

repeatedly expressed my outrage at the failure of our Federal Government to adequately respond to this disaster.

Without this legislation, victims of the Hurricane Katrina disaster will lose their unemployment assistance this Saturday. Under current law, Federal emergency unemployment assistance expires 26 weeks after the emergency occurs. Congress must act now to ensure that these victims continue to receive our support as they attempt to rebuild their lives and their communities.

While I support the legislation before us, this is only a first step for Congress. Many of the Katrina survivors have also lost their homes and belongings. They are continuing to look for employment in the region.

Congress needs to take a bold step and enact a comprehensive approach to help the people and the region recover from this natural disaster. I have co-sponsored H.R. 4197, the Hurricane Katrina Recovery, Reclamation, Restoration, Reconstruction and Reunion Act of 2005, introduced by the Congressional Black Caucus. I urge the House leadership to bring up this legislation immediately. This legislation would take important steps toward fully restoring the Gulf Coast and reuniting evacuees with their families. The bill addresses the needs of evacuees in the areas of health, education, housing, community rebuilding, voting rights, business, and financial services.

I urge my colleagues to support this legislation, and again urge the House leadership to immediately allow the House to vote on H.R. 4197, the comprehensive Hurricane Katrina recovery legislation.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Wednesday, March 1, 2006, the previous question is ordered on the Senate bill, as amended.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 109-382) on the resolution (H. Res. 643) directing the Attorney General to submit to the House of Representatives all documents in the possession of the Attorney General relating to warrantless electronic surveillance of telephone conversations and electronic communications of persons in the United States conducted by the National Security Agency, which was referred to the House Calendar and ordered to be printed.

□ 1115

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted an

adverse privileged report (Rept. No. 109-383) on the resolution (H. Res. 644) requesting the President and directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the authorization of electronic surveillance of citizens of the United States without court approved warrants, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 4167, NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 702 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 702

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

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

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), 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. GINGREY asked and was given permission to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, House Resolution 702 is a general debate rule that provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. It waives all points of order against consideration of the bill, and it provides that after general debate, the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except by a subsequent order of the House.

Mr. Speaker, I rise in support of House Resolution 702 and the underlying bill, H.R. 4167, the National Food for Uniformity Act of 2005.

H.R. 4166 was introduced by the gentleman from Michigan (Mr. ROGERS)

and reported out of the House Energy and Commerce Committee on 15 December 2005 by a vote of 30-18. This is a good bill, and I would like to thank Chairman BARTON and Representative ROGERS for their work in bringing this bill to the floor.

Mr. Speaker, currently food regulation is composed of a variety of different and sometimes inconsistent State requirements. These different State standards hamper the free flow of interstate commerce. They also result in increased costs to manufacturers and distributors that are then, of course, passed on to consumers. The greatest burden falls on our citizens and resident immigrants who are at the lowest end of the economic scale, who are struggling to pay for even basic staples.

So, Mr. Speaker, these differing standards and their effects are very similar to problems plaguing the health insurance industry, which also drive up the cost to consumers and lock the door to many low-income individuals and families who simply cannot afford basic health care coverage because of all the required, expensive and often unnecessary extra screenings, tests and procedures mandated by 50 different State legislatures.

From State to State, we have a patchwork quilt of health and insurance regulations and mandates that would create bureaucracy upon bureaucracy, driving up the costs and driving away coverage for those who need it most. These regulatory inconsistencies in both the insurance health care industry and in the food industry impose unnecessary costs and jeopardize the well-being of American consumers nationwide.

However, Mr. Speaker, the National Uniformity for Food Act would establish national standards to ensure consistency in food labeling regulation. The bill will amend the Federal Food, Drug and Cosmetic Act to establish a nationwide system of food safety standards and warning requirements for food labels instead of just a hodgepodge of different and, yes, even contradictory warnings among the various and sundry States.

Mr. Speaker, establishing nationwide, uniform standards is by no means unprecedented. We already have national standards in the areas of meat and poultry products regulated by the United States Department of Agriculture. We have national standards for nutrition labeling, health claims, standards of identity, pesticide residue tolerance, medical devices and drugs regulated by the United States Food and Drug Administration.

Mr. Speaker, for those who fear an important warning might fall through the cracks, I want to emphasize that this bill does allow States whose requirements differ from the Federal requirements the opportunity to petition the FDA to adopt the requirement as a national requirement or to exempt it from the requirement of uniformity for

their particular locality. If it is worthwhile to the State of California, as an example, I trust that the FDA would hold that it is worthwhile for the 49 other States, including my State of Georgia. This petition process will allow States to have notification requirements that address food safety issues unique to their States, bottom line.

H.R. 4167 also, Mr. Speaker, includes a provision that allows the State to exercise imminent hazard authority to prevent the sale of dangerous food by applying a State requirement that would otherwise be preempted. They can do it in that emergency situation.

With the passage of this rule, the House of Representatives will move forward today with general debate to discuss the overall merits of the bill, and we will resume consideration next week on a multitude of proposed amendments. This additional time will help to ensure an open and fair process so that we ultimately arrive at consensus legislation based on sound policy.

So I urge my colleagues to support both the rule and, ultimately, the underlying legislation.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman very much for yielding time to me. It is extraordinary that she let me go ahead of her, and I appreciate it very much because of her accommodation of my schedule.

This bill is the most sweeping change in decades to our Nation's efforts to protect the food supply. H.R. 4167 is a disaster waiting to happen. This legislation could overturn 200 State laws, laws that the American people rely on every day to ensure the safety of the food they eat and to ensure that they know what they are buying; laws that ensure that the shellfish they buy is not tainted; laws that let a pregnant woman know what foods can increase the risk of birth defects; laws that could inform consumers whether fish have high levels of cancer-causing PCBs; and laws that ensure the safety of our milk.

The opposition to this bill is strong, and it is growing stronger. Last night, 37 State attorneys general, Republicans and Democrats alike, announced their opposition to the bill.

They join the opposition of dozens of public health, environmental and consumer groups. Florida, Georgia, New York, Wisconsin, and Illinois have all written to Congress opposing the legislation. The National Association of State Departments of Agriculture and the National Association of Food Drug Officials strongly oppose this bill as well.

I hope that next week we will be able to offer some amendments to the bill.

Since there has never been a day of hearings on the legislation in committee, I think there ought to be an open rule.

One amendment that I would like to support is the Capps-Eshoo-Stupak-Waxman amendment, and I think it must be adopted by this House. It would allow States to take the necessary steps so that consumers will be told of food that contains cancer-causing substances, developmental toxins, sulfites and reproductive toxins. It will also let States take action to protect the health of their children.

Secondly, this bill will undermine our Nation's defenses against bioterrorism, according to State and local officials, and we are proposing that this bill not handcuff the first responders who deal with food safety issues every day.

The amendment we will be offering will help preserve the authorities of the governors and State legislatures to establish and maintain a food safety system that can be responsive to the threats that we face.

