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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 2, 2004.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend David Lauer, Campus Minister, Lakeland College, Sheboygan, Wisconsin, offered the following prayer:

O Lord and Maker of us all, whose light shines upon us all and whose guidance is for all, we humbly ask that Your grace rest upon this House today and that Your will be done here today.

For we acknowledge and thank You for all the blessings we share, especially the freedom we enjoy as Your children day by day, and the joy of living together as one family, and for Your care and keeping in all times and in all seasons.

Bless now Your servants in this place. Bless and lead them as they care for one another, for this land and for Your world. With Your mercy and Your love, bless and guide each Member, that in all things today, they might add to the beauty and peace of Your world and thus add honor and glory unto Your holy name.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BERRY 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.

RECOGNIZING THE REVEREND DAVID LAUER

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

Mr. PETRI. Mr. Speaker, I am pleased to recognize one of my constituents who is serving as our guest chaplain today, the Reverend David Lauer. Reverend Lauer is the campus minister and Marjorie and Richard D. Leach Professor of Theological Studies of Lakeland College in Sheboygan, Wisconsin. At Lakeland, he teaches in the areas of Old and New Testament, liturgy, contemporary ethics and contemporary theology. Reverend Lauer just completed his 36th year as coach of the men's varsity tennis team and has been inducted into Lakeland's Athletic Hall of Fame.

David received his bachelor of arts degree from Heidelberg College and his master of divinity degree from Eden Theological Seminary. He will celebrate 40 years of marriage to Lynne Jenkins next year.

I know my colleagues join me in welcoming Reverend Lauer to the House today.

LIFETIME LEARNING

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

Mr. DELAY. Mr. Speaker, strong economic news can be found wherever we look these days: 337,000 new jobs created in March; another 288,000 in April. May numbers due out at the end of this week are expected to be good, but numbers alone do not paint the picture of the economy that we are trying to build. That is why the summer economic agenda in the House, the Careers Initiative, is about much more than numbers.

This week, we will take on the third component of the Careers Initiative: lifelong learning. When people have access to training and higher education, they can acquire skills and expertise in new and more valuable technologies and improve both their stability and mobility.

They cannot only provide for themselves and their families in the short term but can find the kinds of jobs that will give them and their families security for the future. In other words, Mr. Speaker, lifelong learning can be the difference between having a job and having a career.

The difference may seem small, but it could not be more important. A job is for survival in the here and now. It is something you do for a paycheck to make ends meet. A career, on the other hand, is for the future. It is long-term security for you and your family. It pushes you to get out of bed in the morning and inspires you with a sense of purpose and the feeling that you are making a contribution, and it is something that stays with you your entire life, not just until you punch out at the end of the day.

Through reforms in the Higher Education Act and the new, innovative Worker Reemployment Accounts we will take up this week, the House will help Americans not only make the transition from welfare to work but from jobs to careers.

Lifelong learning is a noble undertaking, Mr. Speaker, and it is more

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valuable than any numbers could ever show. The men and women who work to get it are heroes and deserve our help to help themselves.

DRUG COMPANIES STEAL AND ROB FROM OUR SENIOR CITIZENS

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

Mr. BERRY. Mr. Speaker, in the 1st Congressional District of Arkansas, the greatest health care problem we have is the fact that this government, this Congress, this majority, this President has made it possible and even more able for the drug companies to steal and rob from our senior citizens. It is an incredible act, the Medicare reform that was passed. That is the only thing it accomplished, was make it possible so that the drug companies could continue to rob and steal from the American people.

In Arkansas, we usually think of thieves as coming in the dark of night or committing a violent act to steal your property, but now, because of the Medicare Reform Act and these Medicare cards, we have made it possible for the drug companies to steal, cheat and rob our senior citizens without hardly putting out any effort, and we have created so much confusion that it is an easily accomplished act. It is time to put an end to this.

ENERGY REFORM LEGISLATION

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

Mr. SHIMKUS. Mr. Speaker, last week, an article in Biofuels Journal stated that, according to a new report by economist John Urbanchuk, motorists would be facing much higher gasoline prices, an additional 30 cents per gallon, were it not for the growing ethanol industry adding billions of gallons to U.S. fuel supplies.

Without ethanol, our country would be even more reliant on foreign imports of gasoline, and the pain at the pump would be much more severe. More than 30 percent of all U.S. gasoline is blended with ethanol. Without ethanol, refiners would be forced to import about 217,000 barrels per day of high-octane, clean-burning gasoline blending components.

Over the last 25 years, while no new U.S. refineries have been built and scores have been closed, 78 new ethanol plants have been built and 10 more are under construction today.

Ethanol use will bolster U.S. gasoline supplies by more than 3.3 billion gallons in 2004 alone.

We need the Senate to pass H.R. 6, the first comprehensive energy legislation Congress has put forth in years. It will increase our use of renewable fuels like ethanol and biodiesel and reduce our continued overdependence on foreign oil.

VETERANS 2006 CUTS

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

Mr. ROSS. Mr. Speaker, this past weekend our Nation came together and honored the thousands of veterans who have dedicated and sacrificed so much to protect our national security. I had the privilege and honor to join World War II veterans here on our Nation's Mall in Washington, D.C., for the dedication of the World War II Memorial, to honor them and their many contributions to our great democracy and, yes, to remember the 400,000 who died during World War II.

At a time when a new generation of veterans is being created in Iraq and Afghanistan, there are some in Congress who want to cut funding for veterans. The administration's proposed budget for 2006 would cut $900 million from the Veterans' Administration. A loss of $900 million would force the VA to disenroll 140,000 veterans and lay off about 10,750 full-time employees, among many other things.

It is all about priorities. We must keep our promises to our veterans.

PARTIAL BIRTH ABORTION BAN

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

Mr. MILLER of Florida. Mr. Speaker, yesterday a Clinton-appointed Federal judge in California granted a permanent extension or injunction against the partial birth abortion ban that was passed by the Congress and signed by President Bush. This is not surprising, since Judge Phyllis Hamilton made it crystal clear that she was ideologically opposed to the ban on partial birth abortion. What is outrageous and defies sound reason is that she found the ban unconstitutional.

In acting to prevent this hideous practice, the elected branches of our government affirmed a basic standard of humanity, the duty of the strong to protect the weak. Partial birth abortion is cruel and inhumane. This is the widespread agreement amongst men and women on this issue, regardless of their political affiliations.

Life cannot be granted or denied by government, elected officials or judges abusive of their interpretive function. Judge Hamilton's ruling is yet another example of activist courts gone wild and is the next decision in the domino effect of legislating from the Federal bench.

I join with our President and will vigorously defend this law against judges who would construe it in contravention to our Constitution and the American public.

AFFORDABLE PRESCRIPTION DRUGS

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

Mr. EMANUEL. Mr. Speaker, yesterday, the Health and Human Services rolled out a new Medicare drug card. Yet, today, seniors across America are still wondering when we in Congress will take real steps to help them afford the drugs they need and are prescribed.

The manufactured chaos, confusion and consternation all could have been avoided. This mess was created by their government and by the special interests, but we have an opportunity to open markets and allow for importation of safe, affordable drugs from Canada and Europe, where prices are 50 percent cheaper than they are here in the United States; real competition to bring prices down, not competition by the special interests between themselves, but competition that allows seniors the choice to pick on affordable prices that are 50 percent cheaper than what they are in Canada and Europe. We need that competition here at home.

A Families USA study showed that seniors in America pay four times the rate of inflation for prescription drugs. Prices have gone up 22 percent in the last 3 years alone.

This discount card is just like a sale at Neiman Marcus. Prices get jacked up 30 percent right before they offer you a 10 percent discount. We need to allow seniors access to affordable drugs their doctors prescribe.

WE HAVE PROGRESS IN IRAQ

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

Mr. PENCE. Mr. Speaker, amidst the violence and struggle that always attends the transition between tyranny and liberty, we have progress in Iraq.

Yesterday, a Shiite Muslim, part of a population that suffered for 30 years under the iron fist of Saddam Hussein, a Shiite Muslim, Iyad Allawi, was named prime minister along with Ghazi al Yawar, a Sunni Muslim, and those two men will lead a free and democratic Iraq.

Mr. Allawi said memorably, in this country that was torn by tyranny for three decades, that he was pledged to establishing a democratic and federal system under which people enjoy free citizenship in a state of laws and freedom. A quagmire, hardly. Difficult, yes. But an ethnically diverse country coming together under the rule of law and democracy is genuine progress in Iraq and worthy of celebrating in this Congress.

PRESCRIPTION DRUGS

(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 raise my voice this morning in concern about the new Medicare prescription drug card that took effect yesterday.

Last week, I visited numerous senior centers in my district to learn that many of those in my district are very confused because they do not have basic information about the program. The low-income seniors I met with are especially frightened because the information was not provided in their language, many who speak Spanish and many who speak Chinese.

□ 1015

There are 7.2 million low-income seniors whose needs are being ignored, yet the cost of medication is up 27 percent according to AARP.

Additionally, pharmaceutical companies and lobbyists spent $2.7 million to pass this legislation. Plus, the new Medicare law hurts seniors because a stringent and complex asset test is now in place, prohibiting many seniors in my district from taking full advantage of this program. They are even concerned about their burial plots, that that is going to be used against them.

How dare we implement such legislation. My seniors ask me, Congresswoman, who is there to protect me? We voted for the Congress to protect us. Where are they when we need them? Who is looking out for us?''

ONE STEP CLOSER TO SOVEREIGNTY

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

Mr. PITTS. Mr. Speaker, yesterday was a big day for Iraq. As The Washington Post reports this morning, ''A diverse group of secular figures, political independents, and technical specialists was appointed Tuesday to serve as Iraq's caretaker administration.''

As we come to the turnover of sovereignty to this government, we must keep in mind how important our effort in Iraq is. A free Iraq would be a death blow to the terrorists. For too long the people of this region have had no say in the direction of their nations. On June 30, we move one step closer to seeing a nation choose its own course.

The President has been a firm, steady leader during this trying time. He has rightly said that we have not freed Iraq to make them into Americans; we have freed Iraq to allow them to live in freedom. Iraq has the potential to be a great ally in the Middle East. Success there is critical.

THE ECONOMY

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

Mr. BLUMENAUER. Mr. Speaker, a moment ago we heard the majority leader say that numbers alone do not give the full picture about the economy. Well, I could not agree more, with the spiraling deficit, more tax cuts for people who are already well off, the refusal of the President and the Republican leadership to fund the No Child Left Behind initiative, or ignoring the promises of candidate Bush to enhance Pell Grants, along with a refusal to tap unemployment insurance funds to help the long-term unemployed.

Americans understand that numbers alone do not give the full picture about the economy. But what I find, meeting with the long-term unemployed in my community, they are looking at misplaced priorities and broken promises; and they, like most Americans, do not like what they see.

THE NEED FOR AN ENERGY POLICY

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

Mr. COLE. Mr. Speaker, I rise today to discuss the greatest threat to the economic recovery now under way, rising energy prices. Since 2001, the price for a gallon of gasoline has increased by 52 percent, U.S. oil imports have increased by more than 10 percent, the cost of natural gas by more than 92 percent; and Alan Greenspan has repeatedly testified that energy prices are the single greatest threat to job creation.

Mr. Speaker, to meet our growing needs and address these rising energy prices, this House has passed comprehensive energy legislation three times. All three times it has been blocked through legislative obstruction in the other body. This obstruction hurts America. To oppose the President's comprehensive energy legislation while calling for more domestic energy production and lower gasoline prices is hypocritical beyond belief.

Mr. Speaker, for too long America has relied on other nations to provide the raw materials for our energy needs. It is time for us to move towards self-reliance so we are not susceptible to the threats, blackmail, and production fluctuations from abroad. The Congress must move forward with a responsible energy policy. Voting ''no'' for the energy bill is not an energy plan for America.

NEGATIVE CAMPAIGN ADS

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

Mr. McDERMOTT. Mr. Speaker, here we go again. Republicans cannot lead, so they attack the Democrat that will lead America. Here is the proof:

Through the last weekend, the President's campaign has aired 49,050 negative ads against JOHN KERRY, and that is just in the top 100 media markets. 49,050 times the administration has tried to mislead America about Senator KERRY; 49,050 times the administration has tried to divert America from the administration's absolutely incompetent record on the economy.

Gasoline in Washington State is $2.75 a gallon. I did not miss that because of the ads. There are countless more negative ads coming from the Republicans because they only know how to tear down, not to lead. JOHN KERRY will lead and win this election. JOHN KERRY will lead and build a stronger America. It starts on November 2.

Meanwhile, America, every time the administration turns on another ad, get up and go to the kitchen for a bag of Fritos. You will not miss a thing.

DRUG DISCOUNT CARDS

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

Mr. RADANOVICH. Mr. Speaker, never before have American seniors been able to go to one place to price, shop, and compare their prescription drug options. America's seniors are now eligible to receive a Medicare-approved drug discount card at their local pharmacies to save between 10 and 40 percent off the price of most drugs, particularly generics.

