STRICKLAND) said and the gentleman from Massachusetts (Mr. DELAHUNT) both, these are difficult issues. We can all make mistakes. But this is a pattern of repeated failure that has now resulted in a terrible situation where things are getting worse rather than better in Iraq. There has been one person in the administration who has said that, and that is the Secretary of State. Exactly one person in the administration has recognized how dire this situation is. And now the American people are going to be called to ask, was this good enough performance in difficult situations? And that is a decision they will make in November.

I hope we can turn our discussion for our remaining time now about our suggestions about where we go from here, what we suggest we need to do because we are in this pickle together. Democrats and Republicans, we are all in the lifeboat together. Let me just make one quick suggestion I would make.

□ 2350

I believe it is important for the American President to make very clear to the Iraqi people that we are not going to be in Iraq forever. We are not going to be a permanent presence in Iraq. Unfortunately, he is sending different messages and building 14 permanent military bases in Iraq that obviously are going to be there for decades, the way they are under construction.

We need Iraqis to realize their destiny is in their hands, that they cannot rely on us. They need to get on their own two feet and shoulder these burdens. These groups we are putting in the army have to decide they might have to engage for their own benefit, they cannot rely on us as a crutch forever. We need to make that statement very clear to the Iraqis to encourage them to take responsibility for their own destiny.

I yield to the gentleman from Ohio.

Mr. STRICKLAND. Madam Speaker, I like that suggestion from my friend from Washington State, that we need to convey to Iraqis that we do not intend to stay there.

A second suggestion I would like to make is we need to convey to the world community that this is their problem, not just an American problem. Stability in the Middle East, access to the resources, the oil resources in the Middle East, is important for so many countries, not just us. But the fact is that this President and this administration really have stuck their thumbs in the eyes, figuratively speaking, of so many of our traditional allies.

The fact is that we had this administration announcing right off that the work to do the reconstruction in Iraq would only go to certain companies, Halliburton being the primary one, and no other countries could or would be involved. So we basically said we do not want you involved, because, as was said earlier, we thought it was going to be easy sailing. We would go in there, they would love us, democracy would bloom, we would have access to oil, and we did not want the help of other countries.

Now it has gotten pretty tough, and we find more and more of even the coalition partners pulling back, pulling away. Some countries have pulled out entirely. Even Great Britain, they are talking about the possibility of reducing their force in Iraq by one-third. So I believe we do need to internationalize the effort in Iraq.

We need to go to the UN, we need to go to NATO. We need to say this is a problem that is of importance to all of us, the solution must come from all of us, and the burden must be borne by all of us.

Now, can President Bush do that? I doubt if he can. I think he has so poisoned the water in terms of our international relationships that it is highly unlikely that we will ever be able to develop the kind of international cooperation and coalition that will enable us to extricate ourselves from Iraq in a timely manner with honor. So that is why I believe we need a change in administration.

Now, our traditional allies, and I am talking about the Europeans that have fought wars with us and been our partners, I do not think they like to be alienated from us. I do not think they like a division between our country and their country. I believe they would welcome an opportunity for a rapprochement, for a coming together, even to deal with this most difficult issue. But I do not think it will happen under the leadership of this President or this administration.

So my suggestion, in addition to the one I have heard from my colleague and friend from Washington State, is that we move forward with a renewed effort to internationalize the conflict in that part of the world, and I think it can be done, and I think it will be done under new presidential leadership.

Mr. INSLEE. Madam Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT) for a suggestion.

Mr. DELAHUNT. Madam Speaker, I would simply add to that is what we have now is the President in terms of world opinion that has very little credibility. Let us just state the truth, the reality: If we are going to internationalize, we have to have an administration that has credibility and respect throughout the world.

There was a recent survey of some nine Islamic countries, and in fact Secretary Powell just indicated that the magnitude of anti-Americanism throughout the world and specifically among Muslim nations is growing at a fearful rate. But the survey that was done of these nine countries indicated that the vast majority of those people in those nations believed that we went there for oil; for oil.

I would like to leave you with this question: Before September 11, according to an anecdote that was related in a book by the former Secretary of Treasury, a Republican, a conservative who served in the Reagan and the Nixon administrations, indicated that on February 26, 2001, months before our national tragedy, he saw a map. It was prepared by the Secretary of Defense, Secretary Rumsfeld, with markings for a super giant oil field and earmarked for production sharing and dividing the largely undeveloped southwest of the country into nine blocks for future exploration.

In other words, in February of 2001, according to Secretary of Treasury Paul O'Neill, the administration had a map, and the map is to my left. This was before any issue of weapons of mass destruction or links to al Qaeda came up.

Now, where did this map come from? Well, it was produced as a result of a lawsuit, a lawsuit by a group called Judicial Watch, which certainly is no fan or ally of partisan Democrats. They secured it as a result of discovery proceedings in a lawsuit against the vice president of the United States, DICK CHENEY, because of the secrecy surrounding his Energy Task Force. That is where it came out. And here is the map of Iraq.

We need some answers and the rest of the world needs some answers about this map, about Secretary O'Neill's reference to it, so that we can clarify, once and for all, what the real motive of our military intervention in Iraq was all about, because it is stories like this that lead the rest of the world to doubt our motives and our proclamation, Madam Speaker, that we are bringing democracy to the rest of the world.

Mr. INSLEE. Madam Speaker, reclaiming my time, the gentleman brings up the issue of our relationship with these contractors.

Let me make a third suggestion, and that is that this administration stop pouring money into Halliburton and start getting it to Iraqis so they can get to work rebuilding their own country.

There is no reason for us to be giving our taxpayer dollars to Halliburton so they can hire Filipinos and take, I don't know what the percentage is, but to skim profits off the top in this cost-plus kind of contract, no-bid contracts. That is wrong to taxpayers. But, more importantly, it is wrong in our effort to stop the insurgency in Iraq.

You have got thousands of idle young men in Iraq with no job, and yet we are paying our taxpayer money to hire Filipinos in Iraq? This makes no sense whatsoever. Whatever relationship the vice president had with Halliburton, it should not be driving bad decision making when it comes to contracting in Iraq. That has got to stop. That is my third suggestion.

Madam Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Madam Speaker, I just want to thank my friend the gentleman from Washington (Mr. INSLEE) and my friend the gentleman from Massachusetts (Mr. DELAHUNT) for participating tonight. What we are talking about is quite serious, it involves life and death, it involves the future of our Nation, and the American people need to be paying attention, because this war could drag on for 50 years or more.

We have unleashed a hornet's nest in the Middle East and I see no plan to bring it under control. All we are promised by this administration basically is more of the same or something worse, out-and-out civil war, with our troops caught in the cross fire.

So it is important that we talk about these matters, it is important that the American people pay attention to these matters, because we are going to be making a decision in 32 days, or something like that, regarding the future of this Nation, and I believe under the current administration we will have nothing but more of the same.

Mr. INSLEE. Madam Speaker, reclaiming my time, we will note that we will continue our discussion about Iraq in the weeks to come. We owe this obligation to our men and women serving proudly tonight. We will not be intimidated into stopping to ask these hard questions of the Federal Government. Americans deserve these questions to be asked, and they will be answered.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEK of Florida (at the request of Ms. PELOSI) for today and September 30 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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. NORWOOD) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today and September 30, October 4, 5, and 6.

Mr. HENSARLING, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and September 30 and October 1.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2742. An act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1308. An act to amend the Internal Revenue Code of 1986 to provide tax relief for working families, and for other purposes.

H.R. 3389. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 41. A Joint Resolution Commemorating the opening of the National Museum of the American Indian.

ADJOURNMENT

Mr. DELAHUNT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until tomorrow, Thursday, September 30, 2004, at 10 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, September 29, 2004.

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

DEAR MR. SPEAKER: Section 304(b)(1) of the Congressional Accountability Act of 1995 (''Act''), 2 U.S.C. 1384(b)(1), requires that, with regard to substantive rules under the Act, that ''[t]he Board [of Directors of the Office of Compliance] shall publish a general notice of proposed rulemaking under section 553(b) of Title 5, United States Code . . . [by transmittal] to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.'' Board of Directors of the Office of Compliance is transmitting herewith the enclosed Notice of Proposed Rules implementing certain substantive rights and protections of the Fair Labor Standards Act of 1938, for publication in both the House and Senate versions of the Congressional Record on the first day on which both Houses of Congress are in session following this transmittal.

Any inquiries regarding this Notice should be addressed to the Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, DC 20540.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of Directors.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

Implementing Certain Substantive Rights and Protections of the Fair Labor Standards Act of 1938, as Required by Section 203 of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1313.

NOTICE OF PROPOSED RULEMAKING

Background: The purpose of this Notice is to initiate the process for replacing existing overtime pay eligibility regulations with new regulations which will substantially mirror the new overtime exemption regulations recently promulgated by the Secretary of Labor.

Do FLSA overtime pay requirements apply via the CAA to Legislative Branch employing offices? Yes. One of the regulatory statutes incorporated in part through the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1301 et seq., is the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. 201 et seq. Section 203(a)(1) of the CAA states: ''[t]he rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the [FLSA] . . . (29 U.S.C. 206(a)(1), 207, 212(c)) shall apply to covered employees.'' Section 7 of the FLSA, 29 U.S.C. 207, includes the requirements regarding the payment of time and one half overtime pay to employees.

Are there existing overtime exemption regulations already in force under the CAA? Yes. In 1996, the Board of Directors of the Office of Compliance promulgated the existing CAA overtime exemption regulations based on the ''old'' 29 CFR Part 541 regulations which were in force until August 23, 2004. These regulations were adopted pursuant to the CAA section 304 procedure outlined herein below. Those regulations are found at Parts H541 (applicable to the House of Representatives), S541 (applicable to the Senate), and C541 (applicable to the other employing offices covered by section 203 of the CAA) of the FLSA Regulations of the Office of Compliance. These regulations remain in force until replaced by new regulations. Office of Compliance regulations can be accessed via our web site: www. compliance. gov.

Why is this Notice being issued? This Notice of Proposed Rulemaking is occasioned by the recent promulgation of new overtime exemption regulations by the Secretary of Labor at Vol. 69 of the Federal Register, No. 79, at pp. 22122 et seq., on August 23, 2004. The new regulations of the Secretary of Labor are set out at 29 U.S.C. Part 541, and replace the regulations which had been in effect prior to August 23, 2004. The Secretary of Labor's regulations do not apply to employing offices and employees covered by the CAA.

Why are there separate sets of existing FLSA regulations for the House of Representatives, the Senate, and the other employing offices covered by the CAA? Section 304(a)(2)(B) of the CAA, 2 U.S.C. 1384(a)(2)(B),

requires that the substantive rules of the Board of Directors of the Office of Compliance ''shall consist of 3 separate bodies of regulations, which shall apply, respectively, to—(i) the Senate and employees of the Senate; (ii) the House of Representatives and employees of the House of Representatives; and (iii) the other covered employees and employing offices.'' In 1996, the House of Representatives (H. Res. 400) and the Senate (S. Res. 242) each adopted by resolution the FLSA regulations applicable to each body. The Senate and House of Representatives adopted by concurrent resolution (S. Con. Res. 51) the regulations applicable to other employing offices and employees.

Are there substantive differences in the proposed regulations for the House of Representatives, the Senate, and the other employing offices? No. While there are some differences in other parts of the existing FLSA regulations applicable to the Senate, the House of Representatives, and the other employing offices (chiefly related to the mandate at section 203(c)(3) of the CAA, 2 U.S.C. 1313(c)(3), regarding ''covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate . . .''), the Board of Directors has identified no ''good cause'' for varying the text of these regulations. Therefore, if the proposed part 541 regulations are adopted, the prefixes ''H'', ''S'', and ''C'' will be affixed to each of the sets of regulations for the House, for the Senate, and for the other employing offices, but the text of the part 541 regulations will be identical.

How are substantive regulations proposed and approved under the CAA? Section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), requires that the Board of Directors propose substantive regulations implementing the FLSA overtime requirements which are ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulation would be more effective for the implementation of the rights and protections under this section.'' Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for promulgating such substantive regulations requires that: (1) the Board of Directors adopt proposed substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record; (2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; (3) after consideration of comments by the Board of Directors, that the Board adopt regulations and transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record; (4) committee referral and action on the proposed regulations by resolution in each House, concurrent resolution, or by joint resolution; and (5) final publication of the approved regulations in the Congressional Record, with an effective date prescribed in the final publication. For more detail, please reference the text of 2 U.S.C. 1384. This Notice of Proposed Rulemaking is step (1) of the outline set forth above.

