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No. 82

House of Representatives

The House met at 10 a.m.

The Very Reverend Ernesto Medina, Provost, Cathedral Center of St. Paul, Los Angeles, California, offered the following prayer:

Loving God, in Your word You have given us a vision of that holy city to which the nations of the world bring their glory. Behold and visit, we pray, the communities on this Earth. Renew the ties of mutual regard which form our civic life. Send us honest and able leaders. Enable us to eliminate poverty, prejudice and oppression, that peace may prevail with righteousness, and justice with order, and that men and women from different cultures and with differing talents may find with one another the fulfillment of their humanity.

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth: We pray You so to guide and bless our Representatives in Congress assembled, that they may enact such laws as shall please You, to the glory of Your name and the welfare of this people; in Your holy name we pray. 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 gentleman from California (Mr. BECERRA) come forward and lead the House in the Pledge of Allegiance.

Mr. BECERRA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1588. An act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1588) "An Act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARNER, Mr. MCCAIN, Mr. INHOFE, Mr. ROBERTS, Mr. ALLARD, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CORNYN, Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. BAYH, Mrs. CLINTON, and Mr. PRYOR, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1047. An act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1048. An act to authorize appropriations for fiscal year 2004 for military construction, and for other purposes.

S. 1049. An act to authorize appropriations for fiscal year 2004 for defense activities of

the Department of Energy, and for other purposes.

WELCOMING THE VERY REVEREND ERNESTO MEDINA

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

Mr. BECERRA. Mr. Speaker, it is an honor for me to rise today to introduce our guest chaplain, the Very Reverend Ernesto R. Medina of the Cathedral Center of St. Paul in Los Angeles, California. Reverend Medina is an ordained minister and a graduate of the Church Divinity School of the Pacific as well as the University of California at San Diego.

Reverend Medina is more than just the pastor of the Cathedral Center of St. Paul. He is neighbor, friend, and indispensable spiritual leader in the community of Echo Park in Los Angeles. He is the first Latino to be appointed as a provost within the Episcopalian Church in this country. Reverend Medina has demonstrated a leadership style that has endeared him not only to the members of his congregation and the community of Echo Park but also to those throughout the community of Los Angeles who have been fortunate enough to work with him.

Not long ago, there was a collapse of an apartment building not far from the Cathedral Center where, were it not for the efforts of Reverend Medina, several families would have been left homeless. But quickly, Reverend Medina and the parishioners of the Cathedral Center came forward and offered families with small children a place to stay and a place to eat. Today the parish of Cathedral Center is much blessed by the work that has been done by Reverend Medina. His compassion not only for the residents of Echo Park but for all of Los Angeles has exemplified the type of work that is done by the Episcopalian Church. I am very proud to

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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say that today, the first day perhaps in more than 2 weeks when we see the sun out in Washington, D.C., that Reverend Medina has come forward.

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

Mr. BECERRA. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would simply like to join my friend in welcoming Reverend Medina, who has just informed me that he is a constituent of mine. We are very appreciative of the prayer and the very kind words.

Mr. BECERRA. I join with my colleague from California (Mr. DREIER) in recognizing that not only is he an able reverend but he is also a very important constituent. I thank the Speaker for this opportunity to express some thoughts for this 1 minute. I thank the reverend for making the trip to Washington, D.C., and bringing the sunshine with him.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 4, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Ann McGeehan, Director of Elections, State of Texas, indicating that, according to the unofficial returns of the Special Election held June 3, 2003, the Honorable Randy Neugebauer was elected Representative in Congress for the Nineteenth Congressional District, State of Texas.

With best wishes, I am
Sincerely,

JEFF TRANDAHL.

Attachment.

ELECTIONS DIVISION,
Austin, Texas, June 4, 2003.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives, The Capitol,
Washington, DC.

DEAR MR. TRANDAHL: This to advise you that the unofficial results of the Special Runoff Election held on Tuesday, June 3, 2003, for Representative in Congress from the Nineteenth Congressional District of Texas show that Randy Neugebauer won the runoff election.

The Governor will canvass the election returns no later than June 10, 2003 and will issue certificate of election to Congressman-elect Neugebauer.

I am enclosing a copy of the unofficial election results. As soon as the results are official, I will forward them to you along with the certificate of election.

Your truly,

ANN MCGEEHAN,
Director of Elections.

Enc.

	Vote total	% of vote	Early voting	% of early vote
Mike Conaway—Rep	27,959	49.48	14,582	50.90
Randy Neugebauer—Rep	28,546	50.52	14,067	49.10
Vote total	56,505	100.00	28,649	100.00

SWEARING IN OF THE HONORABLE RANDY NEUGEBAUER OF TEXAS AS A MEMBER OF THE HOUSE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. NEUGEBAUER) be permitted to take the oath of office today.

His certificate of election has not arrived; but there is no contest, and no question has been raised with regard to his election.

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

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Texas delegation present themselves in the well.

Mr. NEUGEBAUER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the 108th Congress.

INTRODUCING THE HONORABLE RANDY NEUGEBAUER AS NEWEST MEMBER OF 108TH CONGRESS

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

Mr. BARTON of Texas. Mr. Speaker, it is my distinct privilege to introduce to the House of Representatives the fourth member to represent the 19th Congressional District of Texas, the 236th Texan to serve in the House, and 9,833rd U.S. citizen to serve as a member of the House of Representatives, the Honorable RANDY NEUGEBAUER, born on December 24, Christmas Eve, 1949, graduate of Texas Tech University, High Plains citizen, small businessman, banker, home developer, and the winner of a historic vote, I believe, by 700 votes. He will say that there were more people in Lubbock that wanted to vote than wanted to vote in Midland, Texas. He now represents both the Permian Basin and the High Plains. We are absolutely delighted to have you. You join such former Texans, Presidents like Lyndon Johnson and George W. Bush, Speakers like Jim Wright and Sam Rayburn, majority leaders like TOM DELAY and Dick Armey in this august body.

We are delighted to have you. Welcome to the United States House of Representatives.

MAIDEN SPEECH OF THE HONORABLE RANDY NEUGEBAUER AS NEWEST MEMBER OF 108TH CONGRESS

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

Mr. NEUGEBAUER. Mr. Speaker, thank you very much. Only the people sitting on this floor understand what I am feeling right now. It is a privilege and an honor to be a part of history and to be with this body today.

I want to recognize my wife and my partner of 33 years who is up in the balcony there and my family. There is a scripture in Corinthians that says, "I am what I am by the grace of God." I am here today because of the grace of God. I understand that, and I look forward to working with you.

I have one regret. I would have really liked to have been here yesterday and voted on the partial-birth abortion. I would have voted an affirmative banning the partial-birth abortion. I am glad to see that you did that. It is a pleasure to be here.

Thank you, Mr. Speaker. I look forward to working with you. I am the new kid on the block. I am the 435th ranking Member of the House of Representatives. I bumped some people up today, and I know they are glad of that. We certainly appreciate the Texas delegation and other Members being here today. We look forward to doing good work for the American people.

Thank you and God bless you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will take 10 one-minutes on each side.

RECOGNIZING ANTONIO ARGIZ FOR HIS CONTRIBUTIONS TO THE SOUTH FLORIDA COMMUNITY

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

Ms. ROS-LEHTINEN. Mr. Speaker, today I stand in recognition of the wonderful contributions of a friend of the South Florida community, Mr. Antonio Argiz. Tony bravely journeyed to the United States from Cuba, without his parents, at the age of 8, thanks to Operation Peter Pan.

Determined to live the American dream, Tony attended Florida International University, where he earned his accounting degree. Recognized as an expert in forensic accounting, he was the first Cuban American appointed by the Governor to chair Florida's board of accountancy.

□ 1015

Tony's passion for business is matched by his dedication to our community in South Florida. Tony serves as the cochair of the United Way of Miami-Dade and has served on the

statewide Florida Constitutional Revision Commission.

Tony is a loving husband and the father of three who continues to put passion in his every endeavor. He is a true inspiration and an exemplary Floridian.

Gracias por todo mi amigo. Thank you, Tony.

ENSURE HEAD START'S CONTINUED SUCCESS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to celebrate the 38th anniversary of the Head Start Program. As a former Head Start kid, I know firsthand the valuable, comprehensive education program that Head Start does for low-income families, and I celebrate the program's many achievements.

The Republicans, on the other hand, will celebrate Head Start's 38 years of success by pushing forward with the School Readiness Act. This legislation is not only a bad idea, it has the possibility of eliminating key services to nearly 1 million students by converting the Head Start Program to a block grant program. Block granting Head Start is a blockheaded idea that will undoubtedly hurt this very successful program.

One problem in particular with this plan is that States are already dealing with huge budget deficits, and they may be tempted to divert Head Start funds to use for other purposes. How would that improve the Head Start Program?

I urge my colleagues to celebrate Head Start's 38th anniversary by opposing this misguided legislation.

WHERE ARE IRAQI WEAPONS OF MASS DESTRUCTION?

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

Mr. HOLT. Mr. Speaker, Americans, indeed the whole world, are asking, why have we not found any weapons of mass destruction in Iraq, the vast quantities of anthrax, small pox, serin, mustard gas and other agents, the nuclear weapons, or the near-nuclear weapons?

Congress has an obligation to the American people and to our men and women in uniform to conduct a full inquiry. I think the House Permanent Select Committee on Intelligence is the right forum to do that.

Now, the administration says that Iraq has had 12 years of practice in hiding; the weapons were there, perhaps, but were destroyed; or maybe they were there, but they were moved; or maybe they were not there, but could be constituted on demand. In any case, either there is something wrong, or the

intelligence was too vague and imprecise to track what has happened to them.

The President says we are going to find weapons of mass destruction. He may be right. But it seems to me that before the President sent our troops into battle and committed our Nation to this war, we should have had a very good idea of just where those weapons of mass destruction were so that we could secure them and track them.

STATE VETERANS CEMETERY FAIRNESS ACT OF 2003

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

Mr. CASE. Mr. Speaker, as our troops come home from Iraq and we look forward to D-Day's 60th anniversary, we all feel a deep and renewed sense of gratitude for our Nation's veterans. And as increasing numbers, like members of my own Hawaii's famed 100th Battalion and 442nd Regimental Combat Team, pass on, we must also remember that one of our basic promises to them is to be buried with their comrades in our great national cemeteries, from Arlington to my own National Cemetery of the Pacific.

But increasing numbers of States, 17 at last count, have no Federal VA cemetery, or else those cemeteries are now full. These States must pick up an increasing burden, which is and should be the Federal Government's, and the reality is that, for these veterans, their final resting places are suffering.

Today I introduced a simple bill to raise the Federal reimbursement for veteran burials in State cemeteries where there is no Federal VA option from \$300 to \$750. This is only fair, and I ask for my colleagues' support.

BIRTHDAY WISHES TO BOB HOPE

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

Mr. DREIER. Mr. Speaker, at a very early point in my life, I was taught that you can celebrate your birthday the week before and the week after the actual date.

A week ago today, we all know that Bob Hope celebrated his 100th birthday. We are actually in the midst of the celebration of the 50th birthday of our colleague, the gentleman from California (Mr. CALVERT).

When I think about Bob Hope, he is someone who I have been privileged to know for many years and have had the opportunity to spend time with him and his wonderful wife Delores and their family. But I will tell you, even when you are in small company with Bob Hope, you cannot help but be in awe of an individual who is virtually unparalleled in his commitment to the United States of America.

A year ago we were able to honor him by naming the Chapel at the Veterans

Cemetery in West Los Angeles, with the help of his friends, Mary Jane and Charles Wick. There are countless people all over this world who have to continue to be indebted to Bob Hope for the great sacrifice that he has made and the happiness that he has brought to so many millions of individuals.

Happy birthday, Mr. Hope.

LOW AND MIDDLE INCOME AMERICANS TREATED DIFFERENTLY

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

Mr. GEORGE MILLER of California. Mr. Speaker, Erin Doyel asked the question, "what about my kid?" Her kid in this case is Adrienne. Erin works as a financial administrative assistant. She earns \$12,675 a year. She goes to work every day. She is eligible for the child tax credit. In fact, she receives the child tax credit.

But what she will not receive is she will not receive the increase in the child tax credit that was passed this year, which would mean \$400 to families with children who are eligible. But the Republicans made a decision that people like Erin and her daughter Adrienne will not receive it because they earn between \$10,000 and \$26,000 a year.

These are families with children who go to work every day, but they will not be given the benefit of the tax cut, they will not get the increase in the child tax credit, they will not have an easier time supporting their family for all of the hard work they do at very difficult and low wages, because the Republicans made a decision that Erin and Adrienne will not be included.

That is why Erin Doyel from Vallejo, California, is asking, what about my kid? Why are we treated differently than the rest of America's families?

ENSURING AMERICA'S SECURITY FROM TERRORISM

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

Mr. BARTLETT of Maryland. Mr. Speaker, we have heard it said it so many times that it risks becoming a cliché: Our Nation is engaged in a war against terrorism. If I may be permitted one more cliché: Money is the lifeblood of any terrorist organization.

The ability of the September 11th terrorists to move money through American banks without sending up any cautionary red flags was critical to their success and our national tragedy. People attempting to open accounts in this country without Social Security numbers ought to be seen as a giant, flashing red neon flag. That is why we must refuse to allow banks to accept as legitimate identification any foreign government-issued identification document in lieu of a Social Security number.

The Department of Treasury and the banks see things differently. The Treasury Department has issued a final rule to allow banks to accept the Mexican matricula I.D. card. But at the request of the banks, Treasury went even further. Their rule does not even require banks to maintain copies of the matricula cards.

Ignorance in this case might be good business practice, but it is dangerous and foolhardy security policy. Our responsibility as Members of Congress is to make sure that terrorists cannot use American banks to finance attacks on our people.

HELPING CHILDREN WHO NEED HELP THE MOST

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

Mr. COOPER. Mr. Speaker, 2 weeks ago this House made a terrible mistake in the tax cut bill, partly because that bill was rammed through this House under the so-called marshal law rule, with minimal notice or debate. Some 12 million American children who need the help the most were left out of that bill; 444,000 Tennessee children were left out of that bill.

It is not too late to correct the mistake, and I hope that this House will take prompt action to help those 12 million children, including the 444,000 Tennessee children who need the help the most. The clock is ticking, Mr. Speaker. The world is watching. Let us help these kids.

ISRAELI-PALESTINIAN PEACE PROCESS

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

Mrs. MILLER of Michigan. Mr. Speaker, yesterday we saw a truly historic event as President Bush pushed the Israeli-Palestinian peace process forward. The road map to peace that President Bush has laid out has been accepted by the Israeli government, Palestinian Prime Minister Abu Mazan and other Arab leaders.

In fact, Abu Mazan became the first Palestinian leader to denounce terrorism as a solution to the conflict with Israel; and, significantly, those words were spoken in Arabic for the entire Arab world to hear.

Prime Minister Sharon also has helped move the process forward by not only continuing the dialogue but by taking concrete steps to show the commitment of the Israeli people to peace.

This is all very promising, but now words need to be backed up with action. None of this would have been possible without the bold leadership of President George W. Bush. I praise President Bush for his efforts. This is just another example of the President's consistent message to the world that

the United States is ready to lead the world in the fight against terrorism and in the pursuit of peace and freedom.

EXTEND TAX CREDIT FOR CHILDREN TO ALL AMERICANS

(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, the Democrats feel very strongly that we need to move to put back in place this tax credit for children and families of children at lower income levels. These are working people. The Republicans made a huge mistake, and it shows where they are coming from when they eliminated giving a child tax credit to these working families at the lower end of the income spectrum.

But now what I hear is that the Republicans in the other body say, well, they are not going to do this unless we also give a child tax credit to people at a little higher income level. Now we hear that here in this House the Republican leadership says that they are probably not going to do it anyway, because they do not want to give the tax credit to the families of these lower-income working families.

Once again, the Republicans created this problem because they would not include the child tax credit for these working families, and they are still trying to stop it from becoming law and demanding that more money go to higher income people in order to pay for it.

When is this going to stop? When are we going to wake up and realize that what the Republican leadership is really all about in this tax bill and this series of tax bills is just helping the elite, the wealthy elite?

WEAPONS OF MASS DESTRUCTION EXIST IN IRAQ

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

Mr. KIRK. Mr. Speaker, no weapons of mass destruction in Iraq? We know to a moral certitude of such weapons. How do we know? Saddam Hussein told us. On December 7 of last year, he told the U.N. that he owned 30,000 chemical weapons, but he forgot where he put them. We have not even found the chemical weapons that Saddam admitted to the U.N. he made. There are over 500 WMD sites in Iraq, and we have inspected less than half of them.

□ 1030

Remember Dr. Hussein Kamel? The U.N. inspected Iraq for 4 years between 1991 and 1995 and found no nuclear program. Dr. Kamel then told us that 40,000 Iraqis worked on nuclear weapons, but our intelligence missed it all.

WMD in Iraq, it is inevitable that a final chapter will be written in this

story. As Paul Harvey would say, and then we will say, "and now for the rest of the story."

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Mr. Speaker, a children's health agency has reportedly diverted Federal funds to a study of the sexual predilections of aging men.

Now, the National Institute of Child Health and Human Development has provided more than \$137,000 for a 3-year study to provide the most comprehensive picture to date of the sexual behavior of aging men. The grants were sent in two fiscal years to the New England Research Institute to examine trends in a range of sexual behavior.

Good grief, we talk about budget deficits, and we spend our money like this. We should be ashamed. This money was intended to help children affiliated with pediatric illnesses and diseases, not to study sexual habits of America's senior men.

The National Institute of Child Health and Human Development gets my Porker of the Week Award.

TAX CUT

(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, I also wish to rise and express my outrage that, in the passing of an irresponsible tax cut, Republicans deliberately prevented families with incomes under \$26,625 from receiving a child tax credit.

Here is a family that I represent in my district. They also happen to be a family that sent one of their sons to war. He is still in Iraq. He would not even qualify for a rebate. It is outrageous that 31 percent of California families right now will not be eligible for any tax credit, child tax credit. That is 2.4 million children in California alone, a State that I represent. In my district, one out of every four families will get no child tax credit.

Families like this work hard, pay their taxes, are expecting to get some help from the government, and get nothing. They do not want a handout; they just want to be treated fairly. Yet somehow Republicans found \$90 billion to give to 200,000 millionaire families. I do not even have one millionaire family that lives in my district.

This is the wrong thing to do. We need to not declare a war on working-class people.

CHILD TAX CREDIT

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

Mr. BURGESS. Mr. Speaker, I recently listened to many of our friends on the other side of the aisle characterize the tax cuts as misdirected and targeted to the wrong people. According to the Joint Economic Committee, the new tax bill provides the largest percentage reductions in the income taxes of low- and middle-income groups, thereby shifting the tax burden upward.

Low-income families in particular benefit from this economic growth and tax relief package through a number of provisions, including increasing the child tax credit to \$1,000. Even families who do not owe taxes may benefit from the tax credit because of the current refundable feature of the credit.

Let us not forget that this group of low-income taxpayers received significant benefit from the tax cuts that passed in 2001, and they continue to benefit from this legislation today.

Mr. Speaker, we cannot continue to punish those who work hard, take risks, and are successful. We need the success of those individuals for the economy to recover. The country needs the jobs that their success will generate.

I remember weeks ago when the folks on the other side of the aisle opposed a tax cut of any kind during the debate on the economic stimulus bill. I believe it is time for some to figure out where they stand today.

PAYING TRIBUTE TO THE VICTIMS AND SURVIVORS OF BREAST CANCER

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

Mr. BURNS. Mr. Speaker, I rise today to pay tribute to the victims and the survivors of breast cancer. This Saturday, June 7, the Susan G. Komen Breast Cancer Foundation will sponsor the 14th annual Race for the Cure. Along with Members of my staff, I am entering this race in pursuit of a cure of this rampant disease.

Breast cancer is a disease that has affected the lives of many Georgians and many throughout our Nation. In fact, my wonderful wife of 30 years, Laura, is a breast cancer survivor. I know firsthand the strength and the dignity that she showed throughout this challenge.

I also know all too well the challenges that families face when confronting the harsh realities of breast cancer. But with early detection and aggressive treatment, we know that breast cancer does not mean a life sentence for women.

I am encouraged by the progress that cancer research has made and the struggle to defeat breast cancer. I realize we have a long way to go. But, Mr. Speaker, my wife and thousands of survivors like her are living proof that breast cancer is not an insurmountable challenge.

PROVIDING FOR CONSIDERATION OF H.R. 1474, CHECK CLEARING FOR THE 21ST CENTURY ACT

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 256

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. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, 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 Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes 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.

Mr. Speaker, I rise today in support of the rule, House Resolution 256. This rule provides for consideration of H.R. 1474, the Check Clearing for the 21st Century Act.

The Committee on Rules on Tuesday afternoon granted an open rule providing for 1 hour of general debate in the House on the underlying bill, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of

order against consideration of the bill, and provides one motion to recommit, with or without instructions.

I would like to reiterate to the House my satisfaction in the open rule granted for consideration of the underlying piece of legislation that we are debating today, which is also known as CHECK-21.

CHECK-21 is an important bill, although it may seem a bit confusing at first blush for America's banking customers and check writers. The good news is this bill garnered bipartisan support in both the Committee on Financial Services and the Committee on Rules, and I anticipate the same result as we move forward towards final passage on the floor today.

The legislative work our House of Representatives will complete today builds on the legislative work that was started back in 1987 to foster innovation in the check collection system. The Expedited Funds Availability Act, which became law back in 1987, directed the Board of Governors of the Federal Reserve System to improve our check processing system.

Today we are making logical extensions to the work started in 1987 by using our much-improved electronic transfer technology to make check writing speedier and more reliable for all parties involved.

Mr. Speaker, each check that is written and used for payment must actually make its way back to the check writer's home bank. That is how each bank patron with a checking account gets the check he or she wrote mailed back to them so that it can appear in their monthly statement.

When we stop to think about it, there is a lot of time, money, and effort invested in getting checks back to their home banks. Checks that are written in one corner of our country today will be trucked and flown to their home bank, wherever they reside, all over the country as a normal part of American commerce, a great expense of time and money. Today, American commerce bears the great expense of time and money associated with shipping checks around the country because it is worth it. Checks are an important commercial instrument that help keep our economy moving.

Today, as a cosponsor of the Check Clearing for the 21st Century Act, I am proud to announce the introduction of a new instrument of commerce into the American economy, the substitute check. The substitute check will provide opportunities to greatly decrease the frantic highway and air traffic associated with the gargantuan task of shipping and flying billions of dollars worth of checks around this country every single year.

Thanks to electronic imaging, paper checks have the opportunity to be converted into electronic form, transmitted in seconds to the home bank across the country, and printed out at their final destination as substitute checks.

The bill provides all those institutions that see electronic transfer of commercial paper as the latest wave in modernizing our economic system the opportunity to use substitute checks, but does not require it. That way we all have a chance to ease into the new potential provided by the creation and introduction of substitute checks into the mainstream of commerce.

Finally, Mr. Speaker, I would like to reassure customers that the same protections provided today under the Uniform Commercial Code for paper checks would also apply to substitute checks. Additionally, CHECK-21 provides legal indemnification protection to bank customers for losses arising from the receipt of substitute checks.

CHECK-21 is a great bill, Mr. Speaker. I congratulate the gentleman from Ohio (Mr. OXLEY) of the Committee on Financial Services, the gentleman from California (Mr. DREIER) of the Committee on Rules, as well as the gentleman from Alabama (Mr. BACHUS), who is the subcommittee chairman that is directing this legislation today, as well as all the original cosponsors of this very important bill.

Therefore, Mr. Speaker, I urge my colleagues to support both the rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, we are here today to consider the rule for H.R. 1474, the Check Clearing for the 21st Century Act. I urge my colleagues to look at this resolution very closely, to study it, because it is a very, very rare specimen.

We all know some of the more famous endangered species, including the Virginia big-eared bat, the buff-headed marmoset, and the yellow-footed rock wallaby; but just as rare is the House open rule. Do not make any sudden moves because we might startle it.

So far this year, the House has considered a total of 38 rules. So far, exactly four of them have been open, four for 38. That is a batting average of .105, which would get us kicked off my son's T-ball team.

This is what passes for democracy around here, which brings us to the rule for H.R. 1474, the Check Clearing for the 21st Century Act. This is an open rule for a noncontroversial bill. The issue for me, Mr. Speaker, is not the rule or the bill, but the fact that this open and fair process is almost never used in this body. Whenever an issue is the least bit contentious, whenever there is even a hint of disagreement about a bill, the majority clamps down on its Members, chokes debates, and forces a closed rule through this House. It is a lousy way to run a legislature, Mr. Speaker.

In the meantime, the Check Clearing for the 21st Century Act, also known as CHECK-21, is a bipartisan bill that will modernize the Nation's check payment system for the 21st century. This legis-

lation will help consumers, businesses, and banks by guaranteeing that check processing and payment will be quicker, and more importantly, lead to more efficient banking.

As many of us remember, the days and weeks following the tragic events of September 11 were filled with confusion in the banking industry. Because many of our planes were grounded, checks were held up around the country. Similar delays occurred during the anthrax crisis.

With the passage of CHECK-21, Congress and the banking industry will harness the innovations of the 21st century so our banking system is not crippled as a result of terrorism, natural disasters, or transportation problems.

□ 1045

In my district, I proudly represent the largest credit union in New England, Digital Credit Union.

According to Mary Ann Clancy, Senior Vice President and General Counsel of the Massachusetts Credit Union League, "Digital has been able to make cleared checks available to members in a more timely, secure and efficient manner ranging from weeks to immediate access. It also helps keep members' information confidential and saves them time searching through piles of checks to balance their checking accounts."

Mr. Speaker, Democrats have no objection to this bill. Check 21 was reported unanimously out of the Committee on Financial Services. The gentleman from Ohio (Mr. OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK), and the members of the committee should be commended for working in a bipartisan way, something the leadership of this House cannot seem to do.

Which, Mr. Speaker, brings us to the Child Tax Credit. As most people know, during their late-night, back-room negotiations on the tax bill, the Republican leadership deliberately dropped a provision that would have helped nearly 12 million children and their families to get the child tax credit.

Their attack on American workers, on those in the middle, on those trying to get into the middle, continues.

Governing is about choices, Mr. Speaker. The Republican leadership chose to keep the tax breaks for millionaires, and they chose to scrap the help for low-income working families.

So at the end of this debate on the rule, I will ask my colleagues to vote no on the previous question. If the previous question is defeated, I will offer an amendment to provide for the consideration of the Rangel/Davis/DeLauro bill to help the people the Republicans would rather leave behind.

In Massachusetts, for example, 225,000 children would benefit from the Democratic bill. Our proposal provides real relief for the people who need it most, not another giveaway for those who need it least. And we actually pay for our tax relief by closing some of the

corporate tax-shelter scams that some greedy corporations like to use.

I am not sure if any of my Republican colleagues remember, but they used to think that burdening our children and grandchildren with huge debt was a bad thing.

I know my Republican colleagues would rather not talk about this. I know they would have been happier if their secret agreements would have remained secret. But I will put them on notice. We are going to keep on discussing this issue until you do the right thing. We are going to be here today and tomorrow and next week and next month, and we are going to fight for the people who deserve a helping hand.

The Majority Leader made it quite clear the other day what the Republican priorities are. When asked whether he would consider granting relief to those who had been dropped by the leadership in their secret negotiations, he said, "There are a lot of other things that are more important."

If anyone on the other side of the aisle could name one, I would love to hear it.

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

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

The Committee on Rules meets on a regular basis throughout the week, taking important pieces of legislation, hearing debate. It is not unusual for us to be in the Committee on Rules not only at odd hours of the day and night but also to hear hours of testimony from Members of Congress who have important legislation that they wish to bring forward; and I would like to be one member of that committee that stands up and says that I believe that the leadership of the gentleman from California (Mr. DREIER), our chairman, and his balance and wisdom and his dedication to a fair process is something that I believe sets this Committee on Rules up for success every single day. This bill that is on the floor is yet another example of that success that the chairman and this committee achieve.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. BACHUS. Mr. Speaker, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), along with the gentleman from New Jersey (Mr. FERCUSON) introduced this legislation; and the title of this legislation, I think, basically describes what this is all about. It is the Check Clearing for the 21st Century Act. That is what we are doing.

We are replacing what the Chamber of Commerce has described as an antiquated method of presenting and returning checks.

It is amazing to me that we had not taken this step 10 or 15 or 20 years ago.

But I do want to commend the gentlewoman from Pennsylvania (Ms. HART), and I want to commend the gentleman from Tennessee (Mr. FORD). I want to commend a bipartisan group of Members who come together to push this legislation and bring it out on the floor today.

This is a model for bipartisanship. There are 33 co-sponsors, Democrats, Republicans. The gentleman from Massachusetts (Mr. FRANK), the ranking member, and the gentleman from Ohio (Mr. OXLEY), both made this a priority.

We have an amendment that was introduced by the gentleman from North Carolina (Mr. WATT) which is included on page 11 in section 3, paragraph E. Part of that language clarifies that nothing in this act shall diminish in any way and everything in this act shall preserve all consumer protections. In fact, we have added consumer protections in this act.

But let me be very brief and say what this does in a nutshell. Americans write 42.5 billion checks a year; and about three-fourths of those checks have to move physically from the bank where they were deposited to the bank where the original maker was, many of them all the way across the country. Most of them travel by air, but a good many of them travel by truck. When they do, they burn oil, making us more oil dependent. This bill as much as anything will help lessen our reliance on foreign oil.

And a lot of people have probably not thought about this, but it is good news for those who travel by air because it will lessen the congestion at our airports. In fact, it is amazing that most Americans do not realize that literally every day tens of thousands of aircraft take to the sky taking back these original checks.

Now, what we are changing today is not something we have not been doing. What the system will go to is actually the system the credit unions in this country have used for over 20 years. So this is nothing new. The credit unions have been using this process. In fact, some of our larger banks by agreement have been doing this process for years without any problems.

The Federal Reserve has urged for several years that we go to this system. It is good for our economy. Not only will it lessen our dependence on foreign oil, not only will it relieve congestion on our highways and airports, but it will also make our process of clearing checks more efficient. In a world economy when we compete with European nations which are already doing this, we do not need costs and burdens to our financial system that they do not have. In fact, we need to have the most efficient system in the world; and, in fact, this legislation will assure that this happens.

In conclusion, we will talk about the nuts and bolts of this legislation in the main debate. We will hear from the gentlewoman from Pennsylvania (Ms. HART) on this legislation. I want to

commend the chairman, the gentleman from Ohio (Mr. OXLEY), for making this a priority. I want to commend the gentleman from Tennessee (Mr. FORD) for his leadership on this issue.

In conclusion, I want to commend all the Members of this body for coming together on this important legislation. We built such a consensus piece of legislation that we have the credit unions endorsing this legislation. We have the community banks endorsing this legislation. We have the independent banks endorsing this legislation. We have the largest 100 financial institutions in the country endorsing this legislation. We have the regulators endorsing this legislation. We have the Chamber of Commerce and several consumer groups endorsing this legislation. And I fully expect that the overwhelming vote that this legislation received in the committee will be repeated out here on the floor with a strong bipartisan majority.

I would think that anyone that understands this legislation will vote in favor of it.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, the sort of checks that Americans are interested in hearing about are not the check clearing system technicality but the checks they receive as a result of their hard work or as a result of tax refunds.

This July most all Americans with children will be receiving a check in their mailbox as a result of the child tax credit that we passed some 2 weeks ago. Except for the parents who are in the military, who are in the National Guard who do not make a whole lot of money serving our country, and except for the low-income parents who work hard every day for minimum wage or a little bit above, they and their children will not be receiving these checks.

Why? Six million parents, 12 million of the most deserving people in our country, will not be receiving checks because of a deliberate, secret, backroom deal cut by Republican leadership.

Now, most of my constituents want bipartisan government. They want Democrats and Republicans to work together for the greater good of this Nation. And now that our government is under the control of a Republican White House, a Republican Senate, and a Republican House leadership, people are asking, what decisions are they making?

Well, they are making decisions to leave out 12 million poor children, 12 million deserving folks who need a future in this country; and \$400 each would do them a lot of good. It would not only stimulate the economy, it would address the fundamental fairness of that legislation.

Now, many of the folks on the right are saying, well, their parents do not pay taxes. They do pay payroll taxes. They pay property taxes. They pay

sales taxes. I dare any of the Members to go to these people and say they do not pay taxes. These are not welfare recipients. These are hard-working people trying to build the American dream, and this House deliberately left out those parents and their 12 million children because we did not have room to fit it into a \$350 billion tax bill. All we are asking for is 1 percent of that bill, \$3.5 billion to be devoted to the needs of 12 million deserving American kids.

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

Mr. Speaker, as I recall, the debate about this tax bill was all about deficits and all about whether the increase of the debt, the public debt limit was going to be achieved. And what happened is that, as we deliberated about the bill, any motion to instruct conferees from the other party was about those two issues. It was not about the substance of the bill as it related to anything that was contained within or to be talked about by the conferees. But, rather, they were focussed entirely on the debt and the amount of money that would be as a part of bill.

Now we find out that, oh, my gosh, there was a part of this great tax cut that they maybe were for even though they were voting against that. So it is very interesting to hear this debate today.

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

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

Mr. Speaker, I would just remind the gentleman that, unlike the Republican tax bill, we actually pay for this by closing corporate loopholes so we do not add to the debt or deficit.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in opposition to the rule because the Republican leadership is not allowing us to bring up the Child Tax Credit for these lower-income working families.

Exactly what my colleague from Massachusetts said is certainly true. This provision which the Republicans eliminated because they did not want to help the working class and working people was financially paid for, and, again, we are trying to get it passed again and it is paid for completely by closing up corporate tax loopholes.

The problem is that the Republicans, they just do not want to give it to these working families. Already the other side the other body is saying that they want to add a child tax credit for people at a higher income level, or the gentleman from Texas (Mr. DELAY) has said that he wants to add more tax cuts here for wealthy people and for corporate interests.

□ 1100

That is the thing that would cause an increase in deficit because they have not paid for it. We are saying, as Democrats, we can pay for this child tax

credit for these working families under \$26,000-or-so in income annually by closing tax corporate tax loopholes; and the Republicans are saying, oh, no, we cannot do that because the only way we will consider it is if we give some child tax credit to higher-income people or other tax cuts to other wealthy people and millionaires, and we do not care whether we pay for that because we do not have any way to pay for that. That just goes into the deficit.

The hypocrisy is unbelievable. My colleagues should simply admit that the Republicans really do not care about the working people at the lower-income levels. They are not willing to give them any kind of tax credit. They can pass the bill today in the other body and send it over here or vice versa, and it is fully paid for; but they are not going to do it, and I can tell my colleagues there are about 200,000 people, children of soldiers in the Armed Forces, that are also being left out of this.

We did a little analysis and found out that these 12 million children that are left out, a good many of them are children of military personnel. So these guys and their families, they are fighting over in Iraq or they are stationed somewhere in the world and defending the country, and they cannot get a lousy child tax credit. It is outrageous.

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

This debate has gone very quickly away from the subject that we had at hand, but I would like to remind my colleagues that tax cuts do work. They get money back to people who are able to utilize them, just like the families that are being talked about here.

The fact of the matter is that this fabulous jobs and growth package that was signed by the President last week has already begun to work in the marketplace. It is seen as a catalyst now for people to want to come and invest more money, not only in this country but also for corporations to have an opportunity to begin employing people, an opportunity for the American people to see the opportunity for them to have jobs and more money back in their pockets; and it is amazing how the debate over all these years and even from just about 10 days ago, May 22, when every single tax cut was bad and every single thing that we would do to take money away from our precious government was seen as a threat to national security, and yet, today, my colleagues on the other side of the aisle are talking about a tax cut that would be necessary to help out the American people again.

That is why we will stay after this. That is why the Republican Party will continue to not only believe in tax cuts that are great for people but an opportunity to give more money back to people who have earned that money and to help out families and children. This is why we have had as part of the bill the marriage penalty because we

do not believe that one spouse that works even part-time should be taxed at the highest rate of the household income.

We are proud of what we are doing, and we are going to keep doing it; and so I am pleased to hear my colleagues talk about the need for tax cuts for all Americans.

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

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

I just respond to the gentleman that I cannot believe he finally met a tax cut he did not like. Unfortunately, what we are talking about here is trying to help people, low-income workers and their children; and because of the Republicans' late-night maneuver, these people are being denied the tax cut that he says that they are very much dedicated to.

Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the majority party spokesman for the Committee on Rules was somewhat inaccurate in describing our position. The effort that we are engaged in to provide some financial relief to some of the poorest and hardest-working people in this country and their children would not cost the government revenues anymore. It would be balanced.

We find, unlike him, a number of unfairnesses in the Tax Code; and I was struck by, in his conversation, the complete absence of any defense of the decision to deny this benefit to these people.

I came down here today as the ranking member of the Committee on Financial Services to talk about check truncation, but I would agree with my colleagues that fairness truncation is a far more important issue; and that is what we are talking about.

The gentleman who spoke said this is a Republican Party and he is proud of it. I think there is too good of appreciation in the country today of the real differences that exist between the parties. Partisanship is not always a bad thing. There is a legitimate aspect in a democratic society to recognizing differences. The gentleman from Texas is proud that they passed a tax bill that excluded the poorest working people in America.

He said he was proud of it, and I think we are proud on our side to be appalled by it. We are proud on our side to say that we can, without further draining our ability to pay for important public needs, provide help to these lower-income people; and as I said, it is a matter of fairness truncation.

By the way, one of the misarguments that is used to defend stiffing the poorest people in this country when the wealthiest are doing very well is, well, they do not pay taxes. Do people in this Chamber really not notice something called the Social Security payroll tax? In fact, anybody who works

pays Social Security payroll taxes. Deductions are made, and in fact, the people who are making \$25,000, \$30,000, \$20,000, they are paying a very large percentage of their income in those taxes.

I hope that we will soon do the non-controversial bill that allows banks to truncate checks, and I hope we will then undo the Republican decision to truncate fairness and equity even further than it is and use some of the resources that we were able to use for a very large overall tax cut and spend a very few dollars on the poorest people in this country, including children.

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

This rule that is before us about check clearing is really something that I think that consumers and the banking community are going to find of interest, and I am sorry that the debate is not on this modernization of the system.

What we are going to do with this wonderful bill that we have before us today is to, once again, prove that an agenda that can move forward problems that are facing the American public, costs that are in its way, inefficiencies in our banking system which is what this bill is about, we are going to solve, be another part of the solution today; and I am very, very proud of not only the gentlewoman from Pennsylvania (Ms. HART), a bright young Member that we have, and the gentleman from New Jersey (Mr. FERGUSON) and the gentleman from Tennessee (Mr. FORD) for bringing this bill, these ideas forward. But I think it shows that, as we talk about and move forward in this great body, the important aspects of that make a difference in America, just like tax cuts; that the American people will see that this House of Representatives not only works, it provides tax relief.

It provides things in our banking system that will keep modernizing America. It will make sure that we are prepared for the future, and as we go past this bill into other areas, whether it be appropriations or working with intelligence or matters of national security, that this House of Representatives every time brings forth a full debate, not only on the issues but makes sure that time is allocated for even the minority party to stand up and to talk about their frustrations.

I think what we are doing today with this bill makes sense. I think the American people see that this House of Representatives and this administration intends to move forward in a proactive, positive way that all Americans can have not only confidence in their government but also confidence in the free market enterprise system that we are so proud of that produces jobs and keeps our economy going.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I congratulate the gentleman from Texas in the discretion he showed in continuing to avoid defending this outrageous decision to stiff the poor people.

As to the check truncation bill, I appreciate his discussion of the work. As the ranking member, let me say I appreciate we have an open rule here. We do have an inverse relationship here. Well, we have two.

One, the poorer a person is, the less fairly they are going to be treated in the tax bill. Secondly, the less important the legislation, the more openhanded the Committee on Rules will be in letting us discuss it.

I am glad that we are bringing this bill forward. I was the ranking member when it was put forward, but I have to tell my colleagues I am glad that it is going to pass; but it probably will not make it into my next biography. I do not expect being remembered as the co-author of the check truncation bill will be part of my legacy. So I thank the gentleman for his concern.

The reason we are not debating it is very simple. There is nothing left to say. The banks are going to use the different kinds of paper. People will be able to get a record of their checks. That is the end of it.

I understand why the gentleman would rather talk about something else than being unfair to poor people. Unfortunately, there is not enough substance here.

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

This Republican House has since 1997 made sure that we reduce taxes on people all across the board; and under this new tax cut that we are talking about, a single mother with two children earning \$20,000 will receive over \$2,000 in payment from the government with no tax liability, no tax liability and \$2,000 back. So we really do care about people. We have reduced the tax burden on the American public and will keep doing that.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

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

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

I am sitting through this debate because I am here to talk about the check truncation legislation which we are going to debate shortly. However, my life experience and history of working as a State senator in Pennsylvania and chairing the Committee on Taxation compels me to rise regarding some of the comments made by the other side.

I believe that the general public knows what a tax credit is. However, it is clear to me that the other side of the aisle does not. One must pay taxes, income taxes, in order to receive a tax credit; and in fact, in our tax bill that we passed and fortunately was signed

last week, there is an increase in the child tax credit. The general public has asked us for that, and it has been provided.

Those hard-working parents who have been paying income taxes do receive credit, as the gentleman stated, and additional moneys for the raising of their children. Claims have been made that that is not the case, but that is just not true. A tax credit is only paid to those who pay income taxes, and that is exactly what we do.

Also regarding that issue, it is very important for us to note also that since I have joined this body about 2½ years ago, the Republican majority has consistently exempted people who are very low income from paying income taxes. It is important to note that because that is clearly something also that those on the other side of the aisle either are not aware of or have ignored.

Our goal has been to encourage families to keep working, even though they may just recently have left the welfare rolls, even though they may have had a difficulty with a layoff and have taken maybe a more entry-level-related job. Our goal is to make sure that those who work and work hard to support their families have a lower burden. The goal is to encourage them to keep working and be promoted and make more money and eventually become taxpayers.

Once they become income tax payers, they then will qualify for things like tax credits because, like I said earlier, one must pay an income tax in order to earn a tax credit. That is the way it works.

I would also like to note a couple of other things, and I represent a district that is very diverse economically and, unfortunately, has seen more unemployment in the last couple of months. Folks I talk to tell me this, they are very pleased that we have made a very good effort to extend the unemployment which is very important for those who respect working and are not receiving an income.

Our Republican majority has done that several times. We have extended unemployment twice now. We intend to keep watching the economy, try to make it move forward as we have done with this tax bill, which will help employers hire more people and reduce the unemployment rolls. While those good people are still unemployed, we are trying to make sure that they have enough money, and it is extended in our unemployment extension so they continue to support their families until they can find that job.

Finally, I just need to note that the partisan rancor in this body is getting a bit silly. It is disappointing to me as a person who has come to Washington with a lot of positive ideas. I am going to continue to work with those who want to work with us and not create kind of their own version of what passed into law. I am going to continue to work for a positive economy, for growth, for opportunity and for more

employment because I know people across the United States need it.

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

I would say to the gentlewoman from Pennsylvania that our side of the aisle would be more than happy to work with her side of the aisle. Unfortunately, we are always shut out of the process; and I would also say to the gentleman from Texas who earlier referred to this Republican House, this is the people's House, something that those on his side of the aisle seem to have forgotten by leaving millions of working families and children out in the cold.

□ 1115

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time, and I rise against the rule on this check-cashing bill. And the reason I rise against the rule is because we are not afforded the opportunity in this House to bring up H.R. 2286, the Rangel-DeLauro bill, that would allow us to include all of America's working families in the relief for child tax credits.

Who is left out? Who is left out are people who earn between \$10,500 a year and \$26,600 a year who have children. The bill that passed last week left them out. The gentleman from Texas is wrong. Democrats did not even know what was in that bill. The ranking member on our sides of the aisle had to find the room the conference committee was being held in. No Democrat read that bill, and we know the Republicans cut a deal.

My Republican colleagues left out working families who live at the bottom of this economy, and they have 19 million children, not a single one of whom are going to get the extra \$400 refund, where those checks are going to be cashed out of this government when they are sent out this summer. Not a one. They left out 6 million families, 19 million children.

The Republicans refuse to see them, but we see them. We really believe in not leaving any child behind. But now, Vice President CHENEY, what does he get? He gets \$93,700. Republicans are leaving 19 million children twisting in the wind, but that is par for the course. One of their favorite sports is golf. They leave a lot of people out there in the sand traps. But the defining difference between Democrats and Republicans is we include everybody. Everybody.

We think some people got too much out of your bill. Vice President CHENEY does not need that money. He will just go out and buy another yacht. But who do we see this bill leaves out? The bill leaves out moms who work at McDonald's. They will not get any refund from the child tax credit refund. It leaves out the janitors that clean the

World Trade Towers who have children. They do not get anything either. And the Republicans' bill leaves out our privates and specialists in the Army, Navy, and Air Force who are at the bottom of the pay scale in our Armed Forces. They will not get the child tax credit refund either.

These folks pay taxes. They not only pay Social Security and Medicare taxes, they pay property taxes, the Federal gas tax, and the cigarette tax. They do not have anybody giving them taxes back. They do not have lobbyists coming in to lobby on their behalf, who are the winners in this bill.

Mr. Speaker, we have a right to include all families. We ought to vote down this rule and demand that the leadership bring up H.R. 2286 to include all of America's children and families.

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

Prior to 2001, the child tax credit was \$500 for an eligible child. The child tax credit was not refundable for most families. However, for families with three or more eligible children the credit was refundable, to the extent the family had payroll liability that was not offset by the earned income tax credit.

What we have attempted to do, and what was signed into law on May 28, accelerates and increases the child credit. Certainly one has to qualify, but the child credit will increase from \$600 per child to \$1,000 per child in 2003 and 2004, and in 2005 the credit will revert back to its 2001 act-in phase. That means that what we have done is to move forward very quickly an acceleration, because I believe, and my party believes, and this bill believes that it is the right thing to do.

The bottom line is that due to political constraints there was not as much money. So what we did is we moved forward from \$600 to \$1,000, but it is only good for 2 tax years. We have a lot of work to do, Mr. Speaker; but I am ready to do that work. I think this body is ready to do that work, and we intend to get it done.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume to ask my colleagues to review an editorial from The Washington Post entitled, "Children Left Behind," and also today's New York Times editorial entitled, "The Poor Held Hostage for Tax Cuts," which I now submit for the RECORD.

[From the Washington Post, June 2, 2003]

CHILDREN LEFT BEHIND

Even for a debate over taxes, the public discussion taking place right now about child credits in the new tax law is particularly galling, hypocritical and ill-informed. The new law bumps up the credit for each child from \$600 to \$1,000 (though the benefit phases out for families that earn more than \$110,000). This increase, part of the 2001 tax law, was pushed forward to this year under the new law. The 2001 law also allowed some low-income families that don't pay income taxes to benefit from the child tax credit; these families receive money from the gov-

ernment, just as with the Earned Income Tax Credit. Those amounts were set to increase in 2005—but that part was not speeded up under the new law. If it had been, it would have cost \$3.5 billion, or 1 percent of the supposed cost of the tax bill, and would have helped almost 12 million children whose families make between \$10,500 and \$26,625.

Stiffing these children was not a last-minute oversight or the unfortunate result of an unreasonably tight \$350 billion ceiling. "Adjustments had to be made," a spokeswoman for the House Ways and Means Committee said, as if those on her side would have preferred otherwise. In fact, the administration didn't include this provision in its original, \$726 billion proposal. The House didn't include it in its \$550 billion version. The Senate Finance Committee didn't include it in its original package. Most Republicans wanted relief only for those who pay income tax. As White House spokesman Ari Fleischer framed it, "Does tax relief go to people who pay income taxes . . . or does it go above and beyond the forgiving of all income taxes, and you actually get a check back from the government for more than you ever owed in income taxes?"