It is important to mention the Department of Health and Human Services is the authorized distributor of these nationwide-accepted prescription drug cards. Seniors should be sure that the cards they acquire are approved by the HHS.

Millions of low-income seniors will receive an additional $600 on their discount card to help pay for prescription drug medicines. Any unused amount of the $600 credit in 2004 will carry over to the next year.

The competition between organizations offering cards will also help drive down prices. It is time to afford the Greatest Generation the quality prescription drug coverage that they deserve.

JOB TRAINING

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, since President Bush took office, 2.2 million Americans have lost their jobs. Americans are suffering through the longest unemployment period in 20 years and the most dismal job picture in almost 40 years.

And what is the Republican leadership doing about it? Having the House vote on tired proposals for job-training vouchers that do not actually create jobs for the millions of Americans who are out of work. Unemployed Americans need jobs and benefits immediately so that they can provide for

their families. They do not need training vouchers for jobs that do no exist.

Democrats have offered proposals that will create real solutions for Americans. We have proposed a highway bill that would create 1.8 million good-paying jobs more than the Republican bill. Democrats have also proposed enacting tax bills that will keep manufacturing jobs here in the U.S. and end incentives for shipping jobs overseas.

Americans also need Congress to extend tax cuts for the middle class, such as a child tax credit, without adding to the deficit. These are real solutions that create new jobs for out-of-work Americans and keep existing jobs at home.

We should be voting to pass these meaningful solutions to unemployment in this country and not wasting our time on gimmicks.

BUSH ECONOMIC BOOM IS IN FULL SWING

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

Mr. WILSON of South Carolina. Mr. Speaker, in this past Sunday's Washington Times, the highly revered economist Lawrence Kudlow spelled out very clearly how President George W. Bush's strong economic policies have produced a sustained surge in the economy.

Mr. Kudlow rightly said that ''over the past year, following the enactment of the President's tax cut plan, real economic growth has increased 5 percent with only 1.6 percent inflation. After-tax profits have increased 37 percent. Business spending on equipment and software has grown 12.5 percent. Since last August, 1.1 million jobs have been created. Spendable income has increased 4.9 percent, and consumer spending is up 4.3 percent.''

Indeed, not since Ronald Reagan was President has our economy grown faster. There can no longer be any question what effect lower taxes have on the economy. When Americans have more of their own money to spend and invest, the economy soars.

President Bush should be proud that despite the battles he faced in making these tax cuts a reality, his vision for more jobs and a prosperous America has come true.

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

PHARMACEUTICAL INDUSTRY ON THE TAKE

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

Mr. DEFAZIO. Well, the pharmaceutical companies have a friend in the White House. Since George Bush has been President, pharmaceutical prices have gone up five times as fast as the cost-of-living adjustments for Social Security, five times faster than inflation, and now we have passed the phony prescription drug benefit under Medicare that provides these bizarre discount cards which put all the obligation on the seniors and none on the pharmaceutical companies.

They jacked up the prices of the most common drugs taken by seniors by up to 30 percent in the last year. Now they are going to give them a 15 percent discount. Just like the used car dealer, he jacked up the price 2,000 bucks before you walked on the lot, and then he says, I will give you a $1,000 discount. Hey, what a great deal.

That is what is being done to America's seniors under the leadership of this President and the Republican leaders of this House who are in the pocket and on the take from the pharmaceutical industry.

DEMOCRATS' PRESCRIPTION DRUG PLAN WOULD COST MUCH MORE

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

Mr. STEARNS. Mr. Speaker, we have heard all about the prescription drug card being available this month for the most disadvantaged, but there has been some discussion about how much this prescription drug benefit costs and whose estimates are the best estimates.

The Democrats are saying this program costs way too much money. But, Mr. Speaker, remember last year they introduced their own Medicare prescription drug benefit plan? Theirs would have cost $1 trillion. Luckily, we passed a more responsible yet critical bill that offers prescription drugs for our seniors for a lot less than what the Democrats proposed. Yet in the last few weeks, the Democrats have been complaining that the Republican plan is too expensive and that we should take prescription drug coverage back from our seniors.

Let us not forget the Democrats support a candidate for President who has proposed a health insurance plan that would cost the Nation almost $1 trillion. So there it is.

How come the Democrats complain about the cost of the prescription drug plan when they and their standard bearer want to spend much, much more?

STATISTICS ON THE STATE OF THE ECONOMY

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

Ms. PRYCE of Ohio. Mr. Speaker, I would like to read a few statistics on the state of the economy.

America's economy grew at its fastest quarterly rate in 20 years, a positively sizzling 8.2 percent. Manufacturing activities have risen to their highest level in nearly 2 decades. Worker productivity is near a 20-year high. More folks than ever before own their own homes. Inflation, interest rates, and mortgage rates are near historic lows. Last month marked the ninth consecutive month of increased employment. The jobless rate is below the average for the 1970s, the 1980s, and the 1990s.

But one American out of work is one too many. So today, we will try to empower those who want to work by creating personal reemployment accounts to give these folks the help and the incentives they need to find jobs. Real help for real families, that is what this Republican-led Congress is all about.

REPUBLICAN PRESCRIPTION DRUG DISCOUNT CARD PROGRAM

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

Mr. KINGSTON. Mr. Speaker, the prescription drug benefit addition to Medicare, which was passed by the Republican Congress, Republican Senate, and signed by the Republican President, mostly over Democrat objections, has four aspects we need to remember:

Number one, this very popular program, endorsed by the AARP and most senior groups and health care groups, starts officially in the year 2006.

Number two, it is voluntary.

Number three, it reduces the cost of prescription drugs by approximately 50 percent after the premiums and the deductibles are met. It is about a 50-percent reduction, not as much as many would want; yet it is still affordable.

Number four, effective yesterday, June 1, many seniors, and those who voluntarily have decided to buy a prescription drug card similar to this, will enjoy a 20 percent discount on their drugs.

That means that my mom and dad, and yours too, perhaps, can start getting about a 20 percent discount on Glucophage or Lipitor or whatever prescription drug they need. All they need to do is dial 1–800 Medicare or www.Medicare.gov in order to see how they can immediately start saving 20 percent on their prescription drugs.

□ 1030

THE SHAME AND THE SHAM OF THE MEDICARE PRESCRIPTION DRUG BILL

(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, I find it very interesting that the other side has taken this opportunity to talk about the Medicare prescription drug bill. Two provisions the Democrats

wanted to get in: one, reimport the prescriptions from Canada, drop the price in the United States of America and allow a free market competition; and, two, ask the Secretary of HHS to buy in bulk on behalf of the Medicare recipients, again dropping the prices. But the increased amounts of campaign contributions to this body has led to both of those provisions being absent.

The thing that Democrats are most offended about is not the cost. It is about the deceit. We were told $400 billion this program would cost. Actuaries were told not to release the real figures to Congress, and the real figures ended up being $140 billion more. That is the shame, and that is the sham.

PROVIDING FOR CONSIDERATION OF H.R. 444, BACK TO WORK INCENTIVE ACT OF 2003

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 656, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 656

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 444) to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work. The bill shall be considered as read for amendment. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 4444 shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 2. (a) In the engrossment of H.R. 444, the Clerk shall—

(1) await the disposition of H.R. 4409 and H.R. 4410;

(2) add the respective texts of such bills specified in subparagraph (1) as have passed the House, as new matter at the end of H.R. 444;

(3) conform the title of H.R. 444 to reflect the addition to the engrossment of the text of such bills specified in subparagraph (1) as have passed the House;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition to the engrossment of H.R. 444 of the text of each bill specified in subsection (a)(1) that has passed the House, each such bill shall be laid on the table.

(c) If H.R. 444 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), the bill specified in subsection (a)(1) that first passes the House shall be treated in the manner specified for H.R. 444 in subsections (a) and (b), and only the other bill specified in subsection (a)(1) that has passed the House shall be laid on the table.

The SPEAKER pro tempore (Mr. SHAW). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 656 provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. It also provides for an amendment in the nature of a substitute consisting of the text of H.R. 444 shall be considered as adopted.

Section 2 of the resolution provides that in the engrossment of H.R. 444 the clerk shall add the text of H.R. 4409 and H.R. 4410 as passed by the House.

Finally, the resolution provides one motion to recommit with or without instructions.

Mr. Speaker, 8 years ago, many of us stood in this very Chamber and passed one of the most sweeping policy reforms Congress has ever undertaken reforming our Nation's welfare system. We took a risk that day in 1996 in order to change a failing system that encouraged dependency and discouraged self-sufficiency.

The tangible results are clear. Since 1996, we have seen welfare rolls plummet from 14 million to 5 million. Thousands who for years found themselves trapped in a cycle of poverty today are holding down meaningful jobs, getting promoted, and saving for their child's education. It is time to be bold once again.

For the past several years, the tax policy we have enacted has created over 1 million jobs in the past 8 months, over half of those in the last 2 months alone. The economy grew more in the last 6 months of last year than it had in the previous 2 decades. That is remarkable growth, Mr. Speaker. But still more must be done. There are still many Americans out of work seeking meaningful jobs and rewarding careers.

Mr. Speaker, it is clear that when we enact legislation that removes the roadblocks to progress, progress is achieved; when we eradicate programs which foster dependency, we foster independence; and when we create an atmosphere where workers can attain the knowledge and skills to build strong and successful careers, then we empower those seeking a job with the ability to find one.

That is precisely what this plan will do by creating personal reemployment accounts. These new accounts offer an innovative approach to provide unemployed workers with the very tools they need to get back onto their feet and into a lifelong career. These accounts are designed to provide unemployed Americans additional flexibility, greater choice and more control over their employment search and to provide a reemployment bonus for those who find a job quickly.

Under this plan, an individual who is receiving unemployment benefits can access a personal reemployment account of up to $3,000. The personal reemployment accounts will be administered through the one-stop career centers. These centers are already offering assistance to those seeking employment. At these centers, people can use their personal reemployment account for up to 1 year for intensive services like unemployment counseling, case management and job training. Supportive services like child care, transportation, and housing assistance are also available. One-stop career centers are the embodiment of compassion for those who have lost their jobs due to no fault of their own.

In the ever-changing, dynamic global economy that we live in, it is natural that some businesses are going to downsize, fold up or restructure, resulting in the laying off of workers. Most of these employees are honest, hard-working people. They want to get back to work, they want to earn their paycheck, and they want to support their families.

In addition to extending a helping hand to those seeking a job, this plan prevents fraud and waste as well, which is important to the program's participants as well as to American taxpayers. Currently, individuals out of work are able to take advantage of the one-stop career centers for free. Now they will be encouraged to shop wisely, paying for those services that they truly need out of the funds in their new accounts. This prevents double-dipping and ensures that taxpayer dollars are spent wisely, effectively and efficiently.

But perhaps the best part of this reward-based plan is that individuals who access a personal reemployment account and find employment within 13 weeks will be able to keep the remaining balance as a cash reemployment bonus. They will get 60 percent of the balance at the time they are employed and 40 percent 6 months later if they are still in the job.

Mr. Speaker, this is a common-sense, innovative plan that will empower Americans to find new jobs. It is a plan that will provide out-of-work Americans with access to the resources they truly need: job training, child care, transportation services, or housing assistance, whatever that need might be for that particular individual; and it is a plan that reflects the Republican agenda of creating jobs and getting Americans back to work. I urge my colleagues to support this rule and the underlying legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary 30 minutes.

Mr. Speaker, I am troubled by recent actions taken by the Committee on Rules and the possible consequences for this democratic body. Otto van Bismarck said, ''Laws are like sausages. It is better not to see them being made.'' Republicans on the Committee on Rules have devised and employed new ''sausage-making'' rules over the past several weeks. These rules take several bills, grind them up, and shove them into a new legislative casing and make a new bill.

H. Res. 638 provided for the consideration of three bills under the same closed rule, restricting the amount of time for floor debate and deliberation. Once the bills were passed, the rule required the bills be ground and repackaged as one bill.

H. Res. 645 provided for the consideration of five bills, again limiting the time for floor debate. Once the bills were considered and passed, the text of all five pieces of legislation were ground together to make one large bill to send to the other body. I would think that the parliamentarians of the House of Representatives would take some interest in what is going on here.

Today we are faced with a new device, a Frankenstein rule. Last night, the Republicans cobbled together bad pieces of rules, concocted a few other pieces, and then passed everything as one big monster rule.

The text of H.R. 444 is replaced with the text of H.R. 4444. None of the four amendments before the committee is in order, debate on the legislation is limited to 1 hour, and, outrageously, the rule appends the text of two unrelated bills, bills not considered by the Committee on Rules, just simply written in.

H.R. 4409 is on the suspension calendar, which would reauthorize title II of the Higher Education Act of 1965. H.R. 4410 is the Teacher Shortage Act of 2004, which would increase the amount of student loans which may be forgiven for highly qualified teachers in math, science, and special education. Now the merits of these legislative appendages have not even been considered by the Committee on Education and the Workforce, having held no hearings on it. And last night the Committee on Rules did not hear any testimony on either one of them.