How does the Board of Directors recommend that Congress approve these proposed regulations? Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to ''include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.'' The Board of Directors recommends that the procedure used in 1996 be used to adopt these proposed overtime exemption regulations: the House of Representatives adopted the ''H'' version of the regulations by resolution; the Senate adopted the ''S'' version of the regulations by resolution; and the House and Senate adopted the ''C'' version of the regulations applied to the other employing offices by a concurrent resolution.

Are these proposed regulations also recommended by the Office of Compliance's Executive Director, the Deputy Executive Director for the House of Representatives, and the Deputy Executive Director for the Senate? Yes, as required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), the substance of these regulations is also recommended by the Executive Director and Deputy Executive Directors of the Office of Compliance.

How are the Secretary of Labor's new overtime exemption regulations different than the old Secretary of Labor regulations at 29 CFR Part 541? The Secretary of Labor has substantially rewritten Part 541. Much of the regulatory framework for determining whether a particular employee should or should not receive overtime pay at time and one-half of that employees's regular rate of pay has been restructured under the new Part 541. For the Secretary of Labor's explanation of the substance of the changes, see the Department of Labor's discussion of the new regulations found at: www.dol.gov/fairpay/.

How similar are the proposed CAA regulations with the new Secretary of Labor regulations? Except for certain required changes, which are shown in the accompanying proposed regulations, the Board of Directors has repeated the text of the regulations at 29 CFR Part 541. ''Good cause'' for modification of the existing regulations of the Secretary of Labor, as required by section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), consists of those changes needed to reflect the authority of the CAA as the enabling statute for these regulations, the requirement at section 225(d)(3) of the CAA, 2 U.S.C. 1361(d)(3), that the CAA ''shall not be construed to authorize enforcement by the executive branch of this Act. . . .''. If there is any additional good cause for a particular proposed variation from the Secretary of Labor's regulations, it is set out adjacent to that provision of the proposed regulation.

Are these proposed CAA regulations available to persons with disabilities in an alternate format? This Notice of Adoption of Amendments to the Procedural Rules is available on the Office of Compliance web site, www.compliance.gov which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, D.C. 20540; 202–724–9225; TDD: 202–426–1912; FAX: 202–426–1913.

30-DAY COMMENT PERIOD REGARDING THE PROPOSED REGULATIONS

How can I submit comments regarding the proposed regulations? Comments regarding the proposed new overtime exemption regulations of the Office of Compliance set forth in this NOTICE are invited for a period of thirty (30) days following the date of the appearance of this NOTICE in the Congressional Record. In addition to being posted on the Office of Compliance's section 508 compliant web site (www.compliance.go) this NOTICE is also available in the following alternative formats: Large Print, Braille. Requests for this NOTICE in an alternative format should be made to: Bill Thompson, Executive Director, or Alma Candelaria, Deputy Executive Director, Office of Compliance, at 202–724–9250 (voice) or 202–426–1912 (TDD).

Submission of comments must be made in writing to the Executive Director, Office of Compliance, 110 Second Street, S.E., Room LA–200, Washington, D.C. 20540–1999. It is requested, but not required, that an electronic version of any comments be provided on an accompanying computer disk. Comments may also be submitted by facsimile to the Executive Director at 202–426–1913 (a non-toll-free number.) Those wishing to receive confirmation of the receipt of their comments must provide a self-addressed, stamped post card with their submission.

Copies of submitted comments will be available for review on the Office's web site at www.compliance.gov, and at the Office of Compliance, 110 Second Street, S.E., Washington, D.C. 20540–1999, on Monday through Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 12 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within the Legislative Branch.

HOW TO READ THE PROPOSED AMENDMENTS

The text of the proposed amendments reproduces the text of the regulations promulgated on August 23, 2004 by the Secretary of Labor at 29 CFR Part 541, and shows changes proposed for the CAA version of these same regulations. Changes proposed by the Board of Directors of the Office of Compliance are shown as follows: *[[*deletions within italicized brackets*]]*, ***and added text in italicized bold***. Therefore, if these regulations are approved as proposed, *[[*bracketed text will disappear from the regulations*]]*, ***and added text will remain***. If these regulations are approved for the House of Representatives by resolution of the House, they will be promulgated with the prefix ''H'' appearing before each regulations section number. If these regulations are approved for the Senate by resolution of the Senate, they will be promulgated with the prefix ''S'' appearing before each regulations section number. If these regulations are approved for the other employing offices by joint or concurrent resolution of the House of Representatives and the Senate, they will be promulgated with the prefix ''C'' appearing before each regulations section number.

PROPOSED OVERTIME EXEMPTION REGULATIONS

PART 541—DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES

Subpart A—General Regulations

Sec.
541.0 Introductory statement.
541.1 Terms used in regulations.
541.2 Job titles insufficient.
541.3 Scope of the section 13(a)(1) exemptions.
541.4 Other laws and collective bargaining agreements.

Subpart B—Executive Employees

541.100 General rule for executive employees.
541.101 Business owner.

541.102 Management.
541.103 Department or subdivision.
541.104 Two or more other employees.
541.105 Particular weight.
541.106 Concurrent duties.

Subpart C—Administrative Employees

541.200 General rule for administrative employees.
541.201 Directly related to management or general business operations.
541.202 Discretion and independent judgment.
541.203 Administrative exemption examples.
541.204 Educational establishments.

Subpart D—Professional Employees

541.300 General rule for professional employees.
541.301 Learned professionals.
541.302 Creative professionals.
541.303 Teachers.
541.304 Practice of law or medicine.

Subpart E—Computer Employees

541.400 General rule for computer employees.
541.401 Computer manufacture and repair.
541.402 Executive and administrative computer employees.

Subpart F—Outside Sales Employees

541.500 General rule for outside sales employees.
541.501 Making sales or obtaining orders.
541.502 Away from employer's place of business.
541.503 Promotion work.
541.504 Drivers who sell.

Subpart G—Salary Requirements

541.600 Amount of salary required.
541.601 Highly compensated employees.
541.602 Salary basis.
541.603 Effect of improper deductions from salary.
541.604 Minimum guarantee plus extras.
541.605 Fee basis.
541.606 Board, lodging or other facilities.

Subpart H—Definitions And Miscellaneous Provisions

541.700 Primary duty.
541.701 Customarily and regularly.
541.702 Exempt and nonexempt work.
541.703 Directly and closely related.
541.704 Use of manuals.
541.705 Trainees.
541.706 Emergencies.
541.707 Occasional tasks.
541.708 Combination exemptions.
541.709 Motion picture producing industry.
541.710 Employees of public agencies.

Authority: 29 U.S.C. 213; *[[*Public Law 101–583, 104 Stat. 2871*]]*; ***2 U.S.C. 203; 2 U.S.C. 304.*** *[[*Reorganization Plan No. 6 of 1950 (3 CFR 1945–53 Comp. p. 1004); Secretary's Order No. 4–2001 (66 FR 29656).*]]*

Subpart A—General Regulations

Sec. 541.0 Introductory statement. (a) Section 13(a)(1) of the Fair Labor Standards Act (Act), as amended, ***and as applied pursuant to section 203 of the Congressional Accountability Act of 1995, 2 U.S.C. 1313,*** provides an exemption from the Act's minimum wage and overtime requirements for any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of an outside sales employee, *[[*as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act.*]]* Section 13(a)(17) of the Act provides an exemption from the minimum wage and overtime requirements for computer systems analysts, computer programmers, software engineers, and other similarly skilled computer employees. (b) The requirements for these exemptions are contained in this part as follows: executive employees, subpart B; administrative employees, subpart C; professional employees, subpart D; computer employees, subpart E; outside sales employees, subpart F. Subpart G contains regulations regarding salary requirements applicable to most of the exemptions, including salary levels and the salary basis test. Subpart G also contains a provision for exempting certain highly compensated employees. Subpart H contains definitions and other miscellaneous provisions applicable to all or several of the exemptions. (c) Effective July 1, 1972, the Fair Labor Standards Act was amended to include within the protection of the equal pay provisions those employees exempt from the minimum wage and overtime pay provisions as bona fide executive, administrative, and professional employees (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of an outside sales employee under section 13(a)(1) of the Act. The equal pay provisions in section 6(d) of the Fair Labor Standards Act are also administered and enforced by the *[[*United States Equal Employment Opportunity Commission*]]* ***Office of Compliance.***

Sec. 541.1 Terms used in regulations. Act means the Fair Labor Standards Act of 1938, as amended. *[[*Administrator means the Administrator of the Wage and Hour Division, United States Department of Labor. The Secretary of Labor has delegated to the Administrator the functions vested in the Secretary under sections 13(a)(1) and 13(a)(17) of the Fair Labor Standards Act.*]]* ***CAA means Congressional Accountability Act of 1995, as amended. Office means the Office of Compliance. Employee means a "covered employee" as defined in section 101(3) through (8) of the CAA, 2 U.S.C. 1301(3) through (8), but not an "intern" as defined in section 203(a)(2) of the CAA, 2 U.S.C. 1313(a)(2). Employer, company, business, or enterprise each mean an "employing office" as defined in section 101(9) of the CAA, 2 U.S.C. 1301(9).***

Sec. 541.2 Job titles insufficient. A job title alone is insufficient to establish the exempt status of an employee. The exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee's salary and duties meet the requirements of the regulations in this part.

Sec. 541.3 Scope of the section 13(a)(1) exemptions.

(a) The section 13(a)(1) exemptions and the regulations in this part do not apply to manual laborers or other ''blue collar'' workers who perform work involving repetitive operations with their hands, physical skill and energy. Such nonexempt ''blue collar'' employees gain the skills and knowledge required for performance of their routine manual and physical work through apprenticeships and on-the-job training, not through the prolonged course of specialized intellectual instruction required for exempt learned professional employees such as medical doctors, architects and archeologists. Thus, for example, non-management production-line employees and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to minimum wage and overtime premium pay under the Fair Labor Standards Act, and are not exempt under the regulations in this part no matter how highly paid they might be.

(b)(1) The section 13(a)(1) exemptions and the regulations in this part also do not apply to police officers, detectives, deputy sheriffs, state troopers, highway patrol officers, investigators, inspectors, correctional officers, parole or probation officers, park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

(2) Such employees do not qualify as exempt executive employees because their primary duty is not management of the enterprise in which the employee is employed or a customarily recognized department or subdivision thereof as required under Sec. 541.100. Thus, for example, a police officer or fire fighter whose primary duty is to investigate crimes or fight fires is not exempt under section 13(a)(1) of the Act merely because the police officer or fire fighter also directs the work of other employees in the conduct of an investigation or fighting a fire.

(3) Such employees do not qualify as exempt administrative employees because their primary duty is not the performance of work directly related to the management or general business operations of the employer or the employer's customers as required under Sec. 541.200.

(4) Such employees do not qualify as exempt professionals because their primary duty is not the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as required under Sec. 541.300. Although some police officers, fire fighters, paramedics, emergency medical technicians and similar employees have college degrees, a specialized academic degree is not a standard prerequisite for employment in such occupations.

Sec. 541.4 Other laws and collective bargaining agreements. The Fair Labor Standards Act provides minimum standards that may be exceeded, but cannot be waived or reduced. Employers must comply, for example, with any Federal, State or municipal laws, regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the Act. Similarly, employers, on their own initiative or under a collective bargaining agreement with a labor union, are not precluded by the Act from providing a wage higher than the statutory minimum, a shorter workweek than the statutory maximum, or a higher overtime premium (double time, for example) than provided by the Act. While collective bargaining agreements cannot waive or reduce the Act's protections, nothing in the Act or the regulations in this part relieves employers from their contractual obligations under collective bargaining agreements.

Subpart B—Executive Employees

Sec. 541.100 General rule for executive employees.

(a) The term ''employee employed in a bona fide executive capacity'' in section 13(a)(1) of the Act shall mean any employee: (1) Compensated on a salary basis at a rate of

not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities; (2) Whose primary duty is management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof; (3) Who customarily and regularly directs the work of two or more other employees; and (4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

(b) The phrase ''salary basis'' is defined at Sec. 541.602; ''board, lodging or other facilities'' is defined at Sec. 541.606; ''primary duty'' is defined at Sec. 541.700; and ''customarily and regularly'' is defined at Sec. 541.701.