I am stunned by so many of my Republican colleagues, even the gentleman that spoke on the Republican side of the aisle from the State of Georgia, suggesting that States should not have the right to go ahead and adopt food safety and labeling laws unless the FDA, a bureaucracy in the Federal Government, allows them to do so. The States have always had this constitutional authority. The States should have this right.

I have been told so many times over the decades that Washington does not and should not have one-size-fits-all for everybody. Let us let States exercise their rights to protect their own people and not preempt them.

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

In response to the gentleman from California, first of all, Mr. Speaker, I have got a document here of 119 groups supporting H.R. 4167, the National Uniformity for Food Act of 2005, which I will submit for the RECORD at this point.

GROUPS SUPPORTING H.R. 4167—THE NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

Ahold; Albertson's; Altria Group, Inc.; American Bakers Association; American Beverage Association; American Feed Industry Association; American Frozen Food Institute; American Plastics Council; American Meat Institute; American Spice Trade Association; Animal Health Institute; Apple Products Research and Education Council Association for Dressings and Sauces; Biscuit and Cracker Manufacturers Association; Bush Brothers & Company; Business Roundtable.

Cadbury Schweppes plc; California Farm Bureau Federation; California Grocers Association; California League of Food Processors; California Manufacturers & Technology Association; Calorie Control Council; Campbell Soup Company; Cargill, Incorporated; Chocolate Manufacturers Association; The Coca-Cola Company; Coca-Cola Enterprises Inc.; ConAgra Foods, Inc.; Council for Citizens Against Government Waste; Dean Foods Company; Del Monte Foods.

Diamond Foods, Inc. Flavor & Extract Manufacturers Association; Flowers Foods, Inc.; Food Marketing Institute; Food Products Association; Frito-Lay; Frozen Potato Products Institute; General Mills, Inc.; Gerber Products Company; Glass Packaging Institute; Godiva Chocolatier Inc.; Grain Foods Foundation; Grocery Manufacturers Association; H.J. Heinz Company; The Hershey Company.

Hoffmann-La Roche Inc.; Hormel Foods Corporation; Independent Bakers Association; Institute of Shortening and Edible Oils; International Association of Color Manufacturers; International Bottled Water Association; International Dairy Foods Association; International Food Additives Council; International Foodservice Distributors Association; International Formula Council; International Ice Cream Association; International Jelly and Preserves Association; The J.M. Smucker Company; Jewel-Osco; Kellogg Company.

Kraft Foods Inc.; Land O' Lakes, Inc.; Maine Potato Board; Masterfoods USA; McCormick & Company, Inc.; McKee Foods Corporation; Milk Industry Foundation; The Minute Maid Company; National Association of Convenience Stores; National Association of Manufacturers; National Association of Margarine Manufacturers; National Association of Wheat Growers; National Association of Wholesaler-Distributors; National Cattle-men's Beef Association; National Cheese Institute.

National Chicken Council; National Coffee Association of USA; National Confectioners Association; National Fisheries Institute; National Frozen Pizza Institute; National Grape Cooperative Association; National Grocers Association; National Institute of Oilseed Products; National Milk Producers Federation; National Pasta Association; National Pecan Shellers Association; National Pork Producers Council; National Potato Council; National Restaurant Association; National Turkey Federation.

Nestle USA; North American Millers' Association; Osco Drug; O-I; Peanut and Tree Nut Processors Association; Pepperidge Farm Incorporated; PepsiCo, Inc.; Pickle Packers' International; The Procter & Gamble Company; Quaker Oats; Rich Products Corporation; Rich SeaPak Corporation; Safeway; Sara Lee Corporation; Say-on Drugs.

The Schwan Food Company; Snack Food Association; Society of Glass and Ceramics Decorators Supervalu Inc.; Target Corporation; Tortilla Industry Association; Tropicana; Unilever; United Fresh Fruit and Vegetable Association; U.S. Chamber of Commerce; Vinegar Institute; Welch Foods, Inc.; Winn-Dixie; Wm. Wrigley Jr. Company; Yoplait.

To my friend from California, I want to point out that among these 119 just happens to be the California Farm Bureau Federation, that is in support; the California Grocers Association, which is in support; the California League of Food Processors, which is in support; the California Manufacturers and Technology Association, which is in support. I do not guess this is a California company, but interesting to note that also the H.J. Heinz Company is in support.

I think that reminds me of the past Presidential election and maybe one of the candidates from the other side of the aisle.

In regard to the preempting States, I want to remind my friends and all of our colleagues that we are dealing here with interstate commerce, and we are

not talking really about preemption, even with that, of State law, because these 200 State laws that the gentleman from California (Mr. WAXMAN) was talking about in the various and sundry States, this is part of the problem. But all of those laws, each and every one of those laws, could be incorporated, Mr. Speaker, and possibly will be, into the FDA guidelines.

I wanted to make sure that they understand that.

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

Ms. MATSUI. Mr. Speaker, I yield myself as much time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

□ 1130

Ms. MATSUI. Mr. Speaker, warnings of mercury levels in fish, the safety of our children's milk, birth defect warnings, reducing lead in calcium supplements, cans, and wine bottle caps, if we pass H. Res. 702, the rule governing the National Food Uniformity Act, and ultimately the underlying legislation, these are but a few of the food safety laws that would be preempted.

We would be placing at even greater risk the health of millions of Americans, our children, and pregnant women. Parents would have less information about the harm their children would come to because of a simple meal. This is the exact opposite of what we should be doing. Information about the health implications of what we are assuming is abundant, and we should be an ally in helping parents to protect their children.

With this legislation, Federal food safety regulations would supplant State food safety laws. Even though our food safety system has been created to rely upon the States, the FDA will make recommendations on its Web site. But the States need to take this information and determine the best way to inform and protect their residents. There is a reason for this: 80 percent of the enforcement is at the State and local levels.

Let me take one example: mercury levels. Because of the implications of mercury in my home State of California, we have a program to place in-store notices about mercury levels. This concern about mercury has been raised by the Centers for Disease Control, the American Medical Association, and the American Academy of Pediatrics. I remember when my daughter-in-law Amy was pregnant with my granddaughter Anna. Her doctor repeatedly warned her about the harm mercury could cause her fetus. Fortunately, she was able to afford prenatal care and had the warnings, so Anna was born a perfectly normal child, free from any adverse effects of any mercury.

But what about those who do not have adequate prenatal care or have warnings? How do they learn about

these? Most of us will never think to go to the FDA Web site before putting our shopping list together. We find out about FDA warnings because our State laws require them to be posted next to the supermarket fish counter. We see the sign as we shop.

As many of you are probably aware, certain fish contain high levels that can harm pregnant women and young children. High levels of mercury can damage the brain or kidneys. And this is in adults. Imagine what this can do to a developing fetus: blindness, seizures, speech problems, as well as nervous and digestive problems. But under this legislation, this program would be gone, as would the protections for our children. All that would remain is a posting on the FDA's Web site. Under President Bush's budget, the FDA's food safety funding would be cut by \$445 million over 5 years. Where does this leave parents and the health of our children?