But it's not as if these workers pay no federal taxes; they shell out 7.65 percent of their earnings in Social Security and Medicare payroll taxes. More fundamentally, if it makes sense to help families with children, why shouldn't the aid go to those who need it most? If speeding up the tax credit makes sense for some, why not for everyone? If one goal of the tax bill is to pump money into the economy quickly, why not give it to those most apt to spend it? Such relief could be paid for by cutting the rates for those in the top brackets (people with taxable income of more than about \$312,000) just a smidgen less. These folks already get the biggest rate reduction of all, from 38.6 percent to 35 percent; merely edging that up to 35.3 percent would have paid for the extra child credits. If anything, the question lawmakers should consider is why those who make less than \$10,500 shouldn't be entitled to some credit as well. The theory has been not to subsidize those who choose to work only part time, but in this economy any number of people are working fewer hours because that is all that is available. Some 8 million children live in families who earn below the current threshold.

Indeed, the discussion should be broadened to include the question of why the bill, in a similar fashion, speeded up marriage penalty relief for everyone but the bottom tier, those who qualify for the Earned Income Tax Credit. This is arguably even more unfair than the failure to accelerate the entire child credit: the backwardness of the social policy—discouraging marriage—is obvious, and the marriage penalty is particularly steep in this category. For example, two single parents, each with one child and each earning \$10,000, would receive about \$2,500 through the tax credit; if the married, their tax benefits would drop by more than \$1,000.

Democrats, who somehow never managed to get traction with an argument about the unfairness of the cuts before the bill was passed, are seizing on the new attention to the child credit. Today Sens. Blanche L. Lincoln (D-Ark.) and Olympia J. Snowe (R-Maine) plan to introduce a bill that would accelerate the credit, paid for by curbing corporate tax shelters and imposing some user fees. We're looking forward to the debate.

[From the New York Times, June 5, 2003]

THE POOR HELD HOSTAGE FOR TAX CUTS

Millions of low-income families were cruelly denied child credits in the administra-

tion's latest detaxation victory. Now, with consummate arrogance, Republican leaders in Congress are threatening another irresponsible tax-cut bidding war as the price for repairing the damage. "There are a lot of other things that are more important than that," said Tom Delay, the House Republican majority leader, signaling that revisiting the child-care issue will open the door to even worse deficit-feeding tax-cut plans. Mr. DeLay at least offered unabashed candor instead of the crocodile tears of other Republicans. They are now embarrassed over the furor that low-income families were deleted in the final G.O.P. deal on the tax-cut boon weighted so shamelessly last month to favor the wealthiest Americans.

There is a clear and sensible solution to restore the \$400 child-credit increase to the working poor in a Senate proposal from Blanche Lincoln, Democrat of Arkansas, and Olympia Snowe, Republican of Maine. Their measure, which would cost \$3.5 billion and help nearly 12 million children, would be paid for by eliminating some of the tax-shelter abuses that fed the Enron scandal.

Republicans are scrambling for political cover now, fearing the wrath of the mythic soccer-mom voting bloc next year. But the rival child-care solution being offered by Senator Charles Grassley, Republican of Iowa and the finance chairman, introduces a whole new scale of irresponsibility to the tax-cut games. This would expand the credit to 6.5 million low-income households, although not to minimum-wage earners of less than \$10,500 a year. But at the same time, the upper-bracket limit would be generously, gratuitously raised another \$40,000 to benefit families earning up to \$189,000, hardly the neediest among us. Plus the credits would be made permanent instead of temporary, as currently enacted.

This makes it a \$100-billion-plus budget-busting measure lacking the cost offsets of the sane and prudent Lincoln-Stowe approach. The fiction of Republican leaders' promises to contain the deficit damage of their tax cuts is becoming clearer with each wad of debt rolled onto future generations.

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

Ms. SOLIS. Mr. Speaker, I also rise today to voice my strong opposition to this rule. There is a lot of talk about what the recent tax cuts would do for our economy and for working families, and I would like to talk a little bit about what they will not do.

The \$350 billion in tax cuts leaves out working families, in particular, families that make anywhere between \$10,000 and \$26,000. They will not qualify for a child care tax credit. I ask my colleagues to look at this photograph that I have here. This is a working family, a representation of a family that lives in my district. They make \$24,000 a year. They will not get a rebate. They have a son that is serving in our war, that is serving in our war in Iraq; but he will not get any benefit from this tax cut.

Let us really talk about working families and what they do for our economy. They do pay Social Security taxes, they do pay sales taxes. In fact, they are taxed so much that they are looking to us as representatives of this House to do the right thing. One million children in military families, like these families, will get no tax break or credit. This is wrong.

We know that somehow the Republicans found \$90 billion to give to 200,000 millionaire families. Imagine that. That money will not make it to my district because I do not have a single millionaire that lives in my district. We have people that make less than \$20,000, so they do not get the benefit of that money.

Republicans say this is class warfare that we are discussing. Look at the facts. The money does not come home to the districts that send money here to Washington because our Republican colleagues are sending it to their friends. In fact, in California, 31 percent of California families will not receive any child tax credit, and that includes 2.4 million children in California alone. Forty-seven percent of those Californians will get a total tax credit of less than \$100; \$100 does not even help to pay rent in my district, where an apartment goes from \$800 to \$1,000.

I urge Members to vote "no" on the rule. Let us do a child tax credit that is fair for working families.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, the first time I got up, I talked about the subject at hand, and that was Check-21. But I do want to address what the Democratic Members have talked about, and that is the recently passed tax cut.

One would not think there would be such an uproar from the other side because, in fact, the bill we passed exempts 3 million-plus low-income workers from any Federal tax liability. But there is still an uproar. It increases the child tax credit from \$600 to \$1,000. But there is still an uproar. It actually gives back, and only in Washington could you give back a tax refund above what people pay in, but it actually gives back \$2,000 more to low-income families with children than they paid in; yet there is still an uproar.

Why the uproar? Because the other side wants to take tax money, taxpayers' money that was paid in, and pay it back to people who did not pay taxes. In other words, an individual paying in \$1,500 ought to get back \$3,500. Well, let me tell my colleagues that there is only one problem with that, and that is who pays the \$2,000? The answer is the middle class.

In Alabama, if my colleagues talk to my constituents and say to them that they are going to pay back \$2,000 to people who did not pay taxes, with their tax dollars, because they have children, they are going to call that welfare. And that is exactly what it is. When we pay folks because they have children, and we pay them back \$4,000 just because they have children, not in money they paid in but with someone else's money, that is welfare.

The other side is still upset that we cut welfare several years ago, and they want to use this as an opportunity to start a new welfare program and to fund it out of middle-class taxpayers' pockets.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, yes, there is an uproar; and, yes, we are appalled. We are appalled that the children of 12 million working families have been excluded from this bill. They are quite content to give \$93,000 in tax cuts to the very wealthy millionaires; but we have 12 million children who have been excluded, 196,000 from my State of Maryland. Yes, there is an uproar. There is something fundamentally wrong with that.

What the Republicans are trying to tell Americans is that these people do not pay taxes. Oh, yes, they do. Number one, they work every day. Every one of these families works every day. Number two, they pay property tax, sales tax, entertainment tax, and they pay all the other kinds of taxes. Importantly, many of these people are in the military. They are privates, they are grunts, they are the people who do the dirty work to defend our country. Yet our Republican colleagues say it is okay to give a millionaire \$93,000 in tax cuts, but it is not okay to give someone making less than \$26,000 a tax break.

Mr. Speaker, I do not call that welfare; I call that democracy. We are Democrats. Every time we talk about this issue, the Republicans want to say that is class warfare. Yes, that is class warfare. But let me talk about that class. It is a class composed of people who work every day and make less than \$26,000 a year. They have 12 million children, and they are not going to get the benefit of tax relief.

Republicans want to talk about putting money back into Americans' pockets. What about the class of Americans that work every day but do not get the benefit of this big \$350 billion tax deal? This tax deal gives a \$90,000 tax cut to millionaires, but they cannot give \$1,000 to a family that works every day and has a child. My colleagues have the audacity to come on this floor and say it is welfare. Yes, there is going to be an uproar. Yes, I am appalled, because it is undemocratic, it is unfair, and it is disgraceful.

All my Republican colleagues want to do is give more money to the very rich; and when we tell them that people are working and need a tax break, they cannot see fit to do it, particularly when some of those people are in our military. It is a disgrace. Let us reject the Republican approach.

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

Mr. MCGOVERN. Mr. Speaker, can you inform us how much time is left on both sides?

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Massachusetts (Mr. MCGOVERN) has 10 minutes remaining, and the gentleman from Texas (Mr. SESSIONS) has 4½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, it seems as if we have hit a nerve here. We are supposedly talking about a bill that would make it easier to get checks, and the Republicans are clearly embarrassed that there is a whole lot of people, in fact 12 million children, whose families are not going to get checks. They know darn well that that provision that would have sent the check was in the legislation in the Senate, and in a late-night deal that money was taken out.

Here is one of the families. They live in my district. It is Maria, that is the mom, Alma and Elia Narvaez. They are not going to get a check. They are one of the 6.8 million families that thought they were going to get one, but they are not. Along with them, as has been pointed out, there are going to be a million children whose families were going to get checks of people in the military, our young men and women who went off to serve, the low-level private first class. They are not going to get a check.

So it is not just an uproar from this side of the aisle; there is an uproar going on in the country right now.

□ 1130

We read about it in the press, and we hear about it from our constituents. So who is getting the money?

They are talking about it only goes to taxpayers and ask these people if they pay taxes, but who is getting the money?

Well, let us look at the Bush cabinet. We are talking about Treasury Secretary John Snow. He was the CEO of the CSX Corporation, a corporation that paid no Federal income tax in 2001, 2000, and 1998. Do Members know how much he is going to get in a tax break? He is going to get \$330,000 a year in dividend capital gains tax cuts. That is more than Maria Narvaez makes in 16 years. That is his tax cut for 1 year, what she makes in 16 years.

Think about it another way, what the Secretary of the Treasury gets, \$330,000 in 1 year in a tax break, 1,000 families could get a check. Members decide what is fair.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

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

Mr. FORD. Mr. Speaker, let me preface by saying I rise in support of the rule and rise in strong support of the bill and thank the gentlewoman from Pennsylvania (Ms. HART), the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for all of their hard work.

In light of the conversation that is occurring, there has been a lot of back and forth. I rise just to say two things: One, this really represents the difference in priorities between the two parties. While one cannot dispute that

the bill that passed here a few nights ago in the form of a jobs bill or a tax cut bill, whatever Members choose to call it, the President has suggested that his tax bill will produce a million jobs, so I have taken to calling it a jobs creation bill.

The reality is the bill cuts taxes for some people but not enough people. The \$3.5 billion that was taken out of the bill, tax cuts that were removed from the bill to make room for other tax cuts, my side characterizes it as tax cuts for wealthy Americans. The other side characterizes it differently.

The reality is \$3.5 billion was taken out of the tax cut that would have gone primarily to families who earn under \$25,000 a year. It is suggested that up to 12 million children will lose out.

The gentleman from Alabama (Mr. BACHUS) is my friend, but I take issue with one characterization. This is not a welfare program. These people earning under \$25,000, they work. Some may work not only in the military but here on this Capitol Hill where we work day in and day out. I believe people who work day in and day out deserve a break.

Not only do these people need it to help feed their families and pay their higher energy bills, they will also spend it in ways that will help rejuvenate this economy.

A point was made about the middle class, and I will submit for the RECORD yesterday's Washington Post piece that shows numerous studies indicate that the middle-class tax share is set to rise after the passage of the 2001, 2002, and 2003 tax bills. We may not like this, but these are the facts. It reports that people earning between \$28,000 and \$337,000 a year will end up paying a higher share of taxes than any other group of Americans after the passage of the 2001, 2002 and 2003 tax bills.

Mr. Speaker, I hope that my friends who label this as an effort to increase welfare will take a look at the facts of the tax bills that this Republican House and Republican Senate have passed.

[From the Washington Post, June 4, 2003]

MIDDLE CLASS TAX SHARE SET TO RISE
STUDIES SAY BURDEN OF RICH TO DECLINE

(By Dana Milbank and Jonathan Weisman)

Three successive tax cuts pushed by President Bush will leave middle-income taxpayers paying a greater share of all federal taxes by the end of the decade, according to new analyses of the Bush administration's tax policies.

As critics of the tax cuts in 2001, 2002 and 2003 have noted, the very wealthiest Americans—those earning \$337,000 or more per year—will be the greatest beneficiaries of the changes in the nation's tax laws. And, as administration officials have argued, low-income taxpayers will also enjoy a disproportionately lighter tax burden.

The result is that a broad swath of lower-middle, middle- and upper-middle-income people, as well as some rich Americans, will carry a greater share of the federal tax burden after the laws passed in the past three years are fully implemented. While taxes are scheduled to decline for all income groups, those earning more than \$28,000 but less than

\$337,000 will end up paying a greater share of the taxes than they did before the changes.

The findings, by two groups that have been critical of the Bush administration's tax policies, add a new wrinkle to the increasingly contentious debate over the fairness of Bush's tax policies and which income groups would benefit most.

Liberal groups have argued that the Bush administration is penalizing the poor while rewarding the rich. In part to answer those critics, Republicans have targeted the poor with expanded tax refund checks for families with children, a new 10 percent tax bracket and a larger earned-income credit for married couples who are poor.

The result may be a surprise to both sides: By the end of the decade, the middle class will be picking up a greater share of the government's tab.

"It's hard to get a lot of progressivity at the very top," said R. Glenn Hubbard, the architect of Bush's most recent tax cut proposal and a former chairman of the White House Council of Economic Advisers. By slashing taxes on dividends, capital gains and inheritances, the cuts ensure that tax burdens will no longer rise consistently with income, as they would with a perfectly "progressive" system. "But," Hubbard added, "we've very much retained progressivity overall because so much money was dumped into the bottom rates."

The two studies focused on separate issues. Citizens for Tax Justice examined the percentage changes in total federal taxes that would be paid by different income groups through 2010. The Tax Policy Center, jointly run by the Brookings Institution and the Urban Institute, looked at the share of federal taxes that would remain for the various groups once those changes are fully phased in. But the studies reached similar conclusions.

Citizens for Tax Justice found that for the lowest fifth of taxpayers—those earning below \$16,000—federal taxes would fall 10 percent between now and 2010, while federal taxes for those in the second quintile—earning between \$16,000 to \$28,000—would fall 12 percent. At the other end of the scale, the decline for the top 1 percent of taxpayers—those making \$337,000 and up—would be 15 percent.

In contrast, for taxpayers earning between \$45,000 and \$337,000, the decline would be 7 percent, less than half the cut reaped by the very wealthy.

Citizens for Tax Justice assumed that those provisions in the tax laws scheduled to expire before 2011 would expire as scheduled, although administration officials have said they are determined to make those changes permanent.

The Tax Policy Center assumed that all proposed tax cuts would become permanent. It found that the share of federal taxes paid by the top 1 percent of taxpayers would drop to 22.8 percent of the total in 2011, from 24.3 percent today, while the share paid by the lowest 40 percent would fall to 2 percent, from 2.2 percent.

All others would have a slightly larger proportion of the federal tax burden in 2011 than they do today. For families earning between \$22,955 and \$80,903, their share of federal taxes would rise from 25.5 percent to 26.1 percent.

Both groups included all federal income, payroll, corporate and estate taxes; Citizens for Tax Justice also included excise taxes.

Treasury Department officials said the studies are skewed because they include Social Security and Medicare payroll taxes, which the tax cuts did not seek to reduce. Pamela F. Olson, the assistant Treasury secretary for tax policy, said that if Social Security taxes are included, then Social Security

benefits should also be measured. "Then you would have a very progressive system," she said.

Instead, Olson pointed to the Treasury's analysis of the impact of successive tax cuts on individual income taxes only. In that analysis, all taxpayers with less than \$100,000 in income are shown to be paying a smaller percentage of their income in taxes than they did before Bush took office. Households earning \$100,000 or more are now paying 73.3 percent of federal income taxes, up from 70 percent.

Figuring out whether tax policy benefits the wealthy or the poor is a hotly disputed subject. Liberals favor a progressive tax system in which households pay higher tax rates and a higher share of their total income as they climb up the income ladder. By that measure, the Bush tax cuts have made the tax code less progressive. By 2011, the poorest taxpayers' after-tax income will have risen only 0.3 percent, according to the Tax Policy Center, while household income for the richest 1 percent of taxpayers will have jumped 8.6 percent.

Conservatives say the better measure is which group winds up paying a greater proportion of the tax burden after the tax cut. The rich may get the largest dollar benefit from the tax cuts, but the top 20 percent of household will still be paying 71.5 percent of all federal taxes in 2011.

Conservatives and liberals alike agree that Bush's tax policies have shifted more of the tax burden to the middle class. Kevin Hassett, a conservative economist with the American Enterprise Institute, said it "makes complete sense" that this would happen as a result of Bush's policies.

Changes such as the elimination of the estate tax and the reduction of the stock-dividend tax disproportionately benefit the wealthiest 1 percent, who have the largest amount of assets and capital. Those at the other end of the income spectrum benefit disproportionately from targeted tax cuts such as the child tax credit.

With the biggest gains going to the wealthiest and to low-income taxpayers, those in the middle inevitably get a higher tax burden because they don't qualify for the targeted tax breaks that go to the poor or the investment-related tax breaks that go to the wealthy. "The middle class is predominantly labor income," Hassett said.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, it is shameful enough that the Republican leadership in Congress has chosen to gamble our children's future on a risky and unsustainable tax scheme such as the one signed into law just last week. But what is even more shameful is that the Republicans sold out the very men and women who recently fought for our country in Iraq by cutting many of them out of that tax cut.

That is right. Only hours before Congress was set to vote on President Bush's big tax giveaway, Republicans cut out provisions to expand the child tax credit for working families in order to give the President's wealthy friends a bigger tax cut. The child tax credit provisions Republicans erased would have benefited millions of working families, including many families of Americans soldiers, sailors, airmen and women just as they return from war.

This is outrageous, and my outrage grows when I hear Members of the other party's leadership suggesting that this is grounds to write another tax bill for wealthy investors and accuse us of a new welfare scheme. How can they in all honesty stand on this floor representing the United States and say that kind of thing?

Mr. Speaker, I appeal to Members to fix this problem immediately. This House vote to restore the deleted provisions that would help millions of Americans and their children is one that needs to be taken immediately, so please bring H.R. 2286 to the floor.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I have been listening with a lot of interest to this debate concerning aspects of the Jobs and Growth Act, a bill that I was happy to cosponsor. America needs jobs, needs growth, but I think some on the other side of the aisle forget where jobs come from. Jobs do not come out of this United States Congress. They do not come out of Washington, D.C., or out of the Federal Government. If we want jobs, the people who need tax relief are job creators. Often when I listen to some of the rhetoric on the other side of the aisle, it is as if these people love jobs, but they hate job creators.

Another point, tax relief ought to be for taxpayers. We have a welfare system. I decline those who would take our Tax Code and turn it into a welfare system. We already have a welfare system; and as Republicans have controlled Congress, we have managed to move people off welfare and onto work. This is an excellent debate because it shows the clear differences between the two parties. It is as if the other side will not be happy until everyone is dependent upon a government check. We will not be happy until every American has an opportunity to have a paycheck, and that is a clear difference between the two parties.

So what we need to do once again, if we want to have jobs, we need to give tax relief to job creators. If we want to be fair, we need to give tax relief to taxpayers. That is the difference here, Mr. Speaker.

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. I can sit and listen to a lot of this, and I have a lot of friends on the other side of the aisle. But let us be fair. These people making less than \$25,000 a year get up and go to work just like you and I do every single day. They pay a payroll tax which is the highest tax paid by 82 percent of Americans. So the other side of the aisle can label us not being for tax cuts if you choose, but do not call this a welfare plan. This is a plan designed to help people who go to work day in and day out but who earn under \$25,000 a year.

Mr. SESSIONS. Mr. Speaker, I would like to inquire as to the time remaining.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Texas (Mr. SESSIONS) has 2½ minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 4¼ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I will allow the minority the opportunity to consume their time, and then I will close.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, it is unfortunate that the gentleman from Texas (Mr. HENSARLING) who had time remaining would not yield to defend his remarks. He did not have the courage to yield to the gentleman from Tennessee (Mr. FORD) who asked him to do so.

Mr. Speaker, as Americans picked up their newspapers this morning, in USA Today they could read about the controversy about Sammy Sosa or the tragedy of Martha Stewart. As they thumbed through the newspaper, they would also read something else, they would read that the child tax credit is not available to 250,000 of our veterans. One in five children in the military will not get the tax credit. Some 750,000 veterans, veterans, their children will not get this tax credit.

It is a shame. How did this happen? How did 250,000 children of active duty veterans, people fighting for this country, their children will not be eligible for the child tax credit?

Let me set the stage. It is late at night. The Republicans are arguing over tax cuts. Some people want to defend the corporations that go to Bermuda, other Members want to defend millionaires. Vice president DICK CHENEY is running between the Republican factions. It is all in the record. He is putting out fires. He has to make a decision: Do you help these veterans? Do you help these active duty people with their children, give them the tax credit? Or, Vice President CHENEY, if he does that, he will only get \$93,000 in tax cuts. If he gives it to the children of hard-working American families earning under \$26,000, DICK CHENEY will have to take a reduction. He will only get \$88,000.

DICK CHENEY is now the chief negotiator running between the House and the Senate. He is running between the extreme position of the House, Republicans who say no tax credits for these children, and the Senate which voted to give tax credits to the children. DICK CHENEY does not know what to do. What does he do?

He decides he is going to give himself a \$93,000 tax cut; and these kids, it is tough. But one would have thought, Mr. Speaker, one would have thought that a former Secretary of Defense would have just dropped off a little change to the troops, to their families and to their children, and to the vet-

erans and their families and their children. It would not have cost DICK CHENEY much. If he just took care of the children, he would have still gotten over \$90,000 a year in tax cuts. He could not see it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind the Member to refrain from making personally offensive remarks concerning the Vice President.

Mr. GEORGE MILLER of California. Mr. Speaker, I am just reporting what has been reported in the press.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from California yield for that purpose?

Mr. GEORGE MILLER of California. Yes.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, I did not hear the gentleman from California say anything personally offensive to the Vice President. I wonder when we are being told that something was personally offensive to the Vice President, what would that be? He may be more thick-skinned than you give him credit for, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California leveled an inuendo of pecuniary gain.

Mr. FRANK of Massachusetts. So the ruling is or the indication is that any suggestion that the Vice President might be interested in making money would be personally offensive?

Mr. SESSIONS. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair would need to hear the remark in context.

The gentleman from California (Mr. GEORGE MILLER) may proceed in order.

Mr. GEORGE MILLER of California. Mr. Speaker, the context is this: When the Vice President went into the room, the children of veterans and active duty service people had the tax credit. When he left the room, he had the big tax cut; they had nothing.

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

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

Mr. Speaker, I will be asking for a no vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule.

My amendment will provide that immediately after the House passes the Check Clearing for the 21st Century Act, it will take up H.R. 2286, the Working Families Tax Credit Act of 2003. The Rangel Working Families Tax Credit bill will give immediate help to more working families by providing the child tax credit to an estimated 19 million additional children. It will also help families of soldiers in combat by

extending the child tax credit to them, and it will speed up the marriage penalty relief to lower-income working couples.

□ 1145

It does not increase the deficit, not by one dime. It is entirely paid for by closing the shameful corporate loophole that allows corporations to move offshore simply to avoid paying taxes.

Let me make very clear that a "no" vote on the previous question will not stop the consideration of the Check Clearing for the 21st Century Act. A "no" vote will allow the House to vote on both the check bill and the tax fairness bill. However, a "yes" vote on the

previous question will prevent the House from voting on this bill and the child tax credit for working families. I urge a "no" vote on the previous question.

The time to fix this is now. These hard-working taxpayers were left behind, deliberately cut from the tax bill in the middle of the night by the Republican leadership. That is wrong. That is also cruel. These are taxpayers. These are taxpayers. These are workers. I urge my colleagues to do the right thing. Let us come together in a bipartisan way to right a terrible wrong.

I ask unanimous consent, Mr. Speaker, that the text of the amendment and

the description of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

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

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

We are having this debate on the rule for Check-21. It quickly went to child tax credits.

I include for the RECORD information on this from the Committee on Ways and Means.

EXAMPLES—REFUNDABILITY OF CHILD CREDIT FOR 2003

	Pre-2001 Law	2001 Law	2003 Law
EXAMPLE 1: MARRIED COUPLE EARNING \$30,000 WITH 3 CHILDREN			
Tax Liability Before Credits:			
Earnings	30,000	30,000	30,000
Standard deduction	(7,950)	(7,950)	(9,500)
Personal exemptions	(15,250)	(15,250)	(15,250)
Taxable income	6,800	6,800	5,250
Marginal tax rate	15%	10%	10%
Income tax liability	1,020	680	525
Payroll tax liability	2,160	2,160	2,160
Child credit	1,500	1,800	2,475
Earned income credit	782	992	992
Tax Liability After EIC and Child Credit:			
Income tax liability	0	0	0
Payroll tax liability	898	48	0
Payment from government	0	0	782
EXAMPLE 2: SINGLE MOTHER EARNING \$20,000 WITH 2 CHILDREN			
Tax Liability before Credits:			
Earnings	20,000	20,000	20,000
Standard deduction	(7,000)	(7,000)	(7,000)
Personal exemptions	(9,150)	(9,150)	(9,150)
Taxable income	3,850	3,850	3,850
Marginal tax rate	15%	10%	10%
Income tax liability	578	385	385
Payroll tax liability	1,440	1,440	1,440
Child credit	578	1,200	1,335
Earned income credit	2,888	2,888	2,888
Tax Liability After EIC and Child Credit:			
Income tax liability	0	0	0
Payroll tax liability	0	0	0
Payment from government	1,748	2,263	2,398

COMMITTEE ON WAYS AND MEANS

CHILD CREDIT REFUNDABILITY—FACT SHEET

What is a refundable credit?

Most tax credits are nonrefundable. In other words, individuals are eligible for the credit only to the extent they have income tax liability. A credit is refundable if it is payable to individuals who have no income tax liability. The "refundable" amount of the credit is the amount that exceeds the individual's income tax liability.

What was the child credit prior to 2001?

Prior to 2001, the child credit was \$500 per eligible child. The credit was not refundable for most families. However, for families with 3 or more eligible children, the credit was refundable to the extent the family had payroll tax liability that was not offset by the Earned Income Credit (EIC).

How was the child credit expanded in 2001?

The Economic Growth and Tax Relief Reconciliation Act of 2001 significantly expanded the child credit in two important ways:

(1) The law gradually increased the credit from \$500 to \$1,000. The credit was \$600 for 2003 and was scheduled to reach \$1,000 in 2010.

(2) The law made the child credit partially refundable for all families with children—not just those with 3 or more children. The credit is now refundable by an amount equal to 10% of the family's earned income in excess of \$10,000 (Families with three or more chil-

dren get the greater of payroll tax liability or 10% of earning income over \$10,000). The \$10,000 threshold is indexed annually for inflation (it is \$10,500 for 2003), and the 10% refundability rate will increase to 15% in 2005.

How was the child credit expanded in the Jobs and Growth Law of 2003?

The Jobs and Growth Tax Relief Reconciliation Act of 2003, which was signed into law on May 28, accelerates the increase in the child credit. The credit will increase from \$600 per child to \$1,000 per child in 2003 and 2004. In 2005, the credit will revert to its 2001 Act phase-in schedule, and the 10% refundability rate will increase to 15%.

Who will benefit from the new law?

According to the Joint Committee on Taxation, 44 million children (27 million families) will benefit from the acceleration of the increase in the child credit. Some of these children will receive larger refundable credits because of the new law.

Criticisms from the Very Liberal Center on Budget and Policy Priorities

The Center on Budget and Policy Priorities (CBPP), an extremely far left political organization, recently released a "report" arguing that 12 million children would receive more benefits if the new law included a provision to accelerate the increase in the refundability rate from 10% to 15%. Of this 12 million, 8 million receive no new benefits

under the new child credit law and 4 million would receive higher benefits if the refundability were accelerated. However, several factors should be kept in mind.

The new tax law includes several provisions that would benefit low-income families. The expansion of the 10% tax bracket and the increase in the standard deduction for married couples are both targeted to low- and middle-income families. Plus, \$10 billion in State aid was directed to Medicaid, the health care program for the poor.

The new tax law takes an additional 3 million low-income families off the tax rolls entirely.

The child credit provision in the new law tax is refundable to the extent of 10% of earned income in excess of \$10,500. In 2005, the 10% rate will increase to 15%.

Accelerating the increase in the refundability rate from 10% to 15% would affect families who pay no income taxes. In fact, these families generally have negative income tax liability because they are already receiving government payments from the Earned Income Credit and the refundable child credit that was enacted in 2001.

Expanded refundability was not included in President Bush's \$726 billion tax proposal; it was not included in the \$50 billion tax proposal that passed the House, and it was not

included in Chairman GRASSLEY's mark. Instead, expanded refundability was added during the Senate Committee markup as a member item. With the exception of State aid, the final conference report does not include any narrow items or revenue raisers that were added in the Senate.

Expanded refundability would not benefit all children—14 million children would be left out. These children would continue to be left out because their family income is so low (less than \$10,500 of earned income) that they pay no income tax and quality for many other anti-poverty programs or these families' incomes are too high (more than \$75,000 of Adjusted Gross Income for single parents and \$100,000 for married couples with children).

The partisan Democrats at the Center on budget and Policy Priorities vehemently opposed any tax cut of any kind during the debate on the growth bill. Now they are arguing that the tax cut wasn't large enough for families who don't pay income taxes in the first place.

Congress needs to expeditiously consider a significant expansion of the child tax credit.

Mr. Speaker, the American system which we are all a part of and which we support works. It works because we allow the free enterprise system to employ people, to have our economy work; but the tax policy that we have in this country is repressive. Too many people are paying too much in taxes and that is why we have had continuing tax relief. But in the overall system, if you just look at a book that was called "The Myth of the Rich and Poor in America," which was published several years ago, it talked about 76 percent of those who were considered poor in the eighties became the middle class in the nineties. That was because here in America, we have a system, a system that is fair for people, that if they get up and go to work, as has been suggested that a number of people do, they will find in time that they will be a part of the American Dream, a system that works. I believe that the tax cut bill of the President's growths and jobs package is the right thing to do. I believe that our Check-21 bill is another example of the things that this body continues to maintain.

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

PREVIOUS QUESTION FOR H. RES. 256—RULE ON H.R. 1474 CHECK CLEARING FOR THE 21ST CENTURY ACT

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

"SEC. . . Immediately after disposition of the bill H.R. 1474, it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2286) the Working Families Tax Credit Act of 2003. 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) one hour of debate equally divided and controlled by the Chairman and ranking Minority Member of the Committee on the Ways and Means; and (2) one motion to recommit with or without instructions."

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

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

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

Mr. MCGOVERN. 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 220, nays 198, not voting 16, as follows:

[Roll No. 243]

YEAS—220

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

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

NAYS—198

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

NOT VOTING—16

Burton (IN)	Lantos	Ryan (WI)
Carson (OK)	Larson (CT)	Smith (WA)
Cox	Lewis (KY)	Toomey
Dicks	Lofgren	Weldon (PA)
Eshoo	McInnis	
Gephardt	Moore	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1208

Mrs. LOWEY changed her vote from "yea" to "nay."

Mr. REYNOLDS changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1329

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1329.

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

There was no objection.

GENERAL LEAVE

Mr. BACHUS. 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. 1474.

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

There was no objection.

CHECK CLEARING FOR THE 21ST CENTURY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 256 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1474.

□ 1210

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART).

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

Ms. HART. Mr. Chairman, I rise in support of H.R. 1474.

A lot of people are not familiar with the legislation. We have been calling it "check truncation." The official title is Check Clearing for the 21st Century Act. Our truncated name is Check 21.

This legislation holds the promise of a more efficient check collection system by removing legal barriers to the full utilization of new technologies. It is a win for consumers. It is a win for the financial services industry. It will empower banks to help prevent fraud. It will empower consumers to have more control over their accounts and more efficiency in the transfer of their funds.

Our current check system's legal framework has not kept up with technological advances and has constrained the efforts of many banks to use innovations like digital check imaging to improve check processing efficiency, providing improved service to customers and substantial reductions in transportation and other check processing costs.

This digital check imaging looks like a check. It simply is a copy that is transferable digitally, transferable more quickly, than a paper check. It also can be copied and utilized just like a canceled check.

It is important to implement the technological advances made in the field of payment systems so that we provide customers with expedited access to capital, to credit, yet they will be ensured that they are protected from fraud.

This legislation permits banks, credit unions and other financial institutions to truncate checks, just simply not have to transport that canceled check. It allows them to process and clear checks electronically, without moving those paper checks to clearinghouses and returning the original cancelled checks to customers.

□ 1215

The problem with the current system is that over and over these checks are processed, and it takes a lot of time. It requires physical delivery of the check from the institution of deposit through an intermediary, such as clearinghouses or the Federal Reserve Bank, to the bank of the customer who wrote the check before it can be paid. Each step of this inefficient process relies on the physical transportation of that check, resulting in billions of checks being driven or flown across the country every day.

The problem with this legal framework was highlighted in the days following the September 11 attacks when the Nation's planes were grounded, and the flow of checks transported by air came to a complete stop. During that time, the Federal Reserve's daily check float grew from its normal few hundred million dollars to over \$47 billion.

Under current law, banks, credit unions, and other financial institutions are unable to truncate checks. They are only able to truncate checks if they have special arrangements with other institutions that are part of the transaction. There are over 15,000 banks, thrifts, and credit unions, and they are all negotiating separate agreements among themselves, so it is impossible

to follow and keep in touch with all of those, even for the most diligent financial institution.

The way this bill would work, a Pennsylvania bank would no longer have to ship a check drawn on a California bank all the way across the country in order for it to clear, for it to be processed, and for the actual payment of the check. This is done by creating a new negotiable instrument called a substitute check.

Again, the substitute check would permit banks to truncate the original check; and it would process the information electronically, immediately, and print and deliver the substitute checks to banks and bank customers. So the customer who wishes to retain that record, such as a canceled check, would have something that looks just like it.

This shows exactly what that substitute check looks like. It looks familiar, does it not? It is just an identical copy of a canceled check.

This is the legal equivalent of the original check under our legislation. It would include all the information contained on the original check and the image of the front and back of the original check, as well as the machine-readable numbers which appear on the bottom of the check. And because the substitute check can be processed just like an original check, a bank would not need to invest in any new technology or otherwise change its current check processing operation, unless the bank chooses to update its technology.

Consumers benefit, and this is the most important part of the legislation. Customers maintain the same protections that they have with this law as they have with their original check. Reducing processing costs will result in efficiency gains and expedited services for customers. Accessing images of checks will take a fraction of the time that it currently takes to access microfilm or the physical archives or the canceled check itself. Customers will no longer have to wait for a copy of the check to be obtained from a central processing facility or the microfilm library.

Institutions that have already implemented this check imaging technology offer their customers a wide variety of ways to access these images, including in person at branches as they would today, or through the mail but also over the Internet and in image statements and advanced ATMs. So, for the customer, this is just a wonderful boost.

Customers will also benefit from the availability of check imaging to help combat fraud and the problems associated with bad checks. The ability to access check images on the Internet helps consumers to quickly and conveniently verify their transactions. They can identify potential errors. They can detect fraudulent transactions sooner, rather than waiting until the end of the month when they receive their traditional statement.

Identifying errors and potential fraud as soon as possible helps everyone. It helps the banks minimize customer inconvenience and cost. It helps control potential losses. It helps give law enforcement an advantage in tracking down the perpetrators of fraud.

Promoting this image technology can help speed processing and encourage banks to provide new and improved products and services to consumers. Financial institutions will be able to establish branches or ATMs in remote locations to further service their customers, provide more cost-effective service, provide customers with later deposit and cut-off times, and provide printed copies of checks deposited at ATMs on ATM receipts. Such changes could result in a check being credited a day earlier and interest accruing a day earlier on interest-bearing accounts. Obviously, that will make customers quite happy.

In conclusion, this is a win-win for everyone. It is a win for the industry, but it is especially a win for consumers. I encourage my colleagues to support H.R. 1474 and significantly increase the efficiency of the Nation's check clearing process.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is a very good idea. It is efficient. We make sure consumers are fully protected. I agree with just about everything everybody else is going to say today.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank the sponsors for giving me an opportunity to speak.

This is clearly a bill, as the previous speaker outlined, that improves efficiency and hopefully reduces costs to banks. One thing that was not addressed in this legislation, though, is a remaining area of patent unfairness to consumers.

We all know that a check is essentially an article of faith. It is a contract between two people. From time to time, people write checks that they simply do not have the money to cover. They are penalized. They pay a fine by their bank, anywhere in the neighborhood of \$15 to \$25.

But what continues to be the case in this country, in many banks, in the neighborhood of about 85 percent of the big banks and about 75 percent of smaller banks, is someone who receives the check, who is already out the amount of money that they were supposed to be given, is also charged a fee, a fine. This is patently unfair. It is counterintuitive; and, frankly, it is indefensible. I think we should address this in this House.

Some of the arguments that are raised to defend the idea that the person who gets the check should be fined when someone bounces a check say that there is an added cost to banks when someone bounces a check.

This is true. It is estimated that that cost is in the neighborhood of 48 to 65 cents, depending on what study we see. It is clear that someone should be penalized for that. Frankly, we can argue it is too high, but the person who wrote the check is already getting a \$20-some-odd-dollar fine.

Also, there is a relationship between all banks in the system that when there is a bounced check, if the credit union has a bounced check that they have to return to CitiBank, there is a relationship there that they exchange a few dimes to make up for that cost.

The net of all of this is the banking business makes about \$6.1 billion of profits, according to 1999 numbers, just on these transactions. They cover the costs, and then industry-wide they make about \$6.1 billion. So the idea that the costs are not getting covered is certainly not the case.

Secondly, some have argued that we need to have a disincentive for a merchant who is going to get a bad check. We have to incentivize them, checking vigorously to make sure they are getting it from a legitimate person.

Well, this is the silliest argument. They already have the greatest incentive of all. If they get a bad check, they are out the money or they are out the service or they are out the product that they exchange in exchange for that. That is why we all go to our local diners and we see the checks up, notices up, "we do not accept checks from this person," because they definitely do not want to get snookered a second time. So the idea that they should get a \$20, a \$15 or \$10 fine, somehow creates a disincentive is simply not the case.

A third argument made is that, well, when we are receiving a check, we should be extra vigilant. We should call up to make sure the person has the money in their account. Well, I have news, because of excellent legislation passed by the gentleman from Ohio (Mr. OXLEY) and others, we cannot do that. We cannot receive a check for \$100 and call up the bank and say, listen, I have account number 1751. Do they have \$100 in their account? They cannot even exchange that information, so there is no way you as the person receiving the check can avoid that fee.

Some people have said, well, the receiving banks have costs just like the issuing bank has costs. As I mentioned, those costs are already covered.

Then, finally, after we cut through all of it, I have found in my one experience with this, and some industry leaders have said, do you know what, at the end of the day if you make a stink about it, we do not charge. That is not any way to run a railroad.

Frankly, this fee, this fine, this penalty is indefensible. It does not penalize someone who does something wrong, it does not disincentivize activity in any way, and it does not encourage any type of activity that a person can protect.

One of the things we are doing here is making this transaction more efficient. The gentleman from Alabama (Mr. BACHUS) said it in the debate on the rule, do we want to improve the efficiency here? That is the rationale. But I think we also have to restore a sense of fairness. This is one open fissure in the law that I look for opportunities to address.

Now, I know that we are here under an open rule and I have the opportunity, but I would ask the gentleman from Massachusetts if perhaps there might be other opportunities to address this inequity.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman is right, we are trying in everything we have done, and I think we have accomplished that in our committee so far. The chairman has been very cooperative in promoting efficiency while protecting consumers. This bill, as I said, does do that with regard to your ability to get the check if you actually need it.

The gentleman raises a point that had not previously occurred to me that I think is a good one. I think it ought to be addressed. I would be obviously, as I have told him, very reluctant to do it now without a chance to examine it and have some hearings.

We do have pending in the process a more comprehensive bill called the Regulatory Relief Bill into which I believe this would fit. The bill passed our committee. It is being sequentially referred to the Committee on the Judiciary.

There are some important issues there, particularly including the industrial loan corporations, where we have given assurances that we are going to try and work some compromises out. So I can guarantee to the gentleman from New York (Mr. WEINER), who has raised this very important issue, that further work remains to be done on regulatory relief. I have spoken to the chairman of both the full committee and the subcommittee, and we agree that this is an issue worthy of consideration.

I would say this, whether or not we would all ultimately agree on a solution cannot be predicted. Certainly the gentleman will, I believe, have an opportunity if not to offer it today to offer it later, and I hope then to be able to offer it with a good deal more agreement.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from Ohio.

Mr. OXLEY. I thank the gentleman for yielding, Mr. Chairman.

Mr. Chairman, the gentleman from New York makes an excellent point. This is an issue that needs to be addressed. I think, indeed, the avenue that the gentleman from Massachusetts (Mr. FRANKS) mentioned would be

the most appropriate, as opposed to this check truncation bill. So I appreciate the gentleman's withholding the amendment until we have an opportunity to find out where it fits.

Indeed, as the regulatory relief bill works its way through the process, the gentleman would have adequate opportunity to work his amendment in that particular venue. So I appreciate the gentleman for yielding and look forward to working with him.

Mr. WEINER. Mr. Chairman, I thank the chairman and the ranking member for those words. Perhaps in the interim we could also inform some of the small business groups and advocates, who are probably the primary victims of these fees, small businesses who are in good faith accepting these things. The larger businesses, the Wal-Marts of the world, probably say to their banks, we refuse to pay them.

But this will be an opportunity. I appreciate the gentleman's willingness to give me another bite at this apple at the appropriate time.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee (Mr. FORD) be allowed to manage the remainder of our time on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee.

Mr. OXLEY. Mr. Chairman, I rise today to encourage my colleagues to support this important legislation.

I want to particularly pay my highest regards and admiration to the gentleman from Alabama (Chairman BACHUS) for working so well in a bipartisan way on this legislation; to our good friend, the gentlewoman from Pennsylvania (Ms. HART); my good friend, the gentleman from Tennessee (Mr. FORD), for being the lead Democrat to sponsor on this legislation; and the gentleman from New Jersey (Mr. FERGUSON).

This is a very important piece of legislation that modernizes the system. Just think about it. We are in many ways operating in kind of a Pony Express system today in moving checks around. Admittedly, instead of ponies, we do it by airplane.

We have found in our hearings, in our deliberations on this legislation, that the 4 days after 9/11/01 were 4 days in which nobody was flying. The checks were piling up. We process 42 billion checks in this economy every year, and the system was badly in need of modernization. I think that 4-day period pointed that out so well.

So this is really recognizing the technology that is out there.

I had an opportunity to visit NCR headquarters in Dayton, just south of my congressional district, last year. I got an eyewitness look at the new technology that is out there that allows this bill to come to fruition. It al-

lows us to move a step forward in the check-clearing process and at the same time making us more efficient as we proceed. That is an amazing effort that can bring about a great deal of change.

So I want to encourage my colleagues to support this legislation. It is long overdue. I again thank the leaders, particularly the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), for their leadership on this issue.

Mr. FORD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for his leadership, as well as the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from New Jersey (Mr. FERGUSON), and all my friends on the committee and all my friends on the Democrat side.

The rule kind of got heated and spirited over another issue that probably deserves some heat and spirit, but I think this issue here is one that should enjoy relative ease as we move forward.

I thank the gentleman from Ohio (Mr. OXLEY) (for working with the gentleman from New York (Mr. WEINER) and the gentleman from Massachusetts (Mr. FRANK) in addressing what also is an important issue in how people's checks are cashed and how they may be penalized for someone else wronging them.

□ 1230

That being said, the gentlewoman from Pennsylvania (Ms. HART) has walked through in pretty good detail what this bill seeks to do. In a lot of ways, Check 21 is pretty simple in what it does. It just modernizes the Nation's check payment system and tries to keep up with all the new technologies in the 21st century.

The gentleman from Alabama (Mr. BACHUS) mentioned how many millions of dollars can flow across the continents and across the oceans with the click of a mouse and the challenge we faced 2 years ago after the tragedies of 9/11 and how this bill really tries to respond. I know some people suggested, my good friend, the gentleman from Texas (Mr. SESSIONS), suggested earlier somehow or another this would really help to decrease oil costs. I hope we are not overstating the impact of the bill, and this will help in our fight against terrorism. Perhaps it will.

But one thing can be said, it is pro-consumer. It is pro-business in a lot of ways, not only pro-business for the banks but pro-business for those institutions who electronically transfer monies and those who depend heavily on checks.

My good friend, the gentleman from Vermont (Mr. SANDERS), who deserves some thanks also on our side of the aisle for working with the gentleman from Alabama (Mr. BACHUS), in particular raised some legitimate concerns throughout the debate about checks and whether or not these sub-

stitute checks that have now been introduced as a legal equivalent will somehow or another diminish the rights of those who rely on checks heavily, particularly seniors.

Perhaps the opposite is true. Not only does this legislation not affect arrangements between banks and customers moving forward, but it will probably also allow for a cheaper, more efficient way for checks to be used. I say that because banks will actually save money on the process and will actually be able to provide a greater array of services to all of its customers, particularly those customers who may rely more on checks.

The year upwards of 60 billion checks will be written in the United States; and although, more and more people are relying on forms of electronic payments, the Fed makes clear that checks will remain an indispensable part of our financial system.

Mr. Speaker, I could go on and on about the bill, but I take 30 more seconds before yielding to the gentlewoman from New York (Mrs. MALONEY) for some comments on the bill.

We talked about check truncation, and just to be real simple about what this is, we wanted to find a way to sort of foster innovation without mandating the receipt of checks in electronic form. It is important for banks and businesses, consumers to continue to have that option of accepting checks in paper form.

Essentially, what truncation is is when information on the paper check is captured off the check and delivered electronically, instead of the paper check being presented physically. Through check truncation, paper checks are rendered into zeros and one digital signals which can move through the payment system at digital speeds.

Check 21 accomplishes this by establishing this new negotiable instrument, a substitute check which has the same legal status as original checks. The substitute checks would contain the two-face image of the original check. They would include the magnetic code at the bottom so that any bank could process them using existing equipment.

They would conform to standards for size, paper stock and the like. The substitute checks can then be used by banks and consumers in the same way as original checks.

I make one last comment about my friend from North Carolina (Mr. WATT). He and the gentleman from Alabama (Mr. DAVIS) both contributed heavily to this bill ending up as good as it has, largely because of concerns they raised about the language. But for the gentleman from North Carolina (Mr. WATT) bringing to our attention how there might have been some ambiguity regarding coverage of the Uniform Commercial Code as it relates to certain disputes between banks, we might not have tightened the language. And but for the work of the gentleman from Alabama (Mr. DAVIS), who will speak in a few minutes, the language regarding

the recredit provision, which actually is a new protection for consumers, might not have been included.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the Check 21 legislation that will modernize the Nation's check clearing system and benefit our constituents across the country. I thank the ranking member, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Tennessee (Mr. FORD) and the gentleman from Vermont (Mr. SANDERS), along with the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for their hard work on this bill.

This legislation will increase electronic check presentment and lower the cost of check clearing, and it will make it easier for the payments system to proceed without breakdown in the event of another terrorist attack.

Today, the technology exists to allow customers to view images of checks on their own home computers so they do not have to wait until the end of the month to get their checks. This legislation complements this technology and will spur more financial institutions to offer these services to consumers.