Sec. 541.101 Business owner. The term ''employee employed in a bona fide executive capacity'' in section 13(a)(1) of the Act also includes any employee who owns at least a bona fide 20-percent percent equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management. The term ''management'' is defined in Sec. 541.102. The requirements of Subpart G (salary requirements) of this part do not apply to the business owners described in this section.

Sec. 541.102 Management. Generally, ''management'' includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

Sec. 541.103 Department or subdivision. (a) The phrase ''a customarily recognized department or subdivision'' is intended to distinguish between a mere collection of employees assigned from time to time to a specific job or series of jobs and a unit with permanent status and function. A customarily recognized department or subdivision must have a permanent status and a continuing function. For example, a large employer's human resources department might have subdivisions for labor relations, pensions and other benefits, equal employment opportunity, and personnel management, each of which has a permanent status and function. (b) When an enterprise has more than one establishment, the employee in charge of each establishment may be considered in charge of a recognized subdivision of the enterprise. (c) A recognized department or subdivision need not be physically within the employer's establishment and may move from place to place. The mere fact that the employee works in more than one location does not invalidate the exemption if other factors show that the employee is actually in charge of a recognized unit with a continuing function in the organization. (d) Continuity of the same subordinate personnel is not essential to the existence of a recognized unit with a continuing function. An otherwise exempt employee will not lose the exemption merely because the employee draws and supervises workers from a pool or supervises a team of workers drawn from other recognized units, if other factors are present that indicate that the employee is in charge of a recognized unit with a continuing function.

Sec. 541.104 Two or more other employees. (a) To qualify as an exempt executive under Sec. 541.100, the employee must customarily and regularly direct the work of two or more other employees. The phrase ''two or more other employees'' means two full-time employees or their equivalent. One full-time and two half-time employees, for example, are equivalent to two full-time employees. Four half-time employees are also equivalent. (b) The supervision can be distributed among two, three or more employees, but each such employee must customarily and regularly direct the work of two or more other full-time employees or the equivalent. Thus, for example, a department with five full-time nonexempt workers may have up to two exempt supervisors if each such supervisor customarily and regularly directs the work of two of those workers. (c) An employee who merely assists the manager of a particular department and supervises two or more employees only in the actual manager's absence does not meet this requirement. (d) Hours worked by an employee cannot be credited more than once for different executives. Thus, a shared responsibility for the supervision of the same two employees in the same department does not satisfy this requirement. However, a full-time employee who works four hours for one supervisor and four hours for a different supervisor, for example, can be credited as a half-time employee for both supervisors.

Sec. 541.105 Particular weight. To determine whether an employee's suggestions and recommendations are given ''particular weight,'' factors to be considered include, but are not limited to, whether it is part of the employee's job duties to make such suggestions and recommendations; the frequency with which such suggestions and recommendations are made or requested; and the frequency with which the employee's suggestions and recommendations are relied upon. Generally, an executive's suggestions and recommendations must pertain to employees whom the executive customarily and regularly directs. It does not include an occasional suggestion with regard to the change in status of a co-worker. An employee's suggestions and recommendations may still be deemed to have ''particular weight'' even if a higher level manager's recommendation has more importance and even if the employee does not have authority to make the ultimate decision as to the employee's change in status.

Sec. 541.106 Concurrent duties.

(a) Concurrent performance of exempt and nonexempt work does not disqualify an employee from the executive exemption if the requirements of Sec. 541.100 are otherwise met. Whether an employee meets the requirements of Sec. 541.100 when the employee performs concurrent duties is determined on a case-by-case basis and based on the factors set forth in Sec. 541.700. Generally, exempt executives make the decision regarding when to perform nonexempt duties and remain responsible for the success or failure of business operations under their management while performing the nonexempt work. In contrast, the nonexempt employee generally is directed by a supervisor to perform the exempt work or performs the exempt work for defined time periods. An employee whose primary duty is ordinary production work or routine, recurrent or repetitive tasks cannot qualify for exemption as an executive.

(b) For example, an assistant manager in a retail establishment may perform work such as serving customers, cooking food, stocking shelves and cleaning the establishment, but performance of such nonexempt work does not preclude the exemption if the assistant manager's primary duty is management. An assistant manager can supervise employees and serve customers at the same time without losing the exemption. An exempt employee can also simultaneously direct the work of other employees and stock shelves.

(c) In contrast, a relief supervisor or working supervisor whose primary duty is performing nonexempt work on the production line in a manufacturing plant does not become exempt merely because the nonexempt production line employee occasionally has some responsibility for directing the work of other nonexempt production line employees when, for example, the exempt supervisor is unavailable. Similarly, an employee whose primary duty is to work as an electrician is not an exempt executive even if the employee also directs the work of other employees on the job site, orders parts and materials for the job, and handles requests from the prime contractor.

Subpart C—Administrative Employees

Sec. 541.200 General rule for administrative employees.

(a) The term ''employee employed in a bona fide administrative capacity'' in section 13(a)(1) of the Act shall mean any employee: (1) Compensated on a salary or fee basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities; (2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and (3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

(b) The term ''salary basis'' is defined at Sec. 541.602; ''fee basis'' is defined at Sec. 541.605; ''board, lodging or other facilities'' is defined at Sec. 541.606; and ''primary duty'' is defined at Sec. 541.700.

Sec. 541.201 Directly related to management or general business operations.

(a) To qualify for the administrative exemption, an employee's primary duty must be the performance of work directly related to the management or general business operations of the employer or the employer's customers. The phrase ''directly related to the management or general business operations'' refers to the type of work performed by the employee. To meet this requirement, an employee must perform work directly related to assisting with the running or servicing of the business, as distinguished, for example, from working on a manufacturing production line or selling a product in a retail or service establishment.

(b) Work directly related to management or general business operations includes, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Some of these activities may be performed by employees who also would qualify for another exemption.

(c) An employee may qualify for the administrative exemption if the employee's primary duty is the performance of work directly related to the management or general

business operations of the employer's customers. Thus, for example, employees acting as advisers or consultants to their employer's clients or customers (as tax experts or financial consultants, for example) may be exempt.

Sec. 541.202 Discretion and independent judgment.

(a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term ''matters of significance'' refers to the level of importance or consequence of the work performed.

(b) The phrase ''discretion and independent judgment'' must be applied in the light of all the facts involved in the particular employment situation in which the question arises. Factors to consider when determining whether an employee exercises discretion and independent judgment with respect to matters of significance include, but are not limited to: whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices; whether the employee carries out major assignments in conducting the operations of the business; whether the employee performs work that affects business operations to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the business; whether the employee has authority to commit the employer in matters that have significant financial impact; whether the employee has authority to waive or deviate from established policies and procedures without prior approval; whether the employee has authority to negotiate and bind the company on significant matters; whether the employee provides consultation or expert advice to management; whether the employee is involved in planning long- or short-term business objectives; whether the employee investigates and resolves matters of significance on behalf of management; and whether the employee represents the company in handling complaints, arbitrating disputes or resolving grievances.

(c) The exercise of discretion and independent judgment implies that the employee has authority to make an independent choice, free from immediate direction or supervision. However, employees can exercise discretion and independent judgment even if their decisions or recommendations are reviewed at a higher level. Thus, the term ''discretion and independent judgment'' does not require that the decisions made by an employee have a finality that goes with unlimited authority and a complete absence of review. The decisions made as a result of the exercise of discretion and independent judgment may consist of recommendations for action rather than the actual taking of action. The fact that an employee's decision may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment. For example, the policies formulated by the credit manager of a large corporation may be subject to review by higher company officials who may approve or disapprove these policies. The management consultant who has made a study of the operations of a business and who has drawn a proposed change in organization may have the plan reviewed or revised by superiors before it is submitted to the client.

(d) An employer's volume of business may make it necessary to employ a number of employees to perform the same or similar work. The fact that many employees perform identical work or work of the same relative importance does not mean that the work of each such employee does not involve the exercise of discretion and independent judgment with respect to matters of significance.

(e) The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. See also Sec. 541.704 regarding use of manuals. The exercise of discretion and independent judgment also does not include clerical or secretarial work, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work. An employee who simply tabulates data is not exempt, even if labeled as a ''statistician.''

(f) An employee does not exercise discretion and independent judgment with respect to matters of significance merely because the employer will experience financial losses if the employee fails to perform the job properly. For example, a messenger who is entrusted with carrying large sums of money does not exercise discretion and independent judgment with respect to matters of significance even though serious consequences may flow from the employee's neglect. Similarly, an employee who operates very expensive equipment does not exercise discretion and independent judgment with respect to matters of significance merely because improper performance of the employee's duties may cause serious financial loss to the employer.

Sec. 541.203 Administrative exemption examples.

(a) Insurance claims adjusters generally meet the duties requirements for the administrative exemption, whether they work for an insurance company or other type of company, if their duties include activities such as interviewing insureds, witnesses and physicians; inspecting property damage; reviewing factual information to prepare damage estimates; evaluating and making recommendations regarding coverage of claims; determining liability and total value of a claim; negotiating settlements; and making recommendations regarding litigation.

(b) Employees in the financial services industry generally meet the duties requirements for the administrative exemption if their duties include work such as collecting and analyzing information regarding the customer's income, assets, investments or debts; determining which financial products best meet the customer's needs and financial circumstances; advising the customer regarding the advantages and disadvantages of different financial products; and marketing, servicing or promoting the employer's financial products. However, an employee whose primary duty is selling financial products does not qualify for the administrative exemption.

(c) An employee who leads a team of other employees assigned to complete major projects for the employer (such as purchasing, selling or closing all or part of the business, negotiating a real estate transaction or a collective bargaining agreement, or designing and implementing productivity improvements) generally meets the duties requirements for the administrative exemption, even if the employee does not have direct supervisory responsibility over the other employees on the team.

(d) An executive assistant or administrative assistant to a business owner or senior executive of a large business generally meets the duties requirements for the administrative exemption if such employee, without specific instructions or prescribed procedures, has been delegated authority regarding matters of significance.

(e) Human resources managers who formulate, interpret or implement employment policies and management consultants who study the operations of a business and propose changes in organization generally meet the duties requirements for the administrative exemption. However, personnel clerks who ''screen'' applicants to obtain data regarding their minimum qualifications and fitness for employment generally do not meet the duties requirements for the administrative exemption. Such personnel clerks typically will reject all applicants who do not meet minimum standards for the particular job or for employment by the company. The minimum standards are usually set by the exempt human resources manager or other company officials, and the decision to hire from the group of qualified applicants who do meet the minimum standards is similarly made by the exempt human resources manager or other company officials. Thus, when the interviewing and screening functions are performed by the human resources manager or personnel manager who makes the hiring decision or makes recommendations for hiring from the pool of qualified applicants, such duties constitute exempt work, even though routine, because this work is directly and closely related to the employee's exempt functions.

(f) Purchasing agents with authority to bind the company on significant purchases generally meet the duties requirements for the administrative exemption even if they must consult with top management officials when making a purchase commitment for raw materials in excess of the contemplated plant needs.

(g) Ordinary inspection work generally does not meet the duties requirements for the administrative exemption. Inspectors normally perform specialized work along standardized lines involving well-established techniques and procedures which may have been catalogued and described in manuals or other sources. Such inspectors rely on techniques and skills acquired by special training or experience. They have some leeway in the performance of their work but only within closely prescribed limits.

(h) Employees usually called examiners or graders, such as employees that grade lumber, generally do not meet the duties requirements for the administrative exemption. Such employees usually perform work involving the comparison of products with established standards which are frequently catalogued. Often, after continued reference to the written standards, or through experience, the employee acquires sufficient knowledge so that reference to written standards is unnecessary. The substitution of the employee's memory for a manual of standards does not convert the character of the work performed to exempt work requiring the exercise of discretion and independent judgment.

(i) Comparison shopping performed by an employee of a retail store who merely reports to the buyer the prices at a competitor's store does not qualify for the administrative exemption. However, the buyer who evaluates such reports on competitor prices to set the employer's prices generally meets the duties requirements for the administrative exemption.