When it comes to our children's health, we should be setting the highest bar possible rather than the lowest common denominator. Why would we not warn parents of this potential harm? I urge my colleagues to oppose this rule and the underlying legislation.

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

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

I appreciate what the gentlewoman from California (Ms. MATSUI) just mentioned. And certainly as a physician, and we have health care providers on both sides of the aisle, we may be hearing from a physician Member, a friend and colleague on their side of the aisle in just a few minutes in regard to similar issues, so I do, I do understand, Mr. Speaker, that there are concerns about consumption of fish; the concern for Ms. MATSUI's daughter and her granddaughter. And I am in the same category. She certainly looks a lot younger than I do and a lot prettier, Mr. Speaker, but I have grandchildren as well.

Those are legitimate concerns. However, I will point out that fish is an excellent source of nutrition for mothers, expectant mothers, pregnant mothers, and young children. It is a wonderful source of protein and polyunsaturated fats. Those of us who have had little heart problems in the past understand that it is much more healthy to consume fish than red meat, not that an occasional steak should be denied anybody, Mr. Speaker.

But it is true, as the gentlewoman says, that the mercury content is a concern, and I have done some reading on this issue. I talked just last night, Mr. Speaker, I had an opportunity to discuss this issue with the pediatrician who took care of my children, my adult children, and who now, this same pediatrician, Dr. Larry Clements in Marietta, Georgia, of Kenmar Pediatrics, is taking care of my grandchildren, and I asked about this issue. And certainly

there is a concern about mercury levels in certain fish, but also in my reading and in talking with Dr. Clements found out what the American Academy of Pediatrics says about it, found out what the EPA says about it, and found out what the FDA says about it.

The FDA has guidance and guidelines right now that says to these women that four-tenths of a microgram per kilogram per day is a safe consumption level. And so this idea of the FDA being oblivious to the concerns about mercury, organic mercury, that the fish consume and then it gets into the blood stream of the mother; that it actually crosses the blood brain barrier, the placental fetal barrier and gets into the blood stream of a child and can adversely affect their neurological system, the FDA is certainly not oblivious to that.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) has an amendment that we will discuss thoroughly, thoroughly, and give careful consideration to her amendment and other similar amendments that Mrs. Matsui is talking about when we do this next week. And that is one of the reasons we wanted to divide up the general debate and the debate on those important amendments because of what the gentlewoman just said.

So it is very possible that the California guidelines in regard to this concern or the Florida guidelines about mercury levels will very likely be incorporated into the national standards. Because, for goodness sake, what is good and safe for her grandchildren, I know my good friend would want the same safety standards for my grandchildren in Georgia, for example. So I think she makes a good point, and I don't object to that at all; but I feel like this national standard will take care of that.

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

Ms. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, what this bill does, I say to the gentlewoman from California, is to create circumstances where it undermines all these food safety laws all over the States. Under the guise of promoting uniformity in food safety and labeling laws, this bill requires all State food safety laws to be identical to the requirements of the Federal Food and Drug Administration. And since the States regulate many food safety issues not covered by the FDA, many food safety laws will be voided and replaced actually with no law at all.

The uniformity to be achieved by this bill is, in many instances, the uniform absence of food safety regulation, which is desired by the food industry. So this bill is uniformly bad.

For example, the bill would preempt Alaska's newly passed law to label genetically engineered fish. The Alaskan

State legislature passed this law to ensure the State's principal industries are protected. The State of Alaska has an interest to ensure that its products and reputation are not harmed. Today, we are telling the people of Alaska that the natural Alaska king salmon cannot be distinguished from the genetically engineered version bound to enter the market one day.

Another great example of the State laws this bill is designed to undermine is California's Prop. 65. Prop. 65 provides for the labeling of products that contain compounds that cause cancer or reproductive problems. California voters approved it by a 2-1 margin in the 1980s. Since enacted, it has sped the elimination of toxic compounds from the products we use or eat every day. It led one company to remove a carcinogenic chemical from a waterproofing spray. It led to the removal of lead foil from wine bottles. It led to the removal of lead solder in cans used for food. It took lead out of calcium supplements, brass kitchen faucets, and hair dyes.

In fact, when many companies reformulated their product to avoid having it labeled as a carcinogen, they did it without telling anyone because they didn't want to draw attention to the fact that their product included dangerous chemicals in the first place.

So there are countless other examples of Prop. 65 protecting public health and the environment that we don't even know about. It is exactly this triumph of public health over large food corporations that has driven the food industry to push for the so-called National Food Uniformity Act. But it is bad policy. In fact, even President Reagan rejected attempts to undermine it.

This so-called uniformity bill will cost the taxpayers dearly. The Congressional Budget Office estimates that the Federal Government will have to pay \$100 million to consider States' appeals; and at the local and State level, food and safety officials would be obstructed. They perform some 80 percent of the work to ensure the safety of our food.

In 2001, States acted in 45,000 separate instances to keep unsafe food from entering our food supply. This bill simply says that the United States Congress believes uniformity is more important than food safety or the consumers' right to know.

This bill ought to be defeated. We need to listen to what the people in the States are saying about their desire to have food that is safe to eat, and this bill absolutely vitiates any effort that States make to protect their own people.

This is a bad bill. Large corporations are pushing for it, just like years ago they pushed to try to stop this Congress from investigating cigarettes that caused cancer. We need to defeat this bill. It is a rotten idea.

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

I want to point out to the gentleman who just spoke that of course one of

the major provisions of H.R. 4167 is that it does allow a State to petition for an exemption or to establish a national standard. I think even better, as I said earlier in my response to Ms. MATSUI, is to establish a national standard regarding any requirement under FFDCa or the Fair Packaging and Labeling Act related to food regulation.

It allows the Secretary of Health and Human Services to provide such an exemption if the requirement protects an important public interest that would otherwise be unprotected. I think that is a hugely important provision of H.R. 4167.

Again, we are dealing with interstate commerce, and I have a very strong feeling and affinity for States' rights. We all do in Georgia. But, Mr. Speaker, in my opening comments about this bill, I made an analogy of health insurance mandates, that the 50 States are not the same. It would be far easier if they were the same, but 50 States have different mandates that State legislatures pass to put in a so-called basic health insurance policy that you cannot sell in the State without including provisions.

I remember very clearly when I was a State senator, before becoming a Member of this august body, that, unfortunately, one of our colleagues' mother-in-law was dying of ovarian cancer. She and he made the strong case for a screening test, a blood test to purportedly determine who is going to get or likely to get or in the earliest stages of ovarian cancer should be made part of every health insurance policy. In other words, every woman in the State of Georgia on a yearly basis could be provided with this blood test called CA-125. But, Mr. Speaker, gynecologic oncologists, medical cancer specialists, would tell you almost to a person that this is a very poor test for screening for that particular disease.