As a practical matter, the ability of a consumer to see an electronic image of a check will allow them to more easily resolve disputed checks and combat fraud. The legislation also includes important consumer provisions that will allow customers to retrieve and properly debit funds.

Check truncation legislation will help prevent another post-9/11 situation where the grounding of the Nation's airplanes prevented checks from being cleared. Currently, checks that are not truncated have to be physically flown to their paying bank. With the planes grounded, massive float built up in the payment system after the terror attack and could have threatened a widespread economic interruption had flights not resumed.

Not only was this a problem after 9/11, but there is a long history of inefficiency in the transfer of checks by airplane, especially with respect to check-clearing services provided by the Federal Reserve. I have had a long interest in this issue, and I thank the sponsors of this legislation for including language in the bill that adds check transportation services to the Monetary Control Act.

I have had an interest in this issue and I thank the sponsors of the legislation for including language in the bill that adds check transportation services to the Monetary Control Act.

This provision will require the Federal Reserve the disclosure of costs related to check transportation and prevent further inefficiency.

This legislation is the product of years of work by the Federal Reserve and the Finan-

cial Services Committee. It represents contributions from many Members over the course of countless hearings.

I urge my colleagues to support the underlying bill.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON), who is last year's sponsor of the bill and is an original cosponsor this year.

Mr. FERGUSON. Mr. Chairman, I am pleased to be here. I certainly appreciate the chairman of the subcommittee and the chairman of the full committee for their work on this, and the ranking member of the full committee and the subcommittee and certainly my friend, the gentlewoman from Pennsylvania (Ms. HART), my friend, the gentleman from Tennessee (Mr. FORD), for their great work in sponsoring this legislation in this Congress.

I rise in support of this important legislation. It is common-sense legislation. It has garnered overwhelming support from financial institutions, from technology companies, from various trade associations, and from the Federal Reserve.

The way in which banks currently handle check transfers is totally outdated. Currently, banks are required to physically present and return original paper checks. It is a tedious process that is inefficient. It is expensive, and it is rife with potential for fraud. As a result, millions of paper checks are physically transported between banks every day. The system relies solely on uninterrupted air and ground traffic in order to ensure that checks are presented to paying banks in a timely manner.

When the horrific events of September 11 grounded all air traffic in the United States, hundreds of millions of checks did not move and the U.S. payment system was stalled, creating a situation that severely threatened our economic security. That is why the Federal Reserve, after consulting with the banking industry, technology companies, and consumer groups, submitted a proposal to Congress that would reduce the need for physical transportation of checks through increased electronic truncation.

Last Congress, I sponsored Check 21, a bill which builds on the Federal Reserve's proposal and modernizes the Nation's check payments system by allowing banks to exchange checks electronically. This Congress, I am proud to be a co-sponsor of the gentlewoman from Pennsylvania's (Ms. HART) and the gentleman from Tennessee's (Mr. FORD) legislation.

Check 21 strengthens our economic security by capitalizing on existing technology to make the collection process faster and more efficient while improving customer service, access to funds, and any fraud protections. Check 21 is simply a better, more efficient way of transferring checks that takes advantage of the technology that we have at hand.

Mr. Chairman, I am pleased that we were poised to pass this legislation.

Mr. FORD. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. DAVIS), a new colleague but one who has already distinguished himself in the Congress.

Mr. DAVIS of Alabama. Mr. Chairman, I want to thank the gentleman for yielding me time.

This is somewhat of a departure from the debate of the morning and from the debate that we may have this afternoon on some issues, but it is something of a welcome departure I suspect for some of us.

The way this institution works when it is at its best is we find a way to work with the best interests of the business community and we find a way to work with the best interests of the consumer community; and if we get some efficiency out of the process, well, all the better.

This legislation is a good bill. It is outstanding legislation, and I want to compliment the leadership of this committee. I want to compliment our very able colleague, the gentlewoman from Pennsylvania (Ms. HART), as well as my good friend, my very able colleague, the gentleman from Tennessee (Mr. FORD), as well as a number of members of this committee who have contributed to taking what was a good bill and getting it to the point that it is an excellent piece of legislation.

A number of people have extolled the virtues of this bill as far as efficiencies are concerned. A number of people have extolled its virtues as far as making a system that has been something of a maze a much more comprehensible process.

I want to dwell for a minute on an act of simplification that this bill creates with respect to consumers. Right now, a good many of the people who are watching this or who are part of our districts have had the experience of looking at their bank ledgers and finding out that they have been credited for something that they did not think they wrote. A lot of people regularly run into these kinds of very small issues with the banking community, and those of us who went to law school can recall the portions of our bar books that summarize the UCC and the various protections, and they have been something of an imponderable maze.

This bill improves that. The expedited recredit provision has a number of very simple but very important features.

The first one is that if it is determined that a bank has falsely credited someone's account, within 1 day of that determination the bank must recredit the account. And there is a very specific window of time that is set to resolve a dispute. If a bank has not determined that a claim is valid within 10 business days, the bank has two options: either recrediting the lesser of the amount charged or \$25 with interest being recredited and any remaining amount within 45 calendar days. That is an important act of simplification.

Another important act is that if there is an invalid claim or notice of recredit, the consumer must receive it no later than the day after the bank makes the determination. Why is that maze of words important? Because a lot of banks, Mr. Chairman, have not necessarily had the clearest or best guidance from the UCC on what to do in the very simple instance someone comes into a bank and wants to straighten out their account. This bill helps.

Another instance, we had a question during the committee process about the substitute check and a number of valid questions were raised about the meaning of the substitute check. In working with our colleagues on the other side of the aisle, we managed to clear up a lot of these ambiguities. It is now very clear that someone who may not have a substitute check in hand, that individual can still take advantage of the expedited recredit provisions. That is important in a world where paper sometimes gets lost in the mail.

So I will conclude, Mr. Chairman, by saying that this bill reflects what we can do when we are able to step outside of our partisan boxes and what we can do when we bring a little bit of common sense to the process. Again, I want to thank the leadership of the committee for bringing this to place.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I rise today in support of H.R. 1474, the Check Clearing for the 21st Century Act.

This bill, which modernizes check-clearing transactions, is a win-win for both consumers and financial institutions. Check 21 will result in fewer errors in check transactions while providing consumers with more choices.

Because of increased on-line access, consumers can now have more confidence when inquiring about the status of their personal checks, and they can receive a much quicker response from their bank.

Consumers will further benefit by the reduced cost associated with modernization of check clearing, and Check 21 ensures that banks remain fully accountable to the consumers they serve.

Mr. Chairman, the act will make banking more efficient, reduce transactional cost, provide consumers with more choices, and help our financial services industry remain preeminent in the world.

I want to thank the gentleman from Alabama (Mr. BACHUS) and my friends, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), for their leadership on this important legislation. I urge all of my colleagues to vote yes on H.R. 1474.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, I rise in support of H.R. 1474, the Check Clearing for the 21st Century Act.

Every day banks assume enormous risks in order to create jobs and build opportunities. They have infused our economy with its lifeblood of capital and credit, while maintaining the health of our global economy's circulatory arteries. Nevertheless, banks still must cope with costly and antiquated laws and regulations that do not accurately reflect the realities, demands, and opportunities of today's cyber economy.

Under the current law that governs the check-clearing process, banks must physically transport checks to a recipient bank, unless an electronic exchange agreement is in place with that recipient bank.

□ 1245

This requirement is costly, time-consuming and completely unnecessary in light of the safeguards and security available through digital imaging and electronic transmission.

H.R. 1474 helps us bring our banking system into the 21st century by granting full legal standing to substitute checks which can be digital images of the front and back of the original check that contain all of the information in readable form.

This bill modernizes the check collection process enabling banks to provide customers with faster and less expensive service. Moreover, H.R. 1474 retains and enhances all of the legal protections against fraud and errors that consumers enjoy under the current system while preserving the flexibility of recipient banks to process an electronically received check in the same way they would process the original.

Mr. Chairman, I urge my colleagues to support this long overdue legislation which will play a critical role in preserving the health of our financial system and revitalizing our economy, and I applaud the leadership and the sponsors this bill.

Mr. FORD. Mr. Chairman, I yield myself the remaining time. I will consume the shortest period of time as I possibly can, Mr. Chairman.

The gentleman from New Jersey (Mr. FERGUSON), who walked off the floor, deserves a lot of credit for this, and forgive me for not mentioning him more, and obviously the gentlewoman from Pennsylvania (Ms. HART), it is her bill this go around; but the gentleman from New Jersey (Mr. FERGUSON) brought my attention to the bill, and I thank him for that.

I think all the merits of the bill have been talked about pretty extensively and maybe the more we talk we may lose what unanimous support we have. So I am not going to talk much longer other than to thank a few people.

I want to thank Roger Ferguson at the Federal Reserve, the vice chair. I want to thank Ed Hill and Grant Cole at Bank of America. I want to thank Janelle Duncan with the Consumers Union, as well as the Consumer Federation of America and the United States Public Interest Research Group, for all

of their hard work. As the gentleman from Alabama (Mr. DAVIS) said, this is one bill that I think in a lot of ways can be accurately described as pro-business and pro-consumer.

I want to thank Brant Imperatore with O'Conner and Hannan, and of course, the committee staff on both sides, Erika Jeffers, who is a law school classmate, and Ken Swab and Jaime Lizarraga; as well as the gentleman from Ohio's (Mr. OXLEY) staff, Kevin MacMillan, Deena Ellis, Jim Clinger, Carter McDowell.

There were a number of groups outside of here, the Independent Community Bankers, America's Community Bankers, Credit Union National Association and many others, who contributed to making this final product as good as it is.

I ask my colleagues to support the bill.

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

Mr. BACHUS. Mr. Chairman, I yield myself such time as may consume.

Mr. Chairman, present law requires that checks be returned to the bank where they were originally drawn, and that way of doing business has basically been the law and the procedure in this country for over 100 years. We have technology now that makes something else possible, and that is electronic transfer, as opposed to transfer of the paper check.

What we have in our country today is an antiquated process, which is also a tedious process, which each day involves as many as 10 to 12,000 cars, trucks and airplanes returning checks when none of this is necessary.

The credit unions some 20 years ago went away from this process. They have had zero consumer complaints. The largest banks have made agreements between banks, and they have gone away from this process; but today, two-thirds of the checks still are processed in this outdated manner.

What this House has done in a bipartisan way is take a bill that has been cosponsored by two of our most able Members, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), very aware of this issue, very knowledgeable on the issue, they have drafted this bill. The committee has looked at the bill. We have made changes to protect the consumer, slight changes. The bill as it exists today has been endorsed by the Federal Reserve, all the regulators, all the financial institutions involved, all the trade groups, consumer groups. It is a model for what this House can do when it puts aside its differences and works together for the good of the Nation as a whole.

This bill is good for customers. This bill is good for consumers. This bill is good for the economy.

We have talked about little things such as airport congestion, how this will help address that, congestion on the roadway, our energy dependence.

I want to commend, in closing, the gentleman from Ohio (Mr. OXLEY), who

has made this one of his three goals for this year to move this legislation; the gentleman from Massachusetts (Mr. FRANK), the ranking member, who identified this as necessary legislation.

My colleagues may say, well, this ought to be simple. For 20 years we tried to reform our check-clearing process. We have not been able to do it until this moment. This House today I think will take a historic step in making us more competitive in the world economy by bringing our check-clearing system up to a model for the world.

Mr. Chairman, I commend the gentleman from Tennessee (Mr. FORD) and the gentlewoman from Pennsylvania (Ms. HART).

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, before the gentleman yields back, Jim Worth, I forgot to mention him, the legislative counsel. I thank him as well.

Mr. BACHUS. That is absolutely true. Our staff worked together very closely and in a very bipartisan spirit.

Mr. HINOJOSA. Mr. Chairman, I rise today in strong support of H.R. 1474, the Check Clearing for the 21st Century Act. I commend Representatives MELISSA HART and HAROLD FORD for introducing the legislation and for tenaciously working to ensure the legislation came to the House floor today.

I also want to thank Chairman OXLEY, Chairman BACHUS, Ranking Member FRANK and Ranking Member SANDERS for bringing this legislation to the floor today.

H.R. 1474 will modernize the nation's check payment system by allowing, but not mandating, banks to exchange checks electronically. Recognizing that not all banks have the ability to accept electronic transmission of a check, H.R. 1474 authorizes the creation of substitute checks for payment.

This substitute check would be used in place of the original paper check, and it would be a negotiable instrument. Banks that create an electronic check will be able to create a substitute check and use that for presentment to a bank that has not upgraded its system to accept electronic checks.

This legislation capitalizes on existing technology to make the current process faster and more efficient, while increasing customer service, improving access to funds and increasing antifraud measures that ensure our economic security. H.R. 1474 will decrease our check payment system's financial dependence on physically transporting checks, thus avoiding any types of delays or paralysis in the U.S. payment system that might be created by another September 11th terrorist attack.

I believe that the Committee successfully crafted very difficult and complicated credit provisions in the legislation that address the concerns of consumer groups.

This legislation is a well-crafted bill that will provide the structure for an efficient financial payments framework to enable financial institutions to provide better customer service. I encourage my colleagues to support this legislation.

Mr. OXLEY. Mr. Chairman. I wanted to take this opportunity to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the Chair-

man of the Judiciary Committee, for his assistance in bringing this important measure to the floor. I am inserting for the RECORD an exchange of correspondence regarding his committee's jurisdiction over the measure.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 22, 2003.

Hon. MICHAEL OXLEY,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN OXLEY: In recognition of the desire to expedite floor consideration of H.R. 1474, the "Check Clearing for the 21st Century Act," the Committee on the Judiciary hereby waives consideration of the bill. Certain provisions of the bill relating to the litigation of claims relating to check clearing fall within the Committee on the Judiciary's Rule X jurisdiction. However, given the need to expedite this legislation, I will not seek a sequential referral based on their inclusion.

The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way diminished or altered. I would appreciate your including this letter in your committee report on H.R. 1474 and in the Congressional Record during consideration of H.R. 1474 on the House floor.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 22, 2003.

Hon. F. JAMES SENSENBRENNER, JR.,
Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 1474, the Check Clearing for the 21st Century Act.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your assistance.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

Mr. BACHUS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 1474

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) *SHORT TITLE.*—This Act may be cited as the "Check Clearing for the 21st Century Act".

(b) *FINDINGS.*—The Congress finds as follows:

(1) *In the Expedited Funds Availability Act, enacted on August 10, 1987, the Congress directed the Board of Governors of the Federal Reserve System to consider establishing regulations requiring Federal reserve banks and depository institutions to provide for check truncation, in order to improve the check processing system.*

(2) *In that same Act, the Congress—*
(A) *provided the Board of Governors of the Federal Reserve System with full authority to regulate all aspects of the payment system, including the receipt, payment, collection, and clearing of checks, and related functions of the payment system pertaining to checks; and*

(B) *directed that the exercise of such authority by the Board superseded any State law, including the Uniform Commercial Code, as in effect in any State.*

(3) *Check truncation is no less desirable today for both financial service customers and the financial services industry, to reduce costs, improve efficiency in check collections, and expedite funds availability for customers than it was over 15 years ago when Congress first directed the Board to consider establishing such a process.*

(c) *PURPOSES.*—The purposes of this Act are as follows:

(1) *To facilitate check truncation by authorizing substitute checks.*

(2) *To foster innovation in the check collection system without mandating receipt of checks in electronic form.*

(3) *To improve the overall efficiency of the Nation's payments system.*

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT NO. 1 OFFERED BY MS. HART

Ms. HART. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. HART:

In section 1, insert "or the 'Check 21 Act'" before the period at the end.

Ms. HART. Mr. Chairman, this amendment is actually very brief. It is one line. It is very simple; and it is, as far as I can tell, completely non-controversial.

The amendment simply adds another name to this legislation to the title of the bill. It will be, by this amendment, also referred to as the Check 21 Act. Everyone who has been familiar with this bill has commonly referred to it as Check-21, and this amendment simply brings clarity to that issue.

I would urge my colleagues to support the amendment.

Also, I would like to add to the thanks for the cooperation on a bipartisan basis for the bill itself as well. I would like to thank the gentleman from Ohio (Mr. OXLEY), the gentleman from Alabama (Mr. BACHUS), the ranking member as well, and also my fellow sponsors, the gentleman from Tennessee (Mr. FORD) and the gentleman from New Jersey (Mr. FERGUSON).

Everyone's cooperated well and explained this issue; but those who have not been mentioned today, those in the private sector who will be affected by this legislation have also been extremely supportive and very cooperative in working out differences that

they had during the process of moving this legislation forward, and I wish to recognize them as well. When we as the sponsors had asked them to sit down and iron some issues out, they did so and they did so very efficiently.

Mr. Chairman, I simply offer my amendment and ask for its approval, very simply adding the name Check 21 Act.

The CHAIRMAN. Does any other Member wish to speak on this amendment?

The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART).

The amendment was agreed to.

Mr. BACHUS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ACCOUNT.—The term “account” means a deposit account at a bank.

(2) BANK.—The term “bank” means any person that is located in a State and engaged in the business of banking and includes—

(A) any depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act);

(B) any Federal reserve bank;

(C) any Federal home loan bank; or

(D) to the extent it acts as a payor—

(i) the Treasury of the United States;

(ii) the United States Postal Service;

(iii) a State government; or

(iv) a unit of general local government (as defined in section 602(24) of the Expedited Funds Availability Act).

(3) BANKING TERMS.—

(A) CLAIMANT BANK.—The term “claimant bank” means a bank that submits a claim for re-credit under section 7 to an indemnifying bank.

(B) COLLECTING BANK.—The term “collecting bank” means any bank handling a check for collection except the paying bank.

(C) DEPOSITORY BANK.—The term “depository bank” means—

(i) the first bank to which a check is transferred, even if such bank is also the paying bank or the payee; or

(ii) a bank to which a check is transferred for deposit in an account at such bank, even if the check is physically received and indorsed first by another bank.

(D) PAYING BANK.—The term “paying bank” means—

(i) the bank by which a check is payable, unless the check is payable at or through another bank and is sent to the other bank for payment or collection; or

(ii) the bank at or through which a check is payable and to which the check is sent for payment or collection.

(E) RETURNING BANK.—

(i) IN GENERAL.—The term “returning bank” means a bank (other than the paying or depository bank) handling a returned check or notice in lieu of return.

(ii) TREATMENT AS COLLECTING BANK.—No provision of this Act shall be construed as affecting the treatment of a returning bank as a collecting bank for purposes of section 4-202(b) of the Uniform Commercial Code.

(4) BOARD.—The term “Board” means the Board of Governors of the Federal Reserve System.

(5) BUSINESS DAY.—The term “business day” has the same meaning as in section 602(3) of the Expedited Funds Availability Act.

(6) CHECK.—The term “check”—

(A) means a draft, payable on demand and drawn on or payable through or at an office of a bank, whether or not negotiable, that is handled for forward collection or return, including a substitute check and a travelers check; and

(B) does not include a noncash item or an item payable in a medium other than United States dollars.

(7) CONSUMER.—The term “consumer” means an individual who—

(A) with respect to a check handled for forward collection, draws the check on a consumer account; or

(B) with respect to a check handled for return, deposits the check into, or cashes the check against, a consumer account.

(8) CONSUMER ACCOUNT.—The term “consumer account” has the same meaning as in section 602(10) of the Expedited Funds Availability Act.

(9) CUSTOMER.—The term “customer” means a person having an account with a bank.

(10) FORWARD COLLECTION.—The term “forward collection” means the transfer by a bank of a check to a collecting bank for settlement or the paying bank for payment.

(11) INDEMNIFYING BANK.—The term “indemnifying bank” means a bank that is providing an indemnity under section 5 with respect to a substitute check.

(12) MICR LINE.—The terms “MICR line” and “magnetic ink character recognition line” mean the numbers, which may include the bank routing number, account number, check number, check amount, and other information, that are printed near the bottom of a check in magnetic ink in accordance with generally applicable industry standards.

(13) NONCASH ITEM.—The term “noncash item” has the same meaning as in section 602(14) of the Expedited Funds Availability Act.

(14) PERSON.—The term “person” means a natural person, corporation, unincorporated company, partnership, government unit or instrumentality, trust, or any other entity or organization.

(15) RECONVERTING BANK.—The term “reconverting bank” means—

(A) the bank that creates a substitute check; or

(B) if a substitute check is created by a person other than a bank, the first bank that transfers or presents such substitute check.

(16) SUBSTITUTE CHECK.—The term “substitute check” means a paper reproduction of the original check that—

(A) contains an image of the front and back of the original check;

(B) bears a MICR line containing all the information appearing on the MICR line of the original check, except as provided under generally applicable industry standards for substitute checks to facilitate the processing of substitute checks;

(C) conforms, in paper stock, dimension, and otherwise, with generally applicable industry standards for substitute checks; and

(D) is suitable for automated processing in the same manner as the original check.

(17) STATE.—The term “State” has the same meaning as in section 3(a)(3) of the Federal Deposit Insurance Act.

(18) TRUNCATE.—The term “truncate” means to remove an original paper check from the check collection or return process and send to a recipient, in lieu of such original paper check, a substitute check or, by agreement, information relating to the original check (including data taken from the MICR line of the original check or an electronic image of the original check), whether with or without subsequent delivery of the original paper check.

(19) UNIFORM COMMERCIAL CODE.—The term “Uniform Commercial Code” means the Uniform Commercial Code in effect in a State.

(20) OTHER TERMS.—Unless the context requires otherwise, the terms not defined in this section shall have the same meanings as in the Uniform Commercial Code.

SEC. 3. GENERAL PROVISIONS GOVERNING SUBSTITUTE CHECKS.

(a) NO AGREEMENT REQUIRED.—A person may deposit, present, or send for collection or return a substitute check without an agreement with the recipient, so long as a bank has made the warranties in section 4 with respect to such substitute check.

(b) LEGAL EQUIVALENCE.—A substitute check shall be the legal equivalent of the original check for all purposes, including any provision of any Federal or State law, and for all persons if the substitute check—

(1) accurately represents all of the information on the front and back of the original check as of the time the original check was truncated; and

(2) bears the legend: “This is a legal copy of your check. You can use it the same way you would use the original check.”.

(c) ENDORSEMENTS.—A bank shall ensure that the substitute check for which the bank is the reconverting bank bears all endorsements applied by parties that previously handled the check (whether in electronic form or in the form of the original paper check or a substitute check) for forward collection or return.

(d) IDENTIFICATION OF RECONVERTING BANK.—A bank shall identify itself as a reconverting bank on any substitute check for which the bank is a reconverting bank so as to preserve any previous reconverting bank identifications in conformance with generally applicable industry standards.

(e) APPLICABLE LAW.—A substitute check that is the legal equivalent of the original check under subsection (b) shall be subject to any provision, including any provision relating to the protection of customers, of part 229 of title 12 of the Code of Federal Regulations, the Uniform Commercial Code, and any other applicable Federal or State law as if such substitute check were the original check, to the extent such provision of law is not inconsistent with this Act.

SEC. 4. SUBSTITUTE CHECK WARRANTIES.

A bank that transfers, presents, or returns a substitute check and receives consideration for the check warrants, as a matter of law, to the transferee, any subsequent collecting or returning bank, the depository bank, the drawee, the drawer, the payee, the depositor, and any endorser (regardless of whether the warrantee receives the substitute check or another paper or electronic form of the substitute check or original check) that—

(1) the substitute check meets all the requirements for legal equivalence under section 3(b); and

(2) no depository bank, drawee, drawer, or endorser will receive presentment or return of the substitute check, the original check, or a copy or other paper or electronic version of the substitute check or original check such that the bank, drawee, drawer, or endorser will be asked to make a payment based on a check that the bank, drawee, drawer, or endorser has already paid.

SEC. 5. INDEMNITY.

(a) INDEMNITY.—A reconverting bank and each bank that subsequently transfers, presents, or returns a substitute check in any electronic or paper form, and receives consideration for such transfer, presentment, or return shall indemnify the transferee, any subsequent collecting or returning bank, the depository bank, the drawee, the drawer, the payee, the depositor, and any endorser, up to the amount described in subsections (b) and (c), as applicable, to the extent of any loss incurred by any recipient of a substitute check if that loss occurred

due to the receipt of a substitute check instead of the original check.

(b) INDEMNITY AMOUNT.—

(1) AMOUNT IN EVENT OF BREACH OF WARRANTY.—The amount of the indemnity under subsection (a) shall be the amount of any loss (including costs and reasonable attorney's fees and other expenses of representation) proximately caused by a breach of a warranty provided under section 4.

(2) AMOUNT IN ABSENCE OF BREACH OF WARRANTY.—In the absence of a breach of a warranty provided under section 4, the amount of the indemnity under subsection (a) shall be the sum of—

(A) the amount of any loss, up to the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney's fees and other expenses of representation).

(c) COMPARATIVE NEGLIGENCE.—If a loss described in subsection (a) results in whole or in part from the negligence or failure to act in good faith on the part of an indemnified party, then that party's indemnification under this section shall be reduced in proportion to the amount of negligence or bad faith attributable to that party.

(d) EFFECT OF PRODUCING ORIGINAL CHECK OR COPY.—

(1) IN GENERAL.—If the indemnifying bank produces the original check or a copy of the original check (including an image or a substitute check) that accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated) or is otherwise sufficient to determine whether or not a claim is valid, the indemnifying bank shall—

(A) be liable under this section only for losses covered by the indemnity that are incurred up to the time the original check or such copy is provided to the indemnified party; and

(B) have a right to the return of any funds the bank has paid under the indemnity in excess of those losses.

(2) COORDINATION OF INDEMNITY WITH IMPLIED WARRANTY.—The production of the original check, a substitute check, or a copy under paragraph (1) by an indemnifying bank shall not absolve the bank from any liability on a warranty established under this Act or any other provision of law.

(e) SUBROGATION OF RIGHTS.—

(1) IN GENERAL.—Each indemnifying bank shall be subrogated to the rights of any indemnified party to the extent of the indemnity.

(2) RECOVERY UNDER WARRANTY.—A bank that indemnifies a party under this section may attempt to recover from another party based on a warranty or other claim.

(3) DUTY OF INDEMNIFIED PARTY.—Each indemnified party shall have a duty to comply with all reasonable requests for assistance from an indemnifying bank in connection with any claim the indemnifying bank brings against a warrantor or other party related to a check that forms the basis for the indemnification.

SEC. 6. EXPEDITED RECREDIT FOR CONSUMERS.

(a) RECREDIT CLAIMS.—

(1) IN GENERAL.—A consumer may make a claim for expedited recredit from the bank that holds the account of the consumer with respect to a substitute check, if the consumer asserts in good faith that—

(A) the bank charged the consumer's account for a substitute check that was provided to the consumer;

(B) either—

(i) the check was not properly charged to the consumer's account; or

(ii) the consumer has a warranty claim with respect to such substitute check;

(C) the consumer suffered a resulting loss; and
(D) the production of the original check or a better copy of the original check is necessary to determine the validity of any claim described in subparagraph (B).

(2) 30-DAY PERIOD.—Any claim under paragraph (1) with respect to a consumer account may be submitted by a consumer before the end of the 30-day period beginning on the later of—

(A) the date on which the consumer receives the periodic statement of account for such account which contains information concerning the transaction giving rise to the claim; or

(B) the date the substitute check is made available to the consumer.

(3) EXTENSION UNDER EXTENUATING CIRCUMSTANCES.—If the consumer's ability to submit the claim within the 30-day period under paragraph (2) is delayed due to extenuating circumstances, including extended travel or the illness of the consumer, the 30-day period shall be extended for a total not to exceed 30 additional days.

(b) PROCEDURES FOR CLAIMS.—

(1) IN GENERAL.—To make a claim for an expedited recredit under subsection (a) with respect to a substitute check, the consumer shall provide to the bank that holds the account of such consumer—

(A) a description of the claim, including an explanation of—

(i) why the substitute check was not properly charged to the consumer's account; or

(ii) the warranty claim with respect to such check;

(B) a statement that the consumer suffered a loss and an estimate of the amount of the loss;

(C) the reason why production of the original check or a better copy of the original check is necessary to determine the validity of the charge to the consumer's account or the warranty claim; and

(D) sufficient information to identify the substitute check and to investigate the claim.

(2) CLAIM IN WRITING.—The bank holding the consumer account that is the subject of a claim by the consumer under subsection (a) may, in the discretion of the bank, require the consumer to submit the information required under paragraph (1) in writing.

(c) RECREDIT TO CONSUMER.—

(1) CONDITIONS FOR RECREDIT.—The bank shall recredit a consumer account in accordance with paragraph (2) for the amount of a substitute check that was charged against the consumer account if—

(A) a consumer submits a claim to the bank with respect to that substitute check that meets the requirement of subsection (b); and

(B) the bank has not provided to the consumer the original check, a substitute check, or a copy of the original check and demonstrates that the substitute check was properly charged to the consumer's account.

(2) TIMING OF RECREDIT.—

(A) IN GENERAL.—The bank shall recredit the consumer's account for the amount described in paragraph (1) no later than the end of the business day following the business day on which the bank determines the consumer's claim is valid.

(B) RECREDIT PENDING INVESTIGATION.—If the bank has not yet determined that the consumer's claim is valid before the end of the 10th business day after the business day on which the consumer submitted the claim, the bank shall recredit the consumer's account for—

(i) the lesser of the amount of the substitute check that was charged against the consumer account, or \$2,500, together with interest if the account is an interest-bearing account, no later than the end of such 10th business day; and

(ii) the remaining amount of the substitute check that was charged against the consumer account, if any, together with interest if the account is an interest-bearing account, not later than the 45th calendar day following the business day on which the consumer submits the claim.

(d) AVAILABILITY OF RECREDIT.—

(1) NEXT BUSINESS DAY AVAILABILITY.—Except as provided in paragraph (2), a bank that provides a recredit to a consumer account under

subsection (c) shall make the recredited funds available for withdrawal by the consumer by the start of the next business day after the business day on which the bank recredits the consumer's account under subsection (c).

(2) SAFEGUARD EXCEPTIONS.—A bank may delay availability to a consumer of a recredit provided under subsection (c)(2)(B)(i) until the start of either the business day following the business day on which the bank determines that the consumer's claim is valid or the 45th calendar day following the business day on which the consumer submits a claim for such recredit in accordance with subsection (b), whichever is earlier, in any of the following circumstances:

(A) NEW ACCOUNTS.—The claim is made during the 30-day period beginning on the business day the consumer account was established.

(B) REPEATED OVERDRAFTS.—Without regard to the charge that is the subject of the claim for which the recredit was made—

(i) on 6 or more business days during the 6-month period ending on the date on which the consumer submits the claim, the balance in the consumer account was negative or would have become negative if checks or other charges to the account had been paid; or

(ii) on 2 or more business days during such 6-month period, the balance in the consumer account was negative or would have become negative in the amount of \$5,000 or more if checks or other charges to the account had been paid.

(C) PREVENTION OF FRAUD LOSSES.—The bank has reasonable cause to believe that the claim is fraudulent, based on facts (other than the fact that the check in question or the consumer is of a particular class) that would cause a well-grounded belief in the mind of a reasonable person that the claim is fraudulent.

(3) OVERDRAFT FEES.—No bank that, in accordance with paragraph (2), delays the availability of a recredit under subsection (c) to any consumer account may impose any overdraft fees with respect to drafts drawn by the consumer on such recredited amount before the end of the 5-day period beginning on the date notice of the delay in the availability of such amount is sent by the bank to the consumer.

(e) REVERSAL OF RECREDIT.—A bank may reverse a recredit to a consumer account if the bank—

(1) determines that a substitute check for which the bank recREDITED a consumer account under subsection (c) was in fact properly charged to the consumer account; and

(2) notifies the consumer in accordance with subsection (f)(3).

(f) NOTICE TO CONSUMER.—

(1) NOTICE IF CONSUMER CLAIM NOT VALID.—If a bank determines that a substitute check subject to the consumer's claim was in fact properly charged to the consumer's account, the bank shall send to the consumer, no later than the business day following the business day on which the bank makes a determination—

(A) the original check or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or
(ii) is otherwise sufficient to determine whether or not the consumer's claim is valid; and

(B) an explanation of the basis for the determination by the bank that the substitute check was properly charged, including copies of any information or documents on which the bank relied in making the determination.

(2) NOTICE OF RECREDIT.—If a bank recredits a consumer account under subsection (c), the bank shall send to the consumer, no later than the business day following the business day on which the bank makes the recredit, a notice of—

(A) the amount of the recredit; and

(B) the date the recredited funds will be available for withdrawal.

(3) NOTICE OF REVERSAL OF RECREDIT.—In addition to the notice required under paragraph

(1), if a bank reverses a recredited amount under subsection (e), the bank shall send to the consumer, no later than the business day following the business day on which the bank reverses the recredit, a notice of—

- (A) the amount of the reversal; and
(B) the date the recredit was reversed.

(4) **MODE OF DELIVERY.**—A notice described in this subsection shall be delivered by United States mail or by any other means through which the consumer has agreed to receive account information.

(g) **OTHER CLAIMS NOT AFFECTED.**—Providing a recredit in accordance with this section shall not absolve the bank from liability for a claim made under any other law, such as a claim for wrongful dishonor under the Uniform Commercial Code, or from liability for additional damages under section 5 or 9.

(h) **CLARIFICATION CONCERNING CONSUMER POSSESSION.**—A consumer who was provided a substitute check may make a claim for an expedited recredit under this section with regard to a transaction involving the substitute check whether or not the consumer is in possession of the substitute check.

(i) **SCOPE OF APPLICATION.**—This section shall only apply to customers who are consumers.

SEC. 7. EXPEDITED RECREDIT PROCEDURES FOR BANKS.

(a) **RECREDIT CLAIMS.**—

(1) **IN GENERAL.**—A bank may make a claim against an indemnifying bank for expedited recredit for which that bank is indemnified if—

(A) the claimant bank (or a bank that the claimant bank has indemnified) has received a claim for expedited recredit from a consumer under section 6 with respect to a substitute check or would have been subject to such a claim had the consumer's account been charged;

(B) the claimant bank has suffered a resulting loss or is obligated to recredit a consumer account under section 6 with respect to such substitute check; and

(C) production of the original check, another substitute check, or a better copy of the original check is necessary to determine the validity of the charge to the customer account or any warranty claim connected with such substitute check.

(2) **120-DAY PERIOD.**—Any claim under paragraph (1) may be submitted by the claimant bank to an indemnifying bank before the end of the 120-day beginning on the date of the transaction that gave rise to the claim.

(b) **PROCEDURES FOR CLAIMS.**—

(1) **IN GENERAL.**—To make a claim under subsection (a) for an expedited recredit relating to a substitute check, the claimant bank shall send to the indemnifying bank—

(A) a description of—

(i) the claim, including an explanation of why the substitute check cannot be properly charged to the consumer account; or

(ii) the warranty claim;

(B) a statement that the claimant bank has suffered a loss or is obligated to recredit the consumer's account under section 6, together with an estimate of the amount of the loss or recredit;

(C) the reason why production of the original check, another substitute check, or a better copy of the original check is necessary to determine the validity of the charge to the consumer account or the warranty claim; and

(D) information sufficient for the indemnifying bank to identify the substitute check and to investigate the claim.

(2) **REQUIREMENTS RELATING TO COPIES OF SUBSTITUTE CHECKS.**—If the information submitted by a claimant bank pursuant to paragraph (1) in connection with a claim for an expedited recredit includes a copy of any substitute check for which any such claim is made, the claimant bank shall take reasonable steps to ensure that any such copy cannot be—

(A) mistaken for the legal equivalent of the check under section 3(b); or

(B) sent or handled by any bank, including the indemnifying bank, as a forward collection or returned check.

(3) **CLAIM IN WRITING.**—An indemnifying bank may, in the bank's discretion, require the claimant bank to submit in writing the information required by paragraph (1), including a copy of the written claim, if any, that the consumer submitted in accordance with section 6(b).

(c) **RECREDIT BY INDEMNIFYING BANK.**—

(1) **PROMPT ACTION REQUIRED.**—No later than 10 business days after the business day on which an indemnifying bank receives a claim under subsection (a) from a claimant bank with respect to a substitute check, the indemnifying bank shall—

(A) provide, to the claimant bank, the original check (with respect to such substitute check) or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or

(ii) is otherwise sufficient to determine the bank's claim is not valid; and

(B) recredit the claimant bank for the amount of the claim up to the amount of the substitute check, plus interest if applicable; or

(C) provide information to the claimant bank as to why the indemnifying bank is not obligated to comply with subparagraph (A) or (B).

(2) **RECREDIT DOES NOT ABROGATE OTHER LIABILITIES.**—Providing a recredit under this subsection to a claimant bank with respect to a substitute check shall not absolve the indemnifying bank from liability for claims brought under any other law or from additional damages under section 5 or 9 with respect to such check.

(3) **REFUND TO INDEMNIFYING BANK.**—If a claimant bank reverses, in accordance with section 6(e), a recredit previously made to a consumer account under section 6(c), or otherwise receives a credit or recredit with regard to such substitute check, the claimant bank shall promptly refund to any indemnifying bank any amount previously advanced by the indemnifying bank in connection with such substitute check.

(d) **PRODUCTION OF ORIGINAL CHECK OR A SUFFICIENT COPY GOVERNED BY SECTION 5(d).**—If the indemnifying bank provides the claimant bank with the original check or a copy of the original check (including an image or a substitute check) under subsection (c)(1)(A), section 5(d) shall govern any right of the indemnifying bank to any repayment of any funds the indemnifying bank has recredited to the claimant bank pursuant to subsection (c).

SEC. 8. DELAYS IN AN EMERGENCY.

Delay by a bank beyond the time limits prescribed or permitted by this Act is excused if the delay is caused by interruption of communication or computer facilities, suspension of payments by another bank, war, emergency conditions, failure of equipment, or other circumstances beyond the control of a bank and if the bank uses such diligence as the circumstances require.

SEC. 9. MEASURE OF DAMAGES.

(a) **LIABILITY.**—

(1) **IN GENERAL.**—Except as provided in section 5, any person who, in connection with a substitute check, breaches any warranty under this Act or fails to comply with any requirement imposed by, or regulation prescribed pursuant to, this Act with respect to any other person shall be liable to such person in an amount equal to the sum of—

(A) the lesser of—

(i) the amount of the loss suffered by the other person as a result of the breach or failure; or

(ii) the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney's fees and other expenses of representation) related to the substitute check.

(2) **OFFSET OF RECREBITS.**—The amount of damages any person receives under paragraph (1), if any, shall be reduced by the amount, if any, that the claimant receives and retains as a recredit under section 6 or 7.

(b) **COMPARATIVE NEGLIGENCE.**—If a person incurs damages that resulted in whole or in part from the negligence or failure of that person to act in good faith, then the amount of any liability due to that person under subsection (a) shall be reduced in proportion to the amount of negligence or bad faith attributable to that person.

SEC. 10. STATUTE OF LIMITATIONS AND NOTICE OF CLAIM.

(a) **ACTIONS UNDER THIS ACT.**—

(1) **IN GENERAL.**—An action to enforce a claim under this Act may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 1-year period beginning on the date the cause of action accrues.

(2) **ACCRUAL.**—A cause of action accrues as of the date the injured party first learns, or by which such person reasonably should have learned, of the facts and circumstances giving rise to the cause of action.

(b) **DISCHARGE OF CLAIMS.**—Except as provided in subsection (c), unless a person gives notice of a claim to the indemnifying or warranting bank within 30 days after the person has reason to know of the claim and the identity of the indemnifying or warranting bank, the indemnifying or warranting bank is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(c) **NOTICE OF CLAIM BY CONSUMER.**—A timely claim by a consumer under section 6 for expedited recredit constitutes timely notice of a claim by the consumer for purposes of subsection (b).

SEC. 11. CONSUMER AWARENESS.

(a) **IN GENERAL.**—Each bank shall provide, in accordance with subsection (b), a brief notice about substitute checks that describes—

(1) the process of check substitution and how the process may be different than the check clearing process with which the consumer may be familiar; and

(2) a description of the consumer recredit rights established under section 6 when a consumer believes in good faith that a substitute check was not properly charged to the consumer's account.

(b) **DISTRIBUTION.**—

(1) **EXISTING CUSTOMERS.**—With respect to consumers that are customers of a bank on the effective date of this Act, a bank shall provide the notice described in subsection (a) to each such consumer no later than the first regularly scheduled communication with the consumer after the effective date of this Act.

(2) **NEW ACCOUNT HOLDERS.**—A bank shall provide the notice described in subsection (a) to each consumer, other than existing customers referred to in paragraph (1), at the time at which the customer relationship is initiated.

(3) **MODE OF DELIVERY.**—A bank may send the notices required by this subsection by United States mail or by any other means through which the consumer has agreed to receive account information.

(c) **MODEL LANGUAGE.**—

(1) **IN GENERAL.**—No later than 1 year after the date of enactment of this Act, the Board shall publish model forms and clauses that a depository institution may use to describe each of the elements required by subsection (a).

(2) **SAFE HARBOR.**—A bank shall be treated as being in compliance with the requirements of subsection (a) if the bank's substitute check notice uses a model form or clause published by the Board and such model form or clause accurately describes the bank's policies and practices. A bank may delete any information in the model form or clause that is not required by this Act or rearrange the format.

(3) **USE OF MODEL LANGUAGE NOT REQUIRED.**—This section shall not be construed as requiring any bank to use a model form or clause that the Board prepares under this subsection.

SEC. 12. EFFECT ON OTHER LAW.

This Act shall supersede any provision of Federal or State law, including the Uniform Commercial Code, that is inconsistent with this Act, but only to the extent of the inconsistency.

SEC. 13. VARIATION BY AGREEMENT.

(a) SECTION 7.—Any provision of section 7 may be varied by agreement of the banks involved.

(b) NO OTHER PROVISIONS MAY BE VARIED.—Except as provided in subsection (a), no provision of this Act may be varied by agreement of any person or persons.

SEC. 14. REGULATIONS.

(a) IN GENERAL.—The Board may, by regulation, clarify or otherwise implement the provisions of this Act or may modify the requirements imposed by this Act with respect to substitute checks to further the purposes of this Act, including reducing risk, accommodating technological or other developments, and alleviating undue compliance burdens.

(b) BOARD MONITORING OF CHECK COLLECTION AND RETURN PROCESS; ADJUSTMENT OF TIME PERIODS.—

(1) MONITORING OF CHECK COLLECTION AND RETURN PROCESS.—The Board shall monitor the extent to which—

(A) original checks are converted to substitute checks in the check collection and return process, and

(B) checks are collected and returned electronically rather than in paper form.

(2) ADJUSTMENT OF TIME PERIODS.—The Board shall exercise the Board's authority under section 603(d)(1) of the Expedited Funds Availability Act to reduce the time periods applicable under subsections (b) and (e) of section 603 of such Act for making funds available for withdrawal, when warranted.

(c) PUBLICATION OF SCHEDULE BY BOARD FOR CHECK TRANSPORTATION SERVICES.—Section 11A(b) of the Federal Reserve Act (12 U.S.C. 248a(b)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following new paragraph:

"(8) check transportation services; and".

SEC. 15. EFFECTIVE DATE.

This Act shall take effect at the end of the 18-month period beginning on the date of the enactment of this Act, except as otherwise specifically provided in this Act.

The CHAIRMAN. Are there any further amendments?

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ADERHOLT) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, pursuant to House Resolution 256, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amend-

ment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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ESTABLISHING JOINT COMMITTEE TO REVIEW HOUSE AND SENATE MATTERS ASSURING CONTINUING REPRESENTATION AND CONGRESSIONAL OPERATIONS FOR THE AMERICAN PEOPLE

Mr. DREIER. Mr. Speaker, pursuant to the order of the House yesterday, I call up the concurrent resolution (H. Con. Res. 190) to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of H. Con. Res. 190 is as follows:

H. CON. RES. 190

Whereas the Government must be able to function during emergencies in a manner that gives confidence and security to the American people; and

Whereas the Government must ensure the continuation of congressional operations, including procedures for replacing Members, in the aftermath of a catastrophic attack: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) there is hereby established a joint committee composed of 20 members as follows:

(1) 10 Members of the House of Representatives as follows: 5 from the majority party to be appointed by the Speaker of the House, including the chairman of the Committee on Rules, who shall serve as co-chairman, and 5 from the minority party to be appointed by the Speaker of the House (after consultation with the Minority Leader); and

(2) 10 Members of the Senate as follows: 5 from the majority party, including the chairman of the Committee on Rules and Administration, who shall serve as co-chairman, and 5 from the minority party, to be appointed by the Majority Leader of the Senate (after consultation with the Minority Leader).

A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection.

(b)(1) The joint committee shall make a full study and review of the procedures which should be adopted by the House of Representatives, the Senate, and the Congress for the purpose of (A) ensuring the continuity and authority of Congress during times of crisis, (B) improving congressional procedures necessary for the enactment of measures affecting homeland security during times of crisis, and (C) enhancing the ability of each chamber to cooperate effectively with the other body on major and consequential issues related to homeland security.

(2) No recommendation shall be made by the joint committee except upon the majority vote of the members from each House, respectively.

(3) Notwithstanding any other provision of this resolution, any recommendation with respect to the rules and procedures of one House that only affects matters related solely to that House may only be made and voted on by members of the joint committee from that House and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the joint committee.

(4) The joint committee shall submit to the Speaker of the House of Representatives and to the Majority Leader of the Senate an interim report not later than January 31, 2004, and a final report not later than May 31, 2004, of the results of such study and review.

(c) The joint committee shall cease to exist no later than May 31, 2004.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of Wednesday, June 4, 2003, the gentleman from California (Mr. DREIER) and the gentleman from Texas (Mr. FROST) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

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

Mr. Speaker, let me begin by expressing my appreciation to Speaker HASTERT for his leadership on this very important issue of the continuity of the Congress.

H. Con. Res. 190 creates a joint committee of the House and Senate for systematic review of what congressional procedures, coordination, devices and leadership are necessary to handle a time of national crisis. Today, Mr. Speaker, we act to assure the American people that there will be continuing representation and congressional operations in the face of any catastrophe.

For a number of months, I have been considering the continuity of Congress, homeland security, and what measures we need to have in place to make sure that this institution functions in a time of crisis. I am pleased today to bring before the House a measure which has been sponsored by all 13 members of the Committee on Rules, Democrats and Republicans.

□ 1300

Mr. Speaker, only on a few occasions in the past have we acted to establish bicameral, bipartisan panels to review the structure and the functioning of this institution. The last time we did so was a decade ago, back in 1993, and I was privileged to be a cochairman of

what was called the 1993 Joint Committee on the Organization of Congress.

Now, since the terrorist attacks of September 11, 2001, our perception of national priorities clearly has gone through dramatic changes. Congress's initial response to the act of terrorism included establishing the Department of Homeland Security, our Select Committee on Homeland Security; H. Con. Res. 1, which established the opportunity for the Speaker to have an alternative place and designation for us to meet; the task force that was put into place, led by the ranking minority member of the Committee on Rules, the gentleman from Texas (Mr. FROST), and my colleague, the gentleman from California (Mr. COX); and, obviously, within the Committee on Appropriations, the Subcommittee on Homeland Security.

Let me take a moment, Mr. Speaker, to praise the work of my friends, the gentleman from California (Mr. COX), the gentleman from Texas (Mr. FROST), and the other Members who contributed to the thinking that went into the continuity of Congress issue as well as the security of this institution. I also want to extend my congratulations to the Continuity of Government Commission on their work. But I do believe, Mr. Speaker, that more needs to be done, and we need to take a close look at all of those things that have been proposed from a wide range of different sources.