(j) Public sector inspectors or investigators of various types, such as fire prevention or safety, building or construction, health or sanitation, environmental or soils specialists and similar employees, generally do not meet the duties requirements for the administrative exemption because their work typically does not involve work directly related to the management or general business operations of the employer. Such employees also do not qualify for the administrative exemption because their work involves the use of

skills and technical abilities in gathering factual information, applying known standards or prescribed procedures, determining which procedure to follow, or determining whether prescribed standards or criteria are met.

Sec. 541.204 Educational establishments.

(a) The term ''employee employed in a bona fide administrative capacity'' in section 13(a)(1) of the Act also includes employees: (1) Compensated for services on a salary or fee basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government) exclusive of board, lodging or other facilities, or on a salary basis which is at least equal to the entrance salary for teachers in the educational establishment by which employed; and (2) Whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment or department or subdivision thereof.

(b) The term ''educational establishment'' means an elementary or secondary school system, an institution of higher education or other educational institution. Sections 3(v) and 3(w) of the Act define elementary and secondary schools as those day or residential schools that provide elementary or secondary education, as determined under State law. Under the laws of most States, such education includes the curriculums in grades 1 through 12; under many it includes also the introductory programs in kindergarten. Such education in some States may also include nursery school programs in elementary education and junior college curriculums in secondary education. The term ''other educational establishment'' includes special schools for mentally or physically disabled or gifted children, regardless of any classification of such schools as elementary, secondary or higher. Factors relevant in determining whether post-secondary career programs are educational institutions include whether the school is licensed by a state agency responsible for the state's educational system or accredited by a nationally recognized accrediting organization for career schools. Also, for purposes of the exemption, no distinction is drawn between public and private schools, or between those operated for profit and those that are not for profit.

(c) The phrase ''performing administrative functions directly related to academic instruction or training'' means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

(1) Employees engaged in academic administrative functions include: the superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program; the principal and any vice-principals responsible for the operation of an elementary or secondary school; department heads in institutions of higher education responsible for the administration of the mathematics department, the English department, the foreign language department, etc.; academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and other employees with similar responsibilities.

(2) Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers or dietitians do not perform academic administrative functions. Although such work is not considered academic administration, such employees may qualify for exemption under Sec. 541.200 or under other sections of this part, provided the requirements for such exemptions are met.

Subpart D—Professional Employees

Sec. 541.300 General rule for professional employees.

(a) The term ''employee employed in a bona fide professional capacity'' in section 13(a)(1) of the Act shall mean any employee: (1) Compensated on a salary or fee basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging, or other facilities; and (2) Whose primary duty is the performance of work: (i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or (ii) Requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

(b) The term ''salary basis'' is defined at Sec. 541.602; ''fee basis'' is defined at Sec. 541.605; ''board, lodging or other facilities'' is defined at Sec. 541.606; and ''primary duty'' is defined at Sec. 541.700.

Sec. 541.301 Learned professionals.

(a) To qualify for the learned professional exemption, an employee's primary duty must be the performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction. This primary duty test includes three elements: (1) The employee must perform work requiring advanced knowledge;

(2) The advanced knowledge must be in a field of science or learning; and (3) The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

(b) The phrase ''work requiring advanced knowledge'' means work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment, as distinguished from performance of routine mental, manual, mechanical or physical work. An employee who performs work requiring advanced knowledge generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances. Advanced knowledge cannot be attained at the high school level.

(c) The phrase ''field of science or learning'' includes the traditional professions of law, medicine, theology, accounting, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status as distinguished from the mechanical arts or skilled trades where in some instances the knowledge is of a fairly advanced type, but is not in a field of science or learning.

(d) The phrase ''customarily acquired by a prolonged course of specialized intellectual instruction'' restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree. However, the word ''customarily'' means that the exemption is also available to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degreed employees, but who attained the advanced knowledge through a combination of work experience and intellectual instruction. Thus, for example, the learned professional exemption is available to the occasional lawyer who has not gone to law school, or the occasional chemist who is not the possessor of a degree in chemistry. However, the learned professional exemption is not available for occupations that customarily may be performed with only the general knowledge acquired by an academic degree in any field, with knowledge acquired through an apprenticeship, or with training in the performance of routine mental, manual, mechanical or physical processes. The learned professional exemption also does not apply to occupations in which most employees have acquired their skill by experience rather than by advanced specialized intellectual instruction.

(e)(1) Registered or certified medical technologists. Registered or certified medical technologists who have successfully completed three academic years of pre-professional study in an accredited college or university plus a fourth year of professional course work in a school of medical technology approved by the Council of Medical Education of the American Medical Association generally meet the duties requirements for the learned professional exemption. (2) Nurses. Registered nurses who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption. Licensed practical nurses and other similar health care employees, however, generally do not qualify as exempt learned professionals because possession of a specialized advanced academic degree is not a standard prerequisite for entry into such occupations. (3) Dental hygienists. Dental hygienists who have successfully completed four academic years of pre-professional and professional study in an accredited college or university approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association generally meet the duties requirements for the learned professional exemption. (4) Physician assistants. Physician assistants who have successfully completed four academic years of pre-professional and professional study, including graduation from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant, and who are certified by the National Commission on Certification of Physician Assistants generally meet the duties requirements for the learned professional exemption. (5) Accountants. Certified public accountants generally meet the duties requirements for the learned professional exemption. In addition, many other accountants who are not certified public accountants but perform similar job duties may qualify as exempt learned professionals. However, accounting clerks, bookkeepers and other employees who normally perform a great deal of routine work generally will not qualify as exempt professionals. (6) Chefs. Chefs, such as executive chefs and sous chefs, who have attained a four-year specialized academic degree in a culinary arts program, generally meet the duties requirements for the learned professional exemption. The learned professional exemption is not available to cooks who perform predominantly routine mental, manual, mechanical or physical work. (7) Paralegals. Paralegals and legal assistants generally do not qualify as exempt learned

professionals because an advanced specialized academic degree is not a standard prerequisite for entry into the field. Although many paralegals possess general four-year advanced degrees, most specialized paralegal programs are two-year associate degree programs from a community college or equivalent institution. However, the learned professional exemption is available for paralegals who possess advanced specialized degrees in other professional fields and apply advanced knowledge in that field in the performance of their duties. For example, if a law firm hires an engineer as a paralegal to provide expert advice on product liability cases or to assist on patent matters, that engineer would qualify for exemption. (8) Athletic trainers. Athletic trainers who have successfully completed four academic years of pre-professional and professional study in a specialized curriculum accredited by the Commission on Accreditation of Allied Health Education Programs and who are certified by the Board of Certification of the National Athletic Trainers Association Board of Certification generally meet the duties requirements for the learned professional exemption. (9) Funeral directors or embalmers. Licensed funeral directors and embalmers who are licensed by and working in a state that requires successful completion of four academic years of pre-professional and professional study, including graduation from a college of mortuary science accredited by the American Board of Funeral Service Education, generally meet the duties requirements for the learned professional exemption.

(f) The areas in which the professional exemption may be available are expanding. As knowledge is developed, academic training is broadened and specialized degrees are offered in new and diverse fields, thus creating new specialists in particular fields of science or learning. When an advanced specialized degree has become a standard requirement for a particular occupation, that occupation may have acquired the characteristics of a learned profession. Accrediting and certifying organizations similar to those listed in paragraphs (e)(1), (e)(3), (e)(4), (e)(8) and (e)(9) of this section also may be created in the future. Such organizations may develop similar specialized curriculums and certification programs which, if a standard requirement for a particular occupation, may indicate that the occupation has acquired the characteristics of a learned profession.

Sec. 541.302 Creative professionals.

(a) To qualify for the creative professional exemption, an employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical or physical work. The exemption does not apply to work which can be produced by a person with general manual or intellectual ability and training.

(b) To qualify for exemption as a creative professional, the work performed must be ''in a recognized field of artistic or creative endeavor.'' This includes such fields as music, writing, acting and the graphic arts.

(c) The requirement of ''invention, imagination, originality or talent'' distinguishes the creative professions from work that primarily depends on intelligence, diligence and accuracy. The duties of employees vary widely, and exemption as a creative professional depends on the extent of the invention, imagination, originality or talent exercised by the employee. Determination of exempt creative professional status, therefore, must be made on a case-by-case basis. This requirement generally is met by actors, musicians, composers, conductors, and soloists; painters who at most are given the subject matter of their painting; cartoonists who are merely told the title or underlying concept of a cartoon and must rely on their own creative ability to express the concept; essayists, novelists, short-story writers and screen-play writers who choose their own subjects and hand in a finished piece of work to their employers (the majority of such persons are, of course, not employees but self-employed); and persons holding the more responsible writing positions in advertising agencies. This requirement generally is not met by a person who is employed as a copyist, as an ''animator'' of motion-picture cartoons, or as a retoucher of photographs, since such work is not properly described as creative in character.

(d) Journalists may satisfy the duties requirements for the creative professional exemption if their primary duty is work requiring invention, imagination, originality or talent, as opposed to work which depends primarily on intelligence, diligence and accuracy. Employees of newspapers, magazines, television and other media are not exempt creative professionals if they only collect, organize and record information that is routine or already public, or if they do not contribute a unique interpretation or analysis to a news product. Thus, for example, newspaper reporters who merely rewrite press releases or who write standard recounts of public information by gathering facts on routine community events are not exempt creative professionals. Reporters also do not qualify as exempt creative professionals if their work product is subject to substantial control by the employer. However, journalists may qualify as exempt creative professionals if their primary duty is performing on the air in radio, television or other electronic media; conducting investigative interviews; analyzing or interpreting public events; writing editorials, opinion columns or other commentary; or acting as a narrator or commentator.

Sec. 541.303 Teachers.

(a) The term ''employee employed in a bona fide professional capacity'' in section 13(a)(1) of the Act also means any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term ''educational establishment'' is defined in Sec. 541.204(b).

(b) Exempt teachers include, but are not limited to: Regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi- skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

(c) The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the State to refer to different kinds of certificates. However, private schools and public schools are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

(d) The requirements of Sec. 541.300 and Subpart G (salary requirements) of this part do not apply to the teaching professionals described in this section.

Sec. 541.304 Practice of law or medicine.

(a) The term ''employee employed in a bona fide professional capacity'' in section 13(a)(1) of the Act also shall mean: (1) Any employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and is actually engaged in the practice thereof; and (2) Any employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of the profession.

(b) In the case of medicine, the exemption applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term ''physicians'' includes medical doctors including general practitioners and specialists, osteopathic physicians (doctors of osteopathy), podiatrists, dentists (doctors of dental medicine), and optometrists (doctors of optometry or bachelors of science in optometry).

(c) Employees engaged in internship or resident programs, whether or not licensed to practice prior to commencement of the program, qualify as exempt professionals if they enter such internship or resident programs after the earning of the appropriate degree required for the general practice of their profession.

(d) The requirements of Sec. 541.300 and subpart G (salary requirements) of this part do not apply to the employees described in this section.

Subpart E—Computer Employees

Sec. 541.400 General rule for computer employees.

(a) Computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are eligible for exemption as professionals under section 13(a)(1) of the Act and under section 13(a)(17) of the Act. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.

(b) The section 13(a)(1) exemption applies to any computer employee compensated on a salary or fee basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities, and the section 13(a)(17) exemption applies to any computer employee compensated on an hourly basis at a rate not less than $27.63 an hour. In addition, under either section 13(a)(1) or section 13(a)(17) of the Act, the exemptions apply only to computer employees whose primary duty consists of: (1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications; (2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; (3) The design, documentation, testing, creation or modification of computer

programs related to machine operating systems; or (4) A combination of the aforementioned duties, the performance of which requires the same level of skills.

(c) The term ''salary basis'' is defined at Sec. 541.602; ''fee basis'' is defined at Sec. 541.605; ''board, lodging or other facilities'' is defined at Sec. 541.606; and ''primary duty'' is defined at Sec. 541.700.

Sec. 541.401 Computer manufacture and repair. The exemption for employees in computer occupations does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in Sec. 541.400(b), are also not exempt computer professionals.