□ 1145

Yet in the State of Georgia, that is mandated. And that drives up the cost of health insurance, and it also drives up the number of people in Georgia who cannot afford a basic policy of health care. That is really what we are talking about here. We are not talking about taking away the States' rights. And after all, the FDA scientific body, they study these issues very carefully. All of these State mandates will be looked at extremely carefully, and those that need to be in the national guidelines will be there. Those that are not, the States can petition to have them included.

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

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to the previous question and also will oppose the bill.

Mr. Speaker, I submit for the RECORD a letter from the Colorado Department of Agriculture. And if I could respond to my good friend from Georgia, in the letter from the Department of Agriculture, they make the point that although the States can seek waivers, in our State we believe, the Department of Agriculture believes that a State required to seek a waiver from the Federal Food and Drug Administration would incur significant legal and expert witness expenses which could be better used in conducting food and animal feed safety inspections.

Mr. Speaker, this is a bad bill. It should be rejected. It would make it much harder for Colorado and other States to protect public health and respond to acts of bioterrorism.

The bill would preempt virtually every State and local law that does not mirror Federal law, and it would require Colorado and other States to navigate a bureaucratic and costly morass if they want to act to protect the public.

In Colorado specifically, the bill would erase laws dealing with the safety of restaurants, packaged food, wholesale foods and milk. Further, it would prohibit Colorado and other States from passing laws or regulations dealing with animal feeds, feed additives, and drugs used on animals.

Additionally, States could not respond quickly to extreme public health risks like avian flu, mad cow disease or chronic wasting disease without first seeking the guidance of the Federal Government. It is shocking, I think truly shocking, that in the wake of Hurricane Katrina we would further hamstring our State and local officials when they need to respond quickly.

Mr. Speaker, I would urge opposition to the rule and the underlying bill that would undermine Colorado's ability to protect consumers and the public health.

COLORADO DEPARTMENT  
OF AGRICULTURE,

Lakewood, CO, January 30, 2006.

Hon. MARK UDALL,  
House of Representatives, Cannon House Office  
Bldg., Washington, DC.

DEAR CONGRESSMAN MARK UDALL: On behalf of the Colorado Department of Agriculture, I am writing to express our concerns regarding H.R. 4167, "The National Uniformity for Foods Act of 2005," which will appear before the House for action in the next few weeks.

This bill would preempt state feed safety agriculture defense programs from performing certain functions that protect citizens. Under this bill, a state would no longer be able to formulate laws and rules concerning the labeling of foods, animal feeds, feed additives and new animal drugs. Preempting state regulatory agencies from having autonomy to address food and animal feed safety concerns compromises public and animal health. Each state must have the latitude to act quickly to enact laws and rules that address local or statewide health concerns.

In addition, the waiver process required by H.R. 4167 would impose substantial financial burden on the state and federal governments. A state required to seek a waiver from the

Federal Food and Drug Administration would incur significant legal and expert witness expenses, which could be better used in conducting food and animal feed safety inspections.

Consumers benefit from strong food safety laws at the federal and state levels. Elimination of the authority of each state to set policy and take appropriate action would reduce consumer protection. Therefore, I urge you to oppose H.R. 4167.

Your consideration of our concerns is appreciated.

Sincerely,

DON AMENT,  
Commissioner, Colorado Department  
of Agriculture.

Mr. GINGREY. Mr. Speaker, I yield myself 45 seconds.

I just want to say to the gentleman from Colorado (Mr. UDALL), that in addition to the provision that I just quoted, there is this other provision that would address his concerns, and obviously it is a legitimate concern. It is very clear in the language of the bill, Mr. Speaker. It says this: it allows a State to establish a requirement that would otherwise violate an FFDCFA act, or FDA provisions relating to national uniform nutritional labeling of this act if the requirement is needed to address an eminent hazard to health, like Mr. UDALL mentioned, that is likely to result in serious adverse health consequences and if other requirements are met.

Mr. Speaker, I will continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 4 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, I did not have a chance to look at the calendar to find out what organization from K Street is having a big convention. But that is the only explanation for why this bill is here. This bill has not had a single hearing, not a single hearing on food safety in this country. All the relevant State agencies oppose the bill, the State Departments of Agriculture across the country, the Association of State Food and Drug Officials, the National Conference of State Legislatures.

Why are we moving a bill through here without a single hearing to give the people of California and Washington a chance to say we want to have higher standards than you guys who run FEMA, who run FEMA? Remember, this is FEMA.

One of the things that we did in Washington State when we had an earthquake was that the Washington State Department of Agriculture embargoed the movement of fish products contaminated by ammonia. That would be outside their ability, unless they went and got a waiver.

Now, why should the people of the State of Washington have to go and get a waiver from the Federal Government to provide protection for the people in an emergency? You make it more bureaucratic.

I really find it very hard that anybody in the health care industry could come out here and want to take away from the Washington State Department of Agriculture the ability to stop the movement of contaminated eggs, which were implicated in salmonella. That happened in Washington. Why would you want to stop the movement of contaminated foods and improperly labeled products? Why would you want to take that away from the States?

Oh, because we are going to make it easier for the manufacturers to slide through whatever they want to slide through. Done. However they want it done. No one trusts the States suddenly. All these States righters come out here, and those legislators who sit and listen and have hearings are ignored.

This is a travesty of the political process that you would bring out a health safety bill. Listen, we had an epidemic of problems with food from a company that was making hamburgers. We had a bunch of kids die in Seattle because they were getting undercooked hamburgers. Now, this Congress never did anything about it. But they did in the State of Washington. And if you cannot get this Congress to act on the safety of hamburgers in the country of McDonalds, you have got a serious problem. Somebody has got their foot on something someplace. And the people in the State of Washington ought to have the right to defend themselves against bad food products.

Now, I listen to Mr. GINGREY, and I understand the debating technique. If you are going to lose the argument, change the subject.

Why don't we talk about health care out here today? Let us talk about access to health care and the insurance industry and all the wonderful things they have done for us instead of talking about food safety. Talk about food safety. Why shouldn't the State of Washington, that deals with seafood products, what the heck does anybody in here know from Kansas or Nebraska or anything else, about what is going on in the coasts of Washington, Oregon and California? And even if you did know something about it, you do not allow a hearing process.

That is an insult to the American people, and it has got to be about some kind of fundraiser or something related to that. I do not know what it is. Maybe the press will follow it up and see why we have a bill rifled through here. One hour or 30 minutes before we are going to get out and go down to Katrina and look at the Katrina catastrophe, we rifle this bill through here. There is something bad about this bill. It stinks. It is a bad bill. We ought to vote against the rule and vote against the bill.