When the rule was passed out, a staffer gave us a copy of the bills. We discovered whichever one of those two suspensions passes first will be cobbled into this bill we are doing today. The other one, I do not know what happens to it. I think it is tabled and forgotten about.

Mr. Speaker, it is destructive to us because we have no rules to go by any more. It does not matter what they want to do. Somewhere in the Capitol, people are devising byzantine and awful rules to shove down Members' throats.

This bill today, though, is really only a feel-good bill. There is no money authorized for it. It does nothing for the 1.2 million people who are unemployed and have lost their benefits.

Mr. Speaker, 8.2 million Americans are unemployed; and the unemployment rate remains the same. According to the Bureau of Labor Statistics, since December, 2003, the unemployment rate has been 5.6 or 5.7; and extended unemployment benefits expired last year. However, the unemployment trust fund has $20 billion in it. Congress simply refuses to allow the unemployed to tap into that money which is already there. Every dollar spent on unemployment benefits immediately creates more than $2 in economic growth.

Instead of using the billions of dollars that are already there untouched in the unemployment trust fund, this underlying bill creates a pilot program for personal reemployment accounts. The goal is to help people get back to work to provide $3,000 for job training, transportation and job search expenses. The fact that there is only one job for every three seekers is not considered here. The problem is it does nothing to create jobs. It trains people for jobs that do not exist, jobs which have been outsourced overseas. According to the Economic Policy Institute, these PRAs are a response to a problem that does not exist. The concept assumes there are plenty of jobs, but the unemployed workers are so comfortable getting $250 a week in unemployment benefits that they will not go back to work. So the problem is the failure of job creation, and these PRAs will be of no help. It is insulting to workers to believe they have to be given a grant to go look for work.

□ 1045

As I said before, over 1.5 million Americans exhausted their benefits, and they will not be eligible for this pilot program. If a person uses this PRA, he or she is no longer eligible to receive the benefits of other programs under the Workforce Investment Act, which can be worth as much as $10,000. Any money used from PRAs will be money used from WIA funds, because additional funds are not authorized for this program. Let me say that again. This wonderful program here to put people back to work has no money authorized for it.

Why are we not considering real help for the unemployed? This body should be passing legislation to extend unemployment benefits. I urge my colleagues to vote against this Frankenstein rule, so the House can act to help the millions of unemployed Americans and their families.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

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

Mr. HAYES. Mr. Speaker, I first want to thank the gentlewoman from Ohio for yielding me time and then to thank the gentleman from Nevada (Mr. PORTER) and the gentleman from Ohio (Mr. BOEHNER) for bringing forth this very effective effort to help create jobs and grow our economy.

Every day I work to create jobs in the Eighth District of North Carolina. This is another in a long list of aggressive actions taken by this majority to work with people on both sides of the aisle for national security and economic security, which go hand in hand.

The Workforce Investment Act and the Personal Reemployment Accounts again are an effort in a long list of efforts by our majority to put people back to work, to create jobs, and to match job seekers with good employment opportunities.

Personal Reemployment Accounts will allow flexibility. They will create opportunities for people to get transportation, counseling, child care, relocation assets, whatever they need to become employed gainfully with good jobs paying good wages as quickly as possible. These are several of the reasons that I strongly rise in support of this rule and the underlying legislation.

Unemployment benefits are important, and I support them; but there is far more to our effort to create jobs and put people back to work than simply unemployment benefits. This is a step in the right direction. It gives us additional opportunities to help people get good jobs, to grow this economy, and to continue to fight and win the war on terrorism.

As we look every day at things that we are doing, this is one of the best and most effective ways that we can create jobs, strengthen our economy and help our people create the careers that they need to support their families.

Again, Mr. Speaker, I thank the leadership for bringing this forward, and I ask for strong support for the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

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

Mr. Speaker, I also rise in opposition to this closed rule and urge Members to defeat the previous question. This rule cuts off meaningful debate on real-world solutions to the real-world problems of American workers.

The underlying bill creates an unproven and risky job-training voucher program that does not address the main issues facing American workers. American workers need help now. Those who exhausted their unemployment benefits need Congress and the Bush administration to enact an extension of those benefits. The American

worker also needs new job opportunities.

Under this administration, 2 million jobs have been lost, 8.2 million individuals are unemployed, 1.5 million workers have exhausted their unemployment benefits, and wages have barely kept up with inflation. This bill does nothing to address these problems.

The gentleman from Ohio (Mr. RYAN) and I filed amendments to respond to the true needs of American workers. The Committee on Rules blocked both of these amendments.

When I go to the Committee on Rules recently, I am reminded of what Dante had engraved above the gates of Hell in his ''Inferno.'' Engraved there was: ''Abandon all hope, ye who enter here.'' I have not been given an amendment up there, by the present committee and I have been here quite a few years.

The amendment to be offered by the gentleman from Ohio (Mr. RYAN) would have allowed local communities to hire and train first responders. This amendment would have created jobs, while also protecting our villages and towns from security threats. My amendment would have extended unemployment benefits for those who have exhausted their initial 26 weeks.

Both of these amendments are critically needed if we are to ensure that American families can provide for their own financial security. I urge Members to defeat the previous question so we can have a full and open debate on the Ryan amendment. If the previous question is not defeated, I urge opposition to this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from Nevada (Mr. PORTER), the author of this very important legislation.

Mr. PORTER. Mr. Speaker, I rise in support of the rule for H.R. 444.

Mr. Speaker, I am proud of this legislation because it impacts the families and children of Nevadans, but also those families across the country. But Nevada-specific, right after 9/11, we experienced almost 100,000 people that were laid off in a short period of time. What we have learned since then is with the resilient business community working with this Congress and its leadership on getting people back to work, we are now back to about 4.3 percent unemployment.

Nevada is a bellwether for the economy and how strong it is becoming, because people are coming back to Nevada in droves. But, more importantly, what we learned in that tragic time right after 9/11 is that we can no longer do business as usual when it comes to unemployment. We need to find a flexible way to approach these families to help them get back to work.

This program provides for flexibility. More importantly, it is voluntary. Families can use this for many uses, from transportation for getting to the job, maybe even for those families that need a telephone to be put in their home. Maybe they need to learn a new language. Nevada is one of the fastest growing States in the country. With 5,000, 6,000 or 7,000 new people a month, it has one of the fastest growing Hispanic populations in the country. This program can be used to help train and help these families adjust.

Mr. Speaker, this language, as I said earlier, is voluntary. Each State can make a decision. It is a pilot program. States can choose. Why not allow these families to use this program?

I have heard our colleagues across the aisle say that these families and individuals do not need more training. I am sorry, I disagree. They need a new approach to unemployment, they need additional benefits, and they need additional help; and I encourage everyone to support the rule and H.R. 444.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentlewoman from New York for yielding me time, and I also thank the gentlewoman from the Buckeye State for her comments as well.

I am rising here, Mr. Speaker, to urge a ''no'' vote on the previous question. As the gentleman from Michigan (Mr. KILDEE) said, there are several amendments here that we wanted to get in to this that were not allowed.

One of the amendments obviously offered by the gentleman from Michigan (Mr. KILDEE) was to extend unemployment benefits. We have thousands of workers in the State of Ohio who have exhausted their unemployment benefits and need help. These are people who are locked out, these are people who are unemployed, these are people who cannot afford to go back to a job that pays $6 an hour. We hear a lot about job creation, but the jobs that we are losing are $20 an hour with health care benefits. The jobs we are gaining are $6 an hour at Wal-Mart.

One of the amendments, the Ryan amendment, would request an authorization of such sums as necessary from 2004 to 2009 for on-the-job training opportunities for medical and safety occupations, police, firefighters, rescue personnel, paramedics, medical personnel. This money would go to the Governors. The Governors would be able to use 75 percent of it in a formula based on population, based on the need as well, with 20 percent of the money being discretionary, to go for first responders.

This would be an economic stimulus for local communities in many places like the State of Ohio that could use this economic stimulus. Many of the cities, municipalities, townships, and counties would be able to take this money, use it for training and be able to hire more and, therefore, provide a direct economic stimulus.

There is also another debate I think that is going on here, and I think it is a debate that the American people need to hear and need to participate in. Basically, after 9/11 there were two philosophies. One we are exercising now with the war in Iraq, over $200 billion being spent over there.

But there was another philosophy that did not get much hearing. There is also another idea that we had here, and that was take some of those billions of dollars that we have been spending in Iraq and invest that to batten down the hatches in the United States of America. More money for first responders, police, fire, Border Patrol; more money into the intelligence community; hire people who speak Farsi that can infiltrate some of these camps. I think it becomes a choice between hiring police, fire and military personnel in Iraq, or hiring police, fire and medical personnel here in the United States of America.

I think this would have been an opportunity for us to provide a direct economic stimulus and change course a little bit by investing here and protecting the civil defense, the homeland security. I think that would have been a better way to go.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), my dear friend and colleague from the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me time.

Mr. Speaker, I rise in strong support of not only this rule but the underlying bill, because as the economy continues to improve, it is important that we as Congress continue to help to provide incentives for those Americans who are still looking for work.

I spend the majority of my time in my district working on economic development and job creation. This is the Ninth District of North Carolina, and providing worker re-employment accounts is a phenomenal tool that the folks in our district and, of course, all across the country can use to help them get back to work.

As we have already heard this morning, these accounts are flexible, and that is the key. Flexibility is so important, because the workers can use the money for career counseling, for transportation, child care, job training, or housing assistance. Wherever the need may be, they can use that money. If they find employment within 13 weeks, they get to keep the balance of the account as a bonus.

It is important to the American people to know that we have not lost sight of the fact that there are still a lot of them out there looking for work and that times have been tough. We have been hit particularly hard in my district because of all of the textile jobs lost over the last few years. So it is very important, again, for my district, for the State of North Carolina, and other areas that are experiencing the same problems that we pass this bill.

Mr. Speaker, I urge my colleagues to vote ''yes'' on this rule and ''yes'' on the underlying bill.

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

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York for yielding me time, and I rise in opposition to this rule.

Over the last several years, we have lost 2 million jobs in the country. Over the last several weeks, we have heard that there are new and grave terrorist threats to our trains and a number of individuals are free in the country threatening to blow up buildings and do other acts of terror.

The gentleman from Ohio (Mr. RYAN) has an excellent idea that addresses each of those two problems. His idea is that we authorize enough money so that we could train and recruit and hire 100,000 first responders to be deployed in our cities and our States and our communities across the country. We would be stronger at home against the terrorist threat, and we would put 100,000 people to work in the process in skilled jobs with good benefits.

Now, I think this is an excellent idea. But what is wrong about what the House is doing today is we are not even going to get to debate this idea or discuss it or vote on it. The majority has put forth a plan that they say will help the unemployed. I emphatically disagree that it will, but it is their right to bring that plan forward. It should be our right as the minority to bring our plan forward.

The gentleman from Ohio (Mr. RYAN) has an excellent plan. If you vote against the previous question, you will give us the chance to debate and vote on the very excellent plan offered by the gentleman from Ohio (Mr. RYAN). I would urge a ''no'' vote on the previous question for that reason.

□ 1100

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in opposition to this closed rule to deny a fair and open debate on the real needs of American workers.

Once again we see the Republican leadership shutting down the ability of the House for Members to debate and offer amendments to change the course of lives of American workers, to alter the legislation that comes before us that is really nothing more than a sham. It is a fig leaf to try to present to the American people that somehow the Republican majority cares about the unemployment when, in fact, what we see is we have 8.2 million people unemployed, we have 1.5 million workers who have exhausted their unemployment benefits, people that no longer have the economic resources to hold their families together because they have been unemployed over 26 weeks. Those people are out there.

Speaker after speaker on the other side of the aisle has gotten up and lamented the level of unemployment in their district, and yet they refuse, they refuse to allow this Congress to address extending unemployment benefits to those people who they admit cannot find jobs in their district because of the economy, because of the layoffs, but they are going to let those individuals crash to the floor, lose their homes, lose their automobiles, make their chances of getting unemployment even more difficult because they refuse to bring up a bill to extend unemployment benefits. That is what the Republicans are offering.

What are they saying here? They want to offer a bill that says you may get up to $3,000. Well, one of the things we just learned in the most recent memo from the White House is they plan to cut all of these programs in the next budget year, and so this promise is not worth the paper that it is written on. It is up to $3,000. You may not get $3,000. You may get $1,000. It may not pay for the job searches that you are doing or the training that you need. But the Republicans want to suggest for those 8 million unemployed out there, for those 1.5 million workers who have exhausted their benefits, for the 2 million people who lost their jobs since President Bush took office, that somehow this legislation is going to deal with their problems. This legislation in no way deals with their problems.