Sec. 541.402 Executive and administrative computer employees. Computer employees within the scope of this exemption, as well as those employees not within its scope, may also have executive and administrative duties which qualify the employees for exemption under subpart B or subpart C of this part. For example, systems analysts and computer programmers generally meet the duties requirements for the administrative exemption if their primary duty includes work such as planning, scheduling, and coordinating activities required to develop systems to solve complex business, scientific or engineering problems of the employer or the employer's customers. Similarly, a senior or lead computer programmer who manages the work of two or more other programmers in a customarily recognized department or subdivision of the employer, and whose recommendations as to the hiring, firing, advancement, promotion or other change of status of the other programmers are given particular weight, generally meets the duties requirements for the executive exemption.

Subpart F—Outside Sales Employees

Sec. 541.500 General rule for outside sales employees. (a) The term ''employee employed in the capacity of outside salesman'' in section 13(a)(1) of the Act shall mean any employee: (1) Whose primary duty is: (i) making sales within the meaning of section 3(k) of the Act, or (ii) obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and (2) Who is customarily and regularly engaged away from the employer's place or places of business in performing such primary duty.

(b) The term ''primary duty'' is defined at Sec. 541.700. In determining the primary duty of an outside sales employee, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall be regarded as exempt outside sales work. Other work that furthers the employee's sales efforts also shall be regarded as exempt work including, for example, writing sales reports, updating or revising the employee's sales or display catalogue, planning itineraries and attending sales conferences.

(c) The requirements of subpart G (salary requirements) of this part do not apply to the outside sales employees described in this section.

Sec. 541.501 Making sales or obtaining orders.

(a) Section 541.500 requires that the employee be engaged in: (1) Making sales within the meaning of section 3(k) of the Act, or (2) Obtaining orders or contracts for services or for the use of facilities.

(b) Sales within the meaning of section 3(k) of the Act include the transfer of title to tangible property, and in certain cases, of tangible and valuable evidences of intangible property. Section 3(k) of the Act states that ''sale'' or ''sell'' includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.

(c) Exempt outside sales work includes not only the sales of commodities, but also ''obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer.'' Obtaining orders for ''the use of facilities'' includes the selling of time on radio or television, the solicitation of advertising for newspapers and other periodicals, and the solicitation of freight for railroads and other transportation agencies.

(d) The word ''services'' extends the outside sales exemption to employees who sell or take orders for a service, which may be performed for the customer by someone other than the person taking the order.

Sec. 541.502 Away from employer's place of business. An outside sales employee must be customarily and regularly engaged ''away from the employer's place or places of business.'' The outside sales employee is an employee who makes sales at the customer's place of business or, if selling door-to-door, at the customer's home. Outside sales does not include sales made by mail, telephone or the Internet unless such contact is used merely as an adjunct to personal calls. Thus, any fixed site, whether home or office, used by a salesperson as a headquarters or for telephonic solicitation of sales is considered one of the employer's places of business, even though the employer is not in any formal sense the owner or tenant of the property. However, an outside sales employee does not lose the exemption by displaying samples in hotel sample rooms during trips from city to city; these sample rooms should not be considered as the employer's places of business. Similarly, an outside sales employee does not lose the exemption by displaying the employer's products at a trade show. If selling actually occurs, rather than just sales promotion, trade shows of short duration (i.e., one or two weeks) should not be considered as the employer's place of business.

Sec. 541.503 Promotion work.

(a) Promotion work is one type of activity often performed by persons who make sales, which may or may not be exempt outside sales work, depending upon the circumstances under which it is performed. Promotional work that is actually performed incidental to and in conjunction with an employee's own outside sales or solicitations is exempt work. On the other hand, promotional work that is incidental to sales made, or to be made, by someone else is not exempt outside sales work. An employee who does not satisfy the requirements of this subpart may still qualify as an exempt employee under other subparts of this rule.

(b) A manufacturer's representative, for example, may perform various types of promotional activities such as putting up displays and posters, removing damaged or spoiled stock from the merchant's shelves or rearranging the merchandise. Such an employee can be considered an exempt outside sales employee if the employee's primary duty is making sales or contracts. Promotion activities directed toward consummation of the employee's own sales are exempt. Promotional activities designed to stimulate sales that will be made by someone else are not exempt outside sales work.

(c) Another example is a company representative who visits chain stores, arranges the merchandise on shelves, replenishes stock by replacing old with new merchandise, sets up displays and consults with the store manager when inventory runs low, but does not obtain a commitment for additional purchases. The arrangement of merchandise on the shelves or the replenishing of stock is not exempt work unless it is incidental to and in conjunction with the employee's own outside sales. Because the employee in this instance does not consummate the sale nor direct efforts toward the consummation of a sale, the work is not exempt outside sales work.

Sec. 541.504 Drivers who sell.

(a) Drivers who deliver products and also sell such products may qualify as exempt outside sales employees only if the employee has a primary duty of making sales. In determining the primary duty of drivers who sell, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including loading, driving or delivering products, shall be regarded as exempt outside sales work.

(b) Several factors should be considered in determining if a driver has a primary duty of making sales, including, but not limited to: a comparison of the driver's duties with those of other employees engaged as truck drivers and as salespersons; possession of a selling or solicitor's license when such license is required by law or ordinances; presence or absence of customary or contractual arrangements concerning amounts of products to be delivered; description of the employee's occupation in collective bargaining agreements; the employer's specifications as to qualifications for hiring; sales training; attendance at sales conferences; method of payment; and proportion of earnings directly attributable to sales.

(c) Drivers who may qualify as exempt outside sales employees include: (1) A driver who provides the only sales contact between the employer and the customers visited, who calls on customers and takes orders for products, who delivers products from stock in the employee's vehicle or procures and delivers the product to the customer on a later trip, and who receives compensation commensurate with the volume of products sold. (2) A driver who obtains or solicits orders for the employer's products from persons who have authority to commit the customer for purchases. (3) A driver who calls on new prospects for customers along the employee's route and attempts to convince them of the desirability of accepting regular delivery of goods. (4) A driver who calls on established customers along the route and persuades regular customers to accept delivery of increased amounts of goods or of new products, even though the initial sale or agreement for delivery was made by someone else.

(d) Drivers who generally would not qualify as exempt outside sales employees include: (1) A route driver whose primary duty is to transport products sold by the employer through vending machines and to keep such machines stocked, in good operating condition, and in good locations.

(2) A driver who often calls on established customers day after day or week after week, delivering a quantity of the employer's products at each call when the sale was not significantly affected by solicitations of the customer by the delivering driver or the amount of the sale is determined by the volume of the customer's sales since the previous delivery. (3) A driver primarily engaged in making deliveries to customers and performing activities intended to promote sales by customers (including placing point-of-sale and other advertising materials, price stamping commodities, arranging merchandise on shelves, in coolers or in cabinets, rotating stock according to date, and cleaning and otherwise servicing display cases), unless such work is in furtherance of the driver's own sales efforts.

Subpart G—Salary Requirements

Sec. 541.600 Amount of salary required.

(a) To qualify as an exempt executive, administrative or professional employee under section 13(a)(1) of the Act, an employee must be compensated on a salary basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities. Administrative and professional employees may also be paid on a fee basis, as defined in Sec. 541.605.

(b) The $455 a week may be translated into equivalent amounts for periods longer than one week. The requirement will be met if the employee is compensated biweekly on a salary basis of $910, semimonthly on a salary basis of $985.83, or monthly on a salary basis of $1,971.66. However, the shortest period of payment that will meet this compensation requirement is one week.

(c) In the case of academic administrative employees, the compensation requirement also may be met by compensation on a salary basis at a rate at least equal to the entrance salary for teachers in the educational establishment by which the employee is employed, as provided in Sec. 541. 204(a)(1).

(d) In the case of computer employees, the compensation requirement also may be met by compensation on an hourly basis at a rate not less than $27.63 an hour, as provided in Sec. 541. 400(b).

(e) In the case of professional employees, the compensation requirements in this section shall not apply to employees engaged as teachers (see Sec. 541.303); employees who hold a valid license or certificate permitting the practice of law or medicine or any of their branches and are actually engaged in the practice thereof (see Sec. 541.304); or to employees who hold the requisite academic degree for the general practice of medicine and are engaged in an internship or resident program pursuant to the practice of the profession (see Sec. 541.304). In the case of medical occupations, the exception from the salary or fee requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

Sec. 541.601 Highly compensated employees.

(a) An employee with total annual compensation of at least $100,000 is deemed exempt under section 13(a)(1) of the Act if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part.

(b) (1) ''Total annual compensation'' must include at least $455 per week paid on a salary or fee basis. Total annual compensation may also include commissions, nondiscretionary bonuses and other nondiscretionary compensation earned during a 52-week period. Total annual compensation does not include board, lodging and other facilities as defined in Sec. 541.606, and does not include payments for medical insurance, payments for life insurance, contributions to retirement plans and the cost of other fringe benefits. (2) If an employee's total annual compensation does not total at least the minimum amount established in paragraph (a) of this section by the last pay period of the 52-week period, the employer may, during the last pay period or within one month after the end of the 52-week period, make one final payment sufficient to achieve the required level. For example, an employee may earn $80,000 in base salary, and the employer may anticipate based upon past sales that the employee also will earn $20,000 in commissions. However, due to poor sales in the final quarter of the year, the employee actually only earns $10,000 in commissions. In this situation, the employer may within one month after the end of the year make a payment of at least $10,000 to the employee. Any such final payment made after the end of the 52-week period may count only toward the prior year's total annual compensation and not toward the total annual compensation in the year it was paid. If the employer fails to make such a payment, the employee does not qualify as a highly compensated employee, but may still qualify as exempt under subparts B, C or D of this part. (3) An employee who does not work a full year for the employer, either because the employee is newly hired after the beginning of the year or ends the employment before the end of the year, may qualify for exemption under this section if the employee receives a pro rata portion of the minimum amount established in paragraph (a) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (b)(2) of this section within one month after the end of employment. (4) The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply.

(c) A high level of compensation is a strong indicator of an employee's exempt status, thus eliminating the need for a detailed analysis of the employee's job duties. Thus, a highly compensated employee will qualify for exemption if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part. An employee may qualify as a highly compensated executive employee, for example, if the employee customarily and regularly directs the work of two or more other employees, even though the employee does not meet all of the other requirements for the executive exemption under Sec. 541.100.

(d) This section applies only to employees whose primary duty includes performing office or non-manual work. Thus, for example, non-management production-line workers and non management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers, laborers and other employees who perform work involving repetitive operations with their hands, physical skill and energy are not exempt under this section no matter how highly paid they might be.

Sec. 541.602 Salary basis.

(a) General rule. An employee will be considered to be paid on a ''salary basis'' within the meaning of these regulations if the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of the employee's compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed. Subject to the exceptions provided in paragraph (b) of this section, an exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work. An employee is not paid on a salary basis if deductions from the employee's predetermined compensation are made for absences occasioned by the employer or by the operating requirements of the business. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

(b) Exceptions. The prohibition against deductions from pay in the salary basis requirement is subject to the following exceptions: (1) Deductions from pay may be made when an exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability. Thus, if an employee is absent for two full days to handle personal affairs, the employee's salaried status will not be affected if deductions are made from the salary for two full day absences. However, if an exempt employee is absent for one and a half days for personal reasons, the employer can deduct only for the one full-day absence. (2) Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. The employer is not required to pay any portion of the employee's salary for full-day absences for which the employee receives compensation under the plan, policy or practice. Deductions for such full-day absences also may be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance thereunder. Thus, for example, if an employer maintains a short-term disability insurance plan providing salary replacement for 12 weeks starting on the fourth day of absence, the employer may make deductions from pay for the three days of absence before the employee qualifies for benefits under the plan; for the twelve weeks in which the employee receives salary replacement benefits under the plan; and for absences after the employee has exhausted the 12 weeks of salary replacement benefits. Similarly, an employer may make deductions from pay for absences of one or more full days if salary replacement benefits are provided under a State disability insurance law or under a State workers' compensation law. (3) While an employer cannot make deductions from pay for absences of an exempt employee occasioned by jury duty, attendance as a witness or temporary military leave, the employer can offset any amounts received by an employee as jury fees, witness fees or military pay for a particular week against the salary due for that particular week without loss of the exemption. (4) Deductions from pay of exempt employees may be made for penalties imposed in good faith for infractions of safety rules of major significance. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees, such as rules prohibiting smoking in explosive plants, oil refineries and coal mines. (5) Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. Thus, for example, an employer may suspend an exempt employee without pay for three days for violating a generally applicable written policy prohibiting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence. (6) An employer is not required to pay the full salary in the initial or terminal week of employment. Rather, an employer may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment. In such weeks, the payment of

an hourly or daily equivalent of the employee's full salary for the time actually worked will meet the requirement. However, employees are not paid on a salary basis within the meaning of these regulations if they are employed occasionally for a few days, and the employer pays them a proportionate part of the weekly salary when so employed. (7) An employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Rather, when an exempt employee takes unpaid leave under the Family and Medical Leave Act, an employer may pay a proportionate part of the full salary for time actually worked. For example, if an employee who normally works 40 hours per week uses four hours of unpaid leave under the Family and Medical Leave Act, the employer could deduct 10 percent of the employee's normal salary that week.