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

I just want to respond to the gentleman from Washington. I think he asked about how many of the supporters, 119 that we have submitted for

the record, were K Street folks. Well, I do not know. I will ask him. The State of Washington is an apple-producing State. I will just mention one. Apple Products Research and Education Council, Association for Dressings and Sauces, Frozen Potato Products Institute. I guess that is mainly Idaho. We mentioned earlier the H.J. Heinz company. Maybe we will ask the gentleman on the other side of the Capitol how they came to the conclusion to support this bill. The National Cattlemen's Beef Association, the National Fisheries Institute, Nestle USA, Quaker Oats, Sarah Lee Corporation, United Fresh Fruit and Vegetable Association. That has got to be very important in the State of Washington.

So I say to the gentleman, I do not know about K Street. I do not know that I have ever been there. But I know that these are hardworking people, businesses, small business in many instances, that produce these consumer food products that are engaged in interstate commerce, and if we do not have national standards, the price of their products goes up tremendously. And who does it put the greatest burden on? Those at the least economic level of our society, our poorest citizens and our immigrant population. So this is a good bill.

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

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of defeating the previous question so that we may offer a proposal to ensure that America's ports remain safe.

As we all know, a company owned by the government of the United Arab Emirates is attempting to purchase another company that runs several port terminals throughout the United States.

Even though the law requires an extra 45 days to investigate a contract like this if there is even a chance that it could threaten national security, the Bush administration chose to approve the deal without the extra investigation.

The administration approved the deal, even though we now know that a classified Coast Guard report said the deal might be a security risk.

The President and the UAE company have now voluntarily agreed to an extra 45-day investigation. But that is no longer good enough. We simply cannot trust this administration to get it right.

If we defeat the previous question, we will offer a bipartisan bill that I have introduced along with chairman of the Homeland Security Committee, Peter King, giving Congress the authority to prohibit the deal if the President decides to let us go forward when the investigation is over.

Mr. Speaker, an extra provision has been added to Chairman KING's bill to ensure that congressional leadership

cannot prevent Congress from taking action. The UAE deal is just further proof that we cannot get our port security right with this administration.

The 9/11 Commission said that the threat to our ports is as great, if not greater, than the 9/11 attacks.

And how has this administration responded? It has not dedicated enough personnel and resources to the two programs, CSI and CT-PAT, that are designed to secure our ports. As a result, high-risk container shipments enter the U.S. unchecked.

It has not created standards for container security to keep terrorists from tampering with our cargo. It has only deployed radiation detectors to equip 25 percent of the Nation's seaports. It only screens about 6 percent of the cargo that comes into this country.

Mr. Speaker, we have a problem. Our ports are not secure. By defeating this measure, we will give an opportunity for this Congress to vote on securing our ports.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time for the purpose of closing.

Ms. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from California, our minority leader, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, as House Democratic leader, I am pleased to rise in opposition to this bill in that capacity, and sorry because of the nature of the rule that we have before us.

But before I get to that point, I want to rise as a mother and grandmother to say something about the underlying bill that this rule is addressing. If there is one thing that America's families look to government for, it is clean air for their children to breathe, clean water for them to drink, and food safety. When I say one thing, I mean what their children intake is very important to their health and well-being.

Today on the floor, we have legislation which seriously jeopardizes the food safety for America's children. It is a bill that I urge all to vote against. And the rule that brings that bill to the floor is, in my view, one that allows us to speak to safety in another way as well.

□ 1200

Yesterday marked the third anniversary of the Homeland Security Department. Yet today, 3 years later, our country is not as safe as it should be. We have a port security system that is full of holes.

The ports are our first line of defense in protecting our country. Yet the backroom port deal that the Bush administration negotiated shines a bright light on the failure of the President and this Republican Congress to secure our ports.

The intelligence community tells us, and we know, that the biggest threat to our security are the fissile materials that are still out there, the nuclear materials in the post-Soviet Union world. They were formerly weapons of

the Soviet Union, and now they are out there available, available to terrorists. And the single biggest threat are those weapons in a container coming into our country.

I really cannot explain to anyone why this administration has refused to do what is necessary to protect our ports from that threat.

And it is not only our ports. When these containers come from overseas to our country, they are unloaded onto a truck, onto a train, and drive right through your city, your town, perhaps past your home. So the danger goes well beyond our ports.

Here at home 6 percent of the containers entering our ports are screened. Yet, at two of the busiest terminals in the world, in Hong Kong, 100 percent of the terminals are screened. If Hong Kong terminals can do it, why can't we?

That is why Democrats are proposing that 100 percent of the cargo that comes into our ports is screened in their port of origin long before they reach our shores and into our waterways.

Today, as we debate and vote on another issue of security, food safety, Democrats demand that attention be given to our ports. We will call for a vote on a bipartisan bill that is identical to the King bill, the King-Thompson bill, introduced by a Republican and a Democrat on the Homeland Security Committee, Mr. KING, the chairman of the committee, and Mr. THOMPSON, the ranking member. It will require a 45-day investigation of the Dubai deal. In addition, we require that both Houses of Congress have an up-or-down vote on whether or not to approve this agreement.

Congress must assert itself. Congress must take responsibility. We take an oath of office to protect the American people, and we take that oath seriously.

Today is the day that the backroom port deal will be finalized. This is our best chance to require a congressional vote on whether or not that backroom deal should go through.

I urge my colleagues to assert Congress' responsibility to protect the American people, to assert Congress' role in checks and balances in our Constitution.

I urge our colleagues to vote against the previous question.

Mr. GINGREY. Mr. Speaker, I continue to reserve the balance of my time for the purpose of closing.

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

I will be asking Members to vote "no" on the previous question, so I can amend the rule and allow the House to approve a plan that lets Congress vote up or down on the President's plan to turn over six of our Nation's ports to a government-run company in Dubai.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

Ms. MATSUI. Mr. Speaker, my amendment to the rule would provide that immediately after the House adopts this rule, it will bring up legislation to guarantee that the House will have the opportunity to vote to block the President from moving forward with his deal to transfer operations at six of our Nation's busiest ports to a company owned by the United Arab Emirates.

This legislation is nearly identical to a measure introduced by the chairman and ranking member of the Homeland Security Committee that requires a thorough, in-depth, 45-day investigation of this contract followed by a report back to Congress on the results of that investigation. The only difference is that this bill requires a vote in the House and Senate to block the agreement if the President decides to proceed.

The same administration that talks tough on terrorism and protecting Americans on every front has now negotiated a secret, backroom deal to turn the management of these vital ports over to a foreign entity. And it has done so without going through the proper channels as required by law and without including Congress in the process.

The House must have the opportunity to play a role in this matter of national security. It is time for the Republican-controlled Congress to stop giving rubber-stamp approval to this administration at the expense of our Nation's citizens. This bill is the only way to guarantee that the House and Senate have the opportunity to vote on the Dubai deal, a vote that cannot be blocked by the Republican leadership.

Whatever Members believe about this deal and whatever results from this investigation, the House should be allowed to vote up or down on whether or not we want to turn control of six of our Nation's ports over to this foreign-government-owned entity.