The Presidency has been transferred in critical situations on numerous occasions: war, assassination, and impeachment. But only two or three times in our Nation's history have emergencies tested the ability of the United States Congress to conduct its business under extreme circumstances. Accordingly, Mr. Speaker, Congress should undertake a thorough review of House and Senate rules, joint rules, and other related matters to ensure the functioning of Congress in the event of any catastrophe.

Mr. Speaker, the two Chambers, of course, do have formal and informal devices to bring Representatives and Senators together. We, of course, have conference committees, we have bicameral leadership meetings, but these mechanisms for bicameral organization are typically on an ad hoc basis and they address the legislative and political dynamics of questions that are out there. We have no formal structure in place to jointly address how we would deal with things in the case of an emergency.

Passage of H. Con. Res. 190 would inaugurate a special joint committee study of the ways we can ensure that the structures, procedures and lines of communication between the two Chambers are effectively organized and coordinated so that the legislative branch can fulfill its very important constitutional duties during times of crisis. Specifically, the concurrent resolution establishes a committee of 20

Members, equally divided by Chamber and party. The Speaker and the Senate majority leader would appoint the co-chairman of the joint committee as well as the other Members after consultation with the respective minority leaders. The joint committee is to issue an interim report by January 31 of 2004 and a final report by May 31 of 2004, roughly a year from now.

Among the specific topics the joint committee could consider are continuity of Congress and joint processes and procedures for consideration of homeland security legislation during times of national crisis. Now, Mr. Speaker, I am not wedded to any particular issue. If I am selected to serve on the joint committee, I want to hear from other chairmen and Members about their ideas, including what are we going to be legislating on during a crisis, what do we need to have in place procedurally to deal with this, do we have the proper funding mechanisms in place, and how can we address special elections in order to assure a quorum.

I would like to take a moment, Mr. Speaker, to address the proposals of a constitutional amendment that are out there. I want to say that we had an interesting exchange yesterday in the Subcommittee on Technology and the House of the Committee on Rules, chaired by the gentleman from Georgia (Mr. LINDER), in which we discussed this. I know there are some people who have come out strongly in favor of amending the Constitution. I am one who is very hesitant to move in the direction of an amendment to the Constitution. I will say that while I keep an open mind, I have yet to be convinced that that is the right thing to do. But I will listen and, clearly, be open to arguments that are there. I do think it is only fair for me to let it be known that I do have strong feelings about that issue myself.

Mr. Speaker, I do believe that it is time for us to step forward and take this action. It has been nearly 2 years since September 11 of 2001. We have had a lot of input and a lot of recommendations. We just had yesterday the report come forward from this commission. We obviously will expend time and energy looking at that. So I think that this, as the greatest deliberative body known to man, is now poised to deliberate over these very, very serious, important questions that are over our heads regarding the question of our governance during times of crisis.

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, H. Con. Res. 190 creates a bipartisan and bicameral committee to study what new rules, laws, regulations, or constitutional remedies might be needed to assure the continuity of the Congress in the event of a catastrophic event. This

resolution moves forward the discussions that began in the wake of the September 11, 2001, terrorist attacks on this country. On that day, what had been unthinkable happened. On that day, amidst the carnage in New York, at the Pentagon, and in a field in Pennsylvania, the whole notion that this country is immune from terrorist attacks was destroyed in a matter of minutes.

One of the potential targets of the terrorists that day was this building, the seat of our government and the greatest symbol of our democracy. Had those enemies of democracy succeeded, our representative democracy might have been thrown into chaos if a large number of Members of the House of Representatives had been killed, injured, or otherwise incapacitated. The simple fact is that the framers provided only for direct election of House Members, and there is nothing in law that would facilitate speedy replacement of Members of the House in the eventuality of a catastrophic event.

September 11 provided a rude awakening in so many ways, but it is the duty of this body to find a remedy for the aftermath of a potential attack on this institution. This is a weighty matter, one that goes to the heart of representative democracy in this country. On the one hand, we want to ensure the stability of the legislative branch in the wake of such an attack. On the other hand, we should all understand the importance of preserving the unique character of membership in the House of Representatives, foundations that have not changed since the adoption of the Constitution over 214 years ago.

In the last Congress, I cochaired, with the gentleman from California (Mr. COX), a bipartisan working group which began serious discussions on what remedies might be available to the House in the event that a large number of Members were missing, killed, injured, or incapacitated following an attack on this building or any other location where a group of Members might be gathered. We had serious and thoughtful discussions that resulted in three simple rules changes that would aid the Speaker in convening this body in the event of a catastrophic event. Those rules changes were made part of the rules of the House last January.

But it is very important that every Member understand that we cannot embark on these further discussions without an open mind on the issue of whether or not a constitutional amendment is necessary in order to allow this body to continue to function in the event that many, most, or all of us are killed or missing or incapacitated. The Continuity of Government Commission, cochaired by Lloyd Cutler and former Senator Alan Simpson, yesterday released their report and in it recommended the adoption of a constitutional amendment that would allow the Congress to provide for these

eventualities by statute or other means.

We have to understand the simple fact that the framers intended for this body to be the arm of the Federal Government closest to the people. For that reason, this body is the only body that requires direct election of all of its Members. As we all know, it takes a number of months to conduct elections; and if this body has lost large numbers of Members, I believe it is essential that the American public have confidence that every part of its government is up to the task of responding to a national emergency.

Let me state this in the strongest possible terms. It would be a colossal waste of the time of the Congress if Members of this new joint committee go into this process with a closed mind on the issue of a constitutional amendment authorizing appointment or replacement of Members in time of crisis. We must have every option on the table; and we have to be willing, both on the joint committee and in this body, to explore the issues, pose the questions, and find the answers. For the sake of the country and for the sake of the stability of the people's House, we must all be willing to undertake this task. Our work last year was a positive first step; but we have a solemn responsibility to make sure that every option is considered, and it is important that the House work with the Senate to ensure that the entire Congress have a plan to respond to a national emergency.

I want to commend Chairman COX for his work on this issue in the 107th Congress and thank my friend, the gentleman from California (Mr. DREIER), for bringing the issue to the fore this year. This is a matter of such importance and such gravity that we must all devote considerable energies to it. We must be open, we must be non-partisan, and we must always have in mind that this democracy is resilient, responsible, and ready to meet every challenge. So must we be.

I want to read from the resolution one section which underscores the bipartisan nature of this undertaking. This is section (b)(2), appearing on page 3: "No recommendation shall be made by the joint committee except upon the majority vote of the members from each House, respectively."

Now, Mr. Speaker, what does that mean? Well, there are five Republicans from the House and five Democrats from the House on this joint committee; five Republicans from the Senate and five Democrats from the Senate. So that the five Republicans, acting on their own, cannot make any recommendations in the House; and the five Democrats, acting on their own, cannot make any recommendations. Each party has a veto. And, quite frankly, that is exactly the way it should be, that only upon agreement of a majority of the 10 Members from the House and a majority of the 10 Members from the Senate will we be able to

recommend anything back to this body.

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

Mr. FROST. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I would just like to say that again we looked at this modeling it after the Joint Committee on the Organization of Congress from 1993; and I want to congratulate the now minority, then majority, for in fact putting into place a structure whereby we would in fact ensure that in moving ahead it must be done in a bipartisan way.

These issues that we are going to be addressing, Mr. Speaker, are of such gravity that it is important that just as we are here to get total agreement today with the establishment of this joint committee, that as we come forward with our recommendations that we in the same way have the kind of bipartisan agreement that will be necessary.

Mr. FROST. Reclaiming my time, Mr. Speaker, this is different from the way we normally operate in the House of Representatives. Normally, a simple majority, which can be constituted entirely on the majority's side, on the Republican side, could prevail on any issue. We are choosing to adopt a different set of rules for this proceeding, and that is exactly the way we should be handling this matter to guarantee that one party will not be able to dictate the outcome on matters of this magnitude.

I want to thank the majority party for agreeing to that and for moving forward with this very important resolution. This is a matter that I personally have spent a lot of my time on over the last year, but it would not be possible to move forward at this point had the majority party not been willing to do so. And I thank them on behalf of the minority, and I thank them on behalf of the country for their willingness to do this.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to express my appreciation to my friend, the gentleman from Texas (Mr. FROST), for his very kind and supportive words on this important issue as we proceed with this very weighty matter. As I mentioned in my opening remarks, we yesterday held a hearing of the Subcommittee on Technology and the House, chaired very ably by our friend, the gentleman from Atlanta, Georgia (Mr. LINDER).

Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Georgia (Mr. LINDER).

□ 1315

Mr. LINDER. Mr. Speaker, I rise in strong support of House Concurrent Resolution 190 to establish a joint committee to review House and Senate rules, joint rules, and any additional

issues of importance pertaining to the continuity and security of congressional operations. The Rules Subcommittee held a hearing yesterday to hear testimony from the chairman of the Committee on Rules and our ranking minority member, the sponsors of this proposed joint committee. It is a serious proposal. It is timely, and the gentleman from California (Mr. DREIER) and the gentleman from Texas (Mr. FROST) deserve great credit for their leadership on this issue.

We are considering this kind of procedural proposal here today because any review of our parliamentary rules and procedures must now be evaluated in a post-September 11 atmosphere that incorporated once implausible circumstances into how the legislative branch will operate. Following the horrendous acts of terrorism perpetrated on the American people on September 11, our Nation realized it had entered into a new era in which liberty and freedom would be under attack from a new kind of enemy. Those of us representing the American people in this Chamber also rededicated ourselves to meet our obligation to act for the protection of our citizens and the institutions that govern them.

As a result, it is imperative that the Federal Government be in the most effective position to protect the American public, and the most visible sign of our Nation meeting this obligation has revealed itself in our efforts to find and eliminate enemies at home and abroad. It is also our obligation to ensure that the continuity of our representational government continues.

The House took action on the opening day of this Congress to implement some appropriate institutional mechanisms in case of an emergency. In light of the critical nature of the considerable responsibilities of the United States Congress, the time is right to continue to reevaluate our procedural requirements that affect the manner in which our legislative duties will be conducted in the House and Senate in an emergency.

Mr. Speaker, the mission of this joint committee will be to undertake a comprehensive review of House and Senate procedures, one, to ensure the continuity and authority of Congress during times of crisis; two, to improve congressional procedures necessary for the enactment of measures affecting homeland security during times of crisis; and, three, to enhance the ability of each Chamber to cooperate effectively with the other body on major and consequential issues related to homeland security.

By passing this concurrent resolution today, we put the wheels in motion for an internal assessment to help ensure the continuity and security of congressional operations. This represents a serious step in the right direction for modernizing congressional procedures, elevating parliamentary preparedness, and having the House and Senate think about what needs to be done to ensure

the legislative's branch continued viability in the face of any emergency situation.

I thank the House leadership for recognizing the importance of these security and continuity of operations matters and for swiftly advancing this proposal to the House floor. I urge unanimous support for this bipartisan proposal.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, people viewing this may be curious as to why it is necessary that we consider this matter, other than the obvious that the gentleman from California (Mr. DREIER) and I have stated.

Under the current precedents and under the current judicial interpretation of the precedents of the House, a quorum is a majority of those sworn and living. If we only have five Members survive, three Members would be a quorum, and business could be conducted. The difficulty of that would be whether the country would have any confidence in legislation enacted by only five Members.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Texas for his leadership on this issue and also the leadership of the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

What we are about here is about as serious as it gets. We are contemplating the possibility that everyone in this building and most of the Federal Government officials in this city would be killed. It is not pleasant to contemplate, but I view it as a sign of the strength of this great democratic Republic that we are able to contemplate it because what we are saying is this: We are proud to have been elected and serve in this great body, but there is something bigger than us as individuals. There is an institution that we love and hold dear called the House of Representatives that assures the people of our States and our districts that they will have a voice in the Federal Government as it deliberates the most weighty matters that come before this Nation.

Should we all be killed and not have a mechanism to replace this institution, we would leave this great Nation, indeed the world, without the system that has served us so well, the system of checks and balances to ensure that a self-appointed executive would not emerge with no checks and balances, to ensure that an unelected Cabinet member could not exercise extra constitutional powers without the checks of a representative body. That is what we are about.

The gentleman from California (Mr. COX) has done an outstanding job, along with the gentleman from Texas (Mr. FROST) on the working group. Norm Ornstein is certainly to be credited, as is Tom Mann for the gift they

gave this body yesterday with the Commission on Continuity. But we have important work to do. It is now almost 2 years since September 11 happened. We just lack a few months from that tragic date. In this time, we have the opportunity to ensure the continuity of this great body. I hope we will act on that.

The entire Constitution was written over the course of a few months by very wise individuals who got together and, as this select committee will do, set aside partisan differences. There were no parties at the time. They simply said: What is good for this country? What will help preserve our liberties? How can we establish a system that will learn from the mistakes of the past and persevere through the challenges of the future?

We have met new challenges, and we understand now we must adapt the ways we do business. This committee will help us learn to do that and will establish the procedures we need to move forward. I commend the two leaders for setting this up.

Mr. DREIER. Mr. Speaker, I yield 4½ minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I rise to express a few concerns that I have regarding both the commission and the trend toward a constitutional amendment that might solve some of the problems that people anticipate.

I certainly agree with the gentleman from Washington (Mr. BAIRD) that this is a very serious issue; and this is to me not just a casual appointment of a commission, but we are dealing with something that is, in a constitutional sense, rather profound because we are talking about amendments that are suggesting that our governors will appoint Members of Congress for the first time in our history. That should be done with a great deal of caution and clear understanding of what we are doing.

My concern, of course, with the commission is that we are moving rather rapidly in that direction. Hopefully, that is not the case. We had the commission report of the Continuity of Government Commission yesterday, and that was released, and then we had a unanimous consent agreement to bring this up, like we need to do this in a hurry.

Ordinarily, if we deal with constitutional amendments, quite frequently we will have a constitutional amendment proposed, and then we will hold hearings on that particular amendment. I think we could handle it that way.

But I have another concern about the urgent need and the assumption that the world ends if we are not here for a few days. There are times when we are not here like in August and a few months we take off at Christmas. Of course, we can be recalled, but the

world does not end because we're not here. In a way this need for a constitutional amendment to appoint congressmen is assuming that life cannot go on without us writing laws.

I would suggest that maybe the urgency is not quite as much as one thinks. I want to quote Michael Barone who was trying to justify a constitutional amendment that allows governors to appoint members in a time of crisis. He said, "think of all the emergency legislation that Congress passed in the weeks and months after September 11 authorizing expanded police powers. None of this could have happened". But now as we look back at those emergency conditions, a lot of questions are being asked about the PATRIOT Act and the attack on our fourth amendment and civil liberties. I suggest there could be a slower approach no harm will come of it.

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

Mr. PAUL. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding.

I appreciate the concerns that the gentleman has raised. Let me first say that I was very pleased, and my colleagues on the Committee on Rules will recall this, as we proceeded with implementation of the PATRIOT Act I insisted that we have a sunset clause so that this institution would be required to take another look at the ramifications of the PATRIOT Act, and I know that there are wide-ranging concerns that have been raised.

Second, on the issue of the constitutional amendment, I have stated that I am very concerned about the prospect of moving ahead with a constitutional amendment which would take this institution from being the body of the people to becoming, as the other body was designed in the Constitution, to be the body of the States, and make this the body of the States again which I believe would make it the case if we were to have governors appoint Members of the House of Representatives.

I think this joint committee is designed to look at these concerns, look at the issues out there. We have all talked about the gravity of it. We know it is a very, very serious matter. I will assure my friend there is no way this committee, if it were to come forward with a proposed constitutional amendment, would act without going through the process of having the Committee on the Judiciary look at the prospect of amending the Constitution, and we in the Committee on Rules would address it again, and of course it would have to go through the confirmation process.

Mr. PAUL. Mr. Speaker, I would like to say I am pleased to hear what the gentleman has said, because there are some who see this just from the outside, seeing what we are doing here today as nothing more than a continuity of what was done yesterday. The gentleman from California (Mr.

DREIER) suggests he does not see it that way, and that gives me some reassurance, and I thank the gentleman.

Mr. FROST. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to make it clear to people who may be watching or listening to this again why we are discussing this. There is a historical aberration in our Constitution that provides that senators, when they die or are killed, may be appointed, replacement Senators, but there is no comparable provision for replacement of House Members. That historical aberration arises from the fact that when our Constitution was first passed all Senators were appointed. They were appointed by their State legislatures. It was only much later in our history that we went to the direct election of Senators.

When we did that, we retained the appointment power for the governors of States to replace Senators who die or are killed while in office. No such power was ever in the Constitution originally for the House of Representatives, so we have a different situation currently as it applies to the Senate and as it applies to the House.

Those of us who advocate a change in our Constitution are taking the position that, since the Senate is already covered, since there already is a way to replace Senators in our Constitution, there should be a comparable provision for being able to replace House Members in the event of a mass tragedy.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I would just like to echo the concerns of the gentleman from Texas (Mr. FROST) and his desire and his belief that we need to have an alternative mechanism for appointing Members to the House in the event of a major catastrophe.

I would also like to thank and commend the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for their outstanding leadership on this issue. It is a very difficult and in many ways unpleasant subject to be dealing with but one that is very necessary and could mean the survivability of this Republic in the event of a catastrophe.

Mr. Speaker, as a member of the Cox-Frost working group in the 107th Congress, I urged my colleagues to support H. Con. Res. 190 so Congress may continue to operate in the aftermath of a catastrophe that kills or incapacitates a large number of its Members. I also thank the gentleman from California (Mr. DREIER) and the gentleman from Texas (Mr. FROST) and the gentleman from Washington (Mr. BAIRD) for their leadership on this very important issue.

The Constitution declares that Members of the House must be popularly elected. However, the specter of terrorism, notably reports that the Capitol was an intended target on September 11, as well as the subsequent

anthrax attacks, remind us that mass casualties in Washington or elsewhere are a real possibility and could have a detrimental effect on the House's ability to fulfill its duties.

□ 1330

While the Cox-Frost group made some significant progress in resolving these complicated problems in the last Congress, many questions still remain. For example, I have been working with the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), and the gentleman from Connecticut (Mr. LARSON) to address the communications needs of Members in emergency conditions. Yesterday, the Continuity of Government Commission issued its first report with recommendations for preserving Congress' ability to function in the wake of a terrorist attack. It is Congress' responsibility to consider those recommendations and develop a strategy to ensure that the people's business will not be interrupted. Today's resolution will help us reach that goal. I urge my colleagues to support it.

Mr. DREIER. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from California (Mr. COX), who very ably led, along with the gentleman from Texas (Mr. FROST), the effort to deal with the continuity of Congress in the 107th Congress.

Mr. COX. I want to thank the Speaker, thank the chairman, and thank the gentleman from Texas (Mr. FROST).

Mr. Speaker, when in May 2002 the Speaker asked us, the gentleman from Texas (Mr. FROST) and me, to cochair this working group, there was not a Department of Homeland Security, there was not a House committee to oversee the Department of Homeland Security; but now that I have assumed that responsibility, I can say that I feel there is no issue more integral to homeland security than the preservation and proper functioning of our democratic institutions in time of national emergency. I am very pleased that the next step that this body, and indeed the other body, is taking this process is to institutionalize through a bicameral group that will be chaired on this side by the leaders of our Committee on Rules to take a further look at these seemingly, in some cases, intractable problems and to solve them.

We have in our working group accomplished a great deal and with the leadership of the Committee on Rules placed before this House at the beginning of this Congress three changes to our rules that address continuity issues that were solved in the working group. In addition, the gentleman from Texas and I yesterday introduced legislation to deal with the problems in the Presidential succession law created by these catastrophic circumstances that we are now forced to imagine.

When we go back to those horrible images of September 11 which are hard to purge from our memory, those video images we have all seen countless

times of the World Trade Center and the Pentagon, imagine this Capitol if the same images were seen here. Imagine what would be the result, what would be the effect. Not only would Members have been killed if Flight 93, which we now believe was headed for the Capitol, had succeeded in its mission but Members would have been maimed and disabled. The problems that arise under our rules and our laws are not just those of how do you fill a vacancy after someone dies, but what happens when that person has not died but is incapable of coming to this Chamber and being part of a quorum? What happens when that occurs 100 times over? These are the kinds of problems that lack any immediate solution and that therefore must be handed off to this more permanent body that we are establishing by this resolution.

I want quickly to commend the other members of the working group for their yearlong effort. They include, of course, cochairman MARTIN FROST; chairman of the House Committee on Rules, DAVID DREIER, who is leading us on the floor today and will lead this effort henceforth; chairman of the House Subcommittee on the Constitution, STEVE CHABOT; ranking member on the House Subcommittee on the Constitution, JERROLD NADLER; chairman of the Committee on House Administration, BOB NEY; chairman of the House Democratic Caucus, STENY HOYER; chairman of the House Republican Policy Subcommittee on Redesigning Government, DAVID VITTER; Representative BRIAN BAIRD from whom we have just heard; Representative SHEILA JACKSON-LEE; Representative JAMES LANGEVIN, who is also with us here today on the floor.

Ex officio members of the working group who were enormously important to our efforts included the House Parliamentarian, Charles Johnson; the Deputy House Parliamentarian, John Sullivan; former Clerk of the House, Donn Anderson; House legislative counsel Pope Barrow; House general counsel Michael Stern; and Congressional Research Service senior specialist Walter Olesczek. From May to October of 2002, the working group held eight very long meetings, hearing testimony from law professors, constitutional scholars, members of the academic community, think tank scholars and other experts. The working group considered, in order, changes to the House rules, because they are the least intrusive, most efficient means of solving these problems; next, statutory solutions; and only lastly constitutional amendments.

I want to say with respect to this question of a constitutional amendment because already during this debate we have heard concerns raised about willy-nilly amending the Constitution or about overstating the problems when Congress is, for example, out of town during the August recess with regularity, it was unfortunately necessary for us in this working

group to imagine some circumstances that we hope never arise when not only the whole House but the President and the Vice President also were lost. In that circumstance, there are significant questions of legitimacy of both the institutions of the executive and the legislative, but also even more trenchant concerns about the withdrawal of the checks and balances that undergird our system and protect our civil liberties.

If we imagine what America would be like after such a horrible attack that killed the President, killed the Vice President, killed the Speaker of the House, killed hundreds of Members of this Congress, first we would have as President, this much would be certain, someone who was unelected, someone who perhaps no one had ever heard of before, and someone who might or might not be fit for the job. That person would be vested with the immediate responsibility of presumably determining whether to declare war, responsibility under article 1 of this body which would not be able to function. That person also would be asked to seek emergency appropriations to deal with this problem. Yet there would be no Congress. And that person might want to suspend habeas corpus and other civil liberties because of the emergency, and there might be no legislative check against it. These are the counterweight to the arguments that we should not rush into amending the Constitution. These are the problems that the gentleman from California (Mr. DREIER) is properly taking up with the other body, and I hope they are soon solved.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, I commend the authors of this resolution because they recognize how important it is to protect our constitutional government, even from the possibility that perhaps hundreds of Members of this Congress might be killed by a terrorist act. We should, however, also take a look at the possibility that the death of one, two, or three individuals in line to serve as President could also undermine our constitutional government. We must protect both branches of government from unfortunate acts or terrorist aggression. That is why I strongly support this resolution and wish to bring to the attention of my colleagues a letter that I sent out last week urging them to become cosponsors of the Presidential Succession Act of 2003.

The line of Presidential succession determines who becomes President if both the President and Vice President have died or are unable to fulfill their duties. That line should be as solid as the concrete barriers that protect our Capitol grounds. Unfortunately, that line is not. However, with a mere change in statute, not a constitutional

amendment, Congress can ensure the certainty in the line of succession as well as the continuity of the Federal policies of the executive branch.

Article 2, section 1 of the Constitution allows Congress to determine the line of succession to the Presidency following the Vice President. Congress last seriously addressed this issue when it passed the Presidential Succession Act of 1947. Unfortunately, the 1947 act is ambiguous and we cannot afford ambiguity as to the identity or the legitimacy of the President of the United States, particularly at a time of crisis. The 1947 act is further flawed because it allows the Presidency to be shifted from one political party to the other during a 4-year term. This means that if the Vice Presidency is vacant, our stock markets and our foreign enemies will wonder whether some unfortunate event will cause a radical shift of our policies. A terrorist might see an opportunity to radically shift our policies by killing just one individual. And a partially or temporarily impaired President would be highly unlikely to either take a leave of absence under the 25th amendment or to resign permanently if that action would vest control of the executive branch in the opposite political party.

Current law provides that if the office of Vice President is vacant, the next in line is the Speaker of the House, followed by the President pro tempore of the Senate. In the recent season finale of the "West Wing," the President was under extreme personal stress. There was no Vice President serving. That President invoked the 25th amendment and temporarily transferred control of the executive branch to the Speaker of the House who happened to be of the opposite political party. Would that happen in real life? I would hope so, because I would hope that a President under extreme stress would take a leave of absence as provided in the 25th amendment. But in real life, a President arguably suffering from temporary impairment would hang on to the Presidency with the same tenacity that my friend Strom Thurmond held on to his Senate seat when he knew that if he resigned from the Senate he would be replaced by the appointee of a Democratic Governor.

Speaking of my friend Strom Thurmond, we should remember that just a few years ago, while Strom was in his late 90s, he was third in line to succeed to the Presidency. Does this make sense in an era of suicide assassins? In a document that I will append in the RECORD to my remarks here, I will point out that under some scenarios, we could have five individuals, each with a legitimate claim to be President. I will summarize it by simply saying that if we did not have a Speaker of the House, someone could claim to become President because they were serving as temporary Speaker under House rule I, clause 8, subprovision (3)(A). Someone who became Speaker

of the House could then try to displace someone who had been temporary Speaker, and then we could have a President pro tem of the Senate all claiming. We could have even more scenarios.

Some will say that Presidential succession has never gotten past a Vice President, but that happened because Gerald Ford was confirmed promptly, before Richard Nixon resigned. Furthermore, in April 1865, John Wilkes Booth headed a partially successful conspiracy to assassinate President Lincoln and those who were first, second and third in line to succeed him. Are we sure that al Qaeda can do no worse?

That is why I will put forward the Presidential Succession Act of 2003, which is similar to legislation I proposed in March 2001. Under it, the President would file a document with the Clerk of this House indicating whether third to succeed to the Presidency should be either the Speaker of the House or the minority leader and whether the fourth should be the Senate majority leader or the Senate minority leader. And, of course, these could be changed if control of the House or the Senate changed. More importantly, the bill would state that once someone becomes President, they serve for the rest of the 4-year term and cannot be pushed aside by someone who later becomes, say, Speaker of the House and is higher in the list. Once they begin to serve a Presidential term, they continue.

Today we will act to ensure the continuity of Congress. Later this year we should act to ensure the continuity of the executive branch. Our friends and enemies around the world and the investment community should know that similar policies will continue throughout a 4-year term and that the Presidency cannot be shifted to another party by a tragic event. More importantly, it should be absolutely clear as to who is legitimate President of the United States. We need to act this year.

[From the Roll Call, May 21, 2003]

ACT NOW TO ENSURE SMOOTH SUCCESSION TO
PRESIDENCY

(By Rep. Brad Sherman)

In the post-Sept. 11, 2001, reality, we have seen military guards with M-16s patrol the Capitol and anti-aircraft artillery stationed around national monuments. It is no mystery that terrorists actively seek to interrupt our constitutional democracy.

The line of presidential succession, which determines who becomes president if both the president and vice president have died or are otherwise unable to carry out their duties, should be as solid as the concrete barriers lining the Capitol grounds. It is not. However, with a change in statute—not a constitutional amendment—Congress can ensure certainty in the line of successors, as well as continuity of federal policies.

Article II, Section 1 of the Constitution allows Congress to determine the line of succession to the presidency following the vice president. Congress last visited this issue seriously when it passed the Presidential Succession Act of 1947. Unfortunately, the 1947

act us ambiguous and we cannot afford ambiguity as to the identity and legitimacy of the president, particularly at a time of crisis.

The 1974 act is further flawed because it allows the presidency to be shifted to an opposing political party. This means if the vice presidency is vacant, our stock markets and foreign enemies will wonder whether an unfortunate event will result in a radical shift in policies; a terrorist might see an "opportunity" to radically shift our policies; and a partially or temporarily impaired president would think twice about taking a leave of absence under the 25th Amendment, or resigning, if either action would out the other party in control of all executive departments. Finally, third in the current line of successions is the President Pro Tem, a ceremonial position normally held by the long-est-serving member of the Senate majority.

Current law provides that if the office of the vice president is vacant, the next in line is the Speaker, followed by the President Pro Tem. The recent "West Wing" season final demonstrated how a president, under extreme duress could, at a time when there was no vice president, invoke the 25th Amendment and temporarily transfer control of the White House to a Speaker of the opposite political party. In real life, it is more likely that a president arguably suffering from temporary impairment would hang on to the presidency with the same tenacity that former Sen. Strom Thurmond (R-S.C.) held on to his seat at a time when his resignation would have handed his seat to an appointee of a Democratic governor.

Speaking of Thurmond, we should remember that just a few years ago, while in his late 90s, he was third in line for the presidency. Does this make sense in an era of suicide-assassins?

Here is a hypothetical designed to illustrate all the ambiguities of the 1947 act. The office of vice president, Speaker and President Pro Tem are all vacant. The president has nominated Ms. Smith to the new vice president, and he awaits her confirmation hearings under the 25th Amendment. The House and the Senate have adjourned for the year, though Mr. Jones is serving as "temporary House Speaker" pursuant to House rule 1, clause 8 (3)(A). Now, imagine that the president dies.

Does Mr. Jones, the temporary Speaker, become president? Probably not, but we're not sure. In all probability, the secretary of State becomes acting president. But assume the House then reconvenes and elects a Speaker. Does that new Speaker then push aside the secretary of State and become the new president? What if the Senate elects a new President Pro Tem before the House elects a new Speaker? And what if Ms. Smith makes it through her vice presidential confirmation hearings—does she push aside whoever is then serving as president? Under this scenario, and under the ambiguity of the 1947 act, all five of the following could claim the presidency: Ms. Smith, Mr. Jones, the President Pro Tem, the newly elected Speaker and the secretary of State. Other, less contrived scenarios could create three or four claimants to the presidency. Even two plausible claimants to the White House is one too many.

Some will say that presidential succession has never gotten past a vice president, in part because Gerald Ford was confirmed promptly, before Richard Nixon resigned. But Sept. 11 shows that what is unlikely to occur naturally may well occur. In April 1865, John Wilkes Booth headed a partially successful conspiracy to assassinate President Abraham Lincoln and those who stood first, second and third in line to succeed him. Are we sure that al Qaeda can do no worse?

Next month, I will introduce the Presidential Succession Act of 2003, which is similar to legislation I introduced in March 2001. Under this legislation, the president will file an official document with the Clerk of the House designating, after the vice president, the next person in line of succession as either the Speaker or the House Minority Leader. Similarly, the president would file instructions with the Secretary of the Senate, designating the third in line as either the Senate Majority Leader or Minority Leader. (These designations can be revised if the majority becomes the minority.) The bill will further ensure certainty in presidential succession by clearly providing that if someone succeeds to the presidency, that person shall continue to serve until the end of the presidential term.

Our friends and enemies around the world, as well as the investment community, should know that similar policies will continue throughout a four-year term, and that the presidency will not be shifted to the other party by a tragic event. More importantly, the law should be absolutely clear so that whoever serves as president, particularly at a time of crisis, has unquestioned legitimacy. By acting now we can accomplish these ends. Or, we can just put this off until a problem arises.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Metairie, Louisiana (Mr. VITTER), who worked very hard on the commission and was very actively involved in it.

Mr. VITTER. Mr. Speaker, I thank the gentleman from California (Mr. DREIER), the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. FROST) for all of their work on this issue; and that work, of course, must continue.

I rise in strong support of this resolution. I was honored and privileged to work on the working group with the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) and so many others.

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I think that working group did some very valuable work, laid an important foundation, and in fact suggested and helped make very real and important and fundamental changes in both our rules and some statutes. We are continuing that work I believe today, and in the very near future the gentleman from California (Mr. COX) will put into the hopper another bill aimed at changing statutes to again fine tune some of these issues with regard to presidential succession and related matters. I am happy to coauthor that bill, and that is further progress.

But just as clearly as we have met and gained consensus on some issues and made important progress, big questions remain; and clearly the biggest question which I believe must be tackled more adequately is the possibility of mass deaths among House Members and how our democratic institution of the House, our most democratic institution, would continue to function under that circumstance of national emergency. So that is why I think this resolution and the new joint work between the House and the Senate led by

the gentleman from California (Chairman DREIER) and others is so very important.

I also want to join in the concerns that the gentleman from Texas (Mr. PAUL) raised. They are very legitimate concerns that I and many other people hold, but clearly there are ways to address those concerns. Clearly, this new group is not headed in any specific direction that the rules addressing those concerns adequately deal with.

Mr. Speaker, I look forward to continuing to work on this issue with others.

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

Mr. Speaker, I want to respond to one of the issues raised on the other side, and that is the question of the adequacy of replacing Members of the House through special elections.

Special elections, of course, are determined by State law; and the laws vary from State to State. Some State laws have special elections held rather promptly. Other States have special elections that extend over a long period of time.

For example, in my home State of Texas, our former colleague, Mr. Combest, shortly after the convening of this Congress, announced that he was resigning, was leaving, and his successor, who was chosen in a special election under Texas law which included a runoff, was sworn in today, 6 months into the Congress. So there is a difficulty in citing the remedy of special elections as a way of replacing Members in a prompt way.

I am very sympathetic to the historical precedent that Members of the House up until this point can only serve by election, but there are extraordinary circumstances. We hope the extraordinary circumstances never occur, but we do need to be ready, should anything like that ever happen.

Mr. Speaker, in closing, this resolution is a very significant development. Again, I want to thank the majority for the way this is structured, for having the sides evenly divided, for requiring a majority vote in each House of the members on this joint committee, and I would urge that the Congress, that the House, promptly pass this resolution. I would hope that the Senate, the other body, would do the same thing, so the work of this joint committee could begin as soon as possible.

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

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

Mr. Speaker, I think that we have seen from today's debate that this is an extraordinarily serious matter. This coming September 11 will mark the second anniversary of one of the most tragic days in our Nation's history. We all know of the terrible loss of life and we know of the threat that existed on that date to this institution, this building, which, as we all know, is a symbol not only to Americans but around the world of freedom and democracy.

For that reason, after this nearly 2-year window of time when we have taken a lot of action in response to September 11, it is important for us to now step back and, in a deliberative manner, to very thoughtfully look at the ways in which we can assure that we proceed with fair and balanced representation to maintain a continuity of our Nation's governance. I believe that we have in this resolution which will establish this joint committee an opportunity to, in a bicameral way, look at this very important question.

As I said earlier, exactly 10 years ago, in 1993, I was privileged to be a co-chairman of the Joint Committee on the Organization of Congress, which looked at a lot of the institutional questions that both bodies face. Now we will, in the wake of this very, very serious challenge that we face, have the opportunity to look at those questions which continue.

Obviously, it is important for us to recognize the disparity that exists between the two bodies. The other body is one which has different constituencies than ours, obviously different terms of office and, as the gentleman from Texas (Mr. FROST) has pointed out, different ways for succession.

This institution is known as the People's House. We are the only federally elected officials who must be elected to have the opportunity to serve in our positions. I feel it is very important for us to maintain that status, as James Madison envisaged it over two centuries ago; and I believe that, at the same time, we can, in working with our colleagues in the other body, proceed with a very fair, bipartisan process, which will allow us to address this.

It is obvious, Mr. Speaker, from having listened to the debate which will simply put into place this joint committee, that there is disagreement. But I believe that as we take the input that has been provided by a wide range of individuals, academics, former colleagues, people who spent a lot of time thinking about this, who will be providing us with recommendations, I am convinced that the work of this joint committee will be among the most important things that this 108th Congress will be able to address.

Mr. Speaker, with that, I urge adoption of this resolution.

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

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of Wednesday, June 4, 2003, the concurrent resolution is considered read for amendment and the previous question is ordered.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 222, ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT AND S. 273, GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 258 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 258

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 (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes. 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) 40 minutes of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

SEC. 2. 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 (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes. 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) 40 minutes of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

The SPEAKER pro tempore. 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 258 is a closed rule providing for the consideration of two measures, S. 222, the Zuni Indian Tribe Water Rights Settlement Act, and S. 273, the Grand Teton National Park Land Exchange Act.

The rule provides that S. 222 shall be debatable in the House for 40 minutes, equally divided between the chairman and ranking member of the Committee on Resources. The rule also waives all points of order against consideration of the bill and provides one motion to recommit, with or without instruction.

The rule further provides that S. 273 shall be debatable in the House for 40 minutes, equally divided between the chairman and ranking member of the Committee on Resources.

Finally, the rule waives all points of order against consideration of the bill

and provides one motion to recommit, with or without instructions.

Mr. Speaker, both of the bills covered by this rule were considered by the House under suspension of the rules on June 3. Neither bill was adopted, having failed to receive the required two-thirds of the votes cast, but each bill was supported by a clear majority in the House.

The Zuni Indian Tribe Water Rights Settlement Act approves a settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona. The bill resolves all of the claims of the Zuni Tribe to water rights in the Little Colorado River basin and elsewhere in Arizona. The bill also provides resources to restore riparian wetlands to the Zuni Heaven Reservation that are of great religious and cultural significance to the tribe and its members.

The Grand Teton National Park Land Exchange Act provides for the acquisition of land owned by the State of Wyoming within the boundaries of the Grand Teton National Park. These lands, rich in wildlife habitat, will be exchanged for other Federal lands or assets of equal value. In turn, the State will be able to acquire lands that have greater potential to generate revenue for public schools, ensuring that the State of Wyoming meets its constitutional mandate to maximize revenues from its school trust lands.

Mr. Speaker, it is unfortunate that we are forced to take up the valuable time of the House to consider for a second time this week two measures that have been previously approved by a solid majority in this House. The measures have been fully debated.

Accordingly, Mr. Speaker, I urge my colleagues to support this rule and pass the underlying bills without further delay.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes. I thank the gentleman from Washington for yielding me the time.

Mr. Speaker, this morning during the debate on the Check 21 open rule, I warned this body that open rules are a rarity, an endangered species, if you will. Well, here we are about to consider not an open rule but a closed rule on two noncontroversial bills. But what do you expect? This is the norm. This is business as usual in this House.

I also want this Chamber and the American people to remember this moment, because it is historic. This also is a rarity here. We finally have seen a tax cut that the Republicans do not like. In the dead of night, faced with the decision of either providing tax relief for 12 million working families or giving a tax cut to Donald Trump, the Republicans chose Donald Trump and left the children out in the cold.

And who exactly is left behind by this glaring omission? Nearly one in five children of our active duty military. These families are only making around \$27,000 a year. They did not

have the good fortune to be born with the last name of "Gates" or "Buffett" or "Cheney." But they are trying to make a living, and they are doing so by serving their country. These are children of people who are fighting in Afghanistan and Iraq, but the Republicans, in their greed and zeal for tax cuts for their rich friends, decided these families do not need any tax relief.

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Now, of course, Republicans claim that they provide tax relief only for people who pay income tax, but we all know people pay more than just income tax. There is a payroll tax. There is property tax. There is a sales tax. But the Republicans in their warped thought process consider payroll tax relief and child tax credit a new form of welfare. We heard this argument earlier this morning, and it is outrageous; and quite frankly, it is insulting to these hardworking Americans.

As we all know, this could not be farther from the truth. It is the Republicans who encourage welfare in the Tax Code by giving tax breaks to corporations that flee this country for tax havens in other countries. Their disingenuous argument does not fly with the American people.

Mr. Speaker, the legislative process in this body is broken. There is no excuse for the majority's actions. We are here today to reconsider two bills that should have been passed under suspension of the rules. The bills are not controversial, but the majority's actions are.

As we all know, on Tuesday three bills were defeated under suspension of the rules. House Democrats using one of the few procedural tools at our disposal, voted against these bills, not on their merits but to express our frustration that the House leadership refuses to allow for consideration of a bill that would give our working families the tax relief that they deserve.

So today is also payback day. I think it is shameful and spiteful; and it is, unfortunately, very typical around here. They will not say it on the other side of the aisle, so I am going to say it right here now.

What is the payback? Among other things, showing disrespect for one of the finest individuals ever to grace the halls of Congress. The one bill that was defeated on Tuesday that is not on today's schedule is the bill to name a Federal building in Indianapolis for former Senator Birch Bayh. We should be naming multiple courthouses in this country for Birch Bayh.

Their tactics will not work. We are not going to be intimidated. We are going to keep talking about the issues that matter to working Americans, and issues like tax fairness are high among them. If the Republicans were serious about tax relief and if they were serious about their support for working families, they would schedule a vote to reinstate this provision. That is what

we are fighting for. That is what we are asking for. But they will not, because they are not serious about this. They are merely providing lip service, telling Americans what they want to hear while padding the pockets of their wealthy friends.

Mr. Speaker, at the end of this debate on the rule I will ask my colleagues to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to provide for the consideration of the Rangel-Davis-DeLauro bill to help the people the Republicans would rather leave behind.

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

Mr. MCGOVERN. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the two bills that are being considered here today were great suspension bills that were on the Journal a couple of days ago. However, Democrats, in an effort to voice our concern about leaving behind millions of Americans who are low-income families, voted against those suspension bills.

In fact, Mr. Speaker, to borrow a recent popular phrase, I am shocked and awed by the consummate arrogance, fiscal irresponsibility, and candid lack of compassion of the Republican lawmakers of this body.

I have been on the floor many times in the past several months expressing my outrage at the unfairness and untimeliness of the various GOP tax plans, and once again I find myself at the podium in a state of disbelief about the efforts of the self-proclaimed "compassionate conservative party" to exclude some of the neediest families in our Nation from tax relief in the tax bill that was signed into law last week.

In an administration that has claimed to want to leave no child behind, we are now realizing that, indeed, 12 million of them were left behind, and 521,000 in my State.

In a time where special attention is being given to our brave men and women of our Armed Forces who served so well in Iraq, I think it is inappropriate to see how these last-minute shenanigans have actually left many of them out. The majority of our military members are in the pay grades of E5 and below. These are the sergeants, petty officers, lance corporals, specialists, and airmen, whose round-the-clock efforts made the military victory in Iraq swift and decisive. But an E5 with 6 years in service makes just \$24,000. His family is left behind.

Mr. Speaker, to borrow a recent popular phrase, I am shocked and awed by the consummate arrogance, fiscal irresponsibility, and candid lack of compassion of the Republican

lawmakers of this body. I have been on this floor many times in the past several months expressing my outrage at the unfairness and untimeliness of the various GOP tax plans, and I again find myself at the podium in a state of disbelief about the self-proclaimed "compassionate conservative" party's efforts to exclude some of the neediest families in our Nation from tax relief in the tax bill that was signed into law last week.

In an administration that has claimed to want to "Leave no Child Behind," we are realizing that there will indeed be children left behind—12 million of them in fact; 527,000 in my State of Ohio.

In a time where special attention is being given to our brave men and women of the Armed Forces who served so well in Iraq, I think it is appropriate to note how the last minute shenanigans of Republican lawmakers to strip out a provision of their tax bill that would have ensured that families making between \$10,500 to \$26,000 would get the full child tax credit other taxpayers get, will affect our military personnel.

The majority of our military members are in the pay grades of E-5 and below. These are the sergeants, the petty officers, the lance corporals, specialists, and airmen whose round the clock efforts made the military victory in Iraq swift and decisive. But an E-5 with 6 years in the service makes just \$24,000 in base pay per year. An E-2 just new to the military makes just \$15,840 in base pay. And these are just some of the millions of family members who will suffer, and their children will suffer, their spouses will suffer, because of the back door wrangling by Republicans to give even more money to the wealthiest of American taxpayers.

Mr. RANGEL has introduced a fair and responsible alternative to address this injustice, but I am afraid it will be of little avail. Rather than focus on the important issues facing our Nation, the Republican leadership seems intent to focus on solutions in search of problems—such as this week's constitutional amendment to flag desecration. I haven't been made aware that flag desecration is a problem in this country—but every week when I return to my congressional district, I am made keenly aware that the economic health of our country is a problem. Unfortunately, it seems to be a problem some Members of this body choose to ignore.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, I rise to oppose a rule that does not allow the House to consider providing working families with the child care credit. The current situation imposes the injury of denying these working families \$400 that they need and then adds the insult of telling these families that they are not taxpayers, so they do not deserve any tax relief. Of course, looking at their paycheck stubs, they see the taxes they are paying.

Allowing corporations to avoid American taxes just by renting a hotel in the Bahamas, \$8 billion; allowing millionaires to pay virtually nothing on their dividend income, \$80 billion;

eliminating the estate tax even on the largest estates, \$138 billion; telling working families that they do not deserve relief and that they are not taxpayers, that is priceless.

There are some things campaign contributions just will not buy. For everything else, there is RepubliCard, accepted at the finest country clubs in the Bahamas. Members will want to get the Deficit Express card, now that the Republican Congress has increased the credit limit to \$12 trillion. The Deficit Express card? Do not leave the House without it.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member on the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Speaker, I rise to oppose the motion for the previous question so that we might have the opportunity to amend a rule and to bring to the House legislation that would bring some equity to the recently passed tax bill.

I do not think many Members of the House knew that those that were making the decision would deliberately exclude the benefit of the child tax credit for people making less than \$26,000. I refuse to believe that people can be so callous that they would deliberately try to make adjustments to a tax bill that was geared to, as the leadership would say, those who pay the taxes, and exclude the privilege and the opportunity for people to get credit that are in low income merely because they do not pay "the taxes."

We have 6.5 million working families that do pay taxes, albeit those taxes may be perceived by the majority not to be important. But they do pay taxes, and they have lost the benefits of receiving tax credits for their children.

But Mr. Speaker, even worse than that, yesterday we passed the resolution paying honor to those brave men and women that were placed in harm's way as a result of the so-called "victory" in Iraq. As I said yesterday, parades are important, saluting the flag is important, having a bumper sticker is important; but how we treat these veterans is even far more important.

I know that Republicans do not know, and Democrats are learning, that as a result of so-called tax benefits given to these people that were in combat, that over 200,000 that served in Iraq will be denied the tax credit for their children. Why? Because the language of the tax law is that they have to have taxable income. Out of the benevolence of our hearts we have said that if they served in combat, they do not have to pay taxes.

I hope Members will consider to speedily bring up my bill so that we can remedy this error that has been made. Nobody thought that by removing tax liability we would be actually taking away the benefit of the child tax credits.

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

Mr. Speaker, I include for the RECORD an article that appeared in USA Today on this day that says, "Military Kids Get Slighted on Tax Credit."

The article referred to is as follows:

[From USA Today, June 5, 2003]

STUDY: MILITARY KIDS SLIGHTED ON TAX CREDIT

PARENTS EARN TOO LITTLE TO QUALIFY FOR THE PROVISION

(By William M. Welch)

WASHINGTON.—Nearly one in five children of active-duty U.S. military families won't benefit from the increased tax credit signed last week by President Bush because their parents earn too little to qualify, a study being released today concludes.

The finding by the Children's Defense Fund, a liberal advocacy group, comes as Bush and Republican congressional leaders are under increasing fire for agreeing to omit working poor families from the increased child credit included in the \$350 billion, 10-year tax cut plan and aid for states.

Those military families would have received a check of up to \$400 per child under a provision that the Senate added to the bill. But that "refundable" credit to families who pay little or no federal income tax, but do pay payroll taxes, was deleted in final negotiations between Bush and Republican leader of Congress.

Families who have children and earn more than about \$27,000 a year are due to receive checks next month of up to \$400 per child, as an advance on an increase in the credit from \$600 to \$1,000.

The group said 250,000 of the 1.4 million children in active-duty military families will not qualify for the benefit because of the omission.

An additional 750,000 children denied the benefit have parents who are military veterans, the fund concluded. It based its findings on latest U.S. Census data.