(c) When calculating the amount of a deduction from pay allowed under paragraph (b) of this section, the employer may use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules under paragraph (b)(4) of this section may be made in any amount.

Sec. 541.603 Effect of improper deductions from salary.

(a) An employer who makes improper deductions from salary shall lose the exemption if the facts demonstrate that the employer did not intend to pay employees on a salary basis. An actual practice of making improper deductions demonstrates that the employer did not intend to pay employees on a salary basis. The factors to consider when determining whether an employer has an actual practice of making improper deductions include, but are not limited to: the number of improper deductions, particularly as compared to the number of employee infractions warranting discipline; the time period during which the employer made improper deductions; the number and geographic location of employees whose salary was improperly reduced; the number and geographic location of managers responsible for taking the improper deductions; and whether the employer has a clearly communicated policy permitting or prohibiting improper deductions.

(b) If the facts demonstrate that the employer has an actual practice of making improper deductions, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. Employees in different job classifications or who work for different managers do not lose their status as exempt employees. Thus, for example, if a manager at a company facility routinely docks the pay of engineers at that facility for partial-day personal absences, then all engineers at that facility whose pay could have been improperly docked by the manager would lose the exemption; engineers at other facilities or working for other managers, however, would remain exempt.

(c) Improper deductions that are either isolated or inadvertent will not result in loss of the exemption for any employees subject to such improper deductions, if the employer reimburses the employees for such improper deductions.

(d) If an employer has a clearly communicated policy that prohibits the improper pay deductions specified in Sec. 541.602(a) and includes a complaint mechanism, reimburses employees for any improper deductions and makes a good faith commitment to comply in the future, such employer will not lose the exemption for any employees unless the employer willfully violates the policy by continuing to make improper deductions after receiving employee complaints. If an employer fails to reimburse employees for any improper deductions or continues to make improper deductions after receiving employee complaints, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. The best evidence of a clearly communicated policy is a written policy that was distributed to employees prior to the improper pay deductions by, for example, providing a copy of the policy to employees at the time of hire, publishing the policy in an employee handbook or publishing the policy on the employer's Intranet.

(e) This section shall not be construed in an unduly technical manner so as to defeat the exemption.

Sec. 541.604 Minimum guarantee plus extras.

(a) An employer may provide an exempt employee with additional compensation without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly-required amount paid on a salary basis. Thus, for example, an exempt employee guaranteed at least $455 each week paid on a salary basis may also receive additional compensation of a one percent commission on sales. An exempt employee also may receive a percentage of the sales or profits of the employer if the employment arrangement also includes a guarantee of at least $455 each week paid on a salary basis. Similarly, the exemption is not lost if an exempt employee who is guaranteed at least $455 each week paid on a salary basis also receives additional compensation based on hours worked for work beyond the normal workweek. Such additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

(b) An exempt employee's earnings may be computed on an hourly, a daily or a shift basis, without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly required amount paid on a salary basis regardless of the number of hours, days or shifts worked, and a reasonable relationship exists between the guaranteed amount and the amount actually earned. The reasonable relationship test will be met if the weekly guarantee is roughly equivalent to the employee's usual earnings at the assigned hourly, daily or shift rate for the employee's normal scheduled workweek. Thus, for example, an exempt employee guaranteed compensation of at least $500 for any week in which the employee performs any work, and who normally works four or five shifts each week, may be paid $150 per shift without violating the salary basis requirement. The reasonable relationship requirement applies only if the employee's pay is computed on an hourly, daily or shift basis. It does not apply, for example, to an exempt store manager paid a guaranteed salary of $650 per week who also receives a commission of one-half percent of all sales in the store or five percent of the store's profits, which in some weeks may total as much as, or even more than, the guaranteed salary.

Sec. 541.605 Fee basis.

(a) Administrative and professional employees may be paid on a fee basis, rather than on a salary basis. An employee will be considered to be paid on a ''fee basis'' within the meaning of these regulations if the employee is paid an agreed sum for a single job regardless of the time required for its completion. These payments resemble piecework payments with the important distinction that generally a ''fee'' is paid for the kind of job that is unique rather than for a series of jobs repeated an indefinite number of times and for which payment on an identical basis is made over and over again. Payments based on the number of hours or days worked and not on the accomplishment of a given single task are not considered payments on a fee basis.

(b) To determine whether the fee payment meets the minimum amount of salary required for exemption under these regulations, the amount paid to the employee will be tested by determining the time worked on the job and whether the fee payment is at a rate that would amount to at least $455 per week if the employee worked 40 hours. Thus, an artist paid $250 for a picture that took 20 hours to complete meets the minimum salary requirement for exemption since earnings at this rate would yield the artist $500 if 40 hours were worked.

Sec. 541.606 Board, lodging or other facilities.

(a) To qualify for exemption under section 13(a)(1) of the Act, an employee must earn the minimum salary amount set forth in Sec. 541.600, ''exclusive of board, lodging or other facilities.'' The phrase ''exclusive of board, lodging or other facilities'' means ''free and clear'' or independent of any claimed credit for non-cash items of value that an employer may provide to an employee. Thus, the costs incurred by an employer to provide an employee with board, lodging or other facilities may not count towards the minimum salary amount required for exemption under this part 541. Such separate transactions are not prohibited between employers and their exempt employees, but the costs to employers associated with such transactions may not be considered when determining if an employee has received the full required minimum salary payment.

(b) Regulations defining what constitutes ''board, lodging, or other facilities'' are contained in 29 CFR part 531. As described in 29 CFR 531.32, the term ''other facilities'' refers to items similar to board and lodging, such as meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees; meals, dormitory rooms, and tuition furnished by a college to its student employees; merchandise furnished at company stores or commissaries, including articles of food, clothing, and household effects; housing furnished for dwelling purposes; and transportation furnished to employees for ordinary commuting between their homes and work. *[[*Good cause for the inclusion of subsection (b): The regulations referenced in this paragraph at 29 CFR 531.29 are not substantive regulations, but are ''interpretive'' regulations which were not incorporated in Part 531 of the CAA regulations adopted in 1996. However, the Board of Directors has determined that, since these particular interpretive regulations are incorporated by reference in the new substantive regulations, employing offices and employees may reference these particular interpretive regulations as part of the new substantive regulations as proposed here.*]]*

Subpart H—Definitions and Miscellaneous Provisions

Sec. 541.700 Primary duty.

(a) To qualify for exemption under this part, an employee's ''primary duty'' must be the performance of exempt work. The term ''primary duty'' means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all

the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than 50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.

Sec. 541.701 Customarily and regularly. The phrase ''customarily and regularly'' means a frequency that must be greater than occasional but which, of course, may be less than constant. Tasks or work performed ''customarily and regularly'' includes work normally and recurrently performed every workweek; it does not include isolated or one-time tasks.

Sec. 541.702 Exempt and nonexempt work. The term ''exempt work'' means all work described in Sec. 541.100, 541.101, 541.200, 541.300, 541.301, 541.302, 541.303, 541.304, 541.400 and 541.500, and the activities directly and closely related to such work. All other work is considered ''nonexempt.''

Sec. 541.703 Directly and closely related.

(a) Work that is ''directly and closely related'' to the performance of exempt work is also considered exempt work. The phrase ''directly and closely related'' means tasks that are related to exempt duties and that contribute to or facilitate performance of exempt work. Thus, ''directly and closely related'' work may include physical tasks and menial tasks that arise out of exempt duties, and the routine work without which the exempt employee's exempt work cannot be performed properly. Work ''directly and closely related'' to the performance of exempt duties may also include recordkeeping; monitoring and adjusting machinery; taking notes; using the computer to create documents or presentations; opening the mail for the purpose of reading it and making decisions; and using a photocopier or fax machine. Work is not ''directly and closely related'' if the work is remotely related or completely unrelated to exempt duties.

(b) The following examples further illustrate the type of work that is and is not normally considered as directly and closely related to exempt work: (1) Keeping time, production or sales records for subordinates is work directly and closely related to an exempt executive's function of managing a department and supervising employees. (2) The distribution of materials, merchandise or supplies to maintain control of the flow of and expenditures for such items is directly and closely related to the performance of exempt duties. (3) A supervisor who spot checks and examines the work of subordinates to determine whether they are performing their duties properly, and whether the product is satisfactory, is performing work which is directly and closely related to managerial and supervisory functions, so long as the checking is distinguishable from the work ordinarily performed by a nonexempt inspector. (4) A supervisor who sets up a machine may be engaged in exempt work, depending upon the nature of the industry and the operation. In some cases the setup work, or adjustment of the machine for a particular job, is typically performed by the same employees who operate the machine. Such setup work is part of the production operation and is not exempt. In other cases, the setting up of the work is a highly skilled operation which the ordinary production worker or machine tender typically does not perform. In large plants, non-supervisors may perform such work. However, particularly in small plants, such work may be a regular duty of the executive and is directly and closely related to the executive's responsibility for the work performance of subordinates and for the adequacy of the final product. Under such circumstances, it is exempt work. (5) A department manager in a retail or service establishment who walks about the sales floor observing the work of sales personnel under the employee's supervision to determine the effectiveness of their sales techniques, checks on the quality of customer service being given, or observes customer preferences is performing work which is directly and closely related to managerial and supervisory functions. (6) A business consultant may take extensive notes recording the flow of work and materials through the office or plant of the client; after returning to the office of the employer, the consultant may personally use the computer to type a report and create a proposed table of organization. Standing alone, or separated from the primary duty, such note-taking and typing would be routine in nature. However, because this work is necessary for analyzing the data and making recommendations, the work is directly and closely related to exempt work. While it is possible to assign note-taking and typing to nonexempt employees, and in fact it is frequently the practice to do so, delegating such routine tasks is not required as a condition of exemption. (7) A credit manager who makes and administers the credit policy of the employer, establishes credit limits for customers, authorizes the shipment of orders on credit, and makes decisions on whether to exceed credit limits would be performing work exempt under Sec. 541.200. Work that is directly and closely related to these exempt duties may include checking the status of accounts to determine whether the credit limit would be exceeded by the shipment of a new order, removing credit reports from the files for analysis, and writing letters giving credit data and experience to other employers or credit agencies. (8) A traffic manager in charge of planning a company's transportation, including the most economical and quickest routes for shipping merchandise to and from the plant, contracting for common-carrier and other transportation facilities, negotiating with carriers for adjustments for damages to merchandise, and making the necessary rearrangements resulting from delays, damages or irregularities in transit, is performing exempt work. If the employee also spends part of the day taking telephone orders for local deliveries, such order-taking is a routine function and is not directly and closely related to the exempt work. (9) An example of work directly and closely related to exempt professional duties is a chemist performing menial tasks such as cleaning a test tube in the middle of an original experiment, even though such menial tasks can be assigned to laboratory assistants. (10) A teacher performs work directly and closely related to exempt duties when, while taking students on a field trip, the teacher drives a school van or monitors the students' behavior in a restaurant.

Sec. 541.704 Use of manuals. The use of manuals, guidelines or other established procedures containing or relating to highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills does not preclude exemption under section 13(a)(1) of the Act or the regulations in this part. Such manuals and procedures provide guidance in addressing difficult or novel circumstances and thus use of such reference material would not affect an employee's exempt status. The section 13(a)(1) exemptions are not available, however, for employees who simply apply well-established techniques or procedures described in manuals or other sources within closely prescribed limits to determine the correct response to an inquiry or set of circumstances.

Sec. 541.705 Trainees. The executive, administrative, professional, outside sales and computer employee exemptions do not apply to employees training for employment in an executive, administrative, professional, outside sales or computer employee capacity who are not actually performing the duties of an executive, administrative, professional, outside sales or computer employee.