I urge all Members of this body to vote "no" on the previous question so we can bring up legislation that gives Congress the right to participate and to vote on this matter of significant national security. Vote "no" on the previous question.

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

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

Getting back to the subject at hand, H.R. 4167, I will draw this debate to a close so that we can move forward with consideration of H.R. 4167. Without question, this is a common-sense bill that will ensure not only economic savings for consumers, but it will also provide additional safeguards for their health. We have heard a lot of discussion about that this morning in this hour.

Mr. Speaker, all consumers should have the same access to safety precautions and lifesaving information regardless of the State in which they live. And, again, whether it is California or Georgia or your own State of Arkansas, there is no excuse to allow regulatory inconsistency to drive up costs and keep some consumers in the dark on matters that will affect their health.

As a physician, I am convinced that the FDA has the scientific knowledge and professional expertise to provide for these safeguards, Mr. Speaker. But as an ardent supporter of States' rights, I am personally reassured by the bill's provisions allowing States the ability to petition the Food and Drug Administration for either an exemption to the uniformity or application of their State's requirements on a national level.

I want to encourage my colleagues to support this rule, to move forward with the general debate today so that we can come back next week to further discuss the underlying bill and potential amendments.

Finally, Mr. Speaker, let me remind all of my colleagues that the minority wants to offer an amendment that would otherwise be ruled out of order as nongermane. So the vote is without substance. The previous question vote itself is simply a procedural motion to close this debate on the rule and proceed to a vote on its adoption. The vote has no substantive policy implications whatsoever.

Mr. Speaker, at this point in the RECORD I insert an explanation of the previous question.

THE PREVIOUS QUESTION VOTE: WHAT DOES IT MEAN?

House Rule XIX ("Previous Question") provides in part that:

There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the immediate question or questions on which it has been ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the 1 hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the previous question has no substantive legislative or policy implications whatsoever.

The material previously referred to by Ms. MATSUI is as follows:

At the end of the resolution add the following new sections:

SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a bill consisting of the text specified in Section 3. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of de-

bate equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security; and (2) one motion to recommit with or without instructions.

SEC. 3. The text referred to in section 2 is as follows:

H.R. —

*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 "Foreign Investment Security Improvement Act of 2006".

**SEC. 2. INVESTIGATION UNDER DEFENSE PRODUCTION ACT OF 1950.**

(a) INVESTIGATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President or the President's designee shall conduct an investigation, under section 721(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)), of the acquisition by Dubai Ports World, an entity owned or controlled by the Emirate of Dubai, of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom, with respect to which written notification was submitted to the Committee on Foreign Investment in the United States on December 15, 2005. Such investigation shall be completed not later than 45 days after the date of the enactment of this Act.

(2) SUSPENSION OF EXISTING DECISION.—The President shall suspend any decision by the President or the President's designee pursuant to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) with respect to the acquisition described in paragraph (1) that was made before the completion of the investigation described in paragraph (1), including any such decision made before the date of the enactment of this Act.

(b) REQUIREMENTS FOR INVESTIGATION.—The investigation under subsection (a) shall include—

(1) a review of foreign port assessments conducted under section 70108 of title 46, United States Code, of ports at which Dubai Ports World carries out operations;

(2) background checks of appropriate officers and security personnel of Dubai Ports World;

(3) an evaluation of the impact on port security in the United States by reason of control by Dubai Ports World of operations at the United States ports affected by the acquisition described in subsection (a); and

(4) an evaluation of the impact on the national security of the United States by reason of control by Dubai Ports World of operations at the United States ports affected by the acquisition described in subsection (a), to be carried out in consultation with the Secretary of Homeland Security, the Commandant of the Coast Guard, the Commissioner of the Bureau of Customs and Border Protection, the heads of other relevant Federal departments and agencies, and relevant State and local officials responsible for port security at such United States ports.

(c) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide the following information for the investigation conducted pursuant to this section:

(A) Any relevant information on Dubai Ports World from the Automated Targeting System maintained by U.S. Customs and Border Protection.

(B) Port assessments at foreign seaports where Dubai Ports World operates, to be conducted as part of the review for the Container Security Initiative, a U.S. Customs and Border Protection program designed to target and screen cargo at overseas ports.

(C) Copies of the completed validations conducted through the Customs-Trade Partnership Against Terrorism program by U.S. Customs and Border Protection.

(D) Any additional intelligence information held by the Department of Homeland Security, including the Office of Intelligence and Analysis.

(2) ADDITIONAL RESPONSIBILITIES.—The information required by paragraph (1) shall not be construed as limiting the responsibilities of the Secretary of Homeland Security in the investigation conducted pursuant to this section.

(d) REPORT.—Not later than 15 days after the date on which the investigation conducted pursuant to this section is completed, the President shall submit to Congress a report that—

(1) contains the findings of the investigation, including—

(A) an analysis of the national security concerns reviewed under the investigation; and

(B) a description of any assurances provided to the Federal Government by the applicant and the effect of such assurances on the national security of the United States; and

(2) contains the determination of the President of whether or not the President will take action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) pursuant to the investigation.

(e) CONGRESSIONAL BRIEFING.—

(1) IN GENERAL.—Not later than the date on which the report described in subsection (d) is submitted to Congress pursuant to such subsection, the President or the President's designee shall provide to the Members of Congress specified in paragraph (2) a detailed briefing on the contents of the report.

(2) MEMBERS OF CONGRESS.—The Members of Congress specified in this paragraph are the following:

(A) The Majority Leader and Minority Leader of the Senate.

(B) The Speaker and Minority Leader of the House of Representatives.

(C) The Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Chairman and Ranking Member of the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(E) Each Member of Congress who represents a State or district in which a United States port affected by the acquisition described in subsection (a) is located.

**SEC. 3. CONGRESSIONAL ACTION.**

(a) IN GENERAL.—If the determination of the President contained in the report submitted to Congress pursuant to section 2(c) of this Act is that the President will not take action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) and not later than 30 days after the date on which Congress receives the report, a joint resolution described in subsection (b) is enacted into law, then the President shall take such action under section 721(d) of the Defense Production Act of 1950 as is necessary to prohibit the acquisition described in section 2(a), including, if such acquisition has been completed, directing the Attorney General to seek divestment or other appropriate relief in the district courts of the United States.

(b) JOINT RESOLUTION DESCRIBED.—For purposes of subsection (a), the term "joint resolution" means a joint resolution of the Congress, which may not include a preamble, the sole matter after the resolving clause of

which is as follows: "That the Congress disapproves the determination of the President contained in the report submitted to Congress pursuant to section 2(c) of the Foreign Investment Security Improvement Act of 2006 on \_\_\_\_\_", with the blank space being filled with the appropriate date.

(c) COMPUTATION OF REVIEW PERIOD.—In computing the 30-day period referred to in subsection (a), there shall be excluded any day described in section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)).