The gentleman from Ohio (Mr. RYAN) and the gentleman from Michigan (Mr. KILDEE) went to the Committee on Rules, and of course they were shut out. Because the Republicans are afraid of debate on unemployment, Republicans are afraid of debate on the homeland security and the employment of first responders to deal with the needs of this country. So what do they do? Rather than honor the tradition of the Constitution, rather than honor the traditions of this institution, they just close down the debate: Take this bill or leave it.

Well, this Congress ought to leave this bill, because it does not do anything for the unemployed, and it certainly does not help those people who are most desperate in our country, who have found themselves long-term unemployed and their benefits have run out. This is the first administration in decades that has refused to help those individuals who have exhausted their unemployment benefits.

It is unfortunate that we are in this situation. We should be able to consider the Kildee amendment on unemployment benefits, we should be able to consider the Ryan amendment to hire first responders to deal with the security needs of this Nation, but this Republican majority will not allow that. I would urge people to vote against the previous question so we would have an opportunity to vote on the Ryan amendment and do something for this country, for the unemployed, and for the security needs of this country.

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

Ms. WOOLSEY. Mr. Speaker, it is absolutely important that we improve our current unemployment system, but not this way, not taking away from it, not with this legislation that falls far short of what we need in this country. We can do better. Why are we not? Because we refuse to bring the subject to the House Floor to discuss it. That is why I urge my colleagues to join me in opposing this closed rule and the underlying legislation.

Mr. Speaker, it is about time we address unemployment, and the Back to Work Incentive Act does not do anything but offer a temporary solution for a limited pool of unemployed workers, and it is a very poor solution to an ongoing problem. Personal reemployment accounts will not substitute for the lack of across-the-board investments in the Workforce Investment Act and the Unemployment Insurance Act. Improving the resources in these programs could help a broader number of workers stabilize their lives, could help develop the necessary skills that they need to secure new jobs. And I want to remind all of my colleagues that if we would invest in our Nation's transportation infrastructure, we would be providing jobs that pay a livable wage and we would be leaving with our communities infrastructure projects that they desperately need.

Actually, I am also concerned that this bill is an effort to make unemployment benefits the sole responsibility of the States and that it will eventually lead to the end of Federal unemployment programs. The cap on funds through the PRA system also alarms me. While it sounds great to give unemployed workers up to $3,000, ''up to,'' those are the operative words, this cap is far less than most workers already receive with unemployment extensions, leaving them without the funds they need when they are in the most desperate situation.

Vote no on this rule and no on the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from New York for yielding me this time.

Mr. Speaker, it would be nice to come on the floor of the House and celebrate legislation that provides a cash sum to alleged unemployed individuals, that provides them with transportation dollars and cash money for child care and job training, and it really sounds like this is Christmas in June. But, frankly, Mr. Speaker, this does not answer the question of the chronically unemployed, it does not answer the question of those who need extended unemployment, and it certainly does not answer the question of people who are frustrated with the idea that there are no jobs.

We realize that, though the economy is percolating, this administration has not created jobs; and my complaint is, in a community like Houston, Texas, that has suffered under the unfortunate and bad circumstances of Enron where I had 2 years ago over 5,000 employees laid off, who still remain unemployed or under-employed, this is not a panacea. It would be very helpful if we would come together in a bipartisan manner and begin to look at the real unemployment problems of America. That means the constant and ongoing training for outsourcing jobs across the waters and, as well, not providing definitive unemployment benefits for those who are seeking employment.

For this job bill to suggest that people do not want to work is an absolute insult. Because Americans do want to work. They are producers, they are creators, they like to invest their time. What we need to do in this body is to really respond to those unemployed Americans by extending their unemployment benefits and not providing these cash handouts that will only go to a few.

Let me also say, coming from Houston, how tragic it is to realize that even though we thought we swept out the last of the last of Enron, what an enormous insult to wake up this morning and find tapes now that are suggesting that it was only a game and that it was all about Grandma Millie, and that is what the traders were doing.

Mr. Speaker, I would hope we would spend less time putting forward bills that do not help all jobless Americans and begin to sweep out the bad apples in corporate America and begin to insist on the creation of jobs and also to pay the unemployment benefits of the thousands and millions of Americans who get up every morning and really want a job. That is what this Congress should be doing, and I would ask my colleagues to realize that that is what we need to be doing today.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 5 minutes to my last speaker, my colleague, the gentleman from the great Buckeye State of Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio, for yielding me this time.

Tomorrow, we will consider a bill that is integral to helping return more Americans to work, the Worker Reemployment Accounts Act. As President Bush has said, one American without a job is one too many. This legislation provides a unique approach to helping displaced workers return to good jobs. The bill offers new assistance for unemployed workers in the form of personal reemployment accounts which would help workers who need it the most return to work more quickly.

The Worker Reemployment Account Act is one piece of a larger effort to solidify the future competitiveness of America's workforce by improving education and job training. Later today, we will consider two bills aimed at strengthening teacher training and increasing the availability of highly qualified teachers in high-demand subject areas. These bills, which will be packaged with the Worker Reemployment Accounts Act under this rule, represent a comprehensive strategy for strengthening education at all levels and improving job training.

With 1.1 million new jobs created over the last 8 months and 625,000 net new jobs added just in March and April, it is clear that our resurgent economy is moving on the right track. Indeed, almost every economic indicator tells us the economy is adding momentum every month, and manufacturing jobs have been on the rise for 3 straight months as well. The unemployment rate fell to 5.6 percent in April, lower than the average unemployment rate during the 1970s, 1980s, and the 1990s.

Despite these encouraging signs, we need to do more to help displaced workers get back on their feet, and it is clear that job training and worker education is more important in today's changing economy than ever before. We want to give workers a hand up, not just a handout. Self-sufficiency and independence from Government is every American worker's goal, not dependency and endless reliance on our government. We recognize this fact, and personal reemployment accounts represent one more way we are helping the unemployed get back on their feet through personalized job training and employment services specifically tailored to meet that person's own needs.

The Worker Reemployment Accounts Act is an innovative approach to helping workers find good-paying jobs. The bill authorizes funding for a pilot project similar to the one proposed by President Bush earlier this year that would provide workers with personal reemployment accounts up to $3,000 to purchase employment-related services to help them find a good job. The bill does not authorize a specific dollar amount for the pilot program but simply makes reemployment accounts an allowable use of funds under the demonstration programs of the Workforce Investment Act. The President requested $50 million for this demonstration program, and I am sure Congress would fund it appropriately.

This is an efficient and flexible approach that empowers Americans to find good-paying jobs. The funds from these accounts can be used for a variety of employment-related services, including job training, career counseling, transportation assistance, child care, and housing assistance.

One of the best elements of the plan is that any unspent balance in the account can be kept by workers who find work within 13 weeks of being laid off. Workers can keep any remaining amount as a reemployment bonus.

The personal reemployment accounts will be administered through the One-Stop Career System established under the Workforce Investment Act where displaced workers already seek employment assistance. States and local workforce boards that want to participate can apply to the Labor Secretary for competitive grants to offer reemployment accounts to unemployed workers. An individual who receives an amount must be receiving unemployment benefits, be identified by the State as likely to exhaust his or her benefits, and be eligible for at least 20 weeks of unemployment compensation.

These accounts are a new benefit option that would work in tandem with unemployment insurance as an additional vehicle to help workers in their efforts to find good-paying jobs. Over the past 2 years, we have taken numerous steps to help unemployed workers, and this is another way we are responding to the needs of Americans who find themselves without work.

As I stated earlier, the U.S. economy is strong and getting stronger. Personal reemployment accounts are yet another important step to help these displaced workers find the jobs that they seek. By giving job-seekers all the resources they need to return to work, we will continue this economic resurgence and help every unemployed American secure the education and skills necessary to take advantage of today's reenergized job market. That is what this debate is all about. Let us not let the perfect become the enemy of the good. Let us support the rule and the underlying bill.

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

Mr. Speaker, we have heard a lot of rhetoric today about how the economy is on the upswing and how it has improved and how jobs are beginning to return. But I can tell my colleagues that people in my hometown and communities across America remain unemployed. There are 8.2 million people out of work in this country, and there is now only one job opening for every three unemployed individuals. No matter how you spin it, the bill before us today will not do a single thing to create more jobs.

That is why I urge Members to join me in defeating the previous question. If the previous question is defeated, I will offer an amendment to the rule making in order an amendment that was not accepted by the Committee on Rules by the gentleman from Ohio (Mr. RYAN) to train 100,000 new first responders.

□ 1115

That is 100,000 new policemen, firemen, emergency response personnel, medical personnel, and scores of other citizens who keep this country safe every day and would, of course, create jobs.

I offered this amendment in the Committee on Rules last night; but as is usual practice these days, it was defeated on a straight party-line vote.

Now, this bill is supposed to be about helping the unemployed. Well, I can tell my colleagues if they really want to help them, they will do everything they can to find ways to create new good-paying jobs. And that is what the Ryan amendment will do. So I urge my colleagues to vote today in favor of job creation, in favor of protecting our communities by voting ''no'' on the previous question.

Let me be clear, Mr. Speaker. A ''no'' vote will not prevent us from considering the bill before us today, but by voting ''yes,'' Members will be denying this House a chance to create 100,000 new jobs for unemployed Americans.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately before the vote.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge Members to vote ''no'' on the previous question.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are discussing real issues that have real impacts on real families all across this country, whether in my district of Columbus, Ohio, or in any of the other 434 districts my colleagues represent in this body. Americans want to work. They want to provide for their families and themselves. They want to take responsibility for their decisions.

Mr. Speaker, we all know that most of the time when someone loses his or her job it is for reasons beyond their control. As we strive to reach the day when all Americans hold down good jobs, the reality is, as it always has been, some people will be out of work on any given day. So until we reach that day, let us give our friends and neighbors who are unemployed the tools and resources they need to make their own decisions about how best they can find work which suits them. Whether that means using their personal reemployment account for a daycare while they are interviewing, or transportation to that interview, or for a computer training class, whatever they believe they need, let us allow them to have it.

The key here is flexibility, giving the people the power to make choices that best reflect their own situations. The result will be getting people back to work at good-paying jobs, to begin rewarding lifelong careers.

AMENDMENT OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I offer an amendment to the rule to fix a technical error.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. PRYCE of Ohio: In section 2(a)(1), strike ''4410'' and insert ''4411''.

Ms. PRYCE of Ohio. Mr. Speaker, I urge my colleagues to support this rule, the amendment, and the underlying resolution.

Mr. LINDER. Mr. Speaker, I rise in support of this rule, and thank my friend and colleague from the Rules committee, Ms. PRYCE, for yielding me this time.

I support passage of H. Res. 656, which is a closed rule, and urge my colleagues in the House to join me in doing so. The Rules Committee received a couple of amendments to H.R. 444, but a rule of this nature was needed in order to allow the House to work its will on H.R. 444, without getting into a number of issues unrelated to the goals of helping displaced workers return to good jobs.

I want to commend Mr. PORTER of Nevada for his effort in bringing H.R. 444, the underlying legislation, to the House floor. This bill provides for the creation of personal reemployment accounts, allotting $3,000 to help unemployed individuals find new jobs. This is a new approach to reducing unemployment, and it allows individuals to have more control over their job search.

Those unemployed individuals who are eligible for these reemployment accounts may use the money toward job training, child care, transportation, or other programs that would assist them in returning to work.

Additionally, under H.R. 444, if an individual finds employment before the 13th week of benefits, he may keep the left-over money for his personal use. Therefore, it creates an additional incentive for unemployed individuals to find work quickly.

This is another part of our plan to help workers find good jobs. This Congress understood that by reducing the tax burden and improving economic incentives, we could boost economic growth and increase the flow of resources into production. That occurred by following the implementation of the Republican tax relief plan. By reducing the tax burden on small businesses and families, we are creating more economic activity which means more jobs for all Americans. Today, we are taking another step to help unemployed workers, and this bill will give those seeking a job another resource to assist their efforts.

H.R. 444, is not a ''hand-out'' for our Nation's unemployed; instead, it offers them a ''hand-up.'' By giving individuals more control of their job search, they have the opportunity to become self-reliant. For these reasons, it's very important that we pass H.R. 444 today.

Mr. Speaker, I urge my colleagues to join me in supporting this rule so that we may proceed to debate the underlying legislation.

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

PREVIOUS QUESTION FOR H. RES. 656 RULE FOR H.R. 444—THE BACK TO WORK INCENTIVE ACT OF 2003

In the resolution, insert after ''and (2)'' the following and renumber ''(2)'' as ''(3)'':

''(2) the amendment in the nature of a substitute specified in Section 3 of this resolution if offered by Representative Ryan of Ohio or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''

At the end of the resolution add the following:

SEC. 3. The amendment referred to in (2) is as follows:

AMENDMENT TO H.R. 444

OFFERED BY MR. RYAN OF OHIO

First responders grant program

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''First Responders Grant Program Act''.

SEC. 2. FIRST RESPONDERS GRANT PROGRAM.

Subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) is amended by inserting after chapter 5 the following new chapter:

''CHAPTER 5A—FIRST RESPONDERS GRANT PROGRAM

''SEC. 135A. GRANTS TO STATES.

''(a) IN GENERAL.—The Secretary shall allot the amount appropriated under section 135D to the States, on the basis of a State's population relative to the population of all States, to be allocated by the Governor pursuant to section 135B.

''(b) SMALL STATE MINIMUM ALLOTMENT.—The Secretary shall ensure that no State shall receive an allotment under this section that is less than ½ of 1 percent of the amount appropriated under section 137(c).

''SEC. 135B. WITHIN STATE ALLOCATIONS.

''(a) IN GENERAL.—After reserving from the amounts allocated under section 135A amounts for administrative costs under subsection (d), of the remainder—

''(1) 75 percent of such amounts shall be allocated by the Governor to local areas in accordance with subsection (b); and

''(2) 20 percent of such amounts shall be reserved by the Governor for allocation to local areas in accordance with subsection (c).

''(b) ALLOCATION TO COUNTIES.—Of the amounts described in subsection (a)(1), the Governor of a State shall allocate to the counties of such State, on the basis of a county's population relative to the population of all counties within such State, to be used to hire and train first responders pursuant to section 135C.

''(c) GOVERNORS' DISCRETIONARY ALLOCATIONS.—Of the amounts reserved pursuant to subsection (a)(2), the Governor of a State may allocate amounts to local governments (including county and city governments) determined by the Governor to have the greatest need for such amounts to hire and train first responders pursuant to section 135C.

''(d) ADMINISTRATION.—Not more than 5 percent of the amount allotted to a State under section 135A may be used by the Governor for administrative costs in carrying out this chapter.

''SEC. 135C. USE OF FUNDS.

''Counties (and other local governments where applicable) receiving funds under this chapter may use such funds, consistent with section 134(d)(4)(D)(ii), to hire and train individuals to become first responders, such as firefighters, police and emergency response personnel, and medical personnel, if such individuals—

''(1) are likely to exhaust regular unemployment compensation and are in need of job search assistance to make a successful transition to new employment;

''(2) are receiving regular unemployment compensation under any Federal or State unemployment program administered by the State; and

''(3) are eligible for not less than 20 weeks of regular unemployment compensation.

''SEC. 135D. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated for fiscal years 2004 through 2009 such sums as may be necessary to carry out this chapter.''.

Amend the title so as to read: ''A bill to amend the Workforce Investment Act of 1998

to establish a First Responders Grant Program to ensure adequate funding to increase the number of first responders in the Nation.''

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

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

Ms. SLAUGHTER. 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.

PROVIDING FOR CONSIDERATION OF H.J. RES. 83, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES REGARDING THE APPOINTMENT OF INDIVIDUALS TO FILL VACANCIES IN THE HOUSE OF REPRESENTATIVES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 657 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 657

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) 90 minutes of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; 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 asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 657 is a rule providing for the consideration of House Joint Resolution 83, a proposed amendment to the Constitution of the United States regarding appointment of individuals to fill vacancies in the House of Representatives.

The rule provides for 90 minutes of debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule also provides for one motion to recommit.

Mr. Speaker, on April 22 of this year, the House of Representatives debated and voted on H.R. 2844, the Continuity of Representation Act, which provides for the expedited special election of new Members to fill seats left vacant due to extraordinary circumstances.

Such circumstances would be deemed to exist when the Speaker of the House announces that vacancies in the House exceed 100 members. The special elections would be required to be held within 45 days. This bill passed the House with a broad majority of 306 votes in favor to 97 against.

At the foundation of the Continuity in Representation Act is the principle that Members of this House ought to be elected by the people. This principle has guided service in this institution since its inception. Indeed, the purpose of the House is to serve as a Chamber that is closest to the people; closest to the people due to the equal size of our constituencies; closest to the people due to the frequency of elections; and, most important, closest to the people because of the direct election by the people.

I support the Founding Fathers' view that Members of the House ought to be directly elected by the people and not selected for them.

This rule provides for consideration of an approach that would amend the Constitution and allow for immediate appointment within 7 days of replacements for Members due to the death or incapacity of a majority of the House's membership. The appointments would be made by the chief executives of the States where a vacancy exists from a list provided and maintained by the elected Member.

While I do not agree with changing the Constitution's requirements that Members of the House be directly elected, I do sincerely believe that our colleagues who do support this constitutional amendment deserve the opportunity to have their proposal voted upon by the House.

Mr. Speaker, following the tragic events of September 11, this House has a responsibility and duty to consider the fate of this institution should it become necessary to replace a significant number of Members due to a deadly terrorist attack.

Neither passage of the expedited elections bill nor consideration of H.J. Res. 83 alone serves as a comprehensive response to the continuity of this House in the face of deadly attack. For example, we must consider appropriate responses in the event that a large number of Members are incapacitated rather than killed. This is a potential scenario that cannot be ignored in a time of chemical, biological, and radiological weapons.

In order to act, the Constitution requires the House to achieve a quorum of majority of all Members living and sworn. When a Member dies or resigns, the Speaker under the rules adjusts the quorum. However, the Framers never contemplated and made no provisions for the need to adjust the required quorum when large numbers of Members are still living but unable to carry out, temporarily or otherwise, the duties of the office to which they have been sworn. Under current law, if more than half of the House were to become incapacitated yet not deceased, the House could be unable to act at a time when the need to do so could hardly be greater.

On April 29, the House Committee on Rules held an original jurisdiction hearing on the incapacitation of Members. Under the leadership of the gentleman from California (Chairman DREIER), the Committee on Rules is approaching this important issue with the seriousness and thoughtfulness it deserves.

Mr. Speaker, while H.J. Res. 83 provides for the appointment of replacing representatives due to incapacity of elected Members, it does not offer an answer on how the House is to proceed on the question of defining or declaring incapacitation. These are important questions and the House must continue to deliberate seriously on their solutions.

I am committed to working to address this complex continuity issue, and I know that the gentleman from California (Chairman DREIER) and the gentleman from Wisconsin (Chairman SENSENBRENNER) will continue their personal involvement and leadership on this issue, as well as other committed colleagues on both sides of the aisle.

Mr. Speaker, I encourage my colleagues to support the rule and continue the important consideration of how this House will operate should massive tragedy strike.

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

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

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

Mr. MCGOVERN. Mr. Speaker, I want to thank my friend, the gentleman from Washington (Mr. HASTINGS), for yielding me the customary 30 minutes.

Mr. Speaker, today the House is debating the continuity of Congress. We are attempting to answer important questions: What happens to the House of Representatives if a majority of Members are killed or incapacitated in a catastrophic event like a terrorist attack? How does the House continue to function if there are not enough Members to constitute a quorum?

These are not easy questions to answer. Indeed, they are not easy questions to talk about or to think about. Nobody wants to consider what happens if they and their friends and colleagues are attacked, but they are questions that we must face head on. And they are questions that elicit

strong policy answers from those who have taken the time to study the issue.

Some believe that amending the Constitution is the proper course. Others disagree, arguing for statutory fixes. But it seems to me that we could all agree on one thing: that these issues should transcend partisan politics. But not in this House.

The Republican leadership cannot seem to help itself when it comes to the way it manages this body. They seem to be addicted to stifling debate, to muzzling Members of both parties, to partisan rules and lousy procedures, and to shredding the committee process.

And so I rise today in strong opposition to this rule because the Republican leadership has once again taken a nonpartisan issue and dragged it into the partisan mud. Instead of working side by side with Democrats, the Republican leadership ignored the proper procedures of this body and rushed this constitutional amendment to the floor for a vote.

This rule makes in order 90 minutes of general debate. That is 90 minutes more than the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), held in hearings on this amendment. Let me say that again. In the 108th Congress, there has not been one single hearing about a constitutional amendment on this issue.

The chairman of the Committee on the Judiciary found time to write a very eloquent op ed piece in this morning's Washington Post, but apparently could not find the time to hold a hearing. The chairman of the Committee on the Judiciary and the distinguished chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), hold strong views that the Constitution should not be amended. They may be right. However, I honestly do not believe that this whole issue has been given the serious and thoughtful attention and consideration that it deserves.

There is no reason to bring this bill to the floor without hearing from academics, lawyers, Members of Congress, Senators, former and current administration officials, liberal, moderate, and conservative interest groups. Many of those experts served right here as Members of Congress as members of the Committee on the Judiciary. Why are we not taking advantage of their expertise?

I am especially puzzled by this unnecessarily partisan process given that this is not a hot topic in the elections. I think it is safe to say that not a single congressional race this year will turn on whether the candidate supports constitutional or statutory remedies for the continuity of Congress. This is not what people are talking about around their kitchen tables. But it is important, and it should be handled correctly.

This rule makes in order only the constitutional amendment offered by the gentleman from Washington (Mr. BAIRD). Yet last night, the gentleman from California (Mr. ROHRABACHER) came before the Committee on Rules with two proposals. Several members of the Committee on Rules had questions and sought clarification on certain aspects of his ideas.

□ 1130

It was a very, very interesting conversation. But it was not a discussion that should have taken place in the Committee on Rules less than a day before the House votes on a constitutional amendment. It should have taken place at a hearing of the Committee on the Judiciary.

Mr. Speaker, the American people expect and they deserve a House that works together when this country faces adversity. After the September 11 attacks, the Speaker of the House and the minority leader brought our two parties together for a bipartisan caucus to discuss what happened and to discuss the next steps. During those next days and weeks we were not two parties, we were one country. I believe that we need to once again join together in a bipartisan caucus to talk about this important issue and decide on the steps that we need to take, to bring together experts from across the political spectrum and to do what is right for the country and for the Congress.

Mr. Speaker, this constitutional amendment was brought before the House in the wrong way. This rule is the wrong rule, and I would urge my colleagues to reject it.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules and an individual who has been a leader on this issue.

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

Mr. DREIER. Mr. Speaker, I thank my friend from Washington (Mr. HASTINGS) for his leadership on this issue and for his fine work on the Committee on Rules.

As I listen to the comments of my very good friend, the gentleman from Massachusetts (Mr. MCGOVERN), I cannot help but think how hard we have in fact been trying to work in a bipartisan way on this issue. I am going to talk about what led us to the point where we are right now, we are considering the rule; and then I will try to get a bit into the substance of the constitutional amendment.

We, after September 11, did come together as a Nation; and we had this historic appearance on the east front of the Capitol where Members of the House and the Senate came together to focus on the solidarity that was important as we begin to proceed with the global war on terrorism. We had never seen an attack like that that we saw on September 11 in our Nation's history. And contrary to what my friend from Massachusetts just said, we have continued to work in a strong bipartisan way, and we are here at this moment considering this constitutional amendment which I virulently oppose because of our desire to work in a bipartisan way.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and I introduced legislation which called for expedited special elections. Why? Because we feel very, very passionately about the need to ensure that no one ever serves in the People's House without having first been elected. It is conceivable under the constitutional structure that exists today that every other member that is traditionally elected in the United States of America could hold that office by appointment. The President of the United States can become President by appointment, as we found with President Ford. He became Vice President and then President. Members of the other body, the United States Senate, can in fact be appointed, serving in the United States Senate. But, Mr. Speaker, no one has ever served in the People's House without having first been elected.

James Madison said, ''Where elections end, tyranny begins.'' And so that is the reason that, having spent a great deal of time over the past few years looking at this, the gentleman from Wisconsin (Mr. SENSENBRENNER) and I joined with a number of our colleagues and we enjoyed bipartisan support in this effort. We put together this structure which says, if more than 100 Members are tragically killed, what happens? Well, we have an expedited procedure whereby elections are held within 45 days.

So when we put this legislation together we worked very, very hard on it. We had Members who said, we want to have a constitutional amendment, specifically, the gentleman from Washington (Mr. BAIRD), who I am happy to see has joined us and who has spent a great deal of time and effort on this issue; and I congratulate him for the thoughtful approach that he has taken on this issue.

But what happened when we moved ahead with our legislation was I had someone who was not, frankly, a proponent of the amendment or even the consideration of it; and that is the chairman of the Committee on the Judiciary.

At the request of the gentleman from Washington (Mr. BAIRD) and others, I talked with the chairman of the Committee on the Judiciary; and he made a commitment to me that in fact at the next markup the Committee on the Judiciary had they would report out this constitutional amendment. And so that is exactly what has happened.

It has been the bipartisanship that has gotten us to this point today where we are going to, at the request of the minority, have a vote on what I personally believe is an ill-conceived idea and

that is amending the US Constitution which would allow for the appointment of unelected members to serve in this House. And I recognize they want elections. Everyone is for elections. But I do not believe that anyone should serve here without the people having first decided who is going to serve.

So what happened, Mr. Speaker? Well, we worked on this legislation again in a bipartisan way; and by a vote of 306 to 97 we were able to pass this legislation. That is a clear, very strong bipartisan majority.