Sec. 541.706 Emergencies.

(a) An exempt employee will not lose the exemption by performing work of a normally nonexempt nature because of the existence of an emergency. Thus, when emergencies arise that threaten the safety of employees, a cessation of operations or serious damage to the employer's property, any work performed in an effort to prevent such results is considered exempt work.

(b) An ''emergency'' does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely, and are events that the employer cannot reasonably anticipate.

(c) The following examples illustrate the distinction between emergency work considered exempt work and routine work that is not exempt work: (1) A mine superintendent who pitches in after an explosion and digs out workers who are trapped in the mine is still a bona fide executive. (2) Assisting nonexempt employees with their work during periods of heavy workload or to handle rush orders is not exempt work. (3) Replacing a nonexempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the establishment and of the executive's department, the nature of the industry, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly. (4) Regular repair and cleaning of equipment is not emergency work, even when necessary to prevent fire or explosion; however, repairing equipment may be emergency work if the breakdown of or damage to the equipment was caused by accident or carelessness that the employer could not reasonably anticipate.

Sec. 541.707 Occasional tasks. Occasional, infrequently recurring tasks that cannot

practicably be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

Sec. 541.708 Combination exemptions. Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, outside sales and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.

Sec. 541.709 Motion picture producing industry. The requirement that the employee be paid ''on a salary basis'' does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least $695 a week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under subparts B, C or D of this part, and who is employed at a base rate of at least $695 a week is exempt if paid a proportionate amount (based on a week of not more than 6 days) for any week in which the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances: (a) The employee is in a job category for which a weekly base rate is not provided and the daily base rate would yield at least $695 if 6 days were worked; or (b) The employee is in a job category having a weekly base rate of at least $695 and the daily base rate is at least one-sixth of such weekly base rate.

Sec. 541.710 Employees of Public Agencies. (a) An employee of a public agency who otherwise meets the salary basis requirements of section 541.602 shall not be disqualified from exemption under sections 541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the public agency employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because: (1) Permission for its use has not been sought or has been sought or denied; (2) Accrued leave has been exhausted; (3) The employee chooses to use leave without pay. (b) Deductions from the pay of an employee of a public agency for absences due to a budget required furlough shall not disqualify the employee from being paid on a salary basis except on the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9847. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Guaranteed Loans--Rescheduling Terms and Loan Subordinations (RIN: 0560-AG53) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9848. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Folpet; Pesticide Tolerance [OPP-2004-0168; FRL-7369-1] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9849. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerances [OPP-2004-0212; FRL-7369-9] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9850. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — DCPA; Pesticide Tolerance [OPP-2004-0200; FRL-7673-6] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9851. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Worker Protection Standard; Glove Liners, and Chemical-Resistant Glove Requirements of Agricultural Pilots [OPP-2003-0169; FRL-7352-3] (RIN: 2070-AC93) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9852. A communication from the President of the United States, transmitting requests for an emergency FY 2004 supplemental appropriations for the Departments of Agriculture, Commerce, Defense, Homeland Security, the Interior, Justice, Transportation, and Veterans Affairs; as well as the Corps of Engineers, International Assistance Programs, and the Small Business Administration; (H. Doc. No. 108–220); to the Committee on Appropriations and ordered to be printed.

9853. A letter from the Inspector General, Department of Defense, transmitting the results of an audit of undefinitized contractual actions that was conducted in response to Section 908(b) of the ''Continuing Appropriations for Fiscal Year 1987,'' pursuant to Public Law 99–591, section 908(b)(2) (100 Stat. 3341–140); to the Committee on Armed Services.

9854. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7837] received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9855. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Romania pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9856. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality [AZ 126-0074a; FRL-7789-9] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9857. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Final Rule [FRL-7803-6] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9858. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Analytical Method for Uranium [OW-2003-0067; FRL-7805-5] (RIN: 2040-AE62) received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9859. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Iowa [R07-OAR-2004-IA-0003; FRL-7805-4] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9860. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [R07-OAR-2004-MO-0002 FRL-7805-1] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9861. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Indiana; Revised Mobile Source Inventories and Motor Vehicle Emissions Budgets for 2005 and 2007 Using MOBILE6 [R05-OAR-2004-IN-0003; FRL-7806-5] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9862. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision of Flow Control Date in Nitrogen Oxides Budget Trading Program [VA159-5083a; FRL-7805-7] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9863. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Mojave Desert Air Quality Management District [CA 207-0437; FRL-7804-1] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9864. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production [OAR-2004-0006, FRL-7808-4] (RIN: 2060-AK32) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9865. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Transportation Conformity Budgets [Region II Docket No. R02-OAR-2004-NJ-0002, FRL-7807-6] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9866. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Washington [WA-04-002; FRL-

7807-1] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9867. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Federally Enforceable State Operating Permit Program for Allegheny County [PA 138-4230; FRL-7807-3] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9868. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Changing the Ozone Monitoring Season in Idaho from April Through October to May Through September [Docket # ID-04-003a; FRL-7801-6] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9869. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India (Transmittal No. DDTC 057-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9870. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada, Norway, Ireland, and the United Kingdom (Transmittal No. DDTC 073-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9871. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizationsduring 2003, pursuant to 22 U.S.C. 276c–4; to the Committee on International Relations.

9872. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the sixth and final annual report on enforcement and monitoring of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development, pursuant to paragraph (c)(1) of the resolution of advice and consent, adopted by the United States Senate on July 31, 1998; to the Committee on International Relations.

9873. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates (RIN: 1400-AB94) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9874. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under section 451 of the Foreign Assistance Act of 1961, as amended to provide emergency assistance for Darfur, Sudan; to the Committee on International Relations.

9875. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Memorandum of Justification under Section 610 of the Foreign Assistance Act of 1961 regarding determination to transfer FY 2004 funds appropriated for International Organizations and Programs (IO&P) to the Economic Support Fund; to the Committee on International Relations.

9876. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's (EEOC's) Year 2004 Inventories of Commercial and Inherently Governmental Activities in accordance with the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

9877. A letter from the Archivist, National Archives and Records Administration, transmitting the FY 2004 Commercial Activities Inventory and Inherently Governmental Inventory, as required by the FAIR Act and OMB Circular A-76; to the Committee on Government Reform.

9878. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting a copy of the FY 2004 Commercial and Inherently Governmental Activities Inventories for the Commission as required by the Federal Activities Inventory Reform Act of 1998 and guidance issued by the OMB; to the Committee on Government Reform.

9879. A letter from the Secretary, Department of Agriculture, transmitting a draft bill ''To designate certain National Forest System land in the State of Oregon as a component of the National Wilderness Preservation System''; to the Committee on Resources.

9880. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance within the time limitations established for deciding habeas corpus death penalty petitions under Title I of the Antiterrorism and Effective Death Penalty Act of 1996, pursuant to 28 U.S.C. 2266(b) and (c); to the Committee on the Judiciary.

9881. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

9882. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Correction [Docket No. FAA-2001-11133; Amendment No. 91-282] (RIN: 2120-AA19) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9883. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Areas 5802C, D, and E; Fort Indiantown Gap, PA [Docket No. FAA-2003-13850; Airspace Docket No. 02-AEA-19] (RIN: 2120-AA66) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9884. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; La Junta, CO [Docket No. FAA-2003-16029; Airspace Docket No. 03-ANM-08] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9885. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wayne, NE [Docket No. FAA-2004-17912; Airspace Docket No. 04-ACE-38] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; California City, CA [Docket No. FAA-2004-18609; Airspace Docket No. 03-AWP-15] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9887. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Northwood, ND [Docket No. FAA-2004-17094; Airspace Docket No. 04-AGL-03] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9888. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30419; Amdt. No. 3101] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9889. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Fuel Tank Safety Compliance Extension (Final Rule) and (Request for Comments); Extension of Comment Period [Docket No. FAA-2004-17681; Amendment No. 91-283, 121-305, 125-46, 129-39] (RIN: 2120-AI20) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9890. A letter from the Attorney, Office of Aviation Enf. & Proceedings, Department of Transportation, transmitting the Department's final rule — Passenger Baggage Liability (RIN: 2105-AD42) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9891. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2002''; to the Committee on Science.

9892. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Compensation for Certain Cases of Bilateral Deafness (RIN: 2900-AL59) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9893. A letter from the Chairman and Vice-Chairman, Advisory Committee for Trade Policy and Negotiations, transmitting the ACTPN's assessment of the World Trade Organization (WTO) Doha Round framework agreement reached in Geneva at the end of July, pursuant to 19 U.S.C. 2903; to the Committee on Ways and Means.

9894. A letter from the Secretary, Department of Health and Human Services, transmitting the final report on the Implementation of the Performance-Based Incentive System, submitted in compliance with Section 201 of the Child Support Performance and Incentive Act of 1998 (CSPIA); to the Committee on Ways and Means.

9895. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting Notice of Proposed Rulemaking implementing certain substantive rights and protections of the Fair Labor Standards Act of 1938, as required by Section 203 of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1313, for publicationin the Congressional Record, pursuant to Public Law 104–1, section 303(b) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

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. SENSENBRENNER: Committee on the Judiciary. S. 878. An act to authorize an additional permanent judgeship in the District of Idaho, and for other purposes; with amendments (Rept. 108–708). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 807. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–709). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHAYS (for himself, Mr. LANTOS, and Ms. ESHOO):

H.R. 5162. A bill to provide for the safe and secure storage of explosive materials by State and local law enforcement agencies; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR):

H.R. 5163. A bill to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Ms. NORTON, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 5164. A bill to provide a site for construction of a national health museum, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT (for himself, Mr. RYAN of Wisconsin, Mr. SANDLIN, Mr. GREEN of Wisconsin, Mrs. NORTHUP, Mr. ROGERS of Michigan, Mr. PETRI, Mr. SENSENBRENNER, Mr. KIRK, Mr. NEY, Mr. BRADY of Texas, Mr. ENGLISH, Mr. AKIN, Mr. WICKER, Mr. DUNCAN, Mr. BONILLA, Mr. STENHOLM, Mr. HERGER, and Mr. SHADEGG):

H.R. 5165. A bill to amend the Clean Air Act to reduce the proliferation of boutique fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAYS (for himself and Mr. TOWNS):

H.R. 5166. A bill to prohibit the Department of Defense from requiring members of the Armed Forces to receive the anthrax and smallpox immunizations without their consent, to correct the records of servicemembers previously punished for refusing to take these vaccines, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. SMITH of Michigan, Mr. MICHAUD, Mr. SIMPSON, Mr. OTTER, Mr. GORDON, Mr. DELAHUNT, Mr. ETHERIDGE, Mr. LAHOOD, Mr. HOLDEN, Mr. KINGSTON, Mr. BISHOP of Georgia, and Ms. KAPTUR):

H.R. 5167. A bill to extend for 18 months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. RENZI:

H.R. 5168. A bill to repeal the Bennett Freeze thus ending a gross treaty violation with the Navajo Nation and allowing the Navajo Nation to live in habitable dwellings and raise their living conditions, and for other purposes; to the Committee on Resources.

By Mr. NUSSLE (for himself, Mr. KING of Iowa, Mr. LATHAM, and Mr. LEACH):

H.R. 5169. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself, Mr. LATOURETTE, Mr. BOEHNER, Mr. RAMSTAD, Mr. GILLMOR, Mr. CHABOT, Ms. KAPTUR, Mr. REGULA, Mr. OXLEY, Mrs. JONES of Ohio, Ms. PRYCE of Ohio, Mr. GUTKNECHT, Mr. TIBERI, Mr. JOHNSON of Illinois, Mr. PORTMAN, Mr. TURNER of Ohio, Mr. MCINNIS, Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. BROWN of Ohio, Mr. KLINE, Mr. NEY, Mr. SHIMKUS, and Mr. LAHOOD):

H.R. 5170. A bill to require the Secretary of Transportation, in computing the estimated tax payments attributed to highway users for purposes of title 23, United States Code, to take into account any law that replaces the reduced rates of tax on gasohol with an excise tax credit; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE:

H.R. 5171. A bill to amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself, Mr. PORTMAN, and Ms. SCHAKOWSKY):

H.R. 5172. A bill to direct the Consumer Product Safety Commission to declare Yo-Yo Waterball toys to be a banned hazardous products; to the Committee on Energy and Commerce.