(d) CONGRESSIONAL PROCEDURE.—

(1) INTRODUCTION, REFERRAL, AND COMMITTEE CONSIDERATION.—Any joint resolution introduced pursuant to this section shall be immediately referred to one committee of the House of Representatives or the Senate, as the case may be, and such committee shall report one such resolution, without amendment, not later than three calendar days after the day on which the first such resolution is referred to such committee. If such committee does not report such resolution within the time period specified in the preceding sentence, such committee shall be discharged from further consideration of such resolution.

(2) FLOOR CONSIDERATION.—After any such joint resolution is reported or such committee is discharged, on the next legislative day, the House in question shall immediately, without the intervention of any point of order or intervening motion, consider the joint resolution as follows:

(A) HOUSE OF REPRESENTATIVES.—In the House of Representatives, the joint resolution shall be considered as read, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one hour of debate equally divided and controlled by the Majority and Minority Leaders or their designees.

(B) SENATE.—In the Senate, it shall at any time be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such joint resolution. Such motion shall be highly privileged and shall not be debatable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which such motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until disposed of. Debate on such joint resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 10 hours, which shall be divided equally between Members favoring and Members opposing such resolution. Immediately following the conclusion of the debate on a such joint resolution, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on final approval of such joint resolution shall occur. Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to such joint resolution shall be decided without debate.

(3) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House described in subsection (b), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to a joint resolution described in subsection (b) of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(e) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such these provisions—

(1) are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions described in subsection (b) of this section;

(2) supersede other rules of each House only to the extent the provisions are inconsistent therewith; and

(3) are enacted with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

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

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

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

Ms. MATSUI. 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 electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 216, nays 197, not voting 19, as follows:

[Roll No. 18]

YEAS—216

Aderholt	Campbell (CA)	Fitzpatrick (PA)
Akin	Cannon	Flake
Alexander	Cantor	Foley
Bachus	Capito	Forbes
Baker	Carter	Fortenberry
Barrett (SC)	Castle	Fossella
Bartlett (MD)	Chabot	Foxx
Barton (TX)	Chocola	Franks (AZ)
Bass	Coble	Frelinghuysen
Beauprez	Cole (OK)	Gallely
Biggart	Conaway	Garrett (NJ)
Bilirakis	Crenshaw	Gibbons
Bishop (UT)	Cubin	Gilchrest
Blackburn	Culberson	Gillmor
Blunt	Davis (KY)	Gingrey
Boehlert	Davis, Jo Ann	Goode
Boehner	Davis, Tom	Goodlatte
Bonilla	Deal (GA)	Granger
Bonner	Dent	Graves
Boozman	Diaz-Balart, L.	Green (WI)
Boustany	Doolittle	Gutknecht
Bradley (NH)	Drake	Hall
Brady (TX)	Dreier	Harris
Brown (SC)	Duncan	Hart
Brown-Waite,	Ehlers	Hastings (WA)
Ginny	Emerson	Hayes
Burgess	English (PA)	Hayworth
Buyer	Everett	Hefley
Calvert	Feeney	Hensarling
Camp (MI)	Ferguson	Herger

Hobson	McKeon	Ryun (KS)
Hoekstra	McMorris	Saxton
Hostettler	Mica	Schmidt
Hulshof	Miller (FL)	Schwarz (MI)
Hunter	Miller (MI)	Sensenbrenner
Hyde	Moran (KS)	Sessions
Inglis (SC)	Murphy	Shadegg
Jenkins	Musgrave	Shaw
Jindal	Neugebauer	Shays
Johnson (CT)	Ney	Sherwood
Johnson (IL)	Northup	Shimkus
Johnson, Sam	Nunes	Shuster
Jones (NC)	Nussle	Simmons
Keller	Osborne	Simpson
Kelly	Otter	Smith (NJ)
Kennedy (MN)	Oxley	Smith (TX)
King (IA)	Paul	Sodrel
King (NY)	Pearce	Souder
Kingston	Pence	Stearns
Kirk	Peterson (PA)	Sullivan
Kline	Petri	Tancredo
Knollenberg	Pickering	Taylor (NC)
Kolbe	Pitts	Thomas
Kuhl (NY)	Poe	Thornberry
LaHood	Pombo	Tiahrt
Latham	Porter	Tiberi
LaTourette	Price (GA)	Turner
Leach	Pryce (OH)	Upton
Lewis (CA)	Putnam	Walden (OR)
Lewis (KY)	Radanovich	Ramstad
Linder	Walsh	Wamp
LoBiondo	Regula	Weldon (FL)
Lucas	Rehberg	Weldon (PA)
Lungren, Daniel	Reichert	Weller
E.	Renzi	Westmoreland
Mack	Reynolds	Whitfield
Manzullo	Rogers (AL)	Wicker
Marchant	Rogers (KY)	Wilson (NM)
McCaul (TX)	Rogers (MI)	Wilson (SC)
McCotter	Rohrabacher	Wolf
McCrery	Ros-Lehtinen	Young (AK)
McHenry	Royce	Young (FL)
McHugh	Ryan (WI)	

NAYS—197

Abercrombie	Edwards	Matheson
Ackerman	Emanuel	Matsui
Allen	Engel	McCarthy
Andrews	Eshoo	McCollum (MN)
Baca	Etheridge	McDermott
Baird	Farr	McGovern
Baldwin	Fattah	McIntyre
Barrow	Filner	McKinney
Bean	Ford	McNulty
Becerra	Frank (MA)	Meehan
Berkley	Gerlach	Meek (FL)
Berman	Gonzalez	Meeks (NY)
Berry	Gordon	Melancon
Bishop (GA)	Green, Al	Michaud
Bishop (NY)	Green, Gene	Millender
Blumenauer	Grijalva	McDonald
Boren	Gutierrez	Miller (NC)
Boswell	Harman	Miller, George
Boucher	Hastings (FL)	Mollohan
Boyd	Herseth	Moore (KS)
Brady (PA)	Higgins	Moore (WI)
Brown (OH)	Holden	Moran (VA)
Brown, Corrine	Holt	Murtha
Butterfield	Honda	Nadler
Capps	Hoolley	Napolitano
Capuano	Hoyer	Neal (MA)
Cardin	Inslie	Oberstar
Cardoza	Israel	Obey
Carnahan	Jackson (IL)	Olver
Carson	Jackson-Lee	Ortiz
Case	(TX)	Owens
Chandler	Jefferson	Pallone
Clay	Johnson, E. B.	Pascarell
Cleaver	Kanjorski	Pastor
Clyburn	Kaptur	Payne
Conyers	Kennedy (RI)	Pelosi
Cooper	Kildee	Peterson (MN)
Costello	Kilpatrick (MI)	Platts
Cramer	Kind	Pomeroy
Crowley	Kucinich	Price (NC)
Cuellar	Langevin	Rahall
Cummings	Lantos	Rangel
Davis (AL)	Larsen (WA)	Reyes
Davis (CA)	Larson (CT)	Ross
Davis (FL)	Lee	Rothman
Davis (IL)	Levin	Ruppersberger
Davis (TN)	Lewis (GA)	Rush
DeFazio	Lipinski	Ryan (OH)
DeGette	Lofgren, Zoe	Sabo
Delahunt	Lowey	Salazar
DeLauro	Lynch	Sanchez, Linda
Dicks	Maloney	T.
Dingell	Markey	Sanchez, Loretta
Doyle	Marshall	Sanders