Democrats, liberal groups and some moderate Republicans in Congress are trying to build pressure on Bush and GOP leaders to pass legislation quickly extending the credit, to those families that were left out.

Democrats immediately invoked U.S. troops still in Iraq as a political justification for another bill expanding the credit.

"Thousands of military personnel, people who put their lives on the line for our country, won't receive the child credit unless we correct the child credit unless we correct the bill," Sen. Max Baucus, D-Mont., said.

The \$3.5 billion cost would be paid for by cracking down on business tax avoidance schemes under the Democrats' proposal. They said fast action was needed to assure 12 million low-income families are able to receive a check when the government begins mailing them to more affluent families starting July 1.

Senate Majority Leader Bill Frist, R-Tenn., and Minority Leader Tom Daschle, D-S.D., were negotiating a possible agreement that would permit the Senate to vote, perhaps this week, on competing proposals aimed at providing just such a remedy to the working poor.

Republican leaders of the House of Representatives are resisting the move. They say Bush didn't propose giving the added credit to the working poor as part of his original economic stimulus plan, and that sending tax refunds to people who pay no federal income tax may be bad policy.

"This is something that has been blown out of proportion," said Rep. Rob Portman,

R-Ohio, who is on the tax-writing Ways and Means Committee. "It was not part of the original bill, nor was it part of the bill in the House. . . . We never debated it. . . . It is a new idea, and it is one we ought to think about."

In another effort to build pressure, a coalition of liberal groups today begins airing TV ads in Washington blasting Bush for leaving the working poor out of the child credit benefit increase.

The Center for Community Change is buying a relatively modest amount of airtime, but it is encouraging hundreds of like-minded groups to air the same ad in other cities.

The ad shows two children: one too poor to qualify for the increased credit and another, whose parents make more money, who receives it. "President Bush chose the most fortunate to get the most," an announcer says.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule because working families should be our priority today, families like Cori's. Cori came to a local Head Start in my district at a low point in her life. She was a single parent without any support system and very little money and very little self-esteem. She had just completed a recovery program and was seeking to put her life back together.

Cori went on to volunteer for Head Start, completed an AA degree in early childhood development, and now Cori is a Head Start employee for the past 3 years and wants to get her bachelor's degree. Mr. Speaker, Cori and her two daughters will be denied the child tax credit, while those making more than \$1 million a year receive overall tax cuts totalling \$93,500.

Our priority today should be, must be, the Rangel-Davis-DeLauro bill, which will expand the child tax credit and marriage penalty relief for lower-income working families. Passing it can be the first step to reversing the wrong done to these hard workers.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, we have heard a lot of heated debate about this issue all morning, but I think there is a basic undisputed fact that frankly should rise above the fray: there was no effort to limit this tax break until the end game of the conference report process, when the administration and those who were shaping the tax cut needed to find \$3 billion.

When they needed to do that, they did not search the high end of the bracket; they did not search the offshore loopholes. They went into the pockets of people who need tax relief more than anyone else. That was a choice of priorities. It was a statement that the people who do the hardest work in this country are, frankly, the ones who would be asked to sacrifice first.

I wonder what the people of this country will think, what our constituents will think, when they hear that

under the rules of this House they do not even deserve a vote. I wonder what the people who work every single day will think when they hear that a child tax break for them will be welfare. I wonder what these individuals who bear the brunt of payroll taxes will think when they hear that they do not need a tax credit because they really are not taxpayers. I wonder what the parents in my district, who begin paying taxes in the State of Alabama at \$4,000, will think when they hear that they do not need tax relief.

This plan, as we knew from the beginning, strikes the wrong priorities. It leaves out people who are most in need of help, Mr. Speaker. I think that it is incumbent on us as a matter of conscience that we correct this imbalance.

This is the work that we ought to do for the people, that of correcting imbalances where they exist and that of correcting inequities where they exist, and not looking into the pockets of our weakest people to balance our budget.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

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

Mr. EMANUEL. Mr. Speaker, tomorrow morning the new unemployment numbers come out, and we are probably close to nearly 3 million people that will have lost their jobs in the last 2 years. We have added \$3 trillion to the Nation's debt. That has been the end result of this economic plan.

Now, what we are looking for here is 12 million children of working parents to get a tax cut and be treated like the rest of America's children. These are children of working people. Some, as the Children's Defense Fund report shows, are the children of our Armed Forces. They are also children of the law enforcement community, firefighters, first-year teachers, people who work in security in our office buildings across this country, people who work day in and day out putting their hours in and trying to teach their children right from wrong.

What has gone on here is what is wrong with this House today. We came here not just to be votes but to give voice to our values. I know there are good people with good values on the other side of the aisle. There is nothing just in the notion of denying 12 million children, 6½ million families who work full-time, denying those children who are also America's children a tax cut. We can depreciate the machinery of our corporations, depreciate the value of their machinery; but we cannot appreciate America's children.

I was part of an administration that created and extended the \$500-per-child tax credit and gave health insurance to 10 million uninsured children whose parents worked full time.

□ 1415

We balanced the budget. We also provided tax cuts in capital gains, but we

balanced the budget. It was in balance with our values. These are not the values we espoused on Memorial Day when we welcomed home our veterans and remembered them for what they had done for this country. This vote should also be remembered.

We can do right. We can correct the wrong, hold our heads up high, not wear this in shame for what it does.

These are 12 million of America's children. Let us do right. Let us remember them as we do every day, trying to do right by our values.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank my colleague from Massachusetts for yielding me time.

Mr. Speaker, I just want to point out for my friends on the other side of the aisle that I was prepared, as were my colleagues earlier this week, to vote in favor of this bill and suspension that would protect lands around the Grand Tetons, Wyoming. In fact, my in-laws are homesteaded around the Grand Tetons in Wyoming and I know they were very much in favor of seeing this land preserved for ages to come, including my children and their grandchildren.

We voted to strike it down to make a point, that there are 12 million children who would not be served by the recent tax cut that you imposed upon this country. In fact, in USA Today today, there is an article that says one out of five of those 12 million children who will not be getting a benefit, the families that will get a benefit of the child tax credit, are serving in our military today. Their parents are serving in the military, the same military that brought us the victory and did so much to preserve what this country stands for in the conflict in Iraq.

I have news for my colleagues on the other side of the aisle. Working people, believe it or not, working people have children. Working people have children. Working people make and made this country what it is today. Do not forget the working people of this country.

Do not forget the working people of this country. They deserve and need a child tax credit just as much as the wealthiest people in this country. They are the men and women who, day in and day out, provide for this country, for the backbone of this country.

It is interesting that there was a move on earlier this week as well and a bill that was supposed to come before us today that would have eliminated comp time as well. This week has been an attack upon the working families of our Nation, and the Republican party should be ashamed of themselves.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to discuss the very real concerns of the Zuni tribe and its children.

This bill would provide critical access to the Little Colorado River Basin

to allow the Zuni Indian Tribe acquisition of surface water rights and development of groundwater. The acquisition of water rights and associated lands are vital to the Zuni Indian Tribe's future economic development; and, along those same lines, the child tax credit is critical in helping low-income families, including Zunis, achieve some level of economic security.

This bill secures tribal rights to assured water supplies for present and future generations, while at the same time providing for the sound management of an increasingly scarce resource. Because of the importance and sacredness all forms and sources of water, all prayers and songs of the three major components of the Zuni religion contain language asking for rain and snow to ensure that all crops have enough water to finish their life paths to provide sustenance for their Zuni children. Likewise, enduring access to the child tax credit will help Zuni families provide economic sustenance to their children.

By now, the whole Nation knows what happened 2 weeks ago. They know that a tax credit which would have helped nearly 12 million children from 6.5 million low-income families, including Zuni families, was secretly eliminated by the administration and the gentleman from Texas' (Mr. DELAY) Republican majority.

These families, these Zuni families earn between \$10,500 and \$26,625 per year, families who really need this tax cut and, yes, they do pay taxes and they are important.

The gentleman from Texas (Mr. DELAY) said we have more important matters. These Zuni children are important. In Arizona, 138,000 families with children, 21 percent of the families in the State, are not helped by the child tax credit increase because of the Republicans' last-minute actions. 403,000 Arizona children would be eligible if the child tax credit were made fully refundable, with an additional \$259,000 million in credit going to families in the State.

This House ought to be about the working families in this country, those who are Zunis and those who are not. We promised them a child tax credit, and this majority removed it to provide the opportunity for \$93,000 in tax cuts to the richest 184,000 millionaires in the country.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I have a question for my Republican colleagues in this House. Why would you, in a fit of anger because you were not able to get the size of the tax cut you wanted, hold poor little children hostage in order to extract a larger tax cut for those who were already wealthy?

It is a fair question.

In the middle of the night, over one-half million Ohio children were excluded from this benefit. Those are

children who have moms and dads who are working but their incomes are so low that they may not be required to pay income taxes. But let me tell you, they pay property taxes. They pay Social Security/payroll taxes. They pay all kinds of other taxes. Oh, it is very clever of you to say they do not pay income tax.

I am absolutely disgusted with what has happened in this House. CNN reported that the conservative leader of your party, the gentleman from Texas (Mr. DELAY), brushed aside criticism that the tax bill did not expand the child tax credit and make it available to millions of poor families. But, he said, House Republicans might support doing so if it prodded senators to vote for a broader tax package. In other words, you may be willing to help the poor kids if it means you can get more money for your rich friends. It is as simple as that, as simple as that.

These are just not the rantings of a Democrat. Let me tell you what Senator JOHN MCCAIN said about it. Senator MCCAIN said, My God, what kind of message are we sending when we leave out low-income families, exactly those who are in that category of the enlisted men and women who are fighting for us in Iraq today? It is beyond belief.

And it is beyond belief, but you have got time to redeem yourself. You have got time to change this policy and take care of the kids, 500,000 in Ohio, who need your help.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members should refrain from quoting members of the other body.

The gentleman from Massachusetts (Mr. MCGOVERN) has 9 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, how much time remains on the other side?

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) has 27 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, how many speakers does the gentleman from Washington (Mr. HASTINGS) have to discuss this issue?

Mr. HASTINGS of Washington. The issue, of course, we are discussing is the rule for the two suspension bills that we, unfortunately, had majority vote earlier this week but, unfortunately, did not have the two-thirds. But we may have, counting myself, two speakers between now and the time we close.

Mr. MCGOVERN. Mr. Speaker, does the gentleman want to use some of his time now?

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

Mr. MCGOVERN. Mr. Speaker, we have used up several speakers. I think for balance, if one of the gentleman's speakers is here, they could go.

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

The SPEAKER pro tempore. Who yields time?

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

(Mr. KINGSTON asked and was given permission to revise and extend his remarks, and include extraneous material.)

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

I wanted to say to my colleagues in the House, I certainly intend to stay on the subject matter of this rule equally as much as all the Democrats who have been speaking at least.

I want to talk to my colleagues on the other side of the aisle about this child tax refundable credit which they are so indignant about. Because I want to remind them, you all had nothing to do with putting it on the books, nothing. We were glad that you like it because it was a Republican idea, but every single one of you, every single one of your speakers has voted against it.

Mr. Speaker, I want to help you a little bit out here and just kind of remind you so far we have heard from the gentleman from New York (Mr. CROWLEY), the gentlewoman from Connecticut (Ms. DELAURO), the gentlewoman from Ohio (Mrs. JONES), the gentleman from California (Mr. SHERMAN), the gentleman from New York (Mr. RANGEL), the gentleman from Ohio (Mr. STRICKLAND), the gentlewoman from California (Ms. WOOLSEY), and the gentleman from Massachusetts (Mr. MCGOVERN), all good folks. However, they have all voted against this refundable tax credit, May 16, 2001, when the Republicans put it on the books. I do not know what you were thinking.

This thing that you were pretending to champion, you voted against. It was a Republican idea. Where were you when the battle was being fought? I am going to review a little bit of history, and let me say to this, you all are looking around stunned which I understand.

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

Mr. KINGSTON. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, if it was such a good idea, number one, why did you remove it? Number two, I do not recall us ever having voted on this in the House. It was inserted in the Senate. Let us be accurate.

Mr. KINGSTON. Reclaiming my time, let me jog the gentleman's memory. Here is what the situation was, and the gentleman is a distinguished member of the Committee on Rules and has lots of bills that pass through his desk, so I will not hold you responsible for knowing everything.

Prior to 2001, the child tax credit was \$500 per child. It was passed under a Republican bill and, as the gentleman from Illinois (Mr. EMANUEL) pointed out, it was signed by President Clinton. So you can claim a little bipartisanship there, even though that was passed by Republican votes when it was

in the House, but prior to 2001 the child tax credit was \$500. The credit was not refundable for most families. However, for a family with three kids or more, the credit was refundable; and it was not offset by the earned income tax credit. That was prior to 2001.

Now enter President Bush and the 2001 tax cut. Under that, the proposal was to increase the child tax credit from \$500 to \$1,000. The credit was \$600 for the year 2003, and it was scheduled to reach \$1,000 per child in 2010. That law made the child tax credit partially refundable for all families with children, not just those who had three kids or more.

Now, we had the vote on that May 16, 2001, and I have got the Roll Call from that, and at that time every one of you all voted against it. As a matter of fact, 197 Democrats voted against this.

So, Mr. Speaker, when the Democrats come out here looking for some rhetoric, and the big rhetoric of the Democratic party this year really that has been led by the gentlewoman from California (Ms. PELOSI) is, we could have torn that statue down a lot cheaper.

I know a lot of folks are against the war. And then it was, well, the plan is not working when we were going up the Euphrates. And then as soon as they tore down the statue, I know a lot of folks on the left, and I want to say not all the members of the Democrat party but a lot of folks on the left were disturbed that a 23-year-old Marine corporal who was in theater had the audacity of hanging an American flag on a Saddam Hussein statue. Of course, he was denounced in the liberal, left-wing community for doing that.

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

Mr. KINGSTON. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, that is a little unfair. I do not think anyone objected to flags being flown and so forth. You make a good point on some of the other things, but that is a little unfair on the flag.

Mr. KINGSTON. Let me say to my friend from Tennessee, that is why I said not all the Democrats but a lot of folks on the left denounced the fact that that flag was hung.

Mr. FORD. That is unfair.

Mr. KINGSTON. I would also point out that you were not one of them.

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

Mr. KINGSTON. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. That is outrageous.

Mr. KINGSTON. Reclaiming my time, I will yield further to you in just one second.

I am very pleased that you all are listening. Let me do this, because I am being generous here, but my ranking member of the Committee on Rules says that maybe we should do this a little bit more on your time.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Let me say for the record what I am outraged at what is in the paper today, that nearly one in five children of U.S. military families will not benefit from the increased tax credit signed by President Bush.

Mr. KINGSTON. I am glad that not only does the gentleman listen to fine speeches like mine, but he also reads the paper, which is very good.

□ 1430

I suspect it is probably The New York Times or The Washington Post.

Let me just say this, does that article point out that my colleagues voted against phasing in the tax cut, the refundability, in 2001? That is all I want to say.

What I would love to hear from our Democrat colleagues, Mr. Speaker, who are saying I voted against this tax cut and a tax cut which was a jobs bill, took 3 million working families off the tax roll, 3 million, and I understand they wanted them on. We thought it would be helpful for the working families of America to get off the tax roll. The reality is they voted against it. They wanted to keep them on. I understand that. I just wish they would acknowledge in the year 2001 that they voted against the child tax refundability clause, and I have the vote in my hand; and I can submit it for the RECORD, Mr. Speaker, and do that.

If my colleagues want to be helpful, what they ought to do on some of these tax bills that are aimed at creating jobs is say, hey, we want to amend the bill and we will do this. We will do this in a spirit of a democratic, small D, democratic House and process. We are going to vote for the bill if we put in some of their ideas, because this is the way it really should work, the best of their party and the best of our party combined together to put out just the best thoughts and do what is right for working families.

Let me point out that a family of four making \$11,000 a year pays no income tax, pays about \$842 in payroll taxes and receives \$4,140 under the earned income tax credit. We think that is good. We think it also would be helpful, though, if my colleagues could join us in making these child tax credits permanent because their idea that they are concerned about now might have some merits. Why do they not join us in saying we are going to make these child tax credits permanent? We are not going to do a bait and switch, when in the year 2011 they are gone.

While we are at it, because we all know that a family of mom and dad have great potential for stability, why do we not end the marriage tax penalty together? Again, I throw out an olive branch to my colleagues, could they join us in making the marriage tax penalty permanent? That would be very helpful for the working poor. There are so many things that we could do together.

Another idea is the 10 percent tax bracket, the 10 percent rate. Could my

colleagues join us in making that permanent? These are all things that could help the working poor.

We are not going to say we have the franchise on helping the working poor just because we voted to take 3 million off the payrolls and my colleagues voted against it. We are saying maybe they can join us on the next job creation package and come up with something that is in the best interest of all of us.

I would love to yield to the gentleman from Tennessee, but we are getting to the point we have got a lot of Members who want to go ahead and have a vote, and I am a little concerned about that.

Mr. FORD. Mr. Speaker, will the gentleman yield for a quick question?

Mr. KINGSTON. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, what is the problem then if my colleagues believe in removing all these taxes, which I think there is a lot of merit to, I am a big tax cutter like the gentleman is? I support those ideas. How is that consistent with the taking 3 million, or I should say up to 12 million, children or removing them from the target of a tax cut which my colleagues did, they voted for it?

Mr. KINGSTON. Mr. Speaker, reclaiming my time, let me say this. Our objective is to get people working, and that was the real goal of this to get folks working.

Let me say this to my friend from Tennessee: if the gentleman wants to join us in making the child tax credit permanent; the marriage tax penalty, eliminate it permanently; the 10 percent tax credit, make that permanent, he and I need to get together because I think we can move the ball down the road, and that is all we want to do.

I am just saying that the planned, orchestrated campaign of the Democrat Party to denounce something that they all voted against in the year 2002, I just wish the speakers would say I voted against this in 2001, but it is a great idea and now I am mad that the Republicans are not doing it this way; I want it done even though I did not share any of the burden by being responsible and voting for it.

I want to end with this. There are a lot of differences between the Democrat and the Republican parties. They seem to be the group of frivolous lawsuits and starving trial lawyers. We are the party of tort reform, ending frivolous medical liabilities, making health care affordable and accessible. They seem to like unemployment checks and government handouts. We like paychecks, jobs and opportunities.

They like welfare and low expectations. We like welfare reform, jobs.

Mr. FORD. . . .

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Tennessee is definitely out of order, has not been recognized, and the Chair would appreciate it if the gentleman would not speak when the other gentleman has the time.

Mr. FORD. . . .

The SPEAKER pro tempore. The gentleman from Tennessee is not recognized. The Chair would ask the gentleman to take his seat. The Chair would ask the gentleman to take a seat. The gentleman from Georgia may continue.

Mr. FORD. . . .

Mr. KINGSTON. Mr. Speaker, here is the situation with welfare reform, Mr. Speaker. We passed welfare reform at a time when there were 14 million people on welfare. At that time, we were called all kinds of names, and they were saying it was heartless and we were mean-spirited and everything else and that these folks were unable to help themselves. What is interesting is in 1996 when we passed welfare reform, we had 14 million people on welfare. Today, that number is down to 5 million people, too high; but we need to continue working on that. The 9 million people are now tax paying, working, enjoying the opportunity, sharing in the American Dream. They are glad that we passed welfare reform.

There is a component in this that the Democrats are proposing which is simply welfare, and I think there may be some merit in that. I have no trouble at all in a healthy discussion on tinkering with welfare reform. This is good for everybody, but what our tax package was about was creating jobs, and we are going to continue to be the party of welfare reform, jobs and opportunity.

COMMITTEE ON WAYS AND MEANS

CHILD CREDIT REFUNDABILITY FACT SHEET

What was the child credit prior to 2001? Prior to 2001, the child credit was \$500 per eligible child. The credit was not refundable for most families. However, for families with 3 or more eligible children, the credit was refundable to the extent the family had payroll tax liability that was not offset by the Earned Income Credit (EIC).

How was the child credit expanded in 2001? The Economic Growth and Tax Relief Reconciliation Act of 2001 significantly expanded the child credit in two important ways.

(1) The law gradually increased the credit from \$500 to \$1,000. The credit was \$600 for 2003 and was scheduled to reach \$1,000 in 2010.

(2) The law made the child credit partially refundable for all families with children—not just those with 3 or more children. The credit is now refundable by an amount equal to 10 percent of the family's earned income in excess of \$10,000. The \$10,000 threshold is indexed annually for inflation (it is \$10,500 for 2003), and the 10 percent refundability rate will increase to 15 percent in 2005.

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Ackerman	Harman	Neal
Allen	Hastings (FL)	Oberstar
Andrews	Hill	Obey
Baca	Hilliard	Olver
Baird	Hinchey	Ortiz
Baldacci	Hinojosa	Owens
Baldwin	Hoeffel	Pallone
Barcia	Holden	Pascrell
Barrett	Holt	Pastor
Becerra	Honda	Payne
Bentsen	Hooley	Pelosi
Berkley	Hoyer	Peterson (MN)
Berman	Inslee	Phelps
Berry	Israel	Pomeroy
Blagojevich	Jackson (IL)	Price (NC)

Blumenauer	Jackson-Lee (TX)	Rahall
Bonior	Jefferson	Rangel
Borski	Johnson, E. B.	Reyes
Boswell	Jones (OH)	Rivers
Boucher	Kanjorski	Rodriguez
Boyd	Kaptur	Roemer
Brady (PA)	Kennedy (RI)	Ross
Brown (FL)	Kildee	Rothman
Brown (OH)	Kilpatrick	Roybal-Allard
Capps	Kind (WI)	Rush
Capuano	Kleccka	Sabo
Cardin	Kucinich	Sanchez
Carson (IN)	LaFalce	Sanders
Carson (OK)	Lampson	Sandlin
Clay	Langevin	Sawyer
Clayton	Lantos	Schiff
Clyburn	Larsen (WA)	Scott
Conyers	Larson (CT)	Serrano
Costello	Lee	Sherman
Coyne	Levin	Skelton
Crowley	Lewis (GA)	Slaughter
Cummings	Lipinski	Smith (WA)
Davis (CA)	Lofgren	Snyder
Davis (FL)	Lowey	Solis
Davis (IL)	Luther	Spratt
DeFazio	Maloney (NY)	Stark
DeGette	Markey	Stenholm
Delahunt	Mascara	Strickland
DeLauro	Matheson	Stupak
Deutsch	Matsui	Tanner
Dicks	McCarthy (MO)	Tauscher
Dingell	McCarthy (NY)	Taylor (MS)
Doggett	McCollum	Thompson (CA)
Dooley	McDermott	Thompson (MS)
Doyle	McGovern	Thurman
Edwards	McKinney	Tierney
Engel	McNulty	Towns
Eshoo	Meehan	Turner
Etheridge	Meek (FL)	Udall (CO)
Evans	Meeks (NY)	Udall (NM)
Farr	Menendez	Velazquez
Fattah	Millender-McDonald	Visclosky
Filner	Miller, George	Waters
Ford	Mink	Watt (NC)
Frank	Moakley	Waxman
Frost	Mollohan	Weiner
Gephardt	Moore	Wexler
Gonzalez	Moran (VA)	Woosley
Green (TX)	Murtha	Wu
Gutierrez	Nadler	Wynn
Hall (OH)	Napolitano	

Mr. MCGOVERN. Mr. Speaker, I would say to the gentleman from Georgia his tax package is about welfare for the rich. I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, what incredible nonsense we have heard here on the floor of the House this afternoon, this attempt to raise the flag and besmirch Members of this House over their stance on the American flag practically on the eve of Flag Day.

Let me tell the gentleman (Mr. KINGSTON), there are two kinds of people today that have the American flag wrapped around them. Some of them are young men and women who come back in coffins with the flag draped around it, who gave their all in the ultimate sacrifice for this country; and all of us honor them, whatever our views about the President's policy. But the other kind of people we do not honor, and it is those who choose to wrap their own bad policies that they cannot defend by stretching the flag around themselves.

What are the merits of the argument about the child tax credit? Who came up with it in the first place? I think the names are Al Gore and Tom Downey, who both served in this body who long ago presented a child tax credit proposal. How did it become law? It eventually became law with the signature of a Democratic President in 1997 when we passed the Balanced Budget

Act with the support of a large number of Members on both sides of this aisle, balancing the budget, not busting it as this Republican tax bill would do.

The child tax credit has had strong Democratic support within our caucus and within the Committee on Ways and Means on which I serve, and the only reason any Democrat has voted against that child tax credit on this floor was when it was used, much as the flag has been misused this afternoon, as the reason for voting for a bill that gave most all of the help to the people at the top and none of the people at the bottom.

I am glad that my colleague from Texas (Mr. DELAY) has joined us this afternoon. He has announced to the American people that there are more important things to do than to ensure that the child tax credit is available to people that earn a mere \$20,000, \$25,000 a year. Who are those people? They are the people that empty the bed pans at the nursing homes. They are the cafeteria workers in our public schools. They are the people that we check out with at the gas station when we go in to pay for our gas. They are people that are sweeping the floors today at the hospitals around America.

Why do those young women and men not have an opportunity to get the same type of child tax credit available to those at the top? They are working. Some of them are working two and three jobs to have a chance to advance out of poverty and share in the American Dream. They respect the flag just as much as the gentleman from Georgia does, but they would also like to share in a little of the American Dream.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Speaker, my, my, what a heated debate we are having today. I came to the well to talk about what this debate is all about. A lot has been left out by those Members on the other side of the aisle because they are afraid for the truth to surface, so I wanted to bring the real facts about what is going on here.

The child tax credit provision in this new tax law is refundable, and it is refundable to the extent 10 percent of earned income in excess of \$10,500, people that make \$10,500 get a refundable tax rebate. In 2005, the 10 percent rate goes up to 15 percent.

What this fight is over is there was a provision in the Senate that basically said they wanted to accelerate that 2 years, and we may want to do that in the proper way under regular order; but what the Democrats are angry about is that we did not accelerate that spending increase; and thanks to the tax relief passed by Republican Congresses over the last 8 years, 13 million American families have had their entire income tax liability eliminated, eliminated.

The gentleman from Texas brings up who are these people. I would like to show my colleagues one. Here is a married couple earning \$30,000 with three children. Before the 2001 law, that they voted against, this married couple would be paying a marginal rate of 15 percent, which means their income tax liability is over \$1,000 and their payroll tax liability is \$2,160. Before the 2001 law, they would get a \$1,500 credit, and they would get an earned income tax credit of \$782, which means that their income tax liability was zero. They still had a payroll tax liability; but because of EITC, the payment from the government was zero.

So after 2001, this same family would have an income tax liability of \$688, \$2,160 from their payroll tax liability; but they get \$1,800 in a child tax credit, and they get a \$992 earned income tax credit, which means that their income tax liability is still zero, but their payroll tax liability goes down to \$48.

After this law that the President passed that they voted against, that the President signed a week ago, this same family is going to have an income tax liability of \$525, payroll tax liability of \$2,160, but they get a child tax credit of \$2,475, and they get an earned income tax credit of \$992, which actually helps them pay not only for their payroll taxes; it reimburses them for their payroll taxes. They pay no income taxes. They actually get a check for \$782.

□ 1445

A check from the American taxpayers. No tax liability, but they get to put \$782 in their pocket.

Now, let us take a single mother that makes \$20,000 and has two children. They are going through the same thing. What has happened to her is she gets a check of over \$1,000. Over \$1,000. She pays no payroll taxes, she pays no income taxes, and she gets a check for \$1,000. They voted against that. They voted against that.

Now they want to come and tell the American people they are all tax relievers. Now all of a sudden they are tax relievers, and they want to give more tax relief to the taxpaying public and to people that do not have a tax liability.

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

Mr. DELAY. They fail to—

Ms. DELAURO. Mr. Speaker, will the gentleman yield for a question?

Mr. DELAY. Mr. Speaker, may I have order?

Ms. DELAURO. I just want to ask the gentleman if he will yield for a quick question.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas has the time.

Ms. DELAURO. I understand.

The SPEAKER pro tempore. The gentleman is not yielding to the gentleman. The gentleman may proceed.

Ms. DELAURO. . . .

The SPEAKER pro tempore. The gentleman is not yielding. The gentleman may proceed.

Mr. DELAY. Mr. Speaker, what has happened here is they also do not want to mention that in the bill signed by the President last week we raised by 10 percent and added more people to the rolls that do not pay income taxes. So this notion that we are not taking care of the poor working families of this country are completely false; and, most importantly, they voted against it. We passed it without their votes, moved forward, gave tax relief to poor working families in this country; and we will continue to do so.

When the Senate does something, we always take it into consideration and we will move forward. I would just remind the Members of this House that we have now almost a trillion dollars left in the budget to do more tax relief for the American people, and we are coming back. We are going to have at least two if not three more tax relief packages for the American people. Because we feel very strongly that we need jobs in this country, we need economic growth in this country, and American families need to keep more of their hard-earned money.

Mr. RANGEL. Mr. Speaker, will the gentleman yield? Will the gentleman yield on the tax question?

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I would hope that the distinguished majority leader would extend the courtesy to his Members and not leave the floor. It is so important when Members have something to say to correct their position that they stay on the floor, not for Democrats but for Republicans as well.

This is a very edifying thing that he said in the well of the House. He is trying to rebut the allegations that we have made that in the last tax bill that the working people in the lower incomes were deliberately left out of the bill. Now, my colleague can go back to last year, the year before last, 10 years from now, but the accusation was made and still stands. The accusation is that the Republican leadership cared more about accelerating tax relief for the wealthiest people than they did for working people.

So let us not come here and mislead and make these statements and walk off the floor. There is a tendency for all of us to be out of order when we see the arrogance, the indifference, and the lack of respect that certain Members, especially those in the leadership, have for those that have to work here each and every day.

Mr. MCGOVERN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) has 5½ minutes remaining and the gentleman from Washington (Mr. HASTINGS) has 13 minutes remaining.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

As I pointed out earlier, this is a rule on two suspensions that were unfortunately defeated earlier this week that deal with serious matters in the southwestern part of the United States, at least one of them does.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI) to speak on one of these matters.

Mr. RENZI. Mr. Speaker, I just want to point out to my colleagues that what we are here to debate is the rule as it affects the Zuni tribe of New Mexico and Arizona as it affects the sacred lands and those lands right now that have no water.

We were able to provide them with enough land in 1984 to establish Zuni Heaven in Arizona, a reservation, and yet without Senator KYL's intervention we would not have been able to achieve the kind of water that we see the communities in rural Arizona supplying now.

This summer, while we debate separate issues, the Zuni people are hoping to engage in their 4-year migration and trek to their holy lands, to their holy site. So the delay that we imposed 2 days ago, the delay we impose today affects their ability to plan and celebrate this agreement. And there is all kinds of agreement, I think even from both sides, if my colleagues will allow us to get to it. We need to be able to restore the tribe's ability to perform not only the religious duties but the farming and subsistence that they need in order to care for their children.

So when we talk about children today, the Zuni people themselves are waiting to plant their crops and feed their children. They are waiting to take their children to their sacred lands, their wetlands, to teach their children their sacred rights. There will be no more delay if we can get this to a vote. Each day, each hour, each minute we allow to pass, the Zuni people feel there are inequities and that the agreement cannot be reached.

For the record, I want the Zuni people to know that what they see here today does not reflect upon them as a people. There are hours and times, Special Orders available in this House for this issue to be debated. Instead, my colleagues have taken their issue and turned this into a side show.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me this time. And since I could not get the gentleman from Texas to answer a simple question for me, maybe I can pose a question to his colleagues and see if we can get an answer.

It appears in fact that the Senate has come to some agreement; that the Senate has said on a bipartisan basis that we need to address the fact that 12 million children were left out of the equation; that they were supposed to be

able to have the benefit of a \$400 tax credit, these 6.5 million families. The Senate has come to an agreement with about a \$10 billion package.

I want to get an answer from the Republican side of the aisle as to whether or not they will bring up the Senate package for us to be able to deliberate and help those 12 million children and those 6.5 million households. The Senate has done it; we ought to be able to do it here and to address that issue.

If we can, we would like to get an answer to that question.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume to see if anyone on the other side wants to respond. We are waiting.

Mr. Speaker, I guess we are not going to get an answer to that question.

Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I want you to know I mean no disrespect to you personally or to the institution, but the notion that somehow welfare has any role in this debate is asinine. My colleagues know and we know, as do those watching know, certainly our colleagues in the Senate know, that everyone we are discussing today with regard to this child tax credit are working people.

The welfare reform package that passed this Congress passed before I got here, so it is easy for me to say I would have voted for it, since I was not here. But I can assure my colleagues that my votes since that time are consistent with that.

Now, I appreciate the gentleman from Texas (Mr. DELAY) coming down here, but what he did, I think, was to lay out pretty clearly for those on our side and the other side just the difference in priorities. Our priorities differ in great ways from the Republicans. Many of us like tax cuts; my Republican colleagues like tax cuts. We think tax cuts should benefit more people, the Republicans think they should benefit a lesser group of people. No disrespect to you. Do not mean to ridicule my colleagues personally, but there are complete differences in priorities and realities.

The reality is what we are discussing today. People earning \$25,000 a year or less make up a good portion of America. Frankly, those of us on this floor, that is a fraction of what we earn year in and year out. And how dare we, as we pass a tax cut bill, how dare we say that we have done enough for people that make \$11,000, \$12,000, \$13,000, \$14,000 and \$15,000 a year. How dare we say that to their children, when the facts betray everything that you believe and I believe.

Frankly, if these children whom we are denying this tax credit to could vote, they would vote all of us out of office. As many times as we have lied to them about building new schools and putting more teachers in the classrooms, they would fire the President, might have even fired the former President.

So let us be honest. We deny 12 million children a tax credit. No funny math, no Enron accounting, no Arthur Andersen accounting can refute that. We should do better and we can.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. A question was posed and unanswered. We can wait for an answer, if my colleagues have one.

Is there no answer to the question?

Apparently, there is no answer, I tell the gentlewoman from Connecticut, to the question she posed. Let me tell her and my colleagues why.

Mr. Speaker, yesterday syndicated columnist Arianna Huffington, no Democrat and no liberal, and very wealthy, said this in the Los Angeles Times, and I quote: "A magnetic compass always points north; a moral compass should always point out that heaping billions on the rich while ensuring that one out of six American children do not get a penny is dead wrong."

Dead wrong. Arianna Huffington. Not the gentleman from Maryland (Mr. HOYER), not the Democrats, not those fuzzy-headed liberals my Republican colleagues like to talk about, but Arianna Huffington. She continued: "But that's exactly what congressional Republicans did in pushing through tax cut legislation last month, and that's what President Bush signed off on." Arianna Huffington.

Mr. Speaker, America now knows that the GOP's moral compass lies shattered on the conference room floor where the final deals on the Republican tax bill were cut 2 weeks ago.

Why did the majority leader leave the floor? The majority leader left the floor because he used an example just above the \$28,000, where he would have been wrong. My colleagues, the moral compass is absent.

There was a report that showed that the policies in 2001 and 2003 are leading to a \$44.4 trillion deficit. Who did that? Two people in the Bush administration asked to do that report and OMB. And guess what? They stonewalled the report. Why? Because they did not want the magnitude of the debt tax that we are imposing on every American family known while at the same time, when they had no lobbyist in that hall, those 12 million children, who did not have somebody highly paid to sit in that hallway and say do not cut us, found themselves cut out of the bill that in the still and dark of the night, with no Democrats present, was brought out to this floor, pages and pages of bill, with minutes to review it.

Arianna Huffington is correct. Shame, shame, shame.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining 30 seconds. I urge my colleagues to vote "no" on the previous question so that we can help millions of children and working families. We have heard the other side defend the indefensible.

□ 1500

Mr. Speaker, if they do not want to help millions of working families, they should at least have the guts to go on record as voting no instead of hiding behind procedures. So let this House work its will. Let us have a little democracy in this Chamber. Vote on the previous question so we can bring up the Rangel bill and literally help millions of children in this country.

WORKING FAMILIES TAX CREDIT ACT OF 2003—SUMMARY OF H.R. 2286, JUNE 4, 2003

Republicans have left moderate-income families behind in their zeal to cut taxes on millionaires, contrary to their "leave no child behind" rhetoric.

H.R. 2286 helps moderate-income working families and is revenue neutral.

PROVISIONS

Provides Child Credit to More Working Families: Lowers to \$7,500 (from \$10,500) the amount of the wages a family must have before refundability of the child credit begins. This is identical to a provision that was included in the house Democratic alternative on the economic stimulus legislation. The credit would be allowed for approximately 19 million additional children by reason of this change.

Increases Benefit for Working Families: Increases partial refundability from 10 percent of wages to 15 percent of wages. Again, this is identical to a provision that was included in the Democratic alternative. This would result in an average credit increase of over \$300 per child.

Helps Families of Soldiers in Combat: Allows refundability for families of soldiers in combat zones even though combat wages are not taxed.

Speeds up Marriage Penalty Relief for Lower Income Working Couples: Makes effective immediately the marriage penalty relief in the Earned Income Tax Credit that was provided in the 2001 tax cut. This is the only marriage penalty relief not accelerated in the recently enacted tax bill.

Does Not Increase the Deficit: Closes corporate loopholes: prohibits tax shelters, and taxes corporations that move headquarters offshore (expatriates).

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

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

There was no objection.

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

Mr. Speaker, as I mentioned earlier, this is a rule on two suspension bills that were, unfortunately, not passed earlier this week. They are very important bills to those areas that are affected.

Mr. Speaker, I include for the RECORD in the chart that the distinguished majority leader discussed earlier today.

EXAMPLES: REFUNDABILITY OF CHILD CREDIT FOR 2003

	Pre-2001 law	2001 law	2003 law
Example 1: Married couple earning \$30,000 with 3 children			
Tax liability before credits:			
Earnings	30,000	30,000	30,000

EXAMPLES: REFUNDABILITY OF CHILD CREDIT FOR 2003—Continued

	Pre-2001 law	2001 law	2003 law
Standard deduction	(7,950)	(7,950)	(9,500)
Personal exemptions	(15,250)	(15,250)	(15,250)
Taxable income	6,800	6,800	5,250
Marginal tax rate	15%	10%	10%
Income tax liability	1,020	680	525
Payroll tax liability	2,160	2,160	2,160
Child credit	1,500	1,800	2,475
Earned income credit	782	992	992
Tax liability after EIC and child credit:			
Income tax liability	0	0	0
Payroll tax liability	898	48	0
Payroll from government	0	0	782
Example 2: Single mother earning \$20,000 with 2 children			
Tax liability before credits:			
Earnings	20,000	20,000	20,000
Standard deduction	(7,000)	(7,000)	(7,000)
Personal exemptions	(9,150)	(9,150)	(9,150)
Taxable income	3,850	3,850	3,850
Marginal tax rate	15%	10%	10%
Income tax liability	578	385	385
Payroll tax liability	1,440	1,440	1,440
Child credit	578	1,200	1,335
Earned income credit	2,888	2,888	2,888
Tax liability after EIC and child credit:			
Income tax liability	0	0	0
Payroll tax liability	0	0	0
Payment from government	1,748	2,263	2,398

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

PREVIOUS QUESTION FOR H. RES.—RULE ON S. 222 & S. 273

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

"SEC. 3. 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. 2286) the Working Families tax Credit Act of 2003. 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) 40 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit."

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

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

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

Mr. MCGOVERN. 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 adoption of the resolution, which will be followed by a 5-minute vote on the question of passage of H.R. 1474 which was postponed earlier today.

The vote was taken by electronic device, and there were—yeas 220, nays 194, not voting 20, as follows:

[Roll No. 244]

YEAS—220

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggart
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
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
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach

Gibbons
Gilchrist
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Rehberg
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
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
Leach
Lewis (CA)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle

Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Roxby
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souders
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberti
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd

Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)

Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)

Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hill
Hinchev
Hinojosa
Hoeffel
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)
Lee
Levin
Lewis (GA)
Lipinski
Lowe
Lucas (KY)
Lynch
Majette

Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
Snyder
McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard

Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
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
Velazquez
Visclosky
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Ballenger
Brady (TX)
Burton (IN)
Carson (OK)
Delahunt
Dicks
Eshoo

Gephardt
Hastings (FL)
Larson (CT)
Lewis (KY)
Lofgren
McInnis
Ortiz

Reyes
Ryan (WI)
Smith (MI)
Smith (WA)
Toomey
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that there are 2 minutes remaining to vote.

□ 1521

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MEEKS of New York changed their vote from "yea" to "nay."

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

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

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

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 175, not voting 30, as follows:

[Roll No. 245]

AYES—229

Aderholt
Akin
Bachus
Baker

Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

Beauprez
Bereuter
Biggart
Bilirakis

Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
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.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach

Graves
Green (WI)
Greenwood
Gutierrez
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Holden
Honda
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
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)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souders
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberti
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—175

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano

Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Emanuel
Etheridge

Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hill
Hinchev
Hinojosa
Hoeffel
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)

Jefferson	Millender	Schiff	Boehner	Gibbons	Manzullo	Sanders	Stark	Van Hollen
John	McDonald	Scott (GA)	Bonilla	Gilchrest	Markey	Sandlin	Stearns	Velazquez
Johnson, E. B.	Miller (NC)	Scott (VA)	Bonner	Gillmor	Marshall	Saxton	Stenholm	Visclosky
Jones (OH)	Miller, George	Serrano	Bono	Gingrey	Matheson	Schakowsky	Strickland	Vitter
Kanjorski	Mollohan	Sherman	Boozman	Gonzalez	Matsui	Schiff	Stupak	Walden (OR)
Kaptur	Moore	Skelton	Boswell	Goode	McCarthy (MO)	Schrock	Sullivan	Walsh
Kennedy (RI)	Nadler	Slaughter	Boucher	Goodlatte	McCarthy (NY)	Scott (GA)	Sweeney	Wamp
Kildee	Napolitano	Snyder	Boyd	Gordon	McCollum	Scott (VA)	Tancredo	Waters
Kilpatrick	Neal (MA)	Solis	Bradley (NH)	Goss	McCotter	Sensenbrenner	Tanner	Watson
Kind	Oberstar	Spratt	Brady (PA)	Granger	McCrery	Serrano	Tauscher	Waxman
Klecicka	Obey	Stark	Brown (SC)	Graves	McGovern	Sessions	Tauzin	Weiner
Kucinich	Olver	Stenholm	Brown, Corrine	Green (TX)	McHugh	Shadegg	Taylor (MS)	Taylor (FL)
Lampson	Owens	Strickland	Brown-Waite,	Green (WI)	McIntyre	Shaw	Taylor (NC)	Weldon (PA)
Langevin	Pallone	Stupak	Ginny	Greenwood	McKeon	Shays	Terry	Weller
Lantos	Pascarell	Tanner	Burgess	Grijalva	McNulty	Sherman	Thomas	Wexler
Larsen (WA)	Pastor	Tauscher	Burns	Gutierrez	Meehan	Sherwood	Thompson (CA)	Whitfield
Lee	Payne	Thompson (CA)	Burns	Gutknecht	Meek (FL)	Shimkus	Thompson (MS)	Wicker
Levin	Pelosi	Thompson (MS)	Buyer	Hall	Meeks (NY)	Shuster	Thornberry	Wilson (NM)
Lowe	Pomeroy	Tierney	Calvert	Harman	Menendez	Simmons	Tiberi	Wilson (SC)
Lucas (KY)	Price (NC)	Towns	Cannon	Harris	Mica	Simpson	Tierney	Wolf
Lynch	Rahall	Turner (TX)	Cantor	Hart	Michaud	Skelton	Towns	Woolsey
Majette	Rangel	Udall (CO)	Capito	Hastings (WA)	Millender-	Smith (NJ)	Turner (OH)	Wu
Maloney	Rodriguez	Udall (NM)	Capps	Hayes	McDonald	Smith (TX)	Turner (TX)	Wynn
Markey	Ross	Van Hollen	Capuano	Hayworth	Miller (FL)	Snyder	Udall (CO)	Young (AK)
Marshall	Rothman	Velazquez	Cardin	Hefley	Miller (MI)	Solis	Udall (NM)	Young (FL)
Matheson	Roybal-Allard	Wepersberger	Cardin	Hensarling	Miller (NC)	Souder	Upton	
Matsui	Rush	Waters	Carson (IN)	Herger	Miller, Gary			
McCarthy (MO)	Ryan (OH)	Watson	Carter	Hill	Mollohan			
McCarthy (NY)	Sabo	Waxman	Case	Hinche	Moore			
McCollum	Sanchez, Linda	Weiner	Castle	Hinojosa	Moran (KS)			
McGovern	T.	Wexler	Castle	Hobson	Moran (VA)			
McNulty	Sanchez, Loretta	Woolsey	Chabot	Hoeffel	Murphy			
Meehan	Sanders	Wu	Chocola	Hoekstra	Murtha			
Meek (FL)	Sandlin	Wynn	Clay	Holden	Musgrave			
Menendez	Schakowsky		Clyburn	Holt	Myrick			
Michaud			Cole	Honda	Nadler			

NOT VOTING—30

Ballenger	Frank (MA)	McInnis
Brady (TX)	Gephardt	Meeks (NY)
Brown (OH)	Hastings (FL)	Ortiz
Burton (IN)	Herger	Reyes
Carson (OK)	Jenkins	Rogers (MI)
Cubin	Larson (CT)	Ryan (WI)
DeFazio	Lewis (GA)	Smith (MI)
Delahunt	Lewis (KY)	Smith (WA)
Dicks	Lofgren	Toomey
Eshoo	McDermott	Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining to vote.

□ 1527

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHECK CLEARING FOR THE 21ST CENTURY ACT

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 1474, 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 the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 29, as follows:

[Roll No. 246]

YEAS—405

Abercrombie	Baldwin	Berman
Ackerman	Ballance	Berry
Aderholt	Barrett (SC)	Biggart
Akin	Bartlett (MD)	Bilirakis
Alexander	Barton (TX)	Bishop (GA)
Allen	Bass	Bishop (NY)
Andrews	Beauprez	Bishop (UT)
Baca	Becerra	Blackburn
Bachus	Bell	Blumenauer
Baird	Bereuter	Blunt
Baker	Berkley	Boehlert
		Foley
		Forbes
		Ford
		Fossella
		Frank (MA)
		Franks (AZ)
		Frelinghuysen
		Frost
		Gallegly
		Garrett (NJ)
		Gerlach
		Gilchrest
		Gillmor
		Gingrey
		Gonzalez
		Goode
		Goodlatte
		Gordon
		Goss
		Granger
		Graves
		Green (TX)
		Green (WI)
		Greenwood
		Grijalva
		Gutierrez
		Gutknecht
		Hall
		Harman
		Harris
		Hart
		Hastings (WA)
		Hayes
		Hayworth
		Hefley
		Hensarling
		Herger
		Hill
		Hinche
		Hinojosa
		Hobson
		Hoeffel
		Hoekstra
		Holden
		Holt
		Honda
		Hooley (OR)
		Hostettler
		Houghton
		Hoyer
		Hulshof
		Hunter
		Hyde
		Insee
		Isakson
		Israel
		Issa
		Istook
		Jackson (IL)
		Jackson-Lee
		(TX)
		Janklow
		Owens
		Oxley
		Pallone
		Pascarell
		Pastor
		Paul
		Payne
		Pearce
		Pelosi
		Pence
		Peterson (MN)
		Petri
		Pitts
		Platts
		Pombo
		Pomeroy
		Porter
		Portman
		Price (NC)
		Pryce (OH)
		Putnam
		Quinn
		Radanovich
		Rahall
		Ramstad
		Rangel
		Regula
		Rehberg
		Renzi
		Reynolds
		Rodriguez
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Ros-Lehtinen
		Ross
		Rothman
		Roybal-Allard
		Royce
		Ruppersberger
		Rush
		Ryan (OH)
		Ryun (KS)
		Sabo
		Sanchez, Linda
		T.
		Sanchez, Loretta

NOT VOTING—29

Ballenger	Gephardt	Peterson (PA)
Brady (TX)	Hastings (FL)	Pickering
Brown (OH)	Jenkins	Reyes
Burton (IN)	Larson (CT)	Ryan (WI)
Carson (OK)	Lewis (KY)	Smith (MI)
Coble	Lofgren	Smith (WA)
DeFazio	McDermott	Spratt
Delahunt	McInnis	Toomey
Dicks	Miller, George	Watt
Eshoo	Ortiz	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised two minutes remain to vote.