And how did we do it working in a bipartisan way? We addressed some of the very valid concerns that came from the minority, ensuring that all of the voting rights procedures are included. Those were offered by the gentleman from North Carolina (Mr. WATT), and we agreed that those should be accepted. The ranking minority member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), very appropriately talked about the concern to make sure that our men and women in uniform who are overseas have the opportunity to participate in those special elections. Those are two concerns that emerged from Democrats, from members of the minority that we incorporated in our legislation.

So as we proceeded with that measure, getting this strong bipartisan 306 to 97 vote in support of the legislation, we addressed the minority concerns. And so, contrary to what is being said about hearings, there were hearings in the Committee on the Judiciary. They did take place in the past Congress, but this has been a process that has been going on since September 11 of 2001.

Now I will say that when it comes to amending the Constitution I have always argued that an amendment to the Constitution should be a last rather than a first resort, and that is one of the reasons I believe that it is best for us to let the legislation that we have seen pass this House come up for consideration in the other body. I believe we should sign that legislation; and then, Mr. Speaker, we will have in place a structure to deal with a potential crisis.

Now, if we were to see two-thirds of this House vote, which everyone acknowledges is not going to happen, but if we were going to see two-thirds of this House vote in favor of a constitutional amendment that would allow for the appointment of Members to serve in the People's House, we have seen, on average, 7 years for ratification of a constitutional amendments. And I think that, based on the fact that this is very controversial and undermines the spirit, the Madisonian spirit of the representative democracy for the People's House, I think it would conceivably take a lot longer.

So that is why I think it is incumbent upon us to do everything we possibly can to ensure the bipartisan legislation which has passed this House, in fact, becomes public law. So that is why support of this rule is support of proceeding with the bipartisan commitment that I was proud to have been able to get from members of both political parties from our leadership team.

Mr. Speaker, I will tell you that the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), is absolutely committed to institutional reform as it comes, as we address this issue. There are a wide range of things that everyone has done to ensure the continuity of the Congress.

We in the Committee on Rules are spending a great deal of time right now dealing with this issue of incapacitation. It is a tough one. It is not an easy one. But we are deliberating which is exactly what our responsibility is. So I believe that support of this rule is support of the bipartisan quest and the agreement that I was proud to have put together with the gentleman from Washington (Mr. BAIRD) to allow for a vote, which is what they asked me to do, Mr. Speaker. I was asked to put into place a structure that would allow for a vote on a constitutional amendment, and we are going to be doing that vote.

So that is why when people want to talk about the fact that somehow this has become partisan, it is not partisan. The one vote we had, 365 members of both political parties overwhelmingly supported the legislation and, along with that, even though it is not going to pass, have allowed for a vote on the issue of amending the Constitution.

Now, let me say very briefly that I believe that looking at the prospect of having anyone serve in the House of Representatives without having first been elected is ill-conceived and wrong; and I believe that while we may hear about a structure that does exist for the Speaker of the House who could be selected by a very few Members to conceivably by the succession plan become President of the United States, that structure existed when James Madison, the father of the Constitution, put this whole device that we have in place under which we govern the United States Constitution.

So, Mr. Speaker, I am convinced that we are doing the right thing by allowing the gentleman from Washington (Mr. BAIRD) to have his chance to be heard with the constitutional amendments, and I believe that we are doing everything we can to continue down the road of working in a bipartisan way on institutional reform. So I will simply say that I thank my friend again for his hard work. I want to thank the gentleman from Illinois (Mr. HASTERT) for the leadership that he has shown on this.

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

Mr. Speaker, I would like to say to the distinguished chairman of the Committee on Rules that what today is supposed to be bipartisan is more than just giving the gentleman from Washington (Mr. BAIRD) his day on the floor.

Last night, in the Committee on Rules, the chairman said this is a very serious issue. He mentioned on the floor today that it is a very controversial issue. It would seem to me that if it is a serious issue and a controversial issue and if we are going to have a process here that both sides can respect, then at a minimum the committee of jurisdiction, which is the Committee on the Judiciary, should have held a hearing on it. We reported this measure out on a very partisan vote in the Committee on the Judiciary without a hearing on the proposal that we are debating here today.

The chairman of the Committee on Rules says that we are working in a bipartisan way. How can this be a bipartisan process when the committee of jurisdiction, the Committee on the Judiciary, has not held a hearing?

I would say that I read the chairman's op-ed piece today in the Washington Post, and I agree with much of what he is saying, but I have a lot of questions. There were members of the Committee on Rules last night who had a lot of questions. There are Members who are not on the floor right now who have a lot of questions. I think that it is important that we have a process that has some integrity to it, a process where people can have their questions raised and answered; and this is not the process.

Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I would simply argue that requests were made of me as the chairman of the Committee on Rules to allow us to have a chance to debate and vote on the gentleman from Washington's (Mr. BAIRD) constitutional amendment. That was the request that was made of me. We know that there is strong opposition, and I am proud to be one of the leaders of the opposition of the constitutional amendment, but I recognize that the gentleman from Washington (Mr. BAIRD) has put a lot of time and effort in this. We have gone through a multi-year period, a multi-year period allowing for a lot of deliberation on this; and the Committee on the Judiciary reported this measure out unfavorably. Why? Because I believe correctly they understand that amending the Constitution is not the proper thing for us to do.

So I am just trying to underscore the fact that I am standing here because of bipartisanship on this issue. Frankly, I do not think that we really need to consider this amendment to the Constitution. It is not going to carry. Two-thirds of this House is not going to be voting in favor of the gentleman from Washington's (Mr. BAIRD) amendment. He acknowledges that fact. He acknowledged it in the Committee on Rules last night in debate. But it is our good will and desire to work in a bipartisan way that led us to this point.

Mr. Speaker, I thank my friend for yielding me time.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I would ask the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, was he present, if I may ask, at the Committee on the Judiciary markup of this legislation?

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

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

Mr. DREIER. My job is to chair the Committee on Rules.

Mr. BAIRD. I do not want a filibuster. Just a simply yes or no, because I was there.

Mr. DREIER. No.

Mr. BAIRD. Okay. The reason I ask that is because, if we say that it was a bipartisan process, I was there. I am the author of this legislation. There were no hearings granted prior to the vote, and at that hearing a reasonable request was made.

The author of the legislation is here. Let us give him a couple of minutes to speak to the legislation. It was a unanimous consent request. That was denied.

The spirit of true bipartisanship would have said, if the author of a legislation has never had a chance to speak before our committee, then let us at least hear him out.

□ 1145

Instead, what happened was the chairman of the Committee on the Judiciary presented the bill I believe in a false and misleading light, and I was not given a single moment to address it.

I respect the chairman of the Committee on Rules, and I am glad he is here, and I am glad we have this opportunity, and I appreciate that, but it would be a rewrite of history to suggest for one second that the Committee on the Judiciary process that led up to this was bipartisan.

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, because the gentleman has made a couple of statements that I need to respond to, I would say in response to the gentleman from Washington's (Mr. BAIRD) statement, no, I was not there.

I do know that, in the Committee on the Judiciary, if the gentleman would further yield.

Mr. MCGOVERN. Mr. Speaker, we have a whole bunch of speakers here on our side. Could maybe your side yield the distinguished chairman some time?

Mr. DREIER. Mr. Speaker, if you would just yield me a minute.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, let me respond by saying that in the Committee on the Judiciary I know that the gentleman from New York (Mr. NADLER), who is the ranking member of the Subcommittee on the Constitution, offered an amendment. He withdrew that amendment. So there were no amendments offered.

An opportunity for bipartisanship obviously existed in the committee in that Members could, in fact, offer proposals.

The agreement that we had, the request that was made of me, was that we allow for an up-or-down vote on the gentleman from Washington's (Mr. BAIRD) constitutional amendment on the floor. That is what we are doing. We are going to, in fact, be having an up-or-down vote.

I cannot understand why it is that people want to talk about the fact that in the Committee on the Judiciary they did not believe that there was a proper hearing. In the last Congress, there was hearing on the issue of a constitutional amendment. We know that the members of the Committee on the Judiciary oppose amending the Constitution to allow for appointed people to serve in the People's House, where everyone has always been elected; and the members of the minority in the Committee on the Judiciary did have, in fact, an opportunity to offer amendments themselves to this proposal.

That is what a markup is about. The agreement was that there would be a markup in the Committee on the Judiciary. That was the request that was made of me. We complied with it.

So I believe that we are doing the best thing we can; and, I apologize to my friend from Washington if he thinks what I just said was a filibuster.

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

Before I yield to the gentlewoman from Texas, I should just point out to the chairman of the Committee on Rules that the gentlewoman from California (Ms. LOFGREN) tried twice during the markup to postpone consideration of the gentleman from Washington's (Mr. BAIRD) amendment for a couple of weeks to allow for there to be an opportunity for Members to offer amendments and there to be a hearing, and the motion was tabled.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman.

I wish the chairman of the Committee on Rules would remain on the floor. Because I believe that, more than a bipartisan effort on the gentleman from Washington's (Mr. BAIRD) legislation, we really have appeasement; and I do not think the Constitution warrants appeasement in life-and-death matters.

As I hold a portion of the Constitution in my hands, let me remind my colleague that the opening refrain of the Constitution clearly states: We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, and promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

My good friend from California has indicated an appeasement story, but we are not looking for appeasement. This is a question of whether or not we have a full body of procedure on a constitutional amendment; and the Committee on the Judiciary, of which I sit as a member, did not have any hearings on the gentleman from Washington's (Mr. BAIRD) constitutional amendment. In fact, as he indicated, when it was requested for him to at least give an airing, a presentation, a view of this life-or-death question, he was denied.

First of all, for those comments about aversions to constitutional amendments, let me cite for my colleagues, in our own Committee on the Judiciary we have had a hearing on the crime amendment to the Constitution, rights of crime victims. Every single time since 1994 we have had a hearing. We have also had a hearing on the flag burning. In fact, we voted on the flag burning constitutional amendment. And the gentleman is right. Since we voted on it every year it has not passed. 108th, 106th, 105th, 104th Congress we have had hearings on constitutional amendments.

We have already had about five hearings scheduled on the constitutional amendment regarding same sex marriages, and my understanding is my good friends on the other side are gung-ho to vote for that constitutional amendment. I do not know if that is life or death. It is not life or death to most of us.

But this is a life-or-death question, whether or not this institution, founded and established by this Constitution, that talks about creating a more perfect union, and we cannot have a hearing nor do we have the opportunity to.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Let me just say that I totally agree with the need to make sure that we deal with this life-or-death issue. The request was made of me that we, in fact, not have a hearing, that was not the request that was made of me. The request that was made of me is that we have an opportunity for the full House to vote on the issue of a constitutional amendment which would allow for appointed Members to serve here in the House of Representatives, as opposed to having the people elect them, and that is the agreement we had.

Ms. JACKSON-LEE of Texas. Reclaiming my time, and I thank the Chairman for coming to the floor and explaining that.

The only thing I would say to him is he spoke eloquently about bipartisanship. That request was made by the Republican chairman of the committee. I do not believe that was made by the

ranking member of the committee, and so we do not have bipartisanship. That is why I stand on the floor of the House now, not ignoring, if you will, the idea that this distinguished gentleman from Washington (Mr. BAIRD) was going to have an up-and-down vote, because I do not think that is what he is asking for. He has studied this issue for a number of years because he realizes how serious it is.

I offered an amendment to the gentleman from Wisconsin (Mr. SENSENBRENNER) to allow judicial review, to allow an extension of the time for an appeal on the decisions made by the governor. Why did I ask for that? I asked for that, Mr. Speaker, because I believe there should be more involvement of the people in this process.

The legislation that is moving forward by the chairman of the Committee on the Judiciary, with all due respect to his good intentions, limits this to the leadership of various States. It does not in any way take into account the people; and, as I noted, in the Constitution, it started out by saying, We, the people.

Now, we stand here sort of in a dream-like atmosphere. Because 9/11 was more than 2½ years ago, and those of us that can recount the stories of where we were, as we did on the date of the assassination of John F. Kennedy, can say that we were in the hearing room or we were in the Capitol. I happened to be in the Capitol. And if we wanted to recount our fears and apprehension on that day, we would know the state of confusion that we were in.

We also know that those airplanes, God forbid, were destined not only for this Capitol but some rumor for the White House. Tragically, it went to the Pentagon and, of course, to the World Towers, but maybe distance makes the mind lose the gravity of the moment.

The point is the gentleman from Washington (Mr. BAIRD) is talking about life or death, and for the Committee on Rules to come to this floor and suggest there is bipartisanship based on the request of the Republican chairman of the Committee on the Judiciary is unfair.

I would only ask my colleagues, even though it is a distant memory, in light of the state of the world today and the war on terrorism, it is a reality and particularly in terms of what this administration has put us in in Iraq and Afghanistan. Who knows when a terrorist attack will occur?