Schakowsky	Stark	Velázquez
Schiff	Strickland	Visclosky
Schwartz (PA)	Stupak	Wasserman
Scott (GA)	Tanner	Schultz
Scott (VA)	Tauscher	Waters
Serrano	Taylor (MS)	Watson
Sherman	Thompson (CA)	Watt
Skelton	Thompson (MS)	Waxman
Slaughter	Tierney	Weiner
Smith (WA)	Towns	Wexler
Snyder	Udall (CO)	Woolsey
Solis	Udall (NM)	Wu
Spratt	Van Hollen	Wynn

NOT VOTING—19

Bono	Gohmert	Myrick
Burton (IN)	Hinchee	Norwood
Costa	Hinojosa	Roybal-Allard
DeLay	Issa	Sweeney
Diaz-Balart, M.	Istook	Terry
Doggett	Jones (OH)	
Evans	Miller, Gary	

□ 1234

Messrs. RUSH, PETERSON of Minnesota, CRAMER, VISCLOSKY, LARSEN of Washington, MARSHALL, and Ms. KAPTUR changed their vote from “yea” to “nay.”

Mr. SAM JOHNSON of Texas changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. NORWOOD. Mr. Speaker, I was absent on Thursday, March 2, 2006, because of a recent death in the family.

Had I been present on rollcall vote No. 18 on the Previous Question on the General Debate Rule for H.R. 4167, I would have voted “yea.”

Mr. BURTON of Indiana. Mr. Speaker, due to illness I was regrettably unable to be on the House Floor for rollcall vote No. 18, providing for the consideration of H.R. 4167, the “National Uniformity for Food Act.”

Had I been here I would have voted “yea” on rollcall vote No. 18.

Mr. DELAY. Mr. Speaker, I was unavoidably detained and could not be present for rollcall vote No. 18. Had I been present I would have cast the following vote: “yea” on rollcall vote No. 18.

(By unanimous consent, Mr. BUYER was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF SERGEANT RICKEY E. JONES

Mr. BUYER. Mr. Speaker, I come to the House to address a national virtue, to address the proper tone and tenor of a Nation. It is outrageous, appalling and indecent for an American citizen to commit crimes and perversions against a family grieving at the loss of their son.

Army Sergeant Rickey Jones, along with three of his comrades, was killed in Baghdad. With his body in transport to Kokomo, Indiana, someone has egged his family’s home and left harassing phone calls that said, “I’m glad your son is dead.”

My colleagues, a great virtue of the American character is our compassion. It is how we care for each other in good times and in difficult times.

It is our compassion and human decency that represent the very best of our Nation. So to condemn these despicable acts, I ask all of you to rise and join me in a moment of silence to extend to all families who have sacrificed in the name of freedom.

Thank you and Godspeed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 THE SPEAKER pro tempore (Mr. BOOZMAN). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I will yield to my friend, Mr. BOEHNER, for the purposes of informing us of the schedule.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Tuesday at 12:30 for morning hour, and at 2 o’clock for legislative business. We will take up several measures under suspension of the rules. A final list of those bills will be sent to Members’ offices by the end of the week. Any votes that are called on those measures will be rolled until 6:30.

On Wednesday and Thursday, the House will finish consideration of H.R. 4167, the National Uniformity for Food Act of 2005.

Finally, we will consider H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005. The committees are continuing their excellent and hard work to develop this bill to reauthorize laws to combat drug trafficking. The Government Reform Committee has completed its action, and we expect the Judiciary Committee will complete its work today.

Mr. HOYER. Reclaiming my time, I thank the gentleman for that information.

Mr. Leader, as you know, we have been considering the rule for the food labeling bill. It is my understanding we are going to be limited to general debate.

It is also my understanding that the reason we are not completing the bill is the Rules Committee has had some issues with reference to exactly the way in which we are going to consider the bill and the amendments.

Mr. Leader, as you know, this bill has had no hearings. None. As you further know, there are States who are very concerned. As a matter of fact, I think I have gotten a letter indicating there are 36 attorneys general around the country, Republican and Democrat, who have concerns with this bill.

Mr. Leader, I would hope that the leadership on your side would convey to the Rules Committee the necessity to have, A, open debate, and hopefully, as well, significant possibility of amendment.

I do not know whether it would be an open rule or certainly, I hesitate to use this word, but a liberal rule which will allow significant amendments to be considered by this House, again, in

light of the fact that it has had no hearings whatsoever as it comes to this floor.

I yield to my friend.

Mr. BOEHNER. Mr. Speaker, as the gentleman is probably aware, this bill has been around for many, many years. There has been lots of discussion and debate about this bill. It did come out of the Energy and Commerce Committee.

The reason for the split rule is because there are a significant number of Members going to the gulf coast this afternoon to review the recovery, and we knew we would only get through the general debate today.

The Rules Committee is expected to meet and to finalize the rule. Those discussions about what the rule will look like and the number of amendments and the type of amendments is continuing.

But I clearly understand the interest of my colleague from Maryland for a more open rather than a more closed process.

Mr. HOYER. That word will do if it becomes reality. We appreciate your comments, Mr. Leader.

The PATRIOT Act, that was supposed to be on the calendar, we thought, this week. It is not on the calendar. I see you have not mentioned it in the work for next week.

Can you tell me whether we expect it to come before us next week as a suspension bill or under a rule?

Mr. BOEHNER. We thought that we would have the bill up yesterday because the Senate was contemplating action yesterday morning. The expiration date of the temporary extension of the PATRIOT Act is soon to expire.

We expect that the Senate will take this bill up tomorrow. If, in fact, that is the case, it will be brought up on Tuesday under the suspension calendar.

Mr. HOYER. I thank the gentleman for that comment. Let me move on, if I can, to the budget resolution.

Can you give us a sense at this point in time of the timing of the budget resolution? We know that there have been some concerns raised in the other body; obviously, some concerns raised here. We understand that it was the intention to bring that up prior to the St. Patrick’s Day recess.

Can you tell me whether that is still the intent and when we might expect to see that bill on the floor?

□ 1245

Mr. BOEHNER. That was a rumor that was floating around. We expect that the budget resolution will move sometime soon. Whether it happens next week or the week after is still up for discussion. When we get closer to having a firm plan for moving it, you will be the first to know.

Mr. HOYER. Well, that will be a first, if I am the first to know.

Mr. BOEHNER. Once I know.

Mr. HOYER. This is a new era in which we are moving, and I cannot tell you how excited I am about that.