□ 1533

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PICKERING. Mr. Speaker, on rollcall No. 246, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT REGARDING CHANGE OF MEETING PLACE FOR MEMBERS-ONLY BRIEFING ON IRAQ

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

Mr. HUNTER. Mr. Speaker, the briefing by Secretary Rumsfeld that was to take place on the floor at 4 p.m. will take place at 4 p.m. in Rayburn 2118.

GENERAL LEAVE

Mr. RENZI. 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 S. 222 and S. 273.

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

There was no objection.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

Mr. RENZI. Mr. Speaker, pursuant to House Resolution 258, I call up the Senate bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 222 is as follows:

S. 222

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 "Zuni Indian Tribe Water Rights Settlement Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the policy of the United States, in keeping with its trust responsibility to Indian tribes, to promote Indian self-determination, religious freedom, political and cultural integrity, and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation.

(2) Quantification of rights to water and development of facilities needed to use tribal water supplies effectively is essential to the development of viable Indian reservation communities, particularly in arid western States.

(3) On August 28, 1984, and by actions subsequent thereto, the United States established a reservation for the Zuni Indian Tribe in Apache County, Arizona upstream from the confluence of the Little Colorado and Zuni Rivers for long-standing religious and sustenance activities.

(4) The water rights of all water users in the Little Colorado River basin in Arizona have been in litigation since 1979, in the Superior Court of the State of Arizona in and for the County of Apache in Civil No. 6417. In re The General Adjudication of All Rights to Use Water in the Little Colorado River System and Source.

(5) Recognizing that the final resolution of the Zuni Indian Tribe's water claims through litigation will take many years and entail great expense to all parties, continue to limit the Tribe's access to water with economic, social, and cultural consequences to the Tribe, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Tribe and neighboring non-Indians have sought to settle their disputes to water and reduce the burdens of litigation.

(6) After more than 4 years of negotiations, which included participation by representatives of the United States, the Zuni Indian Tribe, the State of Arizona, and neighboring non-Indian communities in the Little Colorado River basin, the parties have entered into a Settlement Agreement to resolve all of the Zuni Indian Tribe's water rights claims and to assist the Tribe in acquiring surface water rights, to provide for the Tribe's use of groundwater, and to provide for the wetland restoration of the Tribe's lands in Arizona.

(7) To facilitate the wetland restoration project contemplated under the Settlement Agreement, the Zuni Indian Tribe acquired certain lands along the Little Colorado River near or adjacent to its Reservation that are important for the success of the project and will likely acquire a small amount of similarly situated additional lands. The parties

have agreed not to object to the United States taking title to certain of these lands into trust status; other lands shall remain in tribal fee status. The parties have worked extensively to resolve various governmental concerns regarding use of and control over those lands, and to provide a successful model for these types of situations, the State, local, and tribal governments intend to enter into an Intergovernmental Agreement that addresses the parties' governmental concerns.

(8) Pursuant to the Settlement Agreement, the neighboring non-Indian entities will assist in the Tribe's acquisition of surface water rights and development of groundwater, store surface water supplies for the Zuni Indian Tribe, and make substantial additional contributions to carry out the Settlement Agreement's provisions.

(9) To advance the goals of Federal Indian policy and consistent with the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Settlement Agreement and contribute funds for the rehabilitation of religious riparian areas and other purposes to enable the Tribe to use its water entitlement in developing its Reservation.

(b) PURPOSES.—The purposes of this Act are—

(1) to approve, ratify, and confirm the Settlement Agreement entered into by the Tribe and neighboring non-Indians;

(2) to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers;

(3) to authorize and direct the United States to take legal title and hold such title to certain lands in trust for the benefit of the Zuni Indian Tribe; and

(4) to authorize the actions, agreements, and appropriations as provided for in the Settlement Agreement and this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) EASTERN LCR BASIN.—The term "Eastern LCR basin" means the portion of the Little Colorado River basin in Arizona upstream of the confluence of Silver Creek and the Little Colorado River, as identified on Exhibit 2.10 of the Settlement Agreement.

(2) FUND.—The term "Fund" means the Zuni Indian Tribe Water Rights Development Fund established by section 6(a).

(3) INTERGOVERNMENTAL AGREEMENT.—The term "Intergovernmental Agreement" means the intergovernmental agreement between the Zuni Indian Tribe, Apache County, Arizona and the State of Arizona described in article 6 of the Settlement Agreement.

(4) PUMPING PROTECTION AGREEMENT.—The term "Pumping Protection Agreement" means an agreement, described in article 5 of the Settlement Agreement, between the Zuni Tribe, the United States on behalf of the Tribe, and a local landowner under which the landowner agrees to limit pumping of groundwater on his lands in exchange for a waiver of certain claims by the Zuni Tribe and the United States on behalf of the Tribe.

(5) RESERVATION; ZUNI HEAVEN RESERVATION.—The term "Reservation" or "Zuni Heaven Reservation", also referred to as "Kolhu:wala:wa", means the following property in Apache County, Arizona: Sections 26, 27, 28, 33, 34, and 35, Township 15 North, Range 26 East, Gila and Salt River Base and Meridian; and Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 23, 26, and 27, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means that agree-

ment dated June 7, 2002, together with all exhibits thereto. The parties to the Settlement Agreement include the Zuni Indian Tribe and its members, the United States on behalf of the Tribe and its members, the State of Arizona, the Arizona Game and Fish Commission, the Arizona State Land Department, the Arizona State Parks Board, the St. Johns Irrigation and Ditch Co., the Lyman Water Co., the Round Valley Water Users' Association, the Salt River Project Agricultural Improvement and Power District, the Tucson Electric Power Company, the City of St. Johns, the Town of Eagar, and the Town of Springerville.

(8) SRP.—The term "SRP" means the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona.

(9) TEP.—The term "TEP" means Tucson Electric Power Company.

(10) TRIBE, ZUNI TRIBE, OR ZUNI INDIAN TRIBE.—The terms "Tribe", "Zuni Tribe", or "Zuni Indian Tribe" means the body politic and federally recognized Indian nation, and its members.

(11) ZUNI LANDS.—The term "Zuni Lands" means all the following lands, in the State of Arizona, that, on the effective date described in section 9(a), are—

(A) within the Zuni Heaven Reservation;

(B) held in trust by the United States for the benefit of the Tribe or its members; or

(C) held in fee within the Little Colorado River basin by or for the Tribe.

SEC. 4. AUTHORIZATION, RATIFICATIONS, AND CONFIRMATIONS.

(a) SETTLEMENT AGREEMENT.—To the extent the Settlement Agreement does not conflict with the provisions of this Act, such Settlement Agreement is hereby approved, ratified, confirmed, and declared to be valid. The Secretary is authorized and directed to execute the Settlement Agreement and any amendments approved by the parties necessary to make the Settlement Agreement consistent with this Act. The Secretary is further authorized to perform any actions required by the Settlement Agreement and any amendments to the Settlement Agreement that may be mutually agreed upon by the parties to the Settlement Agreement.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Zuni Indian Tribe Water Rights Development Fund established in section 6(a), \$19,250,000, to be allocated by the Secretary as follows:

(1) \$3,500,000 for fiscal year 2004, to be used for the acquisition of water rights and associated lands, and other activities carried out, by the Zuni Tribe to facilitate the enforceability of the Settlement Agreement, including the acquisition of at least 2,350 acre-feet per year of water rights before the deadline described in section 9(b).

(2) \$15,750,000, of which \$5,250,000 shall be made available for each of fiscal years 2004, 2005, and 2006, to take actions necessary to restore, rehabilitate, and maintain the Zuni Heaven Reservation, including the Sacred Lake, wetlands, and riparian areas as provided for in the Settlement Agreement and under this Act.

(c) OTHER AGREEMENTS.—Except as provided in section 9, the following 3 separate agreements, together with all amendments thereto, are approved, ratified, confirmed, and declared to be valid:

(1) The agreement between SRP, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

(2) The agreement between TEP, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

(3) The agreement between the Arizona State Land Department, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

SEC. 5. TRUST LANDS.

(a) NEW TRUST LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, and after the requirements of section 9(a) have been met, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

(1) In T. 14 N., R. 27 E., Gila and Salt River Base and Meridian:

(A) Section 13: SW 1/4, S 1/2 NE 1/4 SE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4;

(B) Section 23: N 1/2, N 1/2 SW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4, N 1/2 SW 1/4 SE 1/4, SE 1/4 SW 1/4 SE 1/4;

(C) Section 24: NW 1/4, SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4; and

(D) Section 25: N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4.

(2) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian:

(A) Section 19: W 1/2 E 1/2 NW 1/4, W 1/2 NW 1/4, W 1/2 NE 1/4 SW 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4;

(B) Section 29: SW 1/4 SW 1/4 NW 1/4, NW 1/4 NW 1/4 SW 1/4, S 1/2 N 1/2 SW 1/4, S 1/2 SE 1/4, S 1/2 NW 1/4 SE 1/4, SW 1/4 SE 1/4;

(C) Section 30: W 1/2, SE 1/4; and

(D) Section 31: N 1/2 NE 1/4, N 1/2 S 1/2 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/4, E 1/2 SW 1/4, N 1/2 NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4, E 1/2 SW 1/4 SW 1/4, SW 1/4 SW 1/4 SW 1/4.

(b) FUTURE TRUST LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, after the requirements of section 9(a) have been met, and upon acquisition by the Zuni Tribe, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

(1) In T. 14 N., R. 26E., Gila and Salt River Base and Meridian: Section 25: N 1/2 NE 1/4, N 1/2 S 1/2 NE 1/4, NW 1/4, N 1/2 NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4.

(2) In T. 14 N., R. 27 E., Gila and Salt River Base and Meridian:

(A) Section 14: SE 1/4 SW 1/4, SE 1/4;

(B) Section 16: S 1/2 SW 1/4 SE 1/4;

(C) Section 19: S 1/2 SE 1/4 SE 1/4;

(D) Section 20: S 1/2 SW 1/4 SW 1/4, E 1/2 SE 1/4 SE 1/4;

(E) Section 21: N 1/2 NE 1/4, E 1/2 NE 1/4 NW 1/4, SE 1/4 NW 1/4, W 1/2 SW 1/4 NE 1/4, N 1/2 NE 1/4 SW 1/4, SW 1/4 NE 1/4 SW 1/4, E 1/2 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4, W 1/2 SW 1/4 SW 1/4;

(F) Section 22: SW 1/4 NE 1/4 NE 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, N 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 SW 1/4 NW 1/4, SE 1/4 SW 1/4 NW 1/4, N 1/2 N 1/2 SE 1/4, N 1/2 NE 1/4 SW 1/4;

(G) Section 24: N 1/2 NE 1/4, S 1/2 SE 1/4;

(H) Section 29: N 1/2 N 1/2;

(I) Section 30: N 1/2 N 1/2, N 1/2 S 1/2 NW 1/4, N 1/2 SW 1/4 NE 1/4; and

(J) Section 36: SE 1/4 SE 1/4 NE 1/4, NE 1/4 NE 1/4 SE 1/4.

(3) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian:

(A) Section 18: S 1/2 NE 1/4, NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4, S 1/2 NW 1/4 SW 1/4, S 1/2 SW 1/4, N 1/2 SE 1/4, N 1/2 SW 1/4 SE 1/4, SE 1/4 SE 1/4;

(B) Section 30: S 1/2 NE 1/4, W 1/2 NW 1/4 NE 1/4; and

(C) Section 32: N 1/2 NW 1/4 NE 1/4, SW 1/4 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/4, SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, N 1/2 SE 1/4 SE 1/4, SW 1/4 SE 1/4 SE 1/4.

(c) NEW RESERVATION LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, after the requirements of section 9(a) have been met, and upon acquisition by the Zuni Tribe, the Secretary shall take the legal title of the following lands in Arizona into trust for the benefit of the Zuni Tribe and make such lands part of the Zuni Indian Tribe Reserva-

tion in Arizona: Section 34, T. 14 N., R. 26 E., Gila and Salt River Base and Meridian.

(d) LIMITATION ON SECRETARIAL DISCRETION.—The Secretary shall have no discretion regarding the acquisitions described in subsections (a), (b), and (c).

(e) LANDS REMAINING IN FEE STATUS.—The Zuni Tribe may seek to have the legal title to additional lands in Arizona, other than the lands described in subsection (a), (b), or (c), taken into trust by the United States for the benefit of the Zuni Indian Tribe pursuant only to an Act of Congress enacted after the date of enactment of this Act specifically authorizing the transfer for the benefit of the Zuni Tribe.

(f) FINAL AGENCY ACTION.—Any written certification by the Secretary under subparagraph 6.2.B of the Settlement Agreement constitutes final agency action under the Administrative Procedure Act and is reviewable as provided for under chapter 7 of title 5, United States Code.

(g) NO FEDERAL WATER RIGHTS.—Lands taken into trust pursuant to subsection (a), (b), or (c) shall not have Federal reserved rights to surface water or groundwater.

(h) STATE WATER RIGHTS.—The water rights and uses for the lands taken into trust pursuant to subsection (a) or (c) must be determined under subparagraph 4.1.A and article 5 of the Settlement Agreement. With respect to the lands taken into trust pursuant to subsection (b), the Zuni Tribe retains any rights or claims to water associated with these lands under State law, subject to the terms of the Settlement Agreement.

(i) FORFEITURE AND ABANDONMENT.—Water rights that are appurtenant to lands taken into trust pursuant to subsection (a), (b), or (c) shall not be subject to forfeiture and abandonment.

(j) AD VALOREM TAXES.—With respect to lands that are taken into trust pursuant to subsection (a) or (b), the Zuni Tribe shall make payments in lieu of all current and future State, county, and local ad valorem property taxes that would otherwise be applicable to those lands if they were not in trust.

(k) AUTHORITY OF TRIBE.—For purposes of complying with this section and article 6 of the Settlement Agreement, the Tribe is authorized to enter into—

(1) the Intergovernmental Agreement between the Zuni Tribe, Apache County, Arizona, and the State of Arizona; and

(2) any intergovernmental agreement required to be entered into by the Tribe under the terms of the Intergovernmental Agreement.

(l) FEDERAL ACKNOWLEDGEMENT OF INTERGOVERNMENTAL AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall acknowledge the terms of any intergovernmental agreement entered into by the Tribe under this section.

(2) NO ABROGATION.—The Secretary shall not seek to abrogate, in any administrative or judicial action, the terms of any intergovernmental agreement that are consistent with subparagraph 6.2.A of the Settlement Agreement and this Act.

(3) REMOVAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if a judicial action is commenced during a dispute over any intergovernmental agreement entered into under this section, and the United States is allowed to intervene in such action, the United States shall not remove such action to the Federal courts.

(B) EXCEPTION.—The United States may seek removal if—

(i) the action concerns the Secretary's decision regarding the issuance of rights-of-way under section 8(c);

(ii) the action concerns the authority of a Federal agency to administer programs or the issuance of a permit under—

(I) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Clean Air Act (42 U.S.C. 7401 et seq.); or

(IV) any other Federal law specifically addressed in intergovernmental agreements; or

(iii) the intergovernmental agreement is inconsistent with a Federal law for the protection of civil rights, public health, or welfare.

(m) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to affect the application of the Act of May 25, 1918 (25 U.S.C. 211) within the State of Arizona.

(n) DISCLAIMER.—Nothing in this section repeals, modifies, amends, changes, or otherwise affects the Secretary's obligations to the Zuni Tribe pursuant to the Act entitled "An Act to convey certain lands to the Zuni Indian Tribe for religious purposes" approved August 28, 1984 (Public Law 98-408; 98 Stat. 1533) (and as amended by the Zuni Land Conservation Act of 1990 (Public Law 101-486; 104 Stat. 1174)).

SEC. 6. DEVELOPMENT FUND.

(a) ESTABLISHMENT OF THE FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the "Zuni Indian Tribe Water Rights Development Fund", to be managed and invested by the Secretary, consisting of—

(A) the amounts authorized to be appropriated in section 4(b); and

(B) the appropriation to be contributed by the State of Arizona pursuant to paragraph 7.6 of the Settlement Agreement.

(2) ADDITIONAL DEPOSITS.—The Secretary shall deposit in the Fund any other monies paid to the Secretary on behalf of the Zuni Tribe pursuant to the Settlement Agreement.

(b) MANAGEMENT OF THE FUND.—The Secretary shall manage the Fund, make investments from the Fund, and make monies available from the Fund for distribution to the Zuni Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) (referred to in this section as the "Trust Fund Reform Act"), this Act, and the Settlement Agreement.

(c) INVESTMENT OF THE FUND.—The Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) subsection (b).

(d) AVAILABILITY OF AMOUNTS FROM THE FUND.—The funds authorized to be appropriated pursuant to section 3104(b)(2) and funds contributed by the State of Arizona pursuant to paragraph 7.6 of the Settlement Agreement shall be available for expenditure or withdrawal only after the requirements of section 9(a) have been met.

(e) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Zuni Tribe may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) REQUIREMENTS.—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Zuni Tribe spend any funds in accordance with the purposes described in section 4(b).

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any monies withdrawn from the Fund under the plan are used in accordance with this Act.

(3) LIABILITY.—If the Zuni Tribe exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Zuni Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the funds made available under this Act that the Zuni Tribe does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Zuni Tribe remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) ANNUAL REPORT.—The Zuni Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) FUNDS FOR ACQUISITION OF WATER RIGHTS.—

(1) WATER RIGHTS ACQUISITIONS.—Notwithstanding subsection (e), the funds authorized to be appropriated pursuant to section 4(b)(1)—

(A) shall be available upon appropriation for use in accordance with section 4(b)(1); and

(B) shall be distributed by the Secretary to the Zuni Tribe on receipt by the Secretary from the Zuni Tribe of a written notice and a tribal council resolution that describe the purposes for which the funds will be used.

(2) RIGHT TO SET OFF.—In the event the requirements of section 9(a) have not been met and the Settlement Agreement has become null and void under section 9(b), the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to section 4(b)(1), together with any interest accrued, against any claims asserted by the Zuni Tribe against the United States relating to water rights at the Zuni Heaven Reservation.

(3) WATER RIGHTS.—Any water rights acquired with funds described in paragraph (1) shall be credited against any water rights secured by the Zuni Tribe, or the United States on behalf of the Zuni Tribe, for the Zuni Heaven Reservation in the Little Colorado River General Stream Adjudication or in any future settlement of claims for those water rights.

(g) NO PER CAPITA DISTRIBUTIONS.—No part of the Fund shall be distributed on a per capita basis to members of the Zuni Tribe.

SEC. 7. CLAIMS EXTINGUISHMENT; WAIVERS AND RELEASES.

(a) FULL SATISFACTION OF MEMBERS' CLAIMS.—

(1) IN GENERAL.—The benefits realized by the Tribe and its members under this Act, including retention of any claims and rights, shall constitute full and complete satisfaction of all members' claims for—

(A) water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial through the effective date described in section 9(a) and any time thereafter; and

(B) injuries to water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent, claims for damages for deprivation of water rights, and claims for changes

to underground water table levels) for Zuni Lands from time immemorial through the effective date described in section 9(a).

(2) NO RECOGNITION OR ESTABLISHMENT OF INDIVIDUAL WATER RIGHT.—Nothing in this Act recognizes or establishes any right of a member of the Tribe to water on the Reservation.

(b) TRIBE AND UNITED STATES AUTHORIZATION AND WATER QUANTITY WAIVERS.—The Tribe, on behalf of itself and its members and the Secretary on behalf of the United States in its capacity as trustee for the Zuni Tribe and its members, are authorized, as part of the performance of their obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraph 11.4 of the Settlement Agreement, for claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation, under Federal, State, or other law for any and all—

(1) past, present, and future claims to water rights (including water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial through the effective date described in section 9(a) and any time thereafter, except for claims within the Zuni Protection Area as provided in article 5 of the Settlement Agreement;

(2) past and present claims for injuries to water rights (including water rights in groundwater, surface water, and effluent and including claims for damages for deprivation of water rights and any claims for changes to underground water table levels) for Zuni Lands from time immemorial through the effective date described in section 9(a); and

(3) past, present, and future claims for water rights and injuries to water rights (including water rights in groundwater, surface water, and effluent and including any claims for damages for deprivation of water rights and any claims for changes to underground water table levels) from time immemorial through the effective date described in section 9(a), and any time thereafter, for lands outside of Zuni Lands but located within the Little Colorado River basin in Arizona, based upon aboriginal occupancy of lands by the Zuni Tribe or its predecessors.

(c) TRIBAL WAIVERS AGAINST THE UNITED STATES.—The Tribe is authorized, as part of the performance of its obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraphs 11.4 and 11.6 of the Settlement Agreement, for claims against the United States (acting in its capacity as trustee for the Zuni Tribe or its members, or otherwise acting on behalf of the Zuni Tribe or its members), including any agencies, officials, or employees thereof, for any and all—

(1) past, present, and future claims to water rights (including water rights in groundwater, surface water, and effluent) for Zuni Lands, from time immemorial through the effective date described in section 9(a) and any time thereafter;

(2) past and present claims for injuries to water rights (including water rights in groundwater, surface water, and effluent and any claims for damages for deprivation of water rights) for Zuni Lands from time immemorial through the effective date described in section 9(a);

(3) past, present, and future claims for water rights and injuries to water rights (including water rights in groundwater, surface water, and effluent and any claims for damages for deprivation of water rights) from time immemorial through the effective date described in section 9(a), and any time thereafter, for lands outside of Zuni Lands but located within the Little Colorado River basin in Arizona, based upon aboriginal occupancy

of lands by the Zuni Tribe or its predecessors;

(4) past and present claims for failure to protect, acquire, or develop water rights of, or failure to protect water quality for, the Zuni Tribe within the Little Colorado River basin in Arizona from time immemorial through the effective date described in section 9(a); and

(5) claims for breach of the trust responsibility of the United States to the Zuni Tribe arising out of the negotiation of the Settlement Agreement or this Act.

(d) TRIBAL WAIVER OF WATER QUALITY CLAIMS AND INTERFERENCE WITH TRUST CLAIMS.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—

(A) INTERFERENCE WITH TRUST RESPONSIBILITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for claims of interference with the trust responsibility of the United States to the Zuni Tribe arising out of the negotiation of the Settlement Agreement or this Act.

(B) INJURY OR THREAT OF INJURY TO WATER QUALITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release, subject to paragraphs 11.4, 11.6, and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for—

(i) any and all past and present claims, including natural resource damage claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, for injury to water quality accruing from time immemorial through the effective date described in section 9(a), for lands within the Little Colorado River basin in the State of Arizona; and

(ii) any and all future claims, including natural resource damage claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, for injury or threat of injury to water quality, accruing after the effective date described in section 9(a), for any lands within the Eastern LCR basin caused by—

(I) the lawful diversion or use of surface water;

(II) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(III) the Parties' performance of any obligations under the Settlement Agreement;

(IV) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(V) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(VI) any combination of the causes described in subclauses (I) through (V).

(2) CLAIMS OF THE UNITED STATES.—The Tribe, on behalf of itself and its members, is authorized to waive its right to request that the United States bring—

(A) any claims for injuries to water quality under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) or any other applicable statute, for lands within the Little Colorado River Basin in the State of Arizona, accruing from time immemorial through the effective date described in section 9(a); and

(B) any future claims for injuries or threat of injury to water quality under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, accruing after the effective date described in section 9(a), for any lands within the Eastern LCR basin, caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of any obligations under the Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v).

(3) LIMITATIONS.—Notwithstanding the authorization for the Tribe's waiver of future water quality claims in paragraph (1)(B)(ii) and the waiver in paragraph (2)(B), the Tribe, on behalf of itself and its members, retains any statutory claims for injury or threat of injury to water quality under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), as described in subparagraph 11.4(D)(3) and (4) of the Settlement Agreement, that accrue at least 30 years after the effective date described in section 9(a).

(e) WAIVER OF UNITED STATES WATER QUALITY CLAIMS RELATED TO SETTLEMENT LAND AND WATER.—

(1) PAST AND PRESENT CLAIMS.—As part of the performance of its obligations under the Settlement Agreement, the United States waives and releases, subject to the retentions in paragraphs 11.4, 11.6 and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation for—

(A) all past and present common law claims accruing from time immemorial through the effective date described in section 9(a) arising from or relating to water quality in which the injury asserted is to the Tribe's interest in water, trust land, and natural resources in the Little Colorado River basin in the State of Arizona; and

(B) all past and present natural resource damage claims accruing through the effective date described in section 9(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Little Colorado River basin in Arizona, only for those cases in which the United States, through the Secretary or other designated Federal official, would act on behalf of the Tribe as a natural resource trustee pursuant to the National Contingency Plan, as set forth, as of the date of enactment of this

Act, in section 300.600(b)(2) of title 40, Code of Federal Regulations.

(2) FUTURE CLAIMS.—As part of the performance of its obligations under the Settlement Agreement, the United States waives and releases, subject to the retentions in paragraphs 11.4, 11.6 and 11.7 of the Settlement Agreement, the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation for—

(A) all future common law claims arising from or relating to water quality in which the injury or threat of injury asserted is to the Tribe's interest in water, trust land, and natural resources in the Eastern LCR basin in Arizona accruing after the effective date described in section 9(a) caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of any obligations under the Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v); and

(B) all future natural resource damage claims accruing after the effective date described in section 9(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Eastern LCR basin in Arizona, only for those cases in which the United States, through the Secretary or other designated Federal official, would act on behalf of the Tribe as a natural resource trustee pursuant to the National Contingency Plan, as set forth, as of the date of enactment of this Act, in section 300.600(b)(2) of title 40, Code of Federal Regulations, caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of their obligations under this Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v).

(f) EFFECT.—Subject to subsections (b) and (e), nothing in this Act or the Settlement Agreement affects any right of the United States, or the State of Arizona, to take any actions, including enforcement actions, under any laws (including regulations) relating to human health, safety and the environment.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—If any party to the Settlement Agreement or a Pumping Protection Agreement files a lawsuit only relating directly to the interpretation or enforcement of this Act, the Settlement Agreement, an agreement described in paragraph (1), (2), or (3) of section 4(c), or a Pumping Protection Agreement, naming the United States or the Tribe as a party, or if any other landowner or water user in the Little Colorado River basin in Arizona files a

lawsuit only relating directly to the interpretation or enforcement of Article 11, the rights of de minimis users in subparagraph 4.2.D or the rights of underground water users under Article 5 of the Settlement Agreement, naming the United States or the Tribe as a party—

(1) the United States, the Tribe, or both may be added as a party to any such litigation, and any claim by the United States or the Tribe to sovereign immunity from such suit is hereby waived, other than with respect to claims for monetary awards except as specifically provided for in the Settlement Agreement; and

(2) the Tribe may waive its sovereign immunity from suit in the Superior Court of Apache County, Arizona for the limited purposes of enforcing the terms of the Intergovernmental Agreement, and any intergovernmental agreement required to be entered into by the Tribe under the terms of the Intergovernmental Agreement, other than with respect to claims for monetary awards except as specifically provided in the Intergovernmental Agreement.

(b) TRIBAL USE OF WATER.—

(1) IN GENERAL.—With respect to water rights made available under the Settlement Agreement and used on the Zuni Heaven Reservation—

(A) such water rights shall be held in trust by the United States in perpetuity, and shall not be subject to forfeiture or abandonment;

(B) State law shall not apply to water uses on the Reservation;

(C) the State of Arizona may not regulate or tax such water rights or uses (except that the court with jurisdiction over the decree entered pursuant to the Settlement Agreement or the Norviel Decree Court may assess administrative fees for delivery of this water);

(D) subject to paragraph 7.7 of the Settlement Agreement, the Zuni Tribe shall use water made available to the Zuni Tribe under the Settlement Agreement on the Zuni Heaven Reservation for any use it deems advisable;

(E) water use by the Zuni Tribe or the United States on behalf of the Zuni Tribe for wildlife or instream flow use, or for irrigation to establish or maintain wetland on the Reservation, shall be considered to be consistent with the purposes of the Reservation; and

(F)(i) not later than 3 years after the deadline described in section 9(b), the Zuni Tribe shall adopt a water code to be approved by the Secretary for regulation of water use on the lands identified in subsections (a) and (b) of section 5 that is reasonably equivalent to State water law (including statutes relating to dam safety and groundwater management); and

(ii) until such date as the Zuni Tribe adopts a water code described in clause (i), the Secretary, in consultation with the State of Arizona, shall administer water use and water regulation on lands described in that clause in a manner that is reasonably equivalent to State law (including statutes relating to dam safety and groundwater management).

(2) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Zuni Tribe or the United States shall not sell, lease, transfer, or transport water made available for use on the Zuni Heaven Reservation to any other place.

(B) EXCEPTION.—Water made available to the Zuni Tribe or the United States for use on the Zuni Heaven Reservation may be severed and transferred from the Reservation to other Zuni Lands if the severance and transfer is accomplished in accordance with State law (and once transferred to any lands held

in fee, such water shall be subject to State law).

(c) RIGHTS-OF-WAY.—

(1) NEW AND FUTURE TRUST LAND.—The land taken into trust under subsections (a) and (b) of section 5 shall be subject to existing easements and rights-of-way.

(2) ADDITIONAL RIGHTS-OF-WAY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary, in consultation with the Tribe, shall grant additional rights-of-way or expansions of existing rights-of-way for roads, utilities, and other accommodations to adjoining landowners if—

(i) the proposed right-of-way is necessary to the needs of the applicant;

(ii) the proposed right-of-way will not cause significant and substantial harm to the Tribe's wetland restoration project or religious practices; and

(iii) the proposed right-of-way acquisition will comply with the procedures in part 169 of title 25, Code of Federal Regulations, not inconsistent with this subsection and other generally applicable Federal laws unrelated to the acquisition of interests across trust lands.

(B) ALTERNATIVES.—If the criteria described in clauses (i) through (iii) of subparagraph (A) are not met, the Secretary may propose an alternative right-of-way, or other accommodation that complies with the criteria.

(d) CERTAIN CLAIMS PROHIBITED.—The United States shall make no claims for reimbursement of costs arising out of the implementation of this Act or the Settlement Agreement against any Indian-owned land within the Tribe's Reservation, and no assessment shall be made in regard to such costs against such lands.

(e) VESTED RIGHTS.—Except as described in paragraph 5.3 of the Settlement Agreement (recognizing the Zuni Tribe's use of 1,500 acre-feet per annum of groundwater) this Act and the Settlement Agreement do not create any vested right to groundwater under Federal or State law, or any priority to the use of groundwater that would be superior to any other right or use of groundwater under Federal or State law, whether through this Act, the Settlement Agreement, or by incorporation of any abstract, agreement, or stipulation prepared under the Settlement Agreement. Notwithstanding the preceding sentence, the rights of parties to the agreements referred to in paragraph (1), (2), or (3) of section 4(c) and paragraph 5.8 of the Settlement Agreement, as among themselves, shall be as stated in those agreements.

(f) OTHER CLAIMS.—Nothing in the Settlement Agreement or this Act quantifies or otherwise affects the water rights, claims, or entitlements to water of any Indian tribe, band, or community, other than the Zuni Indian Tribe.

(g) NO MAJOR FEDERAL ACTION.—

(1) IN GENERAL.—Execution of the Settlement Agreement by the Secretary as provided for in section 4(a) shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) SETTLEMENT AGREEMENT.—In implementing the Settlement Agreement, the Secretary shall comply with all aspects of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) all other applicable environmental laws (including regulations).

SEC. 9. EFFECTIVE DATE FOR WAIVER AND RELEASE AUTHORIZATIONS.

(a) IN GENERAL.—The waiver and release authorizations contained in subsections (b) and (c) of section 7 shall become effective as

of the date the Secretary causes to be published in the Federal Register a statement of all the following findings:

(1) This Act has been enacted in a form approved by the parties in paragraph 3.1.A of the Settlement Agreement.

(2) The funds authorized by section 4(b) have been appropriated and deposited into the Fund.

(3) The State of Arizona has appropriated and deposited into the Fund the amount required by paragraph 7.6 of the Settlement Agreement.

(4) The Zuni Indian Tribe has either purchased or acquired the right to purchase at least 2,350 acre-feet per annum of surface water rights, or waived this condition as provided in paragraph 3.2 of the Settlement Agreement.

(5) Pursuant to subparagraph 3.1.D of the Settlement Agreement, the severance and transfer of surface water rights that the Tribe owns or has the right to purchase have been conditionally approved, or the Tribe has waived this condition as provided in paragraph 3.2 of the Settlement Agreement.

(6) Pursuant to subparagraph 3.1.E of the Settlement Agreement, the Tribe and Lyman Water Company have executed an agreement relating to the process of the severance and transfer of surface water rights acquired by the Zuni Tribe or the United States, the pass-through, use, or storage of the Tribe's surface water rights in Lyman Lake, and the operation of Lyman Dam.

(7) Pursuant to subparagraph 3.1.F of the Settlement Agreement, all the parties to the Settlement Agreement have agreed and stipulated to certain Arizona Game and Fish abstracts of water uses.

(8) Pursuant to subparagraph 3.1.G of the Settlement Agreement, all parties to the Settlement Agreement have agreed to the location of an observation well and that well has been installed.

(9) Pursuant to subparagraph 3.1.H of the Settlement Agreement, the Zuni Tribe, Apache County, Arizona and the State of Arizona have executed an Intergovernmental Agreement that satisfies all of the conditions in paragraph 6.2 of the Settlement Agreement.

(10) The Zuni Tribe has acquired title to the section of land adjacent to the Zuni Heaven Reservation described as Section 34, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

(11) The Settlement Agreement has been modified if and to the extent it is in conflict with this Act and such modification has been agreed to by all the parties to the Settlement Agreement.

(12) A court of competent jurisdiction has approved the Settlement Agreement by a final judgment and decree.

(b) DEADLINE FOR EFFECTIVE DATE.—If the publication in the Federal Register required under subsection (a) has not occurred by December 31, 2006, sections 4 and 5, and any agreements entered into pursuant to sections 4 and 5 (including the Settlement Agreement and the Intergovernmental Agreement) shall not thereafter be effective and shall be null and void. Any funds and the interest accrued thereon appropriated pursuant to section 4(b)(2) shall revert to the Treasury, and any funds and the interest accrued thereon appropriated pursuant to paragraph 7.6 of the Settlement Agreement shall revert to the State of Arizona.

The SPEAKER pro tempore. Pursuant to House Resolution 258, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

(Mr. RENZI asked and was given permission to revise and extend his remarks, and include extraneous material.)

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

Mr. Speaker, in order for my colleagues to get home and be a little more efficient, we have had discussions on this bill. I think that both sides are now ready to vote on it in agreement. I urge adoption.

S. 222, authored by Senator JON KYL and identical to legislation introduced by me and Congressman J.D. HAYWORTH of Arizona, would resolve water rights claims and litigation in the Little Colorado River basin. I would like to commend the commitment and persistence of Senator KYL on this important settlement. I would also like to recognize the patience and perseverance of the Zuni Tribe.

The Zuni Indian Tribe Water Rights Settlement Act of 2003 would codify the settlement of the Zuni Indian Tribe's water rights for its religious lands in northeastern Arizona. Congress first recognized the importance of these lands in 1984 when it created the Zuni Heaven Reservation. While land issues were addressed in 1984, water rights remained in question until Sen. KYL's intervention.

Uncertainty existed in several of the rural towns upstream from the newly-created Zuni Heaven. These small communities upstream from this Reservation have now been fully appropriated. A resolution was reached that avoided costly litigation. Parties included the Zuni Tribe, the United States on behalf of the Zuni Tribe, the State of Arizona, including the Arizona Game and Fish Commission, the Arizona State Land Department, and the Arizona State Parks Board, as well as the major water users in this area; negotiations were conducted for many years to produce an acceptable agreement for all parties.

This legislation would provide the Zuni Tribe with the resources and protections necessary to acquire water rights from willing sellers. In addition, this legislation will restore and protect the wetland environment that previously existed on Zuni Heaven.

In return, the Zuni Tribe will grandfather existing water uses and waive claims against many future water uses in the Little Colorado River Basin. This legislation exemplifies that the Zuni Tribe can achieve its needs for the Zuni Heaven Reservation and avoid a disruption to local water users and industry. The United States will also avoid costly litigation and satisfy its trust responsibilities to the Zuni Tribe.

This legislation provides much needed assurances to all settlement participants and is the result of four years of good faith negotiations.

I would like to identify and commend the work of the parties to the Zuni Settlement. The parties consist of rural communities in the First District of Arizona, including the City of St. Johns, the Town of Eagar and the Town of Springerville. In addition, the State of Arizona, specifically, the Arizona Game and Fish Department, the State Land Department and the Arizona State Parks Board, Salt River Project, Tucson Electric Power Company, St. Johns Irrigation and Ditch Company, the Lyman Water Company and the Round Valley Water Users' Association.

It is now up to this body to take the final step in making this settlement a reality. I ask

my colleagues to pass this important legislation.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise in strong support of S. 222, the Zuni Indian Tribe Water Rights Settlement Act of 2003. This is a unique water rights settlement, carefully designed to protect the Zuni's most sacred site while at the same time preserving access to water supplies for upstream users.

The Zunis are counting on this legislation, as my colleague from Arizona knows, to finally settle critical water questions. I urge my colleagues to support Senate S. 222. I would congratulate the gentleman from Arizona (Mr. RENZI) on his leadership.

This is a unique water rights settlement, carefully designed to protect the Zuni's most sacred site while at the same time preserving access to water supplies for upstream water users.

Recently, a delegation of Zuni tribal leaders and members visited my office here in Washington. They told me Zuni Heaven, a riparian area along the Little Colorado River, is central to the Zuni religious and cultural traditions and is the place where Zuni deities and ancestors have resided from time immemorial.

This sacred riparian area is the home of the Kachina, one of the highest religious orders in Zuni culture, and was in historical times, a very lush riparian area with willow, cottonwood, cattails, turtles, and waterfowl.

Ever since the 1877 Presidential order reduced the Zuni cultural homelands and established the current Zuni Reservation in New Mexico, the Zuni people have maintained the practice of making a pilgrimage to Zuni Heaven.

Every 4 years, Zunis from western New Mexico trek over 50 miles to Zuni Heaven, located in northeast Arizona, to perform religious ceremonies during the summer solstice. This pilgrimage is very important because it helps sustain and rejuvenate Zuni cultural and religious traditions.

The Zuni Water Rights Settlements will help the Zuni people restore their sacred Zuni Heaven to the way it was as described in ancient historical accounts. Furthermore, it will help them develop wetlands for water plants, birds and other animals so important and necessary in carrying on the Zuni Kachina religion.

I extend my compliments to the Zuni people, the State of Arizona, and the non-Indian organizations who participated in the negotiations that resulted in this historic water settlement.

It is unfortunate that we were not able to pass this bill when it first came before the House earlier this week. The Zuni are counting on this legislation to finally settle critical questions about their water rights. We are now able to pass this bill and send it to the President for his signature, and I urge my colleagues to support S. 222.

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

Mr. RENZI. Mr. Speaker, I thank the gentleman from New Mexico, and I yield back the balance of my time.

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

Pursuant to House Resolution 258, the Senate bill is considered read for amendment and the previous question is ordered.

The question is on third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

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

Mr. UDALL of New Mexico. 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, further proceedings on this question will be postponed.

GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

Mrs. CUBIN. Mr. Speaker, pursuant to House Resolution 258, I call up the Senate bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 273 is as follows:

S. 273

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 "Grand Teton National Park Land Exchange Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Federal lands" means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term "Governor" means the Governor of the State of Wyoming.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "State lands" means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled "Private, State & County Inholdings Grand Teton National Park", dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on

the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act"), and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 258, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, having already debated this bill, I urge its adoption.

I rise in support of S. 273, and ask that this body support its passage.

The Grand Teton National Park Land Exchange Act was introduced by Senator THOMAS, co-sponsored by Senator ENZI, and is supported by all five elected Wyoming state officials, the National Park Service and the local communities.

The measure passed the Senate on April 3, 2003, under unanimous consent.

This bill presents a very unique opportunity with regards to federal land management in our National Parks that will greatly benefit the American public as well as Wyoming school children.

The Jackson Valley has a history as colorful and amazing as the Grand Tetons that rise nearly 14,000 feet above the glacial lakes at their base.

The first visitors to the Grand Tetons and the Jackson Valley were the Shoshone, Crow, Blackfoot, and Gros Ventre Indian tribes who treated the area as a summer hunting ground and sacred area.

Later, in the 1800's, many fur trappers visited this consecrated ground, and were stunned by its raw beauty and diverse ecosystem. In 1807 even John Colter, who had separated from the Lewis and Clark expedition, explored the area and returned with far fetched tales of geysers, hot springs, and mountains that touched the sky.

It was years before his supposed hallucinations were indeed found to be true. From 1824–1840 the Grand Tetons were the central rendezvous site for mountain men all across the west, swapping tall tales and pelts. The Green River Rendezvous continues to this very day.

After the area was settled at the turn of the century, the town of Jackson elected a Town Mayor and City Council entirely comprised of women . . . showing just how intelligent the people of Wyoming were, and are, to this very day. This was the first All-Female town government in our Nation's history. This, of course, occurred in my home state of Wyoming, the Equality State.

Grand Teton National Park was later established by Congress on February 29, 1929, to protect the natural resources of the Teton range and the Jackson area's unique beauty.

On March 15, 1943, President Franklin Delano Roosevelt established the Jackson Hole National Monument adjacent to the Park.

Grand Teton National Park was expanded to its present size by Congress on September 14, 1950, to include a portion of the land from the Jackson Hole National Monument.

The Park currently encompasses approximately 310,000 acres of wilderness and some of the most amazing scenery to be found in any corner of the world.

However, when Wyoming received its statehood in 1890, sections of land were set aside for school revenue purposes. All income from these lands—rents, grazing fees, sales or other sources—is placed in a special trust fund for the benefit of students in the state.

The establishment of these school sections pre-dates the creation of most national parks or monuments within our state boundaries, creating several state in-holdings within federal land masses, such as in Grand Teton National Park.

Currently over 1406 acres of state surface and mineral acres are held by the state of Wyoming in isolated plots within Grand Teton National Park.

This legislation would allow the State of Wyoming to trade or sell these precious state lands locked up inside the Park to the federal government in exchange for other federal lands, minerals or appropriated dollars, or a combination of all three, to address Wyoming's public school funding needs.

Further, the American public can consolidate under National Park Service management the lands within Grand Teton National Park's borders and protect them from future development pressures placed upon the state for the benefit of our schoolchildren.

It is a win-win scenario for everyone involved.

Within 90 days after this bill is signed into law, the land would be valued through agreement by the Wyoming Governor and the Secretary of the Interior. If there is no agreement, an appraisal process will be set up to determine the value of the lands or minerals in question to ensure fairness to all parties.

There will also be an appeals process to further ensure fairness to both the Federal Government and the state of Wyoming.

Within 180 days after the state land value is determined, the Interior Secretary, in consultation with the Governor, shall determine an exchange of federal assets of equal value for the state lands.

This body has an incredible opportunity to allow the consolidation of lands within Grand Teton National Park borders, and to allow the state of Wyoming to capture fair value for their property to benefit all Wyoming school children.

I respectfully request that the members of this body support the Grand Teton National Park Land Exchange Act.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good bill. I support the Senate bill.

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

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

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

Pursuant to House Resolution 258, the Senate bill is considered read for amendment and the previous question is ordered.

The question is on third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

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

Mr. UDALL of New Mexico. 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, further proceedings on this question will be postponed.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of the passage of the Senate bill, S. 222, on which further proceedings were postponed earlier today.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the passage of the Senate bill on which the yeas and nays are ordered.

The SPEAKER pro tempore. This will be a 15-minute vote, followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 3, not voting 42, as follows:

[Roll No. 247]

YEAS—389

Abercrombie	Davis, Jo Ann	Issa
Aderholt	Davis, Tom	Istook
Akin	DeGette	Jackson (IL)
Alexander	DeLauro	Jackson-Lee
Allen	DeLay	(TX)
Andrews	DeMint	Janklow
Baca	Deutsch	Jefferson
Bachus	Diaz-Balart, L.	John
Baird	Diaz-Balart, M.	Johnson (CT)
Baker	Dingell	Johnson (IL)
Baldwin	Doggett	Johnson, E. B.
Ballance	Dooley (CA)	Johnson, Sam
Barrett (SC)	Doolittle	Jones (NC)
Bartlett (MD)	Doyle	Jones (OH)
Barton (TX)	Dreier	Kanjorski
Bass	Dunn	Kaptur
Beauprez	Edwards	Keller
Becerra	Ehlers	Kelly
Bell	Emanuel	Kennedy (MN)
Bereuter	Emerson	Kennedy (RI)
Berkley	Engel	Kildee
Berman	Etheridge	Kilpatrick
Berry	Evans	Kind
Biggert	Farr	King (IA)
Bilirakis	Fattah	King (NY)
Bishop (GA)	Ferguson	Kingston
Bishop (NY)	Filner	Kirk
Bishop (UT)	Flake	Kleczka
Blackburn	Fletcher	Kline
Blumenauer	Foley	Knollenberg
Boehlert	Forbes	Kucinich
Boehner	Ford	LaHood
Bonilla	Fossella	Lampson
Bonner	Frank (MA)	Langevin
Bono	Franks (AZ)	Lantos
Boozman	Frelinghuysen	Larsen (WA)
Boswell	Frost	Latham
Boucher	Gallegly	LaTourrette
Boyd	Garrett (NJ)	Leach
Bradley (NH)	Gerlach	Lee
Brady (PA)	Gibbons	Levin
Brown (SC)	Gilchrest	Lewis (CA)
Brown, Corrine	Gillmor	Lewis (GA)
Brown-Waite,	Gingrey	Linder
Ginny	Gonzalez	Lipinski
Burgess	Goodlatte	LoBiondo
Burns	Gordon	Lucas (KY)
Burr	Goss	Lucas (OK)
Buyer	Granger	Lynch
Calvert	Graves	Majette
Camp	Green (TX)	Maloney
Cannon	Green (WI)	Manzullo
Cantor	Greenwood	Markey
Capito	Grijalva	Marshall
Capps	Gutierrez	Matheson
Capuano	Gutknecht	Matsui
Cardin	Hall	McCarthy (MO)
Cardoza	Harman	McCarthy (NY)
Carson (IN)	Harris	McCollum
Carter	Hart	McCotter
Case	Hastings (WA)	McCreery
Castle	Hayes	McGovern
Chabot	Hayworth	McHugh
Chocola	Hefley	McIntyre
Clay	Hensarling	McKeon
Clyburn	Hergert	McNulty
Cole	Hill	Meehan
Collins	Hinchey	Meek (FL)
Cooper	Hinojosa	Meeks (NY)
Cox	Hobson	Menendez
Cramer	Hoefel	Mica
Crane	Hoekstra	Michaud
Crenshaw	Holden	Millender-
Crowley	Holt	McDonald
Cubin	Honda	Miller (FL)
Culberson	Hostettler	Miller (MI)
Cummings	Houghton	Miller (NC)
Cunningham	Hoyer	Miller, Gary
Davis (AL)	Hunter	Mollohan
Davis (CA)	Hyde	Moore
Davis (FL)	Inslee	Moran (KS)
Davis (IL)	Isakson	Moran (VA)
Davis (TN)	Israel	Murphy

Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds

Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm

Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Coble Duncan Paul
NOT VOTING—42

Ackerman
Ballenger
Blunt
Brady (TX)
Brown (OH)
Burton (IN)
Carson (OK)
Conyers
Costello
Deal (GA)
DeFazio
Delahunt
Dicks
English

Eshoo
Everett
Feeney
Gephardt
Goode
Hastings (FL)
Hooley (OR)
Hulshof
Jenkins
Kolbe
Larson (CT)
Lewis (KY)
Lofgren
Lowey

McDermott
McInnis
Miller, George
Ortiz
Pascrell
Quinn
Reyes
Ryan (WI)
Serrano
Smith (MI)
Smith (WA)
Thompson (CA)
Toomey
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). There are 2 minutes remaining to vote.