The point is we need real legislation in a bipartisan way. The gentleman from Washington's (Mr. BAIRD) amendment should have had a full hearing, and anytime we amend the Constitution we should take it very seriously, and I regret that we have not. I ask my colleagues to demand a hearing before the Committee on the Judiciary before we vote on this amendment.

Mr. Speaker, I rise in strong opposition to the closed rule that was reported out of the Committee on Rules yesterday regarding this legislation sponsored by my colleague Mr. BAIRD.

A careful review of the Judiciary Committee's history with respect to its past treatment of constitutional amendments evidences a strong practice of holding hearings prior to any scheduled full Committee markup of that particular amendment.

Consider, for example, the constitutional amendment to protect the rights of crime victims. That amendment was introduced in each consecutive Congress since 1994 (the year the current Majority took control of the House), and on each occasion, it was the wisdom of the Committee to schedule a hearing.

Also, consider the Committee's treatment of the constitutional amendment to prohibit flag burning. A proposal on this issue was introduced in the 108th, 106th, 105th and 104th Congress and each time the Committee undertook hearings prior to scheduling a markup.

Moreover, consider the Committee's treatment of the constitutional amendment to limit the Federal government's ability to raise taxes. A proposal on this topic was introduced in the 105th and 104th Congress, and hearings were held on both occasions.

With this apparent and undeniably longstanding tradition, we are now told that a hearing is unnecessary under the present set of circumstances because a hearing was already held on the Baird amendment introduced in the 107th Congress. This line of reasoning lacks merit for two important reasons.

First, as previously mentioned, it has been the well-established practice of the Judiciary Committee to schedule a hearing on such proposals prior to proceeding to a markup. This hard and steadfast rule has prevailed, even under circumstances where the proposed amendments were virtually identical in nature.

Second, even assuming the general rule was subject to change, the two versions of the Baird amendment, H.J. Res. 67 (introduced in the 107th Congress) and H.J. Res. 83 (introduced in the current Congress), are distinct enough to warrant two separate hearings on their own merits. H.J. Res. 83, for example, uses a distinct threshold for making temporary appointments; places considerable limits on the discretion of the chief executive when he or she is authorized to make such appointments; and provides a mechanism for an incapacitated Member to regain his or her seat after recovery from incapacity.

Our Committee has already seen fit to schedule a series of five hearings, over the course of the next several months, to discuss the issue of same-sex marriage. With this in mind, one single hearing to discuss and consider ideas on how best to ensure the continuity of our government in the event of a catastrophic incident is more than reasonable.

Mr. Speaker, again, I oppose this rule and ask that my colleagues think about the gravity of what this Constitutional amendment will entail. We need to recommit this bill to the committee of jurisdiction, the Judiciary, and revisit the important issues that I have stated above.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Washington (Mr. HASTINGS) has 14 minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 15 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Florida (Mr. GOSS).

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from the great State of Washington for allowing me this opportunity.

I rise in strong support of this rule. It is a brief rule, it is understandable, and it is a very fair rule because it does get us to debate, but I am very much in opposition to the underlying resolution. That is the nature of this House. Even though we are against something, we bring it forward for debate. I think that is very fair.

It is prudent to ensure that our legislative process continues to function when we are at war or after a catastrophe. That goes without saying. It is not only prudent. It is responsibility.

We are at war. It is a fact. A loosely organized global network of radical fanatics, who use terror as their weapon of choice, has declared war on us. The escalation of terrorist attacks against us, underscored by the terrible carnage on our innocent homeland on September 11, leaves no doubt that war has been declared on us, and we are at war.

So it is wise to visit the issue of continuity of Congress. However, few problems require a constitutional remedy, and I firmly believe this is not one of them.

The beauty of our government is the ability to evolve and adapt to changing times and needs without altering the foundation that supports and guides us. That is our Constitution.

Our country has withstood foreign wars, civil war, depression, even attacks on our own soil with only 27 changes to our Constitution over the years. As elected public officials, we must understand our responsibilities are not only to those we represent but also to the Constitution that holds our Nation together.

I remind my colleagues, the opening line of our oath of office reads, ''I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic.'' There is no Member of this body who has ever spoken from this floor who has not sworn that oath.

Not far from where we stand, an hour or so from this Chamber, lies Montpelier, the home of the father of the Constitution, James Madison. There, and in this body, his teachings live on and his wisdom resonates with the new generations.

Our Nation has a powerful history based on the principles of free government and the right of all people to elect their representatives. Congress has the privilege to serve those it represents, not to appoint that right to others.

When describing the special relationship between the House of Representatives and the American people, James Madison said, ''Duty, gratitude, interest, and ambition itself are the chords

by which they will be bound to fidelity and sympathy with the great mass of the people.''

In order to preserve this bond, we should not tolerate exceptions and caveats to our election process but, rather, continue to encourage Americans to gather together and to vote, solidifying our conviction for and our responsibility to a free government that serves its people.

In the war on terror, we are confronting those who threaten our liberty simply because we have it and we enjoy it. Although the war made against us by terrorists is perilous and unpredictable, we have a duty to remain steadfast and strong, vigilant and upholding the ideals that have contributed to this great Nation, but not in overreacting. We must bring patient, I emphasize patient, devotion and overall intensity of purpose to prudent action without moving the foundation stone of our freedom, our Constitution.

I support the rule because it provides for a deliberative debate, which is what the opposition has asked, but I strongly oppose rushing to change our Constitution. Are the terrorists trying to make us do things to ourselves that the terrorists themselves could not directly force us to do? Let us not succumb to a hasty reaction. Let us celebrate our Constitution as it is and vote ''no'' on the resolution that would amend it.

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

Let me just say to kind of clarify what the concerns are on this side of the aisle. This is an important issue. This is an important topic that we are talking about. I think all of us can agree on that. This is supposed to be a deliberative body where we deliberate, and that means hold hearings where we have people who are experts on some of these issues be able to talk and testify and offer their input.

I am not sure whether it is a good idea to amend the Constitution, but I have to tell my colleagues I am appalled by this process that we would bring an issue like this to the House floor and to ask Members to vote up or down on it without holding hearings in the committee of jurisdiction. That is not the way this place is supposed to work.

The people of this country, the people of this institution deserve a lot better.

Mr. Speaker, I yield 7 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank my colleague for the time.

In 1787, this month, the Constitutional Convention was at work in Philadelphia, some of the brightest minds in the history of this country. One of those great minds was Madison, and he has been quoted a lot today, but let me quote another thing Mr. Madison said.

□ 1200

Madison said this about the importance of checks and balances: ''The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed or elected, may justly be pronounced the very definition of tyranny.''

Madison truly believed we have to elect our representatives to the House, but he also believed with equal dedication that there must be checks and balances. Mr. Speaker, if you and we here today do not act, we impose upon this Nation conditions that will ensure the situation that Madison abhorred of concentration of all the power in the executive.

And let us be clear, it will not likely be an elected executive. We are not talking about President Bush or Vice President CHENEY. If the terrorists strike, they will do everything in their power to kill those two individuals and everyone in here that they can. Who then will run this country? That is the question you have yet to answer. You have not answered it. You have said 45 days later we will figure something out. But during that 45 days, who runs the United States of America?

We have indeed taken an oath to defend this Constitution. We have also taken an oath that says we will defend the whole Constitution, including the prerogatives of the House of Representatives as specified in article I.

As people watch this debate today, the people here and the people elsewhere, they must ask themselves, Do I want this country run with no representation from my district there to speak for me? Does an unelected individual who assumes power in the executive branch get to send my child to war without me having a person there to exercise a voice and a vote? I do not think so.

I have had 220 town halls since being elected here, and I will tell you the people back home get this. They do not care really about the insides and outs of the Committee on Rules, but they do care about fair process. And they would say to themselves the idea that we would bring a constitutional amendment to the floor, without ever having given the author a chance to speak to it, is antithetical to the real principles of democracy.

When the distinguished chairman of the Committee on Rules said we are doing our best, I do not believe so. I believe he dissembles. We are not doing our best. Our best would be this: our best would be to invite all the authors of various proposals, for real continuity, to have a full opportunity for debate, an extensive opportunity for the debate, and for the Speaker of the House of the Representatives and the minority leader to say to their representatives, come to the floor, pay attention to this vital matter, and then we will have time for fair debate, time for full amendments.

That is what we truly asked the chairman of the Committee on Rules to do. We did not say just bring this up for an up-or-down vote. I introduced a resolution that would have provided a fair and full rule to allow for debate of all different proposals, but that was denied. That rule would have offered several days' waiting period for extensive amendments. That was denied. We can do better than this.

It has been said that few problems require a constitutional amendment. Absolutely true. I believe the majority party has been far too eager to amend the Constitution of late. But I will tell you that a bipartisan commission, a bipartisan commission of distinguished scholars began studying this issue over a year and a half ago, with the premise that we must not amend the Constitution to fix this. After a full year of study, and we are going to have about an hour today, they studied this matter for a year, and they listened to experts and scholars from across the political spectrum, and what did they conclude? They concluded we can only fix this with an amendment.

And that includes, by the way, distinguished Republican statesmen, people like former Senator Al Simpson from Wyoming. Ask Senator Simpson why he reached that conclusion. Ask the distinguished Senator from Texas, Mr. CORNYN, who has successfully introduced legislation in the other body, why he concluded that we need an amendment.

None of us woke up on September 11 and said, boy, what a great day to start thinking about a constitutional amendment. But thousands of our fellow citizens woke up that day not knowing it would be their last. We do not know today when that will happen; but we do know that if the terrorists strike us, they will, in fact, change our system of government at their discretion. They will change who the President is. They will change the political makeup of this body. And we are unprepared to deal with that, and it is irresponsible. And I am sorry it has taken 3 years.

Let me close with statements from the Attorney General of the United States just a week ago: ''After the March 11 attack in Madrid, Spain, an al Qaeda spokesman announced 90 percent of the arrangements for an attack in the United States were complete.'' A paragraph later the Attorney General said, ''Several upcoming events over the next few months may suggest especially attractive targets. These events include the G–8 summit, the Democratic Party convention in Boston this summer and the convention of the Republican Party in New York City.''

If the terrorists attack the convention in New York, kill the President and Vice President and many Members of this body, the inevitable consequence is that Democrats will take the majority of this body, will be forced to elect a Speaker, that person will be a Democrat, and that person will become President.

The distinguished chairman of the Committee on Rules says this was precedent in Madison's time. No, sir, it

was not. It was not for two reasons. The nuclear weapon did not exist in Mr. Madison's time. Secondly, the Succession Act of 1947 was about 180 years away from being written. Madison could not have conceived this. He could not have conceived this, but he left to us an opportunity to address it. We wish we did not have to, but it is foolhardy and reckless to not act when we know the dangers we face.

It has been 3 years, Mr. Speaker, 3 years almost since we saw 3,000 of our fellow citizens killed. If we believe we are immune to that, then we are desperately, desperately deceiving ourselves. And if we do not take provisions to provide for that, then we are letting our public down and letting that sacred Constitution down.

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent to insert an article that was written by Professor Colleen Shogan, who is a professor of Government and Politics at George Mason University. This article appeared in yesterday's Roll Call.

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

There was no objection.

[From Roll Call, June 1, 2004]

ON CONTINUITY, BOTH PARTIES NEED TO COOPERATE

(By Colleen Shogan)

The debate over how Congress should reconstitute itself in the wake of a devastating terrorist attack has evolved into a partisan melee with experts, staffers and elected officials talking past one another. The same arguments are repeated over and over again, with interested parties now seeming to treat the issue as a law school exercise that rewards the most arcane legal reasoning.

It's true that when tinkering with the Constitution, and interpreting the meaning of the Founders, we must pay attention to the details. But along the way, we should not lose sight of the larger issues that surround the preservation of Congress and its continuity. The current debate has given scant attention to several important points—points that may have the power to move deliberations beyond the impasse over whether a constitutional amendment is needed or whether appointments should take precedence over special elections.

Virtually everyone agrees that the first priority in the wake of a disaster is to make sure the federal government continues to function. The oft-cited reason for quickly reconstituting the House is to preserve its representative capacity. While this rationale is essential, an equally important reason is to preserve legislative power vis-à-vis an emboldened executive.

At a recent Rules Committee hearing on continuity, one Member wondered if a House of Representatives with only a few able Members should cease to function and cede power to the president until it was able to regain membership. Although it is appropriate to ask this question, the answer is a resounding "no."

If Congress cannot function properly, unilateral executive actions will serve as the operating mechanism of the federal government. For several months in 1861, Abraham Lincoln prosecuted the Civil War unilaterally, until Congress reconvened in early July. The suspension of habeas corpus, the naval blockade, and the enlargement of the Army and Navy undertaken by Lincoln are conventionally revered in American history as acts of necessity and preservation. But in the Second Treatise of Government (Chapter 8, Section 111), John Locke warned against the expansion of the executive "prerogative" power.