By Mr. BEAUPREZ:

H.R. 5173. A bill to prohibit the sale of any alcohol without liquid machine without premarket approval, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAPUANO (for himself, Mr. KILDEE, Mr. LANGEVIN, Mr. HYDE, Mr. TOWNS, Mr. SERRANO, Mr. FRANK of Massachusetts, and Mr. VAN HOLLEN):

H.R. 5174. A bill to amend title 5 of the United States Code to increase the amount of additional compensation payable to an employee who is disabled and requires the services of an attendant, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CARSON of Oklahoma:

H.R. 5175. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the Medicare part B premium; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 5176. A bill to amend the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 to rename the Rocky Mountain Arsenal National Wildlife Refuge as the Pat Schroeder National Wildlife Refuge; to the Committee on Resources.

By Mrs. LOWEY:

H.R. 5177. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on International Relations.

By Mr. MORAN of Virginia:

H.R. 5178. A bill to direct the Secretary of Transportation to carry out a pilot program to improve the security of State drivers' licenses and identification cards, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBEY:

H.R. 5179. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for modest adjustments necessary to restore the old-age, survivors, and disability insurance program to long-term actuarial balance; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota (for himself and Mr. BOSWELL):

H.R. 5180. A bill to extend the authority of the Livestock Mandatory Reporting Act of 1999 through October 22, 2005; to the Committee on Agriculture.

By Mr. PETRI (for himself and Mr. ANDREWS):

H.R. 5181. A bill to protect employees from invasion of privacy by employers by prohibiting certain video monitoring and audio monitoring of employees by their employers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Mr. TURNER of Texas, Mrs. CHRISTENSEN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Ms. NORTON, and Mr. MEEK of Florida):

H.R. 5182. A bill to amend the Homeland Security Act of 2002 to clarify the mission and responsibilities of the Department of Homeland Security with respect to the protection of civil rights and civil liberties, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security (Select), 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. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 5183. A bill 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; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 5184. A bill 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; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT (for himself, Mr. GORDON, Mr. COX, Mr. TURNER of Texas, Ms. LOFGREN, Mr. WAXMAN, and Mr. CLAY):

H. Con. Res. 502. Concurrent resolution expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Computer Security Awareness Month; to the Committee on Science.

By Mr. PALLONE:

H. Con. Res. 503. Concurrent resolution recognizing the 20th anniversary of the Bhopal disaster and expressing the commitment of Congress to work with the Government of India and others to ensure that Union Carbide provides environmental and medical rehabilitation of the affected area and is held responsible for its actions; to the Committee on International Relations.

By Mr. VITTER:

H. Con. Res. 504. Concurrent resolution supporting the observance of Breast Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina (for himself, Mr. SPRATT, Mr. CLYBURN, Mr. DEMINT, Mr. BROWN of South Carolina, and Mr. BARRETT of South Carolina):

H. Con. Res. 505. Concurrent resolution recognizing, commending, and supporting the efforts of the Celebrate Freedom Foundation; to the Committee on Armed Services.

By Mr. PENCE:

H. Res. 806. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. ISRAEL (for himself and Ms. DELAURO):

H. Res. 808. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Government Reform.

By Mr. KILDEE:

H. Res. 809. A resolution supporting the goals and ideals of ''Lights On Afterschool, a national celebration of after-school programs; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 490: Mrs. JONES of Ohio.
H.R. 623: Mr. PLATTS.
H.R. 632: Mr. MICHAUD.
H.R. 677: Mr. LAHOOD.
H.R. 798: Mr. ANDREWS.
H.R. 918: Mr. WALDEN of Oregon, Mr. ROTHMAN, and Mr. DEAL of Georgia.
H.R. 1078: Mrs. JONES of Ohio.
H.R. 1205: Mr. HASTINGS of Florida.
H.R. 1294: Mr. PLATTS.
H.R. 1305: Mr. BISHOP of New York, Mr. BASS, Mr. HAYES, Mrs. CUBIN, and Mr. HEFLEY.
H.R. 1336: Mr. COSTELLO, Mr. DOYLE, Mrs. KELLY, Mr. BACHUS, and Mrs. CUBIN.
H.R. 1340: Mr. BACA.
H.R. 1359: Mr. PETERSON of Minnesota and Mrs. NAPOLITANO.
H.R. 1477: Ms. MILLENDER-MCDONALD and Mr. OWENS.
H.R. 1508: Mr. BERMAN.
H.R. 1523: Mr. CALVERT and Mr. CANNON.
H.R. 1631: Mr. MILLER of Florida.
H.R. 1633: Mr. MOORE.
H.R. 1639: Mr. ALLEN.
H.R. 1769: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1820: Mr. GILLMOR.
H.R. 1824: Mr. SHAYS.
H.R. 1859: Mr. ANDREWS.
H.R. 1873: Ms. ESHOO.
H.R. 2176: Mr. BILIRAKIS.
H.R. 2215: Mr. SMITH of Washington.
H.R. 2238: Mr. LAMPSON.
H.R. 2440: Mr. PASTOR.
H.R. 2680: Mr. BACHUS, Mr. FOLEY, Mr. LEWIS of California, Mr. LOBIONDO, Mr. MANZULLO, Mrs. MYRICK, Mr. PETRI, Mr. SMITH of New Jersey, Mrs. WILSON of New Mexico, Mr. YOUNG of Alaska, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2797: Mr. DEMINT.
H.R. 2848: Mr. KOLBE.
H.R. 2900: Mrs. BIGGERT.
H.R. 2959: Mr. DOYLE.
H.R. 2971: Mr. SULLIVAN.
H.R. 3103: Mr. HALL, Mr. BOEHLERT, Mr. RYAN of Ohio, and Mrs. CAPITO.
H.R. 3242: Mr. CLYBURN, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Ms. HARMAN, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Ms. PELOSI, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Ms. WATSON, Ms. LINDA T. SANCHEZ of California, and Mr. LANTOS.
H.R. 3403: Ms. ROS-LEHTINEN.
H.R. 3438: Mr. SWEENEY, Mr. GEORGE MILLER of California, Mr. JEFFERSON, and Ms. HERSETH.
H.R. 3558: Mrs. MCCARTHY of New York.
H.R. 3634: Mr. PASTOR.
H.R. 3858: Mr. COX.
H.R. 4067: Mr. ISRAEL.
H.R. 4094: Mr. OWENS and Mr. GORDON.
H.R. 4108: Mr. FRANK of Massachusetts.
H.R. 4249: Mr. JEFFERSON, Mr. MOORE, Ms. BORDALLO, Mr. CROWLEY, Ms. HARMAN, Mr. LARSEN of Washington, Ms. DELAURO, Mr. GREEN of Texas, Mr. DOYLE, Mr. DOOLEY of California, Mr. TIERNEY, Mr. OLVER, Mr. MENENDEZ, Mr. RODRIGUEZ, Mr. ANDREWS, Ms. LORETTA SANCHEZ of California, and Mr. CHANDLER.
H.R. 4283: Mr. SWEENEY.
H.R. 4351: Mr. OWENS.
H.R. 4357: Mr. MEEHAN.
H.R. 4374: Mr. OWENS.
H.R. 4391: Mr. DOOLITTLE.
H.R. 4392: Mrs. JO ANN DAVIS of Virginia.
H.R. 4395: Mr. BERRY.
H.R. 4488: Mr. ENGLISH, Mr. HERGER, and Mr. HAYWORTH.
H.R. 4595: Mr. FARR.
H.R. 4610: Mr. RAHALL.
H.R. 4616: Mr. PETERSON of Minnesota.
H.R. 4662: Mr. GREEN of Wisconsin.
H.R. 4686: Ms. BALDWIN.
H.R. 4730: Mr. RAHALL.
H.R. 4776: Mr. PLATTS.
H.R. 4782: Mr. COLE.
H.R. 4839: Mr. FROST.
H.R. 4849: Mr. LEWIS of Kentucky.
H.R. 4927: Mr. MCDERMOTT.
H.R. 4931: Mr. SOUDER.
H.R. 4936: Mr. SCHIFF, Mrs. LOWEY, Mr. STRICKLAND, Mr. DAVIS of Florida, Mrs. CAPITO, Mr. WICKER, Mr. MARSHALL, Mr. STARK, Ms. BALDWIN, Mr. EMANUEL, Ms. HERSETH, and Mr. ALLEN.
H.R. 4978: Mr. OWENS.
H.R. 5023: Mr. HINCHEY.
H.R. 5057: Mr. FILNER, Ms. BERKLEY, Mr. CONYERS, Mr. ORTIZ, Mr. HOSTETTLER, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. BURR, Mrs. LOWEY, and Mr. RODRIGUEZ.
H.R. 5061: Ms. SCHAKOWSKY, Mr. KENNEDY of Rhode Island, Mr. ACKERMAN, Mr. AKIN, Mr. JACKSON of Illinois, Mr. PASTOR, Mr. MCDERMOTT, Ms. MCCOLLUM, and Mr. BLUMENAUER.
H.R. 5068: Ms. MCCARTHY of Missouri, Mr. LAMPSON, and Mr. GIBBONS.
H.R. 5069: Mr. LAMPSON and Mr. GIBBONS.
H.R. 5126: Mr. FRANK of Massachusetts and Mr. EMANUEL.
H.R. 5144: Mr. FORD and Mr. ISAKSON.
H.R. 5150: Mr. BLUMENAUER, Mr. COOPER, Ms. HARMAN, Mr. SANDLIN, Mr. DOOLEY of California, Ms. MCCOLLUM, and Mr. KIND.
H.J. Res. 28: Mr. WYNN and Mr. BUTTERFIELD.
H.J. Res. 56: Mr. MCKEON and Mr. BISHOP of Georgia.
H.J. Res. 106: Mr. BARTON of Texas, Mr. BACHUS, Mr. BOEHNER, Ms. GINNY BROWN-WAITE of Florida, Mr. BURR, Mr. COLE, Mr. CANNON, Mr. CANTOR, Mr. COLLINS, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mrs. EMERSON, Mr. FLAKE, Mr. HALL, Ms. HART, Mr. HERGER, Mr. HULSHOF, Mr. ISAKSON, Mr. KELLER, Mr. MILLER of Florida, Mrs. NORTHRUP, Mr. NEY, Mr. PEARCE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. ROGERS of Kentucky, Mr. STENHOLM, and Mr. WAMP.
H. Con. Res. 239: Mr. VAN HOLLEN.
H. Con. Res. 285: Ms. KILPATRICK.
H. Con. Res. 330: Mr. SABO and Mr. ANDREWS.
H. Con. Res. 431: Mr. TANCREDO.
H. Con. Res. 476: Mr. RANGEL, Mr. CONYERS, and Ms. LEE.
H. Res. 550: Mr. UDALL of New Mexico.
H. Res. 601: Ms. JACKSON-LEE of Texas.
H. Res. 682: Mr. BELL and Mr. TERRY.
H. Res. 751: Mr. BERMAN, Mr. SHERMAN, Mr. ENGEL, Mr. ROHRABACHER, Mr. TANCREDO, and Mr. ISSA.
H. Res. 768: Mr. KUCINICH, Mr. VAN HOLLEN, and Mrs. MALONEY.
H. Res. 782: Ms. WOOLSEY, Mr. MCDERMOTT, Ms. SOLIS, Mr. MICHAUD, and Mr. STARK.
H. Res. 793: Mr. FROST and Mr. SHERMAN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

115. The SPEAKER presented a petition of the Tobacco Task Force and the Committee on Agriculture and Small Business of the General Assembly of the Commonwealth of Kentucky, relative to a resolution expressing full support for the implementation of a fair and equitable tobacco buyout program to compensate tobacco growers and quota owners for their loss; petitioning for the provision of an economic stimulus for the Commonwealth of Kentucky; and petitioning the President and Congress of the United States to support and enact legislation to establish such a buyout program for the tobacco industry; to the Committee on Agriculture.

116. Also, a petition of the City of Lauderdale Lakes Commission, Florida, relative to Resolution No. 04-107 petitioning the Congress of the United States to help cities protect children and animals by enacting legislation which requires the addition of the bittering agent known as denationium benzoate to engine coolant and antifreeze compounds which contain ethylene glycol; to the Committee on Energy and Commerce.