□ 1557

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

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to an unavoidable conflict in my schedule, I was unable to be present during rollcall votes 236–247. Had I voted, I would have voted “yea” in rollcall votes 236–239, “no” on rollcall votes 240–241, and “yea” on rollcall votes 242–247.

GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of passage of the Senate bill, S. 273, on which further proceedings were postponed.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the passage of the Senate bill on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 4, not voting 55, as follows:

[Roll No. 248]

YEAS—375

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson

McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo

Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)

NAYS—4

Coble
Miller (FL)
Musgrave
Paul

NOT VOTING—55

Ackerman
Ballenger
Berman
Brady (TX)
Brown (OH)
Brown (SC)
Burton (IN)
Carson (OK)
Clyburn
Conyers
Costello
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
Dicks
Edwards
Ehlers

Eshoo
Everett
Feeney
Fletcher
Gephardt
Goode
Hastings (FL)
Hooley (OR)
Hulshof
Hunter
Jenkins
Larson (CT)
Lewis (KY)
Lofgren
Lowey
McDermott
McInnis
Meehan
Miller, George

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1603

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 248, had I been present, I would have voted “yea.”

Mr. WALSH. Mr. Speaker, on rollcall No. 248 I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT REGARDING PROCEDURES FOR FILING OF AMENDMENTS ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of June 9 to grant a rule which could limit the amendment process for floor consideration of H.R. 2115, Flight 100—Century of Aviation Reauthorization Act. The Committee on Transportation and Infrastructure ordered the bill reported on May 21, 2003, and is expected to file its report with the House tomorrow, June 6, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 10 a.m. on Tuesday, June 10th.

Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure which will be available tomorrow for their review on the websites of both the Committee on Transportation and Infrastructure and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT REGARDING PROCEDURES FOR FILING OF AMENDMENTS ON H.R. 1115, CLASS ACTION FAIRNESS ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of June 9 to grant a rule which could limit the amendment process for floor consideration of H.R. 1115, the Class Action Fairness Act of 2003. The Committee on the Judiciary ordered the bill reported May 21, 2003, and is expected to file its report in the House on June 9, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 10 a.m. on Wednesday, June 11.

Members should draft their amendments to the text of the bill, as reported by the Committee on the Judiciary which will be available early next week for their review on the websites of both the Committee on the Judiciary and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the

most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to my friend, and I am glad to see him on the floor, the gentleman from Texas (Mr. DELAY), the leader, for the purpose of inquiring about the schedule for next week.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding to me.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of rules. A final list of those bills will be sent to the Members' offices by the end of the week. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday and Wednesday we expect to consider additional bills under suspension of the rules. We also plan to consider several bills under a rule: H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act, to reauthorize programs for the Federal Aviation Administration; H.R. 1115, the Class Action Fairness Act; and H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act.

In addition to these bills, we may also consider H.R. 1528, the Taxpayer Protection and IRS Accountability Act.

And, finally, I would like to note for all Members that we are making a change in the schedule that was sent to offices at the beginning of the year. We do not plan to have votes next Friday, June 13.

Mr. HOYER. I thank the leader for his informing us of the schedule that is contemplated for next week.

Mr. Leader, I do not see Child Tax Credit legislation listed on next week's schedule. I did not hear you talk about that.

We have a bill, as I think you probably know, the Rangel/DeLauro/Davis bill, that will make sure working families and our service members left out of the recently enacted tax bill get the child tax credit they should have. We have sought unanimous consent to bring this bill up, but we have been denied and not successful. There is apparently agreement in the Senate, as we understand it, to take this matter up perhaps today.

When do you expect that we might be able to consider child tax credit legislation on the floor, Mr. Leader?

Mr. DELAY. The gentleman knows that we think we have already done child tax credit in a very meaningful way. Whatever the Senate does, certainly we will take it under consideration, but our schedule and our agenda

that has been announced from the first of the year is that we will have several tax relief bills. Of those bills, maybe this provision that the gentleman is talking about could be included. I do not know, but the Committee on Ways and Means would certainly take it under advisement.

We have scheduled certainly an international tax bill for this summer. We have already announced that we would like to see the total repeal of death tax made permanent. There will probably be another tax relief bill, so there is plenty of opportunity for the gentleman to talk about that provision that the Senate may have left out of the bill signed by the President a week ago.

Mr. HOYER. I thank the gentleman. He and I may disagree as to the fact that the Senate left it out. It was left out. We agree on that. The Senate, of course, had it in its bill. We did not.

Am I correct then that there are no plans next week to have on the floor of the House as far as you know a child tax credit bill?

Mr. DELAY. I cannot say no plans. As the gentleman knows, in this business you never say never.

I am under the impression that the other body has some sort of package that they have put together. If they pass that package today or tomorrow, the Committee on Ways and Means can certainly take it under advisement and make recommendations to the leadership, and that may happen next week. I just cannot tell the gentleman.

Mr. HOYER. I thank the gentleman for his observation. I take it then that if the Senate does not pass something over here, that we would have no thought that that would be on the schedule for next week?

Mr. DELAY. If the minority on the Committee on Ways and Means wants to participate in the process, certainly in those tax provisions that are being worked on as we speak by the Committee on Ways and Means, they could certainly participate in that process, try to get their provision in, gather the votes to pass it, and bring it out here, and hopefully they would support a tax relief bill.

Mr. HOYER. Reclaiming my time, without taking this further, than perhaps we need to go in a colloquy of this type on the schedule, Mr. Leader. In a serious vein, the minority on the Committee on Ways and Means would love to participate in the process. I would tell the leader, with all due respect and very sincerely, the minority in the Committee on Ways and Means does not believe it is included in the process; and that is of concern to us.

If perhaps you could talk with the chairman, with your persuasive powers, perhaps, in fact, we could participate in the process and perhaps we would be able to offer such an amendment; and, clearly, if that would happen, we would offer such an amendment, I assure the leader. So if he could help us with the chairman of the

committee, that would be greatly appreciated.

Medicare prescription drugs, Mr. Leader, what can you tell us about when we can expect to see Medicare prescription drug legislation considered in the committees of jurisdiction and then on the floor?

Mr. DELAY. As previously announced, we had tried to get Medicare modernization onto the floor before the Memorial Day break. Obviously, there was a tremendous amount of work that needed to be done, and we had to postpone that goal. We have set a new goal, and we hope that we can have Medicare modernization to the floor before the July 4 break. The Committee on Ways and Means and the Committee on Energy and Commerce are working hard to develop a proposal that would modernize and preserve the Medicare program and provide needy citizens with life-saving drugs. But while the complexity of this issue means that our staffs and committees need to be working and they are working very hard, we still hope to have a bill for the House to consider before the end of the month.

Mr. HOYER. I thank the gentleman for that information.

Lastly, I would ask the gentleman, I have served on the Committee on Appropriations for many years. We have not marked up yet, as the gentleman knows, any bills in subcommittee nor, obviously, in full committee at this point in time. In fact, we have not been given 302(b) allocation, as the leader knows. Would the leader be able to tell us what schedule he now foresees for appropriations bills and when we might do the 302(b) allocations?

Mr. DELAY. The gentleman is absolutely correct. We are way behind in our appropriations process. I am very concerned about that. We had hoped that this year that the House and the Senate could work out an agreement of allocation so that we could work together more smoothly than we have in the past as two bodies. We are still hopeful that we can get that kind of an agreement. But I anticipate the mark-ups in the subcommittee to begin, and I am very hopeful they can start beginning next week. But it is still probably a little too early to tell.

Mr. HOYER. I thank the gentleman for his comments.

Reclaiming my time, obviously, last year the discussion was the failure to pass a budget undermined the appropriations process. Of course, we have passed a budget, I would say somewhat facetiously. That probably undermines the appropriations process as well, but, nevertheless, we are behind, as the gentleman indicates. We are concerned that we get so far behind that we are unable to pass appropriations bills by the end of the fiscal year, and I am pleased to hear that perhaps we are moving ahead to start giving the allocation for the subcommittees and having mark-ups perhaps as soon as next week. I thank the gentleman for the information.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 6, 2003 TO FILE REPORT ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Friday, June 6, 2003 to file a report to accompany the bill H.R. 2115, to reauthorize funds for the Federal Aviation Administration, and for other purposes.

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

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 9, 2003

Mr. MICA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, JUNE 10, 2003

Mr. MICA. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 9, 2003, it adjourn to meet at 10:30 a.m. on Tuesday, June 10, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MICA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

□ 1615

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 669

Mr. DAVIS of Alabama. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 669.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Alabama?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

MAJORITY DID NOT DO ITS JOB

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would argue that after today's work it is imperative that we put on the floor of the House a relief to many of the children of America, millions in fact.

We did not do our job. This House, the majority, did not do its job. The Senate, the majority, did not do its job by eliminating a tax credit benefit from 6.5 million families, 12 million children. We need to restore the \$400 tax credit that will be given to those families.

Right now we have a study that says military kids are slighted on tax credits. That means the young men and women, the young families in the United States military, their income does not allow them to get a tax credit for the children that they have. Blessed are the poor, they do not get tax cuts.

They do pay taxes. They pay sales tax, payroll taxes. They pay property taxes. It is imperative to pass H.R. 2286, and Mr. Speaker, as an original cosponsor I would ask that the Rangel-DeLauro bill be put on the floor of the House next week to match the Senate bill so we can restore the \$400 to these families 6.5 million, 12 million children, what a shame.

We do not need to wait for months for tax bills to come. We need to fix our error now and help the working families of America.

VETERANS HEALTHCARE ACCESS STANDARDS ACT OF 2003

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, today I am introducing the Veterans Health Care Access Standards Act of 2003. This bill would establish standards of access to care for veterans who utilize the VA health care system. If enacted the bill would codify the Department's current standard of access to care and would actually require the VA to use alternative community health care resources if the VA is unable to meet their own standard.

In my home State of Florida, there is a backlog of more than 24,000 veterans seeking VA medical care. In my District alone, there are 2,727 veterans waiting for an appointment and another 2,000 who have an appointment but the schedule time is more than 6 months away.

The Department's established access standard for outpatient care is to provide veterans seeking primary care with appointments within 30 days of making the request for such an appointment. However, it is clear to any Member of Congress that has toured

VA outpatient clinics recently in their District that these goals have not been met.

My bill will actually codify the veterans self-imposed standard. I think that it is important because if a VA medical center is unable to see a patient then that patient should be able to seek care elsewhere in the community.

I urge my fellow Members to join me with this bill.

SENIOR CITIZENS NEED OUR HELP

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

Mr. FILNER. Mr. Speaker, I rise today to urge support for two bills to provide financial relief to our Nation's senior citizens. Both men and women will receive assistance with this legislation, but because older women are often with less financial resources, they will particularly benefit.

My first bill, H.R. 1922, the Fair Taxes for Seniors Act, allows the fact that the current capital gains tax exemption on the sale of a home is not working for seniors who live in areas with higher housing prices. The bill provides a one-time increase in the capital gains exemption for sales of homes for citizens who are 50 years and older.

My second bill, the Social Security Survivors Fairness Act, provides Social Security widows' benefits for women under the age of 60. Mr. Speaker, I have stories about various seniors in my District talking about the need for this exemption for the capital gains of the sale of their home and also for the lowering of the age for which they can become eligible for Social Security.

I will include my full statement at this point.

Mr. Speaker, I rise today to urge support for two bills to provide financial relief to our Nation's senior citizens. Both men and women will receive assistance with this legislation, but because older women are often with less financial resources, they will particularly benefit.

My first bill is H.R. 1922, the Fair Taxes for Seniors Act. The current capital gains tax exemption on the sale of a home is not working for seniors who live in areas with higher housing prices. My bill provides a one-time increase in the capital gains tax exemption on the sale of a home for citizens who are 50 or older.

Eleanor, a 78-year-old citizen, lives in Glen Ellyn, Illinois and bought her home 45 years ago with her husband, who has passed away. The combined Federal and State taxes on her home after the current capital gains exemption are \$68,000. She needs this money from the sale of her house in order to move into a nursing home. Eleanor wants to stay in the Chicago area because her friends are there, but the price of nursing care there is high. Should a 78-year-old woman have to move from the city she has lived all her life because, as a widow, she is considered single and has to pay higher taxes?

Marilyn is a single, professional woman who lives in Mission Hills, California—near my con-

gressional district. She chose to become involved in her community and has stayed in the same house throughout her lifetime. Marilyn is now 60 years old and wants to sell her home and move to a smaller condo in the same area. Her combined Federal and State taxes are \$169,940 after the current exemption. Should singles who remain in one house for many years be taxed for their stability—and essentially for being single?

Sally, a divorced, single mother in Seattle, Washington is 57 years old. She chose to stay in one home for 37 years so her children could stay in the same school system and she could live near her work and her church. One of her adult children has developed severe health problems and has to pay medical bills not covered by insurance. Sally is selling her home to pay some of the doctor's bills. Her combined Federal and State taxes are \$64,000. This tax money is money that Sally should be able to use to pay off medical bills as well as to get ready for her own retirement.

My bill would provide a one-time increase of \$500,000 for a single person and \$1 million for a couple in the amount excludable from the sale of a principal residence for taxpayers who have reached the age of 50. Let us help our citizens over age 50 who have lived in one home for many years. Let them keep the proceeds from the sale of their homes for retirement and health care costs. An added benefit is that family members and perhaps the government will be relieved of the burden of caring for these individuals as they grow older.

My second bill is H.R. 1923, the Social Security Survivors Fairness Act, to provide Social Security widows' benefits for women under the age of 60. Maria is a 58-year-old widow who lives in San Ysidro, California in my congressional district. Throughout her lifetime, she worked in the home, raising her children and supporting her husband. Now her husband, who received Social Security benefits, has passed away. There currently is a provision for Maria to receive Social Security widows' benefits, but to qualify she must be 60 years old.

Social Security is telling Maria that she must find a way to support herself for 2 years. It will be difficult for her to find a job at her age, when she has never worked outside of her home. Women in their late 50s who are dependent on their husband's Social Security are left with no means of support if their spouse dies. My bill would amend the Social Security Act to reduce from 60 to 55 the age at which an individual who is otherwise eligible may be paid widows' or widowers' insurance benefits.

I encourage my colleagues to support H.R. 1922 and H.R. 1923 to provide financial assistance to our country's most vulnerable citizens.

GREATEST BOOTLEG IN HISTORY

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

Mr. RYAN of Ohio. Mr. Speaker, we witnessed one of the greatest bootlegs in the history of the tax code. We were told that every single person would be able to get something back in this tax code, but there are people making less than \$27,000 a year who will not be getting a \$400 check, but worse than that, these are families that have worked.

This is not welfare. This is not a give away. These are people who put in 40 hours a week and have children and deserve the \$400 back.

In Youngstown, Ohio, where we have a reserve base, there will be one in five military workers who will not be able to qualify for this, putting their lives on the line, active duty members of the military that will not qualify.

All we have to do is raise the top tax bracket. It has been lowered from 38 percent to 35 percent. From 35 percent, raise it to 35.3 percent, and we would have enough money generated to take care of working parents, mostly single parent homes, many military homes that will not be able to utilize this tax credit.

The greatest bootleg in the history of the Congress.

HONORING THE PAGE CLASS OF 2003

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

Mr. SHIMKUS. Mr. Speaker, if I could ask the page class of 2003 to come down and take seats here in the first and second row, maybe spread it out to both sides.

Here we are, about to end a year, and this is a tradition. Unfortunately, a lot of us have to go back to our district and will not be here for graduation. I know the class is having the gentleman from Virginia (Mr. TOM DAVIS) speak. He will represent us well as a former page himself, but this gives us a chance as a collective body to say thank you for all your work and support and friendship and things that you have done over the years.

Obviously, we remember just a short time ago welcoming you and I do not know if you remember some of the comments, but I know what I have said to other classes is that you get an opportunity to observe and work with elected Members of Congress and you will see history in the making. We did not know what that would be, but it has happened every year. Something occurs that you all are a part of, and you all know what those were.

I also asked and you all made a pledge as a class to do well in your duties, do well in your school work, do well in the dorm activities, and for the most part, I think you can say you accomplished your mission well, and I am very thankful as the Chairman of the page board that I did not have to see very many of you very often. So thank you for not only doing your work but upholding the great tradition of the page program because that helps us continue to move the page program forward.

I am going to be able to intersperse comments as I have a lot of colleagues that want to make sure they say a special farewell to you, and so I am going to pause right now. I am going to ask the gentleman from Arizona (Mr. KOLBE), my colleague, to come up and

say his farewell as a Member of Congress.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Illinois for yielding to me, and I want to say to all of you it is great to be here with you on this day. This is something of a bittersweet day, I know, for you as you leave an experience that is going to be an experience of a lifetime. I can tell you that from having been through it myself many years ago as a page, but it is also you are going to be returning home to your friends and your families, and that is always good, and you are not going to have to be rousted out of bed in the morning for early duty over here and you are not going to have late nights on the floor of the House for a while. So you can sit back at home and watch it on television for a little bit and enjoy it that way instead of having to participate in it every day.

Over the years, you will come to understand just how important an experience this is for you, or at least I hope you will, and I think all of you will do that.

First, I just want to say the job that you do for us is very important. I liken it to being the grease that helps to make the House of Representatives run every day from having squeaky wheels. It is the oil that makes the machine work correctly. You really do in a very quiet and silent way, kind of behind the scenes, you perform very important functions for us, and we are very grateful for that. Sometimes perhaps we do not say it often enough or we do not say it in the right way. So I just want to say thank you for the outstanding job that you do.

It would not be possible to do the job of pages with other people handling those tasks. There is a very special reason that we have kept this program constituted the way it is, with young people coming from all walks of life, all parts of the United States, all kinds of communities, all backgrounds, all ethnic groups, that come here to get a sense of what the House of Representatives, what the Congress, what the United States Government is all about because in a very real sense, you go back to your communities, to your schools, to your families, to your fellow students as ambassadors, as ambassadors from the House of Representatives, as ambassadors from the United States Congress to tell them something about the institution that you have had an opportunity for a year not just to study but to live, to actually be a part of.

So for this last year, you have really come to understand in ways perhaps that you do not even recognize right now because it is just absorbed to you but over the years you will understand things that you know now about the House of Representatives that other people do not understand and do not know about.

The most important thing that I hope you will take away from this is that the people who serve here are

good. The people who work in this place are good. The staff that work behind this desk, the staff that work in all of the buildings, that work in all of the offices, the staff that help you to go through this year, the Members who serve in the House of Representatives and the Members who serve in the United States Senate, sure there are bad eggs. There are always bad eggs someplace, but they are by and large good people.

The most important thing is not that. It is the institution itself. The institution is much larger than the people who serve in this body. This morning we swore in a new Member. I think I heard the figure, the 9,883rd person in the history of the United States to serve in the House of Representatives. It is a great privilege for me to serve in the House, and I can guarantee that as I look out to faces here there are one or two, maybe more, of you who will someday be back here as Members of the House of Representatives.

It is not the people that serve here. It is the institution itself that makes this country different from other countries. It is the concept of the rule of law. It is the concept of the history. It is the concept of the institution that makes our government work.

In my capacity as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs I have a responsibility and an opportunity to travel to a lot of countries around the world, and sometimes I see countries that have great wealth, great natural resources, have everything going for them except they do not have the institutions. They do not have the rule of law. That is what makes the United States different.

We should never just assume it is always there. It is something that has to be protected. It is something that has to be worked for every day. That is why I think this that you now have a responsibility as a former page to go back to your communities, to become active citizens in your communities, to help to participate in your community, to participate in the political process.

□ 1630

You will do it in different ways. Most of you will never run for any office; but you will get involved, perhaps in a school community, in the school board. You will do one of these different things; and someday, yes, one of you will be in Congress. Maybe one of you will be President of the United States. I can look out here and see many that I think might fill that role.

The important thing is that you stay involved in your community. The important thing is that you make a contribution to this great country so that your children and your grandchildren can someday sit on this floor and have the same experience. It does not just happen. It happens because Americans care enough to make it happen. You have cared enough to come here and to be a part of this, and we thank you for

the job that you have done. We thank you for the commitment that you have made year long to this responsibility, to this work. And we thank you now as you go back to your communities.

I wish you all the very best, and I hope I see the faces of many of you around here in the future. Thank you. Godspeed.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for his comments. I want to make sure I hand in the list of the departing pages, the class of 2003, over here. As you know, you will want to make sure you grab your official transcript of the day's proceedings and activities and you will be able to see your name in the CONGRESSIONAL RECORD, and that is why we do that.

Perhaps one of you will become Speaker of the House, maybe you will be the President; but the really good job is to be the chairman of the Page Board, so that is what you ought to shoot for. Anybody can be President, not very many people can be chairman of the Page Board or a member of the Page Board; and that is what you should be shooting for.

I am pleased today to recognize a true friend of the page program. You are in the 20th anniversary class, the reconstituted page program. This year, my colleague who is on the Page Board, the gentleman from Michigan (Mr. KILDEE), is celebrating 20 years of service to this program. I have only been doing it 5 years, and look at all the gray hair I have; but he has been doing it 20 years.

Mr. KILDEE has touched the lives of literally thousands of pages just like you throughout his 20 years. In his early days on the board, he oversaw the creation of the page school and the residence hall. Most recently, he was instrumental in the planning and construction phases of the brand new residence hall. And as I like to say, you all are living in tall cotton compared to the location the other pages resided in. They had to really weather some severe hardships. But the gentleman from Michigan was very instrumental in that planning, and I think you are all pleased with the residence hall. I know I am. And I know you are all grateful to him for that.

Under the leadership of the gentleman from Michigan, the program has grown and flourished to be an outstanding opportunity for bright young people. Today, the program encompasses aspects of academic work and a social life that has made it truly a comprehensive experience. We thank him for his tireless dedication to the Page Board and we congratulate him for 20 years of service.

I am going to ask Mr. KILDEE to come up, but what he does not know, and I will go over here now, is that we have a little surprise for him. We are going to present to him this plaque: "The United States House of Representatives Page Program, Presented to the Honorable DALE KILDEE, In Honor of 20 Years of Service to the Page Program, 1983 to 2003."

Mr. Speaker, I yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman very much. Mr. Speaker, this has been a great year. It has been a great 20 years. Indeed, Mr. Speaker, I have served now 20 years on the Page Board, having been appointed by Speaker Tip O'Neill. I would like to express my personal gratitude to all the pages who have served so diligently in this House during the 108th Congress. It is the 14th Congress that I have served in, and I love every day of it.

We Members of Congress, we all recognize the important role that you pages have in making this House really work, work efficiently, and work with some inspiration from you because we all get inspired by those who are younger than us, have those ideals and remind us of those ideals. I have had some meals with some of you, enjoyed that very much, and had a chance to talk to you on the floor. This has been a very, very good group.

This group of young people, you come from all across our Nation, and you represent what is so good in our country. You give us so much hope for our future. Indeed, I think all of us can say, those of us especially who are so close to the page program, that we are better people for having had contact with you because you give us such inspiration and so much hope.

To become a page you have proven yourself first of all to be academically qualified. It is not easy to become a page. You have ventured away from the security of your homes and families to spend time in, for most all of you, a very, very unfamiliar city. And through this experience as a page you have witnessed a new culture, made new friends; and some of you will, I will guarantee, I have been here 27 years in the Congress, 20 years on the Page Board, some of you, 27 and more years from now, will still be friends and you will be staying in contact. Because I know some of those pages I first met when I became a member of the Page Board still remain in contact.

We all know that this body has experienced so many things and you have witnessed history like no other group. There is a great group in this country called Close Up, which is a very good group; but no one, no one has seen the Congress as close up as you. No one. You have seen this body address the awesome question of war itself. You have become really part of history.

Your job is not an easy one. First of all, you have to possess the maturity to balance the very competing demands for your time and your energy. I always say there are three different arenas down here: you have the floor and the buildings around the Capitol, where you have assignments; you have the school and the demands in the school; and you have the dorm. There are three different arenas. And let me tell you, you have done a very, very good job in every one of those arenas, and I am personally very, very proud of you.

And you have to work long hours, really long hours, and interact with people at every level. We have some people who are humble in this body and some maybe not as humble, but you interact with all of them and you do it well. You face a challenge in the school itself. It is a very tough school. Former Congressman William Whitehurst, Republican, who went on the Page Board with me, he and I worked together to get that school accredited. And, Bill, if you are listening, thanks a lot. He lives in Virginia, and he was just a great Member; and we were determined to get the school accredited. And it is a tough school.

You are away, and you have to go back for your senior year to another school. That alone presents a challenge to you. But you will meet that challenge because you are special people. I am sure that you will consider the time spent here in Washington, D.C. to be one of the most valuable experiences of your life and that will lead you on to very successful and productive lives.

My two sons were pages in this body, and they went on to serve their country as captains in the Army. One is leaving, my youngest one, leaving for Pakistan very shortly. He has been in Afghanistan, Uzbekistan. But there are so many ways of serving one's country; and you have grown in your love for this country, you have grown in respect for this country, and you have seen the Congress at its best and sometimes at its worst. We are human beings, but this is the best system in the world.

We are going to miss all of you very, very much; and may God bestow his richest blessings upon you. Thank you very much.

Mr. SHIMKUS. Mr. Speaker, I thank my colleague from Michigan for all the work he has done, and I also want to recognize and thank some other folks for their long-time service and who are very special to the program, and you know many of them. Donn Anderson, former Clerk of the House and former page himself, serves on the Page Board as a member emeritus. Of course, he has a 20-year record. Donn, thank you. Barbara Bowen, who has ushered countless students through the confusing worlds of algebra and pre-calculus as the House page math teacher. And Ron Weitzel has instructed bright-eyed pages in the rich and complex history of America as the House page school history teacher. Thank you, Donn, Barbara, and Ron for your dedication and commitment to the page program.

Mr. Speaker, I yield to my friend and colleague, the gentleman from the great State of California (Mr. LEWIS), to say a few words. Mr. Chairman.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Ladies and gentlemen, this is a totally unexpected circumstance, for it has not been my privilege to serve on the Page Board. My name is JERRY

LEWIS, from California. I have the privilege of chairing the subcommittee that deals with national defense. Our Secretary of Defense and General Meyers are briefing the Members, as you may know, over in the Rayburn Building; and we have had those discussions many a time. But I came here to the floor for other reasons and found this going on and thought it might be an opportunity to express my appreciation and say a few words to this class as you are leaving, for a time at any rate, the Nation's capital.

I wanted to share a couple of thoughts with you. When I was young, not really thinking about public affairs, I grew up in a household where my mother was a Democrat and my father was a Republican. So I grew up pretty confused, and over those early years spent a lot of time trying to figure out what are the Democrats all about and what are the Republicans all about, and is there really a lot of difference between these huge gray donkeys and elephants.

I came to Washington for the first time in 1955 as a student at UCLA, along with 11 other students, on our way to India in a program that existed before the Peace Corps, called Project India. Our job was to travel to Southeast Asia, go from community to community in India and try to communicate with our friends, Indian college students. On the way, we stopped in the Nation's capital. I had not been far out of San Bernardino before that. We spent a couple of days talking to USIA and the State Department people, and then we took a half day off to look at the monuments of this wonderful place. That is the story I kind of want to begin to share with you.

On that trip together we walked up the steps of the Lincoln Memorial for the first time, saw that wonderful statue seated in that temple. It is a magnificent first experience, chills up your spine. We had an appointment shortly thereafter on the edge of the Potomac, and in those days you could take a chain of boats and ride in a chain of boats along the Potomac and look at the Capitol and monuments from a different perspective.

We found ourselves waiting for a half hour, 45 minutes, and finally an hour went by only to learn that the reason for our wait was because two of our students were being told they would have to ride in a boat to be attached to the back because they happened to be black. The summer of 1955, 12 young idealistic kids from UCLA going to India to talk about freedom and hope and opportunity, and that scene at the Lincoln Memorial, and then that experience on the Potomac is something you just cannot wipe out of your memory.

But the point was not at all that our country had not made significant progress between the days of Lincoln and that summer of 1955. Clearly we had made much progress in our country. Clearly, also, we have made a lot

of progress since then and today. But the real point is, as I visit Lincoln, the real point is that this is our government, your government. If we are not happy with pieces of it, clearly we have a responsibility to try to impact it, to push it, to shove it down a pathway that makes a lot more sense from our perspective.

□ 1645

Mr. Speaker, I went to India that summer thinking that maybe I might actually go into politics some time. I thought then I would probably run for office as a Democrat. I came back from India convinced, as I went through the summer trying to figure out the differences between the two great parties, that for me, Jerry Lewis, I probably absolutely would run for public office one day, but if I did so, I had made the decision that the place where I could have the biggest impact was on the Republican side of the aisle instead.

I draw the painting regarding the Potomac for one reason, and the quest for the difference between one or the other, I would love to hear from some of you in the months and years ahead, hear from you about what you decide to do in terms of your pathway in life, and what you decided to do if you involved yourself in partisan politics. Because it is people like you who make the two great parties great. But, more importantly, you can continue to make sure that our country is by far the best and the most important force for freedom in the world.

Thank you for what you have done, and it is a pleasure to have been with you.

Mr. SHIMKUS. Mr. Speaker, I want to thank, obviously, the chairman for sharing some time with us. I have a few last things to mention that are more serious, and then we will have a few lighthearted comments.

I would challenge you to find out what motivates yourself. What you have learned as a page going through this program is what is going to serve you well. You have learned a good work ethic and how to work hard. That is going to be important throughout the rest of your life. You have learned the importance of a good education. That will tide you over as you continue to pursue that.

You have learned how to respect one another. I think what our world needs more of is people learning how to respect one another, and I think the program does a great job in doing that.

Also, do not give up. Whatever happens, do not give up. At West Point, my alma mater, we say much of the history we teach was made by the individuals we taught; and I think that is true, what can be said of the page program and the page school, because much of the history that we know now today has been made by former pages.

You have in essence now a great tradition to follow, and I want to encourage you to make us proud. And you already have made us proud. You all in

this group have completed more than 1,400 hours of community service. We need to tell that story. You know it, but this helps us get the message out. That breaks down to an average of 21 hours per page.

Some examples of the things that you have done are Horton's Kids Tutoring Program. That was covered in one of the local papers. The Multiple Sclerosis Walk, Calvary Women's Shelter, Martha's Table, Ronald McDonald House and work at the Congressional Cemetery.

As a class, you have also proven to have the most terrible luck with weather. From the misty Sunday morning you moved in until the misty night of your prom, you have slogged through countless seminars and residence hall trips in the rain. In fact, the sun just came up today after many, many days of overcast skies. You did not even get a reprieve on the day that you were led through the Shenandoahs in the rain. You braved the elements recently on a trip to Six Flags and when you rode the roller coasters despite the rain.

You have proven that rain cannot dampen your enthusiasm and good humor, and it looks like you may be in luck: No rain forecasted for tomorrow's departure ceremony, but, given your track record, I would not count on it. I am going to echo Mrs. Miranda's advice, bring rain gear.

Also, we have discovered that the future President of the United States, Bryce Chitwood, who was in charge of the page auction which raised a record-breaking amount of money for the page prom, \$9,000, it looks like his fund-raising skills are well organized for future goals and aspirations.

Our future Major League baseball player, Ben Hanna, who, it has been said, has great baseball player's hair. I have no idea what that means. All I know is what I am reading here.

One future NASCAR driver, Katie Murray, just has to learn to keep all four wheels on the track.

We have one future tycoon, John Malcovitch, who was born to wear a tuxedo and will be in the same league as Bill Gates, who was also a page. And I have also been told that at least three of our pages are going directly to college, skipping their senior year, and congratulations, I think. They are Sam Rykaczewski, Lauren Conn, and Michael Tanner. This is just one example of all the great successes.

But also as exciting is Democratic pages last week participated in the annual "How many pages can you fit into a cloakroom phone booth?" That is not a tradition on the other side, and I hesitate to mention it because it might become one. The answer is 11, and congratulations. I do not know if that is a record or not. I will have to talk to your folks and see where the record might be. I cannot imagine getting 11 in one of those phone booths.

You also have discovered the nook between the page desk and the storage

cabinet. You all call it the reading corner. Mrs. Ivester calls it the sleeping corner, and Democratic pages rush to work each day in hopes that they will find the secret candy drawer filled. When the drawer is empty, they can always count on the Democratic cloakroom managers feeding them bags of Georgia peanuts throughout the day. Democratic pages often say they work for peanuts.

I know that Helen and Pat back in the Republican cloakroom want to make sure that we have a special thanks for Matt Buckham for all his work carrying groceries for them.

We have talked through the aspect of this point in time in history and you all being involved in that. I think Members have been able to relay our thanks to you for your commitment to the institution. As chairman of the page board, I can speak for my colleague from Michigan and the gentlewoman from New Mexico (Mrs. WILSON) to say we thank you for upholding the honor and the integrity of the program. It makes it a lot easier for us.

Not only that, but the good work that you have done in volunteering. I think you have set a new standard for future page classes. We are definitely going to miss you, but life goes on. You have great challenges ahead. Always remember this important time in your life will not only be in your memory, but it will be in ours. We look forward to seeing you when you come back to visit.

God bless you all, and may God bless the United States of America.

DEPARTING PAGES, 2002-2003

Yvonne Aguilar, Claire Anderson, Candice Armstrong, Harry Bond, Trisha Belle, Robert Brown, Matthew Buckham, Donald Burke, Samuel Burke, Simona Burke, Thomas Carroll, Chris Cantrell, Stephanie Chesnov, Bryce Chitwood, Daniel Clayson, Kevin Clout, Lauren Conn, Christopher Denton, Ben Fendler, Susan Forrester, Doug Gill, David Gorgani, Laura Greenwood, Emily Hagan, Benjamin Hannan, Margaret Hartley, Jane Heaton, Alicia Hines, Margaret Hobbs, Chris Kataros, James Kotecki, Jeffrey Lakin, Erica Lally, Julie Leonard, Rong Li, Alejandra Lopez, John Malcovich, Tania Martinez, Emily McCarthy, Emily MacMillan-Ladd, Jennifer McDervitt, Laura Meixel, Greta Meyers, Michael Mullee, Kiera Murphy, Kaitlin Murray, Kristine Nagle, Amber Nixon, Lauren Noyes, Garrett Payne, Lisandro Rivera, Alex Rochester, Rene Rosales, Sam Rykaczewski, Matthew Schmitz, Allie Smoot, Neva St. Morris, Sarah Stafford, Elizabeth Sterling, Annabell Talamoa, Michael Tanner, Michael Tedori, Emily Toner, Emily White, Rebecca Williams, Leandra Wilson.

APPOINTMENT OF MEMBERS TO THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. PORTER). Pursuant to 22 U.S.C. 276h and the order of the House on January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in

addition to Mr. KOLBE of Arizona, Chairman, appointed on March 13, 2003:

Mr. BALLENGER of North Carolina, Vice Chairman,
Mr. DREIER of California,
Mr. BARTON of Texas,
Mr. MANZULLO of Illinois,
Ms. HARRIS of Florida,
Mr. STENHOLM of Texas,
Mr. FALEOMAVAEGA of American Samoa,
Mr. PASTOR of Arizona,
Mr. FILNER of California, and
Mr. REYES of Texas.

CELEBRATING NATIONAL TRAILS DAY

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

Mr. BEREUTER. Mr. Speaker, this Saturday, June 7, marks the 11th National Trails Day. This important event, held the first Saturday of every June, is coordinated nationally by the American Hiking Society and locally by trail clubs, parks, agencies and businesses.

National Trails Day provides an outstanding opportunity to enjoy trails and thank the countless volunteers who build, maintain and protect them.

As cochairman of the House Trails Caucus, this Member encourages his colleagues to show their support for trails on June 7 and throughout the year.

The theme for National Trails Day 2003 is "Healthy Trails, Healthy People." It will emphasize the many health benefits associated with trail use.

The existing network of trails throughout the U.S. would not be possible without the assistance provided by grassroots trails groups and individuals who are determined to make a positive difference in their communities. The tireless efforts on behalf of trails by countless volunteers across the nation help to ensure that future generations will be able to discover the wonders of our country's rich diversity and history.

In closing, Mr. Speaker, trails play an important role in communities throughout the country and this Member urges his colleagues to join in the celebration of National Trails Day on Saturday, June 7th.

This effort fits well with President Bush's "Healthier U.S. Initiative" to encourage physical activity. In addition to promoting healthier and more active lifestyles, trails provide outstanding, family-oriented recreational opportunities to all Americans. They also offer important economic development benefits to nearby communities.

IN RECOGNITION OF ELAINE PATTERSON

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

Mr. SHAW. Mr. Speaker, today I rise to acknowledge the contributions to the academic excellence of St. Anthony's Catholic School in Fort Lauderdale,

Florida, through the efforts of its principal, Elaine Patterson, who is retiring. St. Anthony's School is the oldest Catholic school in Broward County, Florida, and Elaine has guided thousands of students throughout her 22-year tenure.

Elaine has served as St. Anthony's principal from 1986 to 2003. In that time, she introduced the school's pre-kindergarten program, forwarded technology by way of computers, and promoted innovative programs which helped in the total development of the children in her care.

Mr. Speaker, through the years, Elaine has earned the respect of fellow principals in the Archdiocese of Miami, as well as many of the teachers who have worked with her.

As a grandfather whose grandchildren have benefited from Elaine's professionalism, I can say that her retirement will be a loss to the school and the families she has guided during her career.

Mr. Speaker, congratulations to Elaine Patterson on a distinguished career educating South Florida's youth; and on behalf of the entire Shaw family, I wish to thank Elaine for her great service.

Mr. Speaker, I rise today to acknowledge the contributions made to the academic excellence of St. Anthony's Catholic School in Fort Lauderdale, Florida through the efforts of its principal, Elaine Patterson, who is retiring. St. Anthony's School is the oldest Catholic school in Broward County, Florida, and Elaine has guided thousands of students throughout her 22-year tenure.

Elaine received a Bachelor of Science Degree at Southern Connecticut State University and a Master's Degree in Guidance at Florida Atlantic University. Her experience includes elementary classroom teaching, guidance counseling, and serving as a vice-principal before becoming a principal.

Elaine has served as St. Anthony's principal from 1986 to 2003. In that time, she introduced the school's pre-kindergarten program, forwarded technology by way of computers, and promoted innovative programs which helped in the total development of the children in her care. She worked very closely with St. Anthony's Pastor, Father Timothy Hannon, in achieving these goals and was very active in fund raising activities which made attaining them possible.

In addition to her administrative activities, Elaine has served with distinction on numerous committees for the Archdiocese of Miami and has headed two very successful Self Study Committees. She served as a member of the St. Anthony's Advisory Board, the Parish Council, St. Anthony's Foundation for Education, the Home and School Association and the Victoria Park Civic Association of Homeowners.

Mr. Speaker, through the years Elaine has earned the respect of fellow principals in the Archdiocese of Miami, as well as, the many teachers who have worked with her. Elaine's leadership and example have made her a mentor to many. She believes in an open-door policy for everyone and will be remembered as a kind and compassionate administrator. As a grandfather whose grandchildren have

benefited from Elaine's professionalism, I can say that her retirement will be a loss to the school and the families she has guided during her career.

Mr. Speaker, congratulations to Elaine Patterson on a distinguished career educating South Florida's youth, and on behalf of the Shaw family, I thank Elaine for her service. God bless Elaine Patterson and the entire St. Anthony's family.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO GENERAL ERIC K. SHINSEKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, I have before me an outline of information regarding General Eric Shinseki, Chief of the United States Army, who is on the verge of his retirement. The material before me involves much more than the 5 minutes that is available to us at this moment, but the gentleman from Pennsylvania (Mr. MURTHA) and I want to make sure that all of this is in the RECORD.

Mr. Speaker, I rise today to pay tribute to a genuine American hero, our retiring Chief of Staff of the United States Army, Eric K. Shinseki. After leading the Army during successful campaigns against terrorism in Afghanistan and Iraq and putting the Army on an irreversible track towards transformation, General Shinseki is stepping down as Chief of Staff of the Army next week.

Mr. Speaker, there is many a thing that I would say, but most of us in the House have come to know and be spellbound by the story of General Shinseki's life. Indeed, Hollywood could not have written a better story that would reflect an Horatio Alger kind of hero during our very age.

Mr. Speaker, when I first met General Shinseki, I was a newly elected chairman of the Subcommittee on National Security of the Committee on Appropriations. Shortly after assuming that responsibility, I was asked to go to the swearing-in of the new Army Chief, meeting a general whom I had really not known at all for the first time, the beginning of a very deep and growing friendship.

Eric Shinseki, upon being sworn in, was introduced; and in that introduction I learned for the first time when he was born, Rick Shinseki was born a foreign alien, for he was of Japanese descent, born in Hawaii, and World War II was raging. So a foreign alien. Think of that and think of the reflection and what that says about our country that some years later that same individual rises to be the Chief of the United

States Army. It is a fantastic reflection of this country's strength and what it means in terms of service and opportunity for those who will but serve.

Another piece of that introduction and the Chief's speech says an awful lot about this guy Rick Shinseki. I will never forget his words. Turning to the audience, he said, I want all of you who are here present to know I would not be here today if it were not for the Shinseki women, and he pointed out some two dozen of those women who were in the audience, his grandmother, his mother, wife, daughters, et cetera. With that, he went on to outline his vision for the future of the Army relatively near term, and for the first time I heard in a meaningful way an outline by a military leader that involved the term transformation. He was about transforming the American Army and making sure we found ourselves on a pathway that would allow the Army to lead this free country as the only remaining superpower for the decades ahead.

As he discussed the fact that the Army needed to be lighter and quicker and stronger, I heard a fellow just behind me who also had stars on his shoulders, I heard him gasp, what does this guy think the Marine Corps is for, although the terms he used in expressing that sentiment were a little stronger than I have used here. But, nonetheless, a clear illustration that there continues to be competition between our branches, which is good, but there also continues to be a great need for transformation throughout the Department of Defense. And the first guy out on the point regarding that transformation is this great Chief who is now retiring, Eric Shinseki.

The gentleman from Pennsylvania (Mr. MURTHA) and I have had a chance to work very closely with the Chief. We have had a chance to play a role in developing ideas of his such as the future combat system, to talk out loud about what that future battlefield might look like and to talk about the fact that we are responsible for by far the largest budget in the Congress, those moneys that flow on behalf of our national defense and allowing America to be the voice for freedom. Indeed, in those conversations time and time again, the General and I come back to this thought:

□ 1700

That is the thought that the reason we spend these moneys is not because we are about to wage war but because America is the force for peace and we appropriate these dollars and work with the Army and the rest of our forces on behalf of peace in the world. So as General Eric K. Shinseki goes on to a new part of his life, we thank him for his great and wonderful service, and we all are in his debt.

Mr. Speaker, I rise today to pay tribute to a genuine American hero—our retiring Chief of Staff of the United States Army, General Eric

K. Shinseki. After leading the Army during successful campaigns against terrorism in Afghanistan and Iraq and putting the Army on an irreversible track towards transformation, General Shinseki is stepping down as chief of staff next week.

Many of us in the Congress have come to know, and be spellbound by, the story of General Shinseki's life. Indeed, Hollywood couldn't have written a better Horatio Alger story. General Shinseki, as we've all come to know, was born during World War II to Japanese-American parents at a time when the fears of war created a regrettable episode in our history—the internment of American citizens and loyal immigrants. Between then and now, much has changed in the world and in this country. General Shinseki has been a positive force for some of that change, even as his incredible professional accomplishments are a symbol of that change.

Indeed, I remember so well the first time I heard the Shinseki story. It was during the introduction at his swearing-in ceremony as the Army's Chief of Staff. That story moved me, but I was also struck by General Shinseki's own remarks that followed. He spoke eloquently and forcefully on a broad range of topics—it was during these remarks that I first heard the term "transformation." General Shinseki shared with us his powerful vision for change and I was intrigued at how clear his transformational ideas were, and how resolute and determined he seemed in bringing this about. I also remember what he said about his family—just how important they were to him. He singled out, as he called them, the dozen or so "Shinseki women," in the audience—his grandmother, mother, sisters, wife, and daughters—saying he wouldn't be where he was today without them. His sincere humility and gratitude on this his big day, was inspiring. It was a moving set of remarks on a propitious and portentous day, an event that remains fresh in my memory even now.

With the guiding hand of loving parents, Ric Shinseki matured into an extraordinary young American with rock-solid values and with a calling to serve—"Duty, Honor, Country." This West Point graduate is a decorated combat veteran and an accomplished peacemaker. He is a fierce warrior-leader with a Master's degree in Literature—a true Renaissance man. His story is an inspiration for us all. He has lived the "American Dream" rising to become the 34th Army Chief of Staff.

As a young junior officer, Ric Shinseki served valiantly and selflessly in Vietnam, where he was wounded twice—once so severely his troops were convinced he would not survive. His valor and courage under fire won him three Bronze Star Medals for valor and two Purple Hearts.

A "soldier's soldier" who has commanded at every level, General Shinseki is also a reflective and intellectually gifted leader. In addition to West Point, General Shinseki has attended the National War College and Duke University. Those of us in the Congress involved extensively with defense issues have come to know him as an insightful thinker and inspirational speaker and writer. He is someone we all trust and respect.

Nearing the pinnacle of his Army career, General Shinseki spent 15 months as the commander of the NATO Stabilization Force in Bosnia in 1997. He led this force with remarkable skill, helping that land begin to heal the

wounds of years of war. His abilities as a warrior-diplomat subsequently helped the Army prepare for and execute its peacekeeping responsibilities in Kosovo.

General Eric Shinseki became Army Chief of Staff in June 1999—just six months after I took the job as chairman of the House Defense Appropriations Subcommittee. Over the past four years, we have spent a lot of the time together, professionally and socially, and I have always come away from those meetings inspired and thoughtful about the general's visionary ideas.

In many ways his early performance in Vietnam revealed the true measure and character of this man. This is a tough man who sticks to what he believes is right, even when it is unpopular, controversial, and sometimes even when it is against his own interests. True courage. And we have seen more of this during his tour as Army Chief of Staff.

After only a few months into his tenure as Army Chief, General Shinseki unveiled his comprehensive plan for transformation, the vision for which, as I mentioned earlier, he introduced at his swearing-in ceremony. This town is indebted to him for bringing our collective attention to this important mandate. Transformation is now a very popular phrase in defense circles, with many proclaimed authors, but in this Body in these chambers, we know where this all started and gained traction—the humble and understated Ric Shinseki.

Think about how difficult it was for this career Armor officer, a Tanker himself, to lead the Army in a direction away from 70-ton tanks towards a lighter, more strategically responsive force. Indeed, General Shinseki faced considerable skepticism within the naturally conservative institution that is the U.S. Army. An Army, after all, that had been tremendously successful over the past decade during major combat operations in Panama, the Persian Gulf, and in several other lesser contingencies and peacekeeping operations around the globe. Yet, General Shinseki knew that more than incremental changes were needed to get the Army ready for future requirements—it wasn't enough to look backwards as validation of work well done.

After 9-11, and after devastating attacks only yards away from his office, General Shinseki quickly moved the Army onto a "war-time footing." Like all Americans, I watched with pride and wonderment as our armed forces quickly accomplished their objectives time and again in Afghanistan and most recently now in Iraq. This is the legacy that General Shinseki leaves behind—a fabulously well trained and disciplined force that is helping win the Global War on Terror, while at the same time it is transforming itself to meet the threats of the 21st Century.

Throughout our time together, I have greatly valued this man's opinion and judgment that is always carefully arrived at and based upon over three and a half decades of experience and committed service to the nation. We haven't always agreed, in fact, we've had some major differences over the years, but there is not one in this town I respect more than our outgoing Army Chief of Staff. We will miss him sorely. And we will miss his lovely wife Patty, too. She has steadfastly and selflessly stood by her husband and the Army for over 38 years and today on behalf of my colleagues of the United States Congress, we say "thank you" for a job well done, and may

God bless you with health and happiness in all future endeavors. Although we now end our time together as Chairman and Chief, we will always remain friends.

Mr. Speaker, I greatly appreciate this very special opportunity to honor my friend, General Eric Shinseki—a model citizen and soldier.

MEDICARE REFORM

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) is recognized for 5 minutes.

Mr. ACEVEDO-VILÁ. Mr. Speaker, the Commonwealth of Puerto Rico like the majority of States is confronting a number of challenges as it strives to provide quality health care to its 4 million citizens. Our local government is committed to strengthening the health care system. In fact, the Commonwealth finances approximately 85 percent of the costs of Medicaid in Puerto Rico, a burden no other jurisdiction has and one that is becoming unbearable. For us to move forward, it is essential that the Federal Government be an active and strong partner in this endeavor. As Congress considers creating a prescription drug benefit as well as enacting fundamental Medicare reform, I urge my colleagues to ensure that any Medicare legislation approved by Congress addresses the needs of the U.S. citizens living in Puerto Rico.

Since its inception, Medicare has provided health care for seniors living in Puerto Rico. Mr. Speaker, we must not exclude now our 525,000 seniors from any new basic health care coverage. Therefore, it is essential that beneficiaries living in the island have access to the same level of prescription drug coverage under the same terms and conditions as is offered to all others throughout the country. In addition, any Medicare prescription drug program must provide appropriate subsidies for low-income beneficiaries in Puerto Rico as in other all jurisdictions.

Puerto Rico's workers and employers pay their full share of Social Security and Medicare payroll taxes to the Federal Government. Beneficiaries who live in the island are as much a part of Medicare as those living in Florida, California, or Nebraska. Limitations on the benefits of subsidies that have no foundation in health care policy but based on geographic location would undermine the social insurance nature of this vital programs and would fail the fundamental goal of providing uniform Medicare benefits to all.

The second issue that I expect Congress to address in the Medicare reform bill is the payment to hospitals in Puerto Rico. While all U.S. hospitals receive 100 percent Federal reimbursement, hospitals in Puerto Rico only receive 50 percent through a special formula. No other jurisdiction receives this type of treatment under the Medicare system. As a result of this dis-

parity, our hospitals operate under extreme financial constraints and some have even decided to withdraw from the program.

Again, U.S. citizens in Puerto Rico pay the same Federal payroll taxes as any other jurisdiction. They deserve equity. Therefore, Medicare reimbursement to Puerto Rico hospitals should be equitable with all other U.S. jurisdictions' hospitals.

Finally, I urge Congress to enact legislation to correct the great disparity that currently assists in Medicare payments to physicians in Puerto Rico. This is the same disparity that rural physicians across the country experience today. In fact, our physicians currently have the lowest geographic cost-of-practice index value in the entire United States despite the fact that the city of San Juan has the eighth highest cost of living in the United States. As a result, not only are our rural areas suffering; physicians in metropolitan areas such as San Juan are carrying a great burden when they treat Medicare patients.

Mr. Speaker, doctors in Puerto Rico provide the same time and skill to patients, and they must be paid appropriately for their great, noble work.

I would like to finish by thanking my colleagues in the House and Senate who have continuously supported us on resolving these critical issues to ensure that Medicare beneficiaries in Puerto Rico are afforded quality health care. They all realize that fairness is essential to quality health care, and that is as true in Puerto Rico as it is elsewhere in the United States.

THE HIGH COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again to speak to the House today about the cost of prescription drugs here in the United States, particularly relative to the rest of the world. Mark Twain once was talking about facts, and he said you can ignore the facts, you can deny the facts, you can even distort the facts, but in the end there they are.

I would like to talk today about the facts because there are people in this town who are attempting to both deny and distort the facts, but I think the facts more and more are indisputable. For example, we have been doing much of our own research. We purchased a number of the top-selling drugs in Munich, Germany, about a month ago. For example, we bought this package of Glucophage. Glucophage is a marvelous drug, particularly for those suffering from diabetes. We bought this drug in Munich, Germany, at a pharmacy for \$5. This same package of Glucophage sells here in the United States for \$29.95. We bought another drug, a very commonly prescribed drug that is a

blood thinner. In fact, my father takes this drug. It's called Coumadin. Coumadin here in the United States, this package of Coumadin sells for roughly \$84. We bought this drug in Germany for \$21. But I think the one that bothers me the most, and I have talked about this before and I still do not have a good answer and frankly some of the people in the FDA ought to help us get the answer, this is a drug called Tamoxifen, perhaps the real miracle drug as it relates to treating women's breast cancer. Tamoxifen. We bought this drug in Munich, Germany, for \$59.05 American. It sells here in the United States, the same box, same milligrams, it sells for \$360; \$60 in Germany, \$360 here.

The question we have to ask is why? Why the big disparities? And some people say it is price controls, but that is not exactly true in Germany. The Germans do not have what some people say they do in terms of price controls. What they do allow is for their pharmacists to be able to shop around to get the best price. Unfortunately, Americans are held hostage. If one goes to Tokyo, Japan, and buys a steak, that steak will cost over \$100. One can buy that same steak here in Washington even at inflated Washington, D.C. prices, for probably \$25. Back in my home district one can buy the best steak in town in many of the towns I represent for \$10 or \$15. But the difference is the Japanese are held captive. They do not allow American beef into their markets; so those captive Japanese are forced to pay those higher prices.

What we are saying in the legislation which I hope to introduce next week is let our people go. Allow the markets to work, open up markets. And that is why I have sponsored the Pharmaceutical Market Access bill. Facts are stubborn things, as John Adams said. I would invite Members and those who may be watching to get a copy of this book: The title is "The Big Fix, How the Pharmaceutical Industry Rips American Consumers Off." It is by Katharine Greider. I do not know that much about Katharine Greider, but she has got some very interesting things to say about what has been happening in the pharmaceutical industry.

Finally, let me say the big argument is safety, safety, safety, we cannot guarantee that if people buy their drugs from Munich, Germany, or Geneva, Switzerland, that those drugs will be safe. But I would invite the Members to look at some of the counterfeited technology that is available today. There are companies that make this technology so that we can guarantee that this is in fact Coumadin and not something else. We can do this safely. Americans deserve world-class drugs at world market prices. Americans are willing to subsidize sub-Saharan Africa. We are unwilling to continue to subsidize the starving Swiss. I hope Members will get the facts. I hope Members will look at this bill. I hope

Members will cosponsor it with me. And I hope finally we will do something to stop these huge disparities between what Americans pay and what consumers around the rest of the industrialized world pay for the same drugs.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois 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 Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF 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 Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

(Mr. MCGOVERN 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 the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN 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 Alabama (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Alabama addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BELL) is recognized for 5 minutes.

(Mr. BELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXPANSION OF THE CHILD TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mrs. DAVIS) is recognized for 5 minutes.

Mrs. DAVIS of California. Mr. Speaker, I join my colleagues today to support the expansion of the child tax credit, a goal that was unfortunately not met as part of the \$350 billion tax cut that we passed just last month. While some have argued that there was simply no room in that bill for a more comprehensive child tax credit, I still believe that our commitment to meeting the basic needs of our children should never be compromised. One out of every six children under the age of 17 lives with parents who will never see the benefit of the child tax credit that passed as part of last month's tax package.

And, Mr. Speaker, who are the parents of these children? They are hard-working Americans. They pay Federal taxes, and they do the very best they can to provide for their families. Yet we have chosen to ignore them to accommodate tax breaks for those who are far less likely to reinvest them back into our stalled economy or to rely upon that money to carry them into their next paycheck.

To address this glaring inequity, I cosponsored legislation to extend the tax credit to the families of 19 million children left out of the last tax bill. This bill, which was sponsored by the gentleman from New York (Mr. RANGEL), would also expand these tax privileges to many of the families, many of the families of the courageous military personnel serving in Iraq and other combat zones. These patriotic men and women have sacrificed precious time with their own families to protect ours, and I believe that this is the very least that we can do to show them our respect and our appreciation.

We have spoken virtuously of their selfless actions overseas; yet when we have an opportunity to match those actions with anything more than words, we are AWOL. We are AWOL.

Clearly, we recognize how critical it is to provide families with the resources they need to ensure the well-being of their children. Yet we have failed to follow through on our good intentions by leaving out those who need this help the very most.

Interestingly enough, today marks National Hunger Awareness Day, and in this country there are nearly 16 million children who ate free or reduced-priced lunches through the School Lunch Program last year. Many of these children, however, cannot rely on such consistent or well-balanced meals during the summertime when school has adjourned.

I would encourage us all to keep this in mind with summer just weeks away and schools already beginning to close their doors because, Mr. Speaker, there could not be a more appropriate time to expand the child tax credit to the families of these children.

□ 1715

As a parent and a grandparent, I personally feel, and I believe that all of my colleagues feel, that all children are important; that no matter how much their parents make, that they are important. That is why I ask my colleagues to join me in supporting legislation that treats them this way.

The SPEAKER pro tempore (Mr. PORTER). 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 gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of official business.

Ms. LOFGREN (at the request of Ms. PELOSI) for June 4 after 7:00 p.m. and the balance of the week on account of family school graduation.

Mr. ORTIZ (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of official business.

Mr. HERGER (at the request of Mr. DELAY) for June 2 and 3 on account of attending his daughter's high school graduation.

Mr. RYAN of Wisconsin (at the request of Mr. DELAY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ACEVEDO-VILÁ) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. ACEVEDO-VILÁ, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. DAVIS of Alabama, for 5 minutes, today.

Mr. BELL, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. CULBERSON, for 5 minutes, June 10, 11, and 12.

Mr. BURTON of Indiana, for 5 minutes, June 12.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 192. An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

ADJOURNMENT

Mrs. DAVIS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.) under its previous order, the House adjourned until Monday, June 9, 2003, at 12:30 p.m., for morning hour debates.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

RANDY NEUGEBAUER, Texas 19.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information: Neil Abercrombie, Anibal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane

Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. "Buck" McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi,

Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sanchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C. W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2531. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Exotic Newcastle Disease; Additions to Quarantined Area [Docket No. 02-117-7] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2532. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Quarantined Areas and Regulated Articles [Docket No. 03-018-1] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2533. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Movement and Importation of Fruits and Vegetables [Docket No. 00-059-2] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2534. A letter from the Congressional Review Coordinator, Department of Agri-

culture, transmitting the Department's final rule—Hot Water Dip Treatment for Mangoes [Docket No. 02-026-5] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2535. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Additional Declaration for Imported Articles of *Pelargonium* spp. and *Solanum* spp. To Prevent Introduction of Potato Brown Rot [Docket No. 03-019-1] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2536. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2537. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of the decision to convert to contractor performance; to the Committee on Armed Services.

2538. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, "Merger Decisions 2002"; to the Committee on Financial Services.

2539. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2540. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-94, "Inspector General Qualifications Amendment Act of 2003" received June 5, 2003, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2541. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a report in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

2542. A letter from the Chair, Railroad Retirement Board, transmitting the semi-annual report on activities of the Office of Inspector General for the period October 1, 2002, through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

2543. A letter from the Assistant Secretary for FWP, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Three Plant Species from the Island of Lanai, Hawaii [RIN: 1018-AH10] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2544. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; 2003 Specifications for the Atlantic Bluefish Fishery [Docket No. 021223329-3112-02; I.D. 121302A] [RIN: 0648-AQ26] received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2545. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 37 to the Northeast Multispecies Fishery Manage-

ment Plan [Docket No. 030210027-3097-02; I.D. 012103E] [RIN: 0648-AQ35] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2546. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area Opening for the Groundfish Trawl Fisheries of the Gulf of Alaska [Docket No. 020718172-2303-02; I.D. 043003A] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2547. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report entitled, "21st Century Department of Justice Appropriations Authorization Act"; to the Committee on the Judiciary.

2548. A letter from the President, Foundation of the Federal Bar Association, transmitting a copy of the Association's audit report for the fiscal year ending September 30, 2002, pursuant to 36 U.S.C. 1101(22) and 1103; to the Committee on the Judiciary.

2549. A letter from the Program Analyst, FAA, Department of Agriculture, transmitting the Department's final rule—Modification of Class E Airspace; Hampton, IA [Docket No. FAA-2003-14597; Airspace Docket No. 03-ACE-20] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2550. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Des Plains River, Joliet, Illinois [CGD09-03-214] [RIN: 1625-AA11] received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Patuxent River, Solomons, Maryland [CGD05-03-048] [RIN: 1625-AA08] received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2552. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2003-32] received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2553. A letter from the Chair, Federal Election Commission, transmitting 7 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); jointly to the Committees on House Administration, Government Reform, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H.R. 2344. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. OSE, Mr. PENCE, and Mr. TERRY):

H.R. 2345. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on the Judiciary,

and in addition to the Committee on Small Business, 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. FRANKS of Arizona:

H.R. 2346. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona (for himself, Mr. BOEHNER, Mrs. MUSGRAVE, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. CANTOR, Mr. FEENEY, Mr. AKIN, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. TIBERI, Mr. GUTKNECHT, Mr. VITTER, Mr. HOEKSTRA, Mr. DEMINT, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. PAUL, Mr. PITTS, Mr. RENZI, Mr. HAYWORTH, and Mrs. MYRICK):

H.R. 2347. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2348. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the rigorous standard of quality applicable to paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EVANS (for himself, Mr. SIMMONS, Mr. GUTIERREZ, Mr. FILNER, Ms. BERKLEY, and Mrs. DAVIS of California):

H.R. 2349. A bill to authorize certain major medical facility projects for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HERGER:

H.R. 2350. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. BRADY of Texas, Mr. ENGLISH, Mr. SESSIONS, Mr. OSE, Mr. FOSSELLA, Mr. PAUL, Mr. SMITH of New Jersey, Mr. WELDON of Florida, Mr. RYUN of Kansas, Mr. DELAY, Mr. TOOMEY, Mr. BARTON of Texas, Mr. WALSH, Mr. BALLENGER, Mr. CAMP, Mr. COLLINS, Mr. RYAN of Wisconsin, Mr. KELLER, Mr. HERGER, Mr. DOOLITTLE, Mr. DEMINT, and Mr. NORWOOD):

H.R. 2351. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings accounts and to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. FILNER, Mr. RODRIGUEZ, Mr. EVANS, Mr. CUNNINGHAM, Mr. ABERCROMBIE, Mr. ROHRBACHER, Mrs. DAVIS of Cali-

fornia, Mr. ISSA, and Mr. SMITH of New Jersey):

H.R. 2352. A bill to amend title 38, United States Code, to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States; to the Committee on Veterans' Affairs.

By Ms. SCHAKOWSKY (for herself, Ms. SLAUGHTER, Ms. LEE, Ms. WOOLSEY, Mr. FARR, and Ms. KILPATRICK):

H.R. 2353. A bill to require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities; to the Committee on Financial 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 Mr. CASE (for himself, Mr. ABERCROMBIE, and Mr. GIBBONS):

H.R. 2354. A bill to amend title 38, United States Code, to increase the allowance for burial expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H.R. 2355. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study; to the Committee on Resources.

By Mr. ALLEN (for himself, Mrs. EMERSON, Mr. BERRY, Mr. BEREUTER, Mr. WAXMAN, Mr. BURTON of Indiana, Mr. DAVIS of Florida, Mr. GUTKNECHT, Mr. SNYDER, Mrs. BONO, Mr. COOPER, and Mr. WAMP):

H.R. 2356. A bill to require the National Institutes of Health to conduct research, and the Agency for Healthcare Research and Quality to conduct studies, on the comparative effectiveness and cost-effectiveness of prescription drugs that account for high levels of expenditures or use by individuals in federally funded health programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. SMITH of New Jersey, and Mr. MILLER of Florida):

H.R. 2357. A bill to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CALVERT (for himself, Mr. ORTIZ, Mr. SENSENBRENNER, Mr. CUNNINGHAM, Mr. SANDLIN, Mr. BARTLETT of Maryland, Mrs. CAPPS, Mr. WELDON of Florida, Mr. PAUL, Mr. FOLEY, Mr. HINOJOSA, Mr. LUCAS of Oklahoma, Mr. BARTON of Texas, Mr. DOOLITTLE, and Mr. BURGESS):

H.R. 2358. A bill to amend the Internal Revenue Code of 1986 to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. OSBORNE, and Mr. LATHAM):

H.R. 2359. A bill to extend the basic pilot program for employment eligibility verification, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. WU, Mr. FARR, Mr. GEORGE MILLER of California, and Mr. DEFAZIO):

H.R. 2360. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Ms. DUNN, Mr. FOLEY, Mr. MCNULTY, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. FROST, Mr. SANDLIN, Mr. GILLMOR, Mrs. CAPITO, Mr. FRANK of Massachusetts, Mr. EDWARDS, Mr. HOLDEN, Mr. PAUL, Mr. KANJORSKI, Ms. LOFGREN, Mr. MORAN of Virginia, and Mr. GOODE):

H.R. 2361. A bill to amend title XVIII of the Social Security Act to waive the part B late enrollment penalty for military retirees who enroll by December 31, 2004, and to provide a special part B enrollment period for such retirees; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE (for himself, Mr. ABERCROMBIE, and Mr. YOUNG of Alaska):

H.R. 2362. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Mr. CUMMINGS, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. MCNULTY, Mr. OWENS, Mr. SANDERS, Ms. SOLIS, Ms. KAPTUR, Mr. PALLONE, Mr. SERRANO, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, Mr. FROST, Ms. LOFGREN, Mr. CONYERS, Mr. ALLEN, and Mr. BROWN of Ohio):

H.R. 2363. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, Ways and Means, House Administration, Government Reform, and Agriculture, 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. ENGEL:

H.R. 2364. A bill to amend the Immigration and Nationality Act in regard to Caribbean-born immigrants; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. LEVIN, and Mr. HOUGHTON):

H.R. 2365. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 2366. A bill to suspend certain amendments made by the No Child Left Behind Act of 2001 if the Federal Government fails to fully fund such amendments; to the Committee on Education and the Workforce.

By Mr. GIBBONS:

H.R. 2367. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Texas (for himself, Mr. REYES, Mr. EDWARDS, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. STENHOLM, Mr. ORTIZ, Mr. SANDLIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. TURNER of Texas, Mr. FROST, Mr. BELL, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. DOGGETT, and Mr. HALL):

H.R. 2368. A bill to amend the Internal Revenue Code of 1986 to tax the campaign committees of candidates for State and local public office in the same manner as campaign committees of candidates for Congress; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. ROTHMAN, Mr. MATSUI, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. FARR, Mr. KIRK, Mr. REYES, Mr. LYNCH, Mr. JACKSON of Illinois, Mr. ANDREWS, Ms. MAJETTE, Mr. SCOTT of Georgia, Mr. MEEKS of New York, Mr. SMITH of New Jersey, Ms. KAPTUR, Mr. RAMSTAD, Mr. MEEHAN, Mr. MENENDEZ, Mr. LAMPSON, Mr. FILNER, Mr. LARSEN of Washington, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mr. FERGUSON, Ms. WATERS, Mr. MICHAUD, Ms. HOOLEY of Oregon, Ms. DEGETTE, Ms. LORETTA SANCHEZ of California, Mr. GONZALEZ, Mr. JOHNSON of Illinois, Mr. BOEHLERT, Mr. GREENWOOD, Mr. SHAYS, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. WU, Mr. RAHALL, Mr. DOYLE, Mr. WEINER, Mr. HOFFFEL, Mr. FRANK of Massachusetts, Mr. KILDEE, Mrs. JONES of Ohio, Mrs. TAUSCHER, Ms. BALDWIN, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. DOGGETT, Mr. BECERRA, Mr. ISRAEL, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. NEAL of Massachusetts, Mr. MORAN of Virginia, Mr. DEFazio, Mr. BROWN of Ohio, Mrs. MALONEY, Ms. LEE, Mr. KLECZKA, Mr. STARK, Mr. HONDA, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. PASTOR, Mr. LANGEVIN, Mr. FORD, Mr. PAYNE, Mr. MARKEY, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. BLUMENAUER, Ms. DELAURO, Mr. LEVIN, Mr. CUMMINGS, Mr. WYNN, Mr. VAN HOLLEN, Mr. KIND, Mr. DEUTSCH, Mr. SERRANO, Mr. ENGEL, Mr. UDALL of Colorado, Mr. McNULTY, Mr. OWENS, Mr. BERMAN, Mr. ACKERMAN, Mr. BOUCHER, Mr. HILL, Mr. SABO, Mr. OLVER, Mr. WEXLER, Mr. RANGEL, Mr. ACEVEDO-VILA, Ms. HARMAN, Ms. SOLIS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE, Ms. KILPATRICK, Mrs. MCCARTHY of New York, Mr. WATT, Mr. GILCREST, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Mrs. CAPPS, Mr. CLAY, Ms. MCCOLLUM, Mr. GUTIERREZ, Mr. FATTAH, Mr. DINGELL, Mr. CROWLEY, Ms. NORTON, Mr. RUSH, Mr. TOWNS, Mr. EVANS, Mr. PALLONE, Mr. MCGOVERN, Mr. SCHIFF, Ms. SLAUGHTER, Ms. MCCARTHY of Missouri, Mr. SHERMAN, Ms. LINDA T. SANCHEZ of California, Mr. GRIJALVA, Mr. NADLER, Mr. GREEN of Texas, Mrs. LOWEY, Ms. ESHOO, Mr. ALLEN, Mr. COOPER, Mr. RYAN of Ohio, Mr. CONYERS, Mr. CLYBURN, Mr. PRICE of North Carolina, Mr. KUCINICH, Mr. CAPUANO, Mr.

CASE, Mr. CARDIN, Mr. SANDERS, Mr. MILLER of North Carolina, Mr. COSTELLO, Mr. LANTOS, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. TIERNEY, Ms. MILLENDER-MCDONALD, and Mr. LARSON of Connecticut):

H.R. 2369. A bill to protect inventoried roadless areas in the National Forest System, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. KENNEDY of Rhode Island:

H.R. 2370. A bill to improve homeland security by providing for national resilience in preparation for, and in the event of, a terrorist attack, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr.

MCDERMOTT, Mr. BERMAN, Mr. CONYERS, Mr. MCGOVERN, Mr. FILNER, Ms. ESHOO, Mr. CASE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. BALLANCE, Mr. JEFFERSON, Ms. CARSON of Indiana, Mr. WYNN, Mr. OWENS, Mr. DAVIS of Alabama, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. CLAY, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. LEWIS of Georgia, Mr. FATTAH, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, Mr. FARR, and Mrs. JONES of Ohio):

H.R. 2371. A bill to provide for the issuance of a semipostal to benefit the Peace Corps; to the Committee on Government Reform, and in addition to the Committee on International Relations, 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. LEWIS of Georgia (for himself, Mr. RANGEL, Ms. CARSON of Indiana, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. KLECZKA, Mr. SCOTT of Georgia, Mr. PAUL, Mr. FROST, Mr. PAYNE, and Mr. KILDEE):

H.R. 2372. A bill to amend the Internal Revenue Code of 1986 to provide an increased low-income housing credit for property located immediately adjacent to qualified census tracts; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. BLUMENAUER, Ms. DELAURO, Mr. LEWIS of Georgia, and Mrs. CHRISTENSEN):

H.R. 2373. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 2374. A bill to amend the Small Business Act to allow more joint ventures, leader-follow arrangements, and teaming arrangements under the section 8(a) minority business development program; to the Committee on Small Business.

By Ms. MILLENDER-MCDONALD:

H.R. 2375. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limits applicable to simple retirement accounts; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD:

H.R. 2376. A bill to prevent and respond to terrorism and crime at or through ports; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. PLATTS, Mr. KENNEDY of Rhode Island, Mr. ANDREWS, Mr. SERRANO, Ms. DELAURO, Mr. DAVIS of Illinois, Ms. SOLIS, Mrs. DAVIS of California, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. KILDEE, and Mr. SANDERS):

H.R. 2377. A bill to establish the Child Care Provider Development and Retention Grant Program, the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Ms. CORRINE BROWN of Florida, and Mr. FILNER):

H.R. 2378. A bill to reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OSBORNE:

H.R. 2379. A bill to amend title 38, United States Code, to improve access to health care for rural veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PETERSON of Minnesota:

H.R. 2380. A bill to amend title 38, United States Code, to authorize additional compensation to be paid to certain veterans in receipt of compensation for a service-connected disability rated totally disabling for whom a family member dependent on the veteran for support provides care; to the Committee on Veterans' Affairs.

By Mr. RAHALL (for himself, Mr. MOLLOHAN, and Mr. STRICKLAND):

H.R. 2381. A bill to complete construction of the 13-State Appalachian development highway system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RAHALL (for himself, Mr. HOLT, Mr. FROST, Mr. GEORGE MILLER of California, Mr. STARK, Ms. MCCOLLUM, Mr. MARKEY, Ms. JACKSON-LEE of Texas, and Ms. BORDALLO):

H.R. 2382. A bill to amend title 49, United States Code, relating to improving transportation in the national parks; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, 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. RAMSTAD:

H.R. 2383. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of smoking cessation costs; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 2384. A bill to amend title 23, United States Code, to provide an exemption from Interstate System weight limitations for

milk hauling vehicles in the State of Connecticut; to the Committee on International Relations.

By Mr. SIMPSON (for himself and Mr. ABERCROMBIE):

H.R. 2385. A bill to amend the Rehabilitation Act of 1973 to provide for more equitable allotment of funds to States for centers for independent living; to the Committee on Education and the Workforce.

By Mr. SIMPSON (for himself, Mr. OTTER, Mr. HERGER, Mr. DUNCAN, Mr. WALDEN of Oregon, Mr. GOSS, Mr. PETERSON of Pennsylvania, Mr. HUNTER, Mr. CANNON, Mr. DOOLITTLE, Mr. THORNBERRY, Mr. RADANOVICH, Mr. PEARCE, Mr. GIBBONS, and Mr. SOUDER):

H.R. 2386. A bill to amend the Antiquities Act regarding the establishment by the President of certain national monuments and to provide for public participation in the proclamation of national monuments; to the Committee on Resources.

By Mr. STRICKLAND:

H.R. 2387. A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 2388. A bill to authorize leases for terms not to exceed 99 years on lands held in trust for the Yurok Tribe and the Hopland Band of Pomo Indians; to the Committee on Resources.

By Mr. VISCLOSKEY:

H.R. 2389. A bill to assure that the services of a nonemergency department physician are available to hospital patients 24-hours-a-day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Energy and Commerce.

By Mr. WU:

H.R. 2390. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to enter into agreements with private for-profit organizations for the provision of work-study employment; to the Committee on Education and the Workforce.

By Mr. CUMMINGS:

H. Con. Res. 208. Concurrent resolution supporting National Men's Health Week; to the Committee on Government Reform.

By Mr. ENGEL (for himself, Mr. BE-REUTER, Mr. WEXLER, Mr. KIRK, Mrs. KELLY, Mr. FALEOMAVAEGA, Mrs. NAPOLITANO, and Mr. SHIMKUS):

H. Con. Res. 209. Concurrent resolution commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia; to the Committee on International Relations.

By Mr. RANGEL (for himself, Mr. BISHOP of Georgia, Mr. BALLANCE, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-McDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WYNN, and Mr. CLAY):

H. Con. Res. 210. Concurrent resolution honoring Army Specialist Shoshana Nyree Johnson, former prisoner of war in Iraq; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. ACKERMAN, Mr. PENCE, Mr. BURTON of Indiana, and Mr. TANCREDO):

H. Con. Res. 211. Concurrent resolution expressing the sense of Congress and appreciation for the support and cooperation from Kuwait, Bahrain, and Qatar in Operation Iraqi Freedom; to the Committee on International Relations.

By Mr. KUCINICH (for himself, Ms. LEE, Ms. WOOLSEY, Ms. SCHAKOWSKY, Ms. WATSON, Mr. HINCHEY, Mr. SERRANO, Mr. GRIJALVA, Mr. FARR, Mr. CONYERS, Mr. JACKSON of Illinois, Ms. CARSON of Indiana, Mr. OWENS, Mr. VAN HOLLEN, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. SCOTT of Virginia, Mr. NADLER, Mr. STARK, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. RAHALL, Mr. McDERMOTT, Mr. BROWN of Ohio, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. HONDA, Ms. SOLIS, Mr. TOWNS, and Mr. PAYNE):

H. Res. 260. A resolution requesting the President to transmit to the House of Representatives not later 14 days after the date of the adoption of this resolution documents or other materials in the President's possession relating to Iraq's weapons of mass destruction; to the Committee on International Relations.

By Mr. WOLF (for himself, Mr. MCGOVERN, Ms. KAPTUR, Mr. WALSH, Mr. WAXMAN, Mrs. EMERSON, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. CONYERS, Mr. GIBBONS, Mr. McNULTY, Ms. LEE, Mr. RANGEL, Mr. LANTOS, and Mr. WAMP):

H. Res. 261. A resolution expressing the support of the House of Representatives for the efforts of organizations such as Second Harvest to provide emergency food assistance to hungry people in the United States, and encouraging all Americans to provide volunteer services and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; to the Committee on Agriculture.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

71. The SPEAKER presented a memorial of the Legislature of the State of Alabama, relative to House Resolution No. 412 memorializing the United States Congress to recognize that the F/A-22 Raptor is critical to the Alabama economy and that the members of this body implore the Congress to fully fund and advance the F/A-22 Raptor program, thus providing our military heroes with the vital resources they need while invigorating our economy; to the Committee on Armed Services.

72. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 128 memorializing the United States Congress that all individuals and organizations involved with telecommunications and call centers are respectfully urged to initiate customer right-to-know procedures regarding all inbound and outbound communications; to the Committee on Energy and Commerce.

73. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 17 memorializing the United States Congress that the Governor is requested to take all necessary actions to establish a state province of Ilocos Norte in the Republic of the Philippines; to the Committee on International Relations.

74. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 77 memorializing the United States Congress to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; to the Committee on Veterans' Affairs.

75. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 76 memorializing the United States Congress to support the passage of H.R. 664, to improve benefits for Filipino veterans of World War II and the surviving spouses of those veterans; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. GREEN of Texas, Mr. WAMP, Mr. NETHERCUTT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, Mr. HAYWORTH, Mr. TIAHRT, Mr. PENCE, Ms. CORRINE BROWN of Florida, Mr. LARSEN of Washington, Mr. WICKER, Mr. ROYCE, Mr. BRADY of Texas, Mr. BAKER, Mr. SCHROCK, and Mr. BEREUTER.

H.R. 57: Mr. CARDOZA, Mr. McCOTTER, Mrs. MILLER of Michigan, Mr. BISHOP of Georgia, and Mrs. KELLY.

H.R. 63: Mrs. CAPITO.

H.R. 111: Mr. ALEXANDER.

H.R. 125: Ms. WATERS.

H.R. 173: Ms. JACKSON-LEE of Texas, Mr. RYAN of Ohio, Mr. LARSON of Connecticut, Mr. GUTIERREZ, and Mr. MILLER of North Carolina.

H.R. 235: Mr. HENSARLING, Mrs. MUSGRAVE, Mr. CRANE, Mr. COLLINS, Mr. McCRERY, Mr. SHAW, and Mr. RAMSTAD.

H.R. 303: Mr. HOFFEL, Mr. SCOTT of Virginia, Mr. BACA, Mr. TURNER of Ohio, Mr. CALVERT, and Ms. ESHOO.

H.R. 328: Mr. BAIRD, Mr. ROSS, Mr. ORTIZ, Ms. ROYBAL-ALLARD, Ms. Linda T. SANCHEZ of California, Mr. LAMPSON, and Ms. CARSON of Indiana.

H.R. 348: Ms. WATSON.

H.R. 434: Mr. TERRY, Mr. WEXLER, and Mr. STEARNS.

H.R. 476: Mr. OWENS and Mr. HOLT.

H.R. 489: Mr. SULLIVAN.

H.R. 502: Mrs. MYRICK.

H.R. 548: Mr. ENGEL, Mr. MURPHY, Mrs. NAPOLITANO, Mr. REHBERG, Mr. BARTLETT of Maryland, Mr. HOYER, Mr. WAXMAN, Mr. JANKLOW, Mr. SPRATT, Mr. CALVERT, and Mr. LOBIONDO.

H.R. 583: Mr. WOLF and Mr. LAHOOD.

H.R. 589: Mr. OSBORNE, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. KIRK, Ms. ESHOO, Mr. WICKER, Mr. SHUSTER, Mr. JONES of North Carolina, Ms. GRANGER, Mr. MICHAUD, Mr. PORTER, Mrs. BONO, Mr. BURGESS, Mr. ALLEN, and Mr. SAXTON.

H.R. 594: Mr. JOHN, Mr. BRADLEY of New Hampshire, and Mr. BROWN of South Carolina.

H.R. 669: Mr. NUNES.

H.R. 687: Mrs. MYRICK.

H.R. 713: Mr. HAYWORTH.

H.R. 714: Mr. MILLER of Florida.

H.R. 742: Mr. ROGERS of Alabama, Mr. STENHOLM, Mr. GIBBONS, Mr. MICHAUD, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. CALVERT.

H.R. 767: Mr. BURGESS.

H.R. 816: Mr. MENENDEZ.

H.R. 817: Mr. WELDON of Florida and Mr. WU.

H.R. 834: Mr. MATSUI.

H.R. 839: Mr. CALVERT, Mr. MICHAUD, Mrs. EMERSON, Ms. ESHOO, Mr. SHIMKUS, Mr. MILLER of North Carolina, Ms. McCOLLUM, Mr. WAMP, Mr. COSTELLO, Mr. PUTNAM, Ms.

LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. THORNBERRY, Mr. FLETCHER, Ms. GINNY BROWN-WAITE of Florida, Ms. HOOLEY of Oregon, Mr. PETERSON of Minnesota, Mrs. MUSGRAVE, Mrs. JOHNSON of Connecticut, Ms. LOFGREN, Mr. MANZULLO, and Ms. LORETTA SANCHEZ of California.

H.R. 852: Mr. SERRANO, Mr. PAYNE, Mr. GRIJALVA, Mr. ACEVEDO-VILA, Ms. LEE, Mr. LANTOS, Ms. WOOLSEY, Mr. CROWLEY, and Mrs. CAPPS.

H.R. 871: Mrs. EMERSON.

H.R. 882: Mr. BROWN of South Carolina, Mr. HOLT, and Mr. REHBERG.

H.R. 890: Mr. RANGEL and Mr. GREEN of Wisconsin.

H.R. 898: Mr. RENZI, Mr. FARR, Mr. FLETCHER, Mrs. MALONEY, and Mr. ETHERIDGE.

H.R. 906: Mr. COBLE, Mr. GERLACH, Mr. ROGERS of Kentucky, and Mr. BURNS.

H.R. 919: Mr. BOOZMAN.

H.R. 935: Mr. MARKEY and Mr. DELAHUNT.

H.R. 953: Mr. KING of New York.

H.R. 962: Mr. RYAN of Ohio, Mr. WAXMAN, Ms. DEGETTE, Mr. HOLT, Mr. MATSUI, Mr. ROTHMAN, and Mr. ACEVEDO-VILA.

H.R. 966: Mr. KILDEE.

H.R. 967: Mr. LARSON of Connecticut and Mr. FILNER.

H.R. 1048: Mr. KILDEE.

H.R. 1118: Mr. WU, Mr. LUCAS of Oklahoma, Mr. COSTELLO, and Mr. LAMPSON.

H.R. 1125: Mr. RYAN of Ohio, Ms. HARRIS, Mr. STUPAK, and Mr. GUTIERREZ.

H.R. 1137: Mr. SOUDER.

H.R. 1160: Mr. SCOTT of Georgia, Mr. BEREUTER, Mr. PRICE of North Carolina, Mr. WILSON of South Carolina, Mr. BOEHLERT, Mr. RAHALL, and Mr. ROSS.

H.R. 1173: Mr. REHBERG.

H.R. 1185: Mr. MCINNIS.

H.R. 1199: Mr. GUTIERREZ.

H.R. 1209: Mr. PASCRELL, Mr. LANTOS, Mr. SCHIFF, Ms. SOLIS, and Ms. DELAURO.

H.R. 1233: Mr. OSE and Mr. HOSTETTLER.

H.R. 1267: Mr. MENENDEZ, Mr. UDALL of Colorado, and Ms. ESHOO.

H.R. 1268: Ms. MCCOLLUM and Mr. GUTIERREZ.

H.R. 1276: Ms. LINDA T. SANCHEZ of California.

H.R. 1285: Mrs. CAPPS, Mr. FROST, and Ms. LORETTA SANCHEZ of California.

H.R. 1301: Mr. LATHAM, Mr. FORD, and Mr. GOODLATTE.

H.R. 1310: Mr. BERRY.

H.R. 1348: Mr. CLAY and Mr. GREEN of Texas.

H.R. 1372: Mr. WILSON of South Carolina, Mr. SANDLIN, and Mr. LATHAM.

H.R. 1400: Ms. WATERS, Ms. BALDWIN, Mr. ROSS, Ms. SLAUGHTER, Mr. OWENS, and Mr. TIERNEY.

H.R. 1422: Mr. PASCRELL.

H.R. 1443: Mr. BOEHLERT and Mr. HASTINGS of Florida.

H.R. 1451: Mr. DAVIS of Florida.

H.R. 1464: Mr. OWENS.

H.R. 1472: Mr. MCKEON.

H.R. 1478: Mr. HAYWORTH.

H.R. 1480: Ms. NORTON.

H.R. 1510: Mr. RYAN of Ohio.

H.R. 1511: Mrs. NAPOLITANO, Mr. WU, Mr. ROTHMAN, Mr. ACKERMAN, Ms. BERKLEY, Mr. SHERMAN, Mr. HINOJOSA, Mr. LANTOS, Mr. ENGEL, Mr. TURNER of Texas, Mr. HOEFFEL, Mr. RUPPERSBERGER, Mr. DAVIS of Florida, Mr. WYNN, Mr. RAMSTAD, Mr. MCGOVERN, Ms.

BORDALLO, Mr. DOOLEY of California, and Mr. FORD.

H.R. 1534: Ms. MILLENDER-MCDONALD.

H.R. 1536: Mr. POMEROY and Mr. BRADY of Texas.

H.R. 1565: Mr. GUTIERREZ, Mr. FILNER, and Mr. GRIJALVA.

H.R. 1572: Mr. BOYD, Mr. PUTNAM, Mr. DEUTSCH, Ms. HARRIS, Mr. FOLEY, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mr. WELDON of Florida, Mr. KELLER, Mr. BILIRAKIS, Mr. DAVIS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Mr. MEEK of Florida, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. GOSS, Mr. STEARNS, Mr. SHAW, Ms. CORRINE BROWN of Florida, and Mr. MICA.

H.R. 1582: Mr. OBERSTAR and Mr. PAUL.

H.R. 1611: Mr. MCDERMOTT.

H.R. 1617: Mr. BALLANCE.

H.R. 1622: Mr. COOPER, Ms. BERKLEY, Mr. BALLANCE, Mr. KILDEE, Mr. HINCHEY, Mr. MATSUI, Mr. ACKERMAN, Mr. JENKINS, Ms. LINDA T. SANCHEZ of California, Mr. ROTHMAN, Mr. PRICE of North Carolina, and Mr. GRIJALVA.

H.R. 1638: Mr. CARSON of Oklahoma, Mr. LEWIS of Kentucky, and Ms. CORRINE BROWN of Florida.

H.R. 1653: Mr. JONES of North Carolina and Mr. SMITH of Washington.

H.R. 1660: Mr. BRADLEY of New Hampshire, Mrs. MUSGRAVE, Mr. GARY G. MILLER of California, and Mrs. NORTHUP.

H.R. 1696: Mr. CARSON of Oklahoma.

H.R. 1723: Mr. BALLANCE.

H.R. 1726: Mr. HOLT and Mr. RYAN of Ohio.

H.R. 1742: Mr. WALDEN of Oregon and Mr. CULBERSON.

H.R. 1754: Mrs. MUSGRAVE.

H.R. 1761: Mr. RYUN of Kansas, Mr. MORAN of Kansas, and Mr. MOORE.

H.R. 1767: Mr. ISSA.

H.R. 1776: Mr. RYUN of Kansas, Mr. BARRETT of South Carolina, and Mr. COLE.

H.R. 1779: Mr. BURGESS, Mr. MILLER of Florida, and Mr. DAVIS of Tennessee.

H.R. 1796: Mr. REYES.

H.R. 1812: Mr. WYNN, Mr. MORAN of Virginia, Mr. SHAYS, Mr. UDALL of Colorado, Mr. LARSEN of Washington, Ms. VELAZQUEZ, Ms. CORRINE BROWN of Florida, Mr. NADLER, Mr. SIMMONS, and Mr. GONZALEZ.

H.R. 1859: Mr. SHIMKUS.

H.R. 1860: Mr. WYNN, Mr. WAXMAN, Mr. MATSUI, Mr. HINCHEY, Mr. OWENS, Mr. WEXLER, Mr. HINOJOSA, and Mr. LANTOS.

H.R. 1865: Mr. SHAYS.

H.R. 1873: Mr. GRIJALVA.

H.R. 1881: Mr. GOODE.

H.R. 1894: Mr. GRIJALVA.

H.R. 1930: Mr. SMITH of New Jersey.

H.R. 1935: Ms. CARSON of Indiana, Mr. CROWLEY, and Mr. KIND.

H.R. 1936: Mr. SCHIFF.

H.R. 1940: Mr. BOUCHER, Mr. SANDERS, and Mr. CASE.

H.R. 1943: Mr. GERLACH, Mr. DUNCAN, and Mr. SOUDER.

H.R. 1951: Mr. SMITH of Washington and Mr. GRIJALVA.

H.R. 1997: Ms. GINNY BROWN-WAITE of Florida, Mr. PLATTS, and Mr. ISSA.

H.R. 2000: Ms. CARSON of Indiana.

H.R. 2009: Mr. FRANK of Massachusetts.

H.R. 2011: Mr. HILL, Mr. EVANS, and Mr. TIERNEY.

H.R. 2028: Mr. HASTINGS of Washington, Mr. BILIRAKIS, Mr. BRADLEY of New Hampshire, Mr. PORTMAN, and Mrs. KELLY.

H.R. 2045: Mr. NORWOOD and Mr. LAHOOD.

H.R. 2052: Mr. WHITFIELD, Mr. MICHAUD, Mr. BEREUTER, Mr. OSBORNE, Ms. WOOLSEY, Mr. CUMMINGS, Mr. CROWLEY, and Ms. BALDWIN.

H.R. 2075: Mr. DEUTSCH, Mr. KELLER, Mr. DAVIS of Florida, and Mr. BOYD.

H.R. 2092: Mr. SOUDER.

H.R. 2125: Mr. RANGEL.

H.R. 2130: Mr. ROTHMAN.

H.R. 2161: Mrs. EMERSON.

H.R. 2164: Ms. MILLENDER-MCDONALD and Mr. SOUDER.

H.R. 2193: Mr. PUTNAM.

H.R. 2203: Mr. KIND and Mr. KILDEE.

H.R. 2205: Mr. RUSH, Mr. KILDEE, Mr. FILNER, Mr. ROSS, Mr. BALLANCE, Mr. FRANK of Massachusetts, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. ANDREWS, Mr. MARSHALL, Mr. UPTON, and Mr. KLECZKA.

H.R. 2207: Mr. FROST, Mr. ETHERIDGE, Mr. DAVIS of Illinois, and Mr. GRIJALVA.

H.R. 2241: Mr. RANGEL.

H.R. 2246: Mr. BEREUTER.

H.R. 2255: Mr. PAUL.

H.R. 2262: Mr. JEFFERSON, Mr. WU, Mr. ENGEL, and Mr. RANGEL.

H.R. 2286: Ms. WATSON, Mr. CASE, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. OBEY, Mr. LARSEN of Washington, Mr. KILDEE, Mr. CUMMINGS, Ms. KILPATRICK, and Mr. MCDERMOTT.

H.R. 2318: Mr. CROWLEY, Ms. BORDALLO, and Mr. KIND.

H. J. Res. 38: Mr. FRANK of Massachusetts.

H. J. Res. 52: Ms. JACKSON-LEE of Texas.

H. Con. Res. 37: Mr. PALLONE, Mr. ACEVEDO-VILA, and Mr. STRICKLAND.

H. Con. Res. 98: Ms. ROS-LEHTINEN, Mr. GARRETT of New Jersey, Mr. MOORE, and Mr. HONDA.

H. Con. Res. 126: Mr. PUTNAM.

H. Con. Res. 127: Mr. KINGSTON, Mr. EVANS, and Mr. REHBERG.

H. Res. 59: Mr. HONDA.

H. Res. 137: Mr. LARSEN of Washington, Mr. ROTHMAN, Mrs. LOWEY, Mr. HONDA, and Mr. ENGEL.

H. Res. 167: Ms. MCCOLLUM, Ms. LEE, Mr. PALLONE, and Mr. BALLANCE.

H. Res. 177: Mr. HOUGHTON, Mr. PAYNE, Mr. TANCREDO, Ms. LEE, Mr. LEACH, Mr. ROYCE, Mr. FLAKE, Mr. MEEKS of New York, and Mrs. JO ANN DAVIS of Virginia.

H. Res. 194: Mr. ROYCE.

H. Res. 214: Ms. CARSON of Indiana and Mr. CROWLEY.

H. Res. 235: Mr. WEINER and Mr. VAN HOLLEN.

H. Res. 242: Mr. FALCOMAVEGA, Mr. PUTNAM, Mr. RAMSTAD, Mr. TAYLOR of North Carolina, Mr. FLAKE, Mr. BERMAN, and Mr. BEREUTER.

H. Res. 259: Mr. SHAYS, Mr. SIMMONS, Mr. PUTNAM, and Mr. BERMAN.

H. Res. 214: Ms. CARSON of Indiana and Mr. CROWLEY.

H. Res. 235: Mr. WEINER and Mr. VAN HOLLEN.

H. Res. 242: Mr. FALCOMAVEGA, Mr. PUTNAM, Mr. RAMSTAD, Mr. TAYLOR of North Carolina, Mr. FLAKE, Mr. BERMAN, and Mr. BEREUTER.

H. Res. 259: Mr. SHAYS, Mr. SIMMONS, Mr. PUTNAM, and Mr. BERMAN.

H. Res. 214: Ms. CARSON of Indiana and Mr. CROWLEY.

H. Res. 235: Mr. WEINER and Mr. VAN HOLLEN.

H. Res. 242: Mr. FALCOMAVEGA, Mr. PUTNAM, Mr. RAMSTAD, Mr. TAYLOR of North Carolina, Mr. FLAKE, Mr. BERMAN, and Mr. BEREUTER.

H. Res. 259: Mr. SHAYS, Mr. SIMMONS, Mr. PUTNAM, and Mr. BERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 669: Mr. DAVIS of Alabama.

H.R. 1329: Mr. STUPAK.