Locke conceded that "virtuous princes" who expand executive power in a time of crisis perform a noble service, but added that those princes who come to power in the aftermath will always be tempted to abuse the precedents set before them. We may recall that Richard Nixon invoked Lincoln's expansive use of executive power when he refused to turn over the Watergate tapes. Locke's so-called "virtuous princes" are not the problem; rather, it is those who follow in their wake.

In short, it would be a travesty if the legislative branch ceased to operate with legitimacy at a time of crisis in the United States. Emergency executive actions that Congress or the Supreme Court subsequently recognize as legally permissible ultimately enlarge the discretionary power of the executive branch. Congress's effectiveness as a bulwark against the executive should encourage lawmakers to design logistical procedures that insure the immediate reconstitution of the House and Senate if mass vacancies or incapacitations occur.

The Constitution requires that all members be selected by election, following the Founders' desires to keep the House close to the people. Yet while the electoral integrity of the House is significant, so too is the fact that the Founders designed the House to provide proportionate and equal representation to all citizens.

Read in its entirety, the Federalist Papers aggressively promote the republican nature of American government, while defending its democratic allowances cautiously. Strictly speaking, the United States is a "democratic republic." If only a few Members were left to represent the whole nation for a period of time before special elections could be held, would that arrangement accurately reflect the Founders' republican vision? Democracy and republicanism are essential to American governance, and the solution to continuity should span both ideals.

The relevance of both democratic and republican norms suggests that a two-part approach might provide the most comprehensive resolution to the problem of congressional continuity. The Continuity in Representation Act of 2004, sponsored by Rep. Jim Sensenbrenner (R–Wis.), ensures the democratic character of the House by mandating that special elections be held within 45 days of a catastrophe. While that time period may prove too short to conduct several hundred special elections after a massive attack, the underlying electoral motivation behind the bill is sound.

By itself, however, the measure is not a comprehensive answer. To preserve the representative function of the House, an amendment allowing the temporary appointment of members must be enacted. In the context of partisan rancor, these two approaches to continuity have been presented as mutually exclusive measures. But instead, a constitutional amendment should be considered compatible with Sensenbrenner's bill, together producing a federal law that mandates timely special elections as well as a constitutional amendment that provides for temporary House appointments. Only this can preserve the Founders' democratic and republican ideals.

It is time to move beyond the repetitive rhetoric and the impenetrable inflexibility of rival solutions. Each side has solved part of the problem; only a blend of approaches can settle the looming question of continuity. Adherence to the Founders' ideals depends on a bipartisan approach. Even more important, the balanced preservation of our nation's governing system in a time of crisis necessitates it.

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

Mr. Speaker, if I can just read the first line of that column where Professor Shogan says, "The debate over how Congress should reconstitute itself in the wake of a devastating terrorist attack has evolved into a partisan melee with experts, staffers, and elected officials talking past one another."

I think, Mr. Speaker, what people on our side are concerned about is that the professor is absolutely right, that this issue has kind of become more partisan than it should be. In fact, it should not be partisan at all and this really is a time to kind of take a couple of steps backwards and to do the necessary deliberation and consideration that something this important requires. That is what we are asking for here.

I think it is hard for the other side to justify that this has been a fair and bipartisan process and that they are taking this issue seriously when the main committee of jurisdiction has not even held a hearing on this particular bill in the 108th Congress. So what we are asking for is that this serious issue be taken seriously, that the necessary deliberation and the necessary consideration be followed as we move forward with this legislation.

So with that, I would urge a "no" vote on the rule.

Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, how much time is available?

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Washington has 5½ minutes remaining.

Mr. BAIRD. Mr. Speaker, in that brief time let me address what this amendment really does.

It is very straightforward. It says this: in the event of a catastrophic loss of Members, if we lose over 218, in other words more than would be required to sustain a quorum, then special provisions will apply. But only under catastrophic losses. And those special provisions are very straightforward.

The membership of this body, having been elected by our constituents to perform all the vital functions under article I, would be asked upon their election to create a list of potential successors who, upon our death or incapacity in a catastrophic event, could temporarily fill our place until special elections could be held. Temporarily until special elections could be held.

It is disingenuous, if not deliberately deceptive, to suggest this subverts or bans or undermines elections. We all believe direct elections should be held. The real question is this: Should we have a Congress or not? Should we have a House of Representatives? I think the Framers said we should.

That is why it is article I. But, my friends, if we lose more Members than necessary to sustain a quorum, we will have a constitutional crisis. It is that simple. The majority party has yet to address that.

I found a remarkable statement in the chairman's remarks during the markup of this bill. The chairman said, and I really want to pay attention to this: ''Congress has granted the President significant powers to act during an emergency. He could maintain the necessary functions of government, along with the Congress, utilizing a reduced quorum until elections are held.'' Where did Congress do that? The chairman of the Committee on the Judiciary of the United States has asserted that the Congress has granted the President of the United States special provisions and he has apparently ex cathedra dictated that we can function with a reduced quorum.

The Constitution of the United States has not dictated that we can function with a reduced quorum. The chairman cited no reference to say where this great body said, ''Mr. President, here are your authorities under a crisis.'' It did not happen. And it was not challenged in the Judiciary. How remarkable and how dangerous that is, that a chairman would dictate that we have given the President powers that we are not authorized under the Constitution to give and that we never took action to give.

The fact is it would not be the President, it would be an unelected Cabinet member that most Americans do not know forced to exercise extra constitutional powers. And, my friends, you would have no voice in this body or in this government to counteract whatever that individual wanted to do. That is why this matters.

It is so much easier to not look at this issue. It is so much easier to go on about our business as if every day we will be here just like we always have. We may not. And if we are not, and if tragedy strikes, the American people have a right to know what happens next. And this body, for 3 years, has failed to answer that question. Answers are available.

This bill may not be perfect, but the status quo is vastly, dangerously imperfect. What we have asked is to bring not only this bill but others, the bill of the gentleman from California (Mr. ROHRABACHER), Senator CORNYN's bill, that of the gentlewoman from California (Ms. LOFGREN), or the gentleman from Connecticut (Mr. LARSON), and ask this body, implore this body to grapple with the complexities of this. Because only when you struggle with it, and only when you see not only the alternatives but the problems of the status quo do you get it.

It is so much easier not to do that. It is easier not to make a will, it is easier not to provide care for our kids if we are gone; but it is irresponsible to do those things. This body must act. And at least today one thing will happen. We will be on record today as having voted to do something or having voted to do nothing. If you vote to do nothing, and God forbid something horrible happens and someone takes advantage of that and leads this Nation in a desperately dangerous path, then you are at least on record as having voted to do nothing. You have seen the risk, and you have chosen the course of inaction. That is irresponsible.

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

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

Mr. Speaker, we can sure tell how important this debate is, and I do appreciate my colleague from Washington State for his passion on this. I do disagree with his approach, but he is going to have an opportunity to debate that when this rule passes, and we will have a debate on a constitutional amendment of appointing Members of this body.

But I want to just go back and I guess reflect on how we have tried to deal with this in the course of the history of our country.

□ 1215

After the Revolutionary War, when we formed a new government, it was the Articles of Confederation. Our Founders found out that did not work all that well for a variety of reasons, I suspect because there was a division of powers and there was no central government, and so the Founders had to figure out a way how do we respect the people's government, which I think is very, very important, and still have some central authority.

Part of that compromise was to make a bicameral legislature in which the lower house, the House of Representatives, the People's House, would always be elected by the people. Perhaps this debate is evolving into that very essential principle.

I think that the government, this government of the people, by the people and for the people, as Lincoln said in his Gettysburg Address, can function very well. I also believe there is no single answer to this question as we move forward.

I mentioned in my opening remarks that we passed the Continuity of Congress Act providing for expedited elections by the States. This may be an approach. But even if we were to pass a constitutional amendment, and I do not think it is going to get the two-thirds, it would take up to perhaps 7 years to get that ratified by three-fourths of the States. We have to have something in place. I hope the other body acts on the continuity issue so we can have something in place to take care of that.

Mr. Speaker, this is an important issue, and this will be the first time we will have an opportunity, the first time certainly to my knowledge that we will have an issue before the People's House, the U.S. House of Representatives, that will allow for something other than a direct election, under whatever circumstance, of Members of this House. This is a very, very important issue. I think it deserves to have a debate. This rule provides 90 minutes for that debate.

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform Members that the gentleman from Washington (Mr. BAIRD) yielded back his time to the gentleman from Massachusetts (Mr. MCGOVERN). The gentleman from Massachusetts (Mr. MCGOVERN) controls 30 seconds.

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

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. BAIRD), and urge a no vote on the rule.

Mr. BAIRD. Mr. Speaker, I would urge a no vote on the rule. How indicative that we said we will have 90 minutes to debate this, 90 minutes to debate the future of this country in the event of a terrorist attack. We are taking this tremendously seriously. I cannot believe it. I cannot believe we are giving 90 whole minutes to whether or not we will have a constitutional government with the House of Representatives and the very bicameral system that the gentleman from Washington described. Vote no on this. Give this body time to have real debate, real discussion on multiple amendments.

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

Mr. Speaker, we will have a vigorous debate on this. As I mentioned, I am opposed to the underlying constitutional amendment. I think it is bad policy, but I think it should be debated in the People's House.

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 noes 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 clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 657 will be followed by 5-minute votes, if ordered, on adopting H. Res. 657; ordering the previous question on the amendment to H. Res. 656 and on the resolution itself; adopting the amendment to H. Res. 656; and adopting H. Res. 656, as amended.

The vote was taken by electronic device, and there were—yeas 215, nays 195, not voting 23, as follows:

[Roll No. 213]

YEAS—215

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
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
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
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
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
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

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

NOT VOTING—23

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Dingell
Edwards
Emerson
Etheridge
Jones (OH)
Latham
McCrery
Pearce
Simmons
Tancredo
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1242

Mr. MARKEY, Mr. KIND and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

Ms. GRANGER changed her vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. PEARCE. Mr. Speaker, on rollcall No. 213 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. ETHERIDGE. Mr. Speaker, on rollcall No. 213, I was unavoidably detained and missed voting on H.J. Res. 83. Had I been present, I would have voted "nay."

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. FROST. 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 211, noes 200, answered ''present'' 1, not voting 21, as follows:

[Roll No. 214]

AYES—211

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
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
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt

Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Rohrabacher

NOT VOTING—21

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Hayes
Hunter
Jones (OH)
McCrery
Northup
Peterson (PA)
Tancredo
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1250

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.

Stated for:

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 214, I was unavoidably detained. Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 444, BACK TO WORK INCENTIVE ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on the amendment to House Resolution 656 and on House Resolution 656.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 196, not voting 23, as follows:

[Roll No. 215]

YEAS—214

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
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
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
McKeon
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
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

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

NOT VOTING—23

Bachus
Ballance
Ballenger
Bereuter
Berkley
Berry
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Ferguson
Hart
Jones (OH)
Lewis (CA)
McCrery
Mica
Strickland
Tancredo
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1257

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 amendment offered by the gentlewoman from Ohio (Ms. PRYCE).

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 320, noes 96, not voting 17, as follows:

[Roll No. 216]

AYES—320

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baker
Baldwin

Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Engel
English
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—96

Andrews
Baird
Blumenauer
Brady (PA)
Brown (OH)
Capuano
Chandler
Clay
Conyers
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dingell
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Honda
Hoyer
Inslee
Jefferson
Johnson, E. B.
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Markey
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Serrano
Skelton
Slaughter
Stark
Tierney
Towns
Udall (NM)
Visclosky
Waters
Watson
Waxman
Weiner
Wynn

NOT VOTING—17

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Hunter
Jones (OH)
McCrery
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1305

Mr. DAVIS of Illinois changed his vote from ''aye'' to ''no.''

Ms. MAJETTE and Mr. LARSON of Connecticut changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

Ms. SLAUGHTER. 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 220, noes 196, not voting 17, as follows:

[Roll No. 217]

AYES—220

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
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
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
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
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind

Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Jones (OH)
McCrery
Tauzin
Towns
Wilson (NM)

□ 1312

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, due to the primary election in Alabama held on June 1, 2004, I missed rollcall votes 210, 211, 212, 213, 214, 215, 216, and 217. Please note that if present, I would have voted "aye" on each of the votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3113

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3113.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day.

TEACHER TRAINING ENHANCEMENT ACT

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4409) to reauthorize title II of the Higher Education Act of 1965.

The Clerk read as follows:

H.R. 4409

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 ''Teacher Training Enhancement Act''.

SEC. 2. TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

"PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

"SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student academic achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

''(2) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(3) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(4) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i)(I) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

''(II) for which not less than 25 percent of the children served by the agency are from families with incomes below the poverty line;

''(ii) that is among those serving the highest number or percentage of children from families with incomes below the poverty line in the State, but this clause applies only in a State that has no local educational agency meeting the requirements of clause (i); or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 7, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

''(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

''(5) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(6) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(7) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(8) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(9) TEACHING SKILLS.—The term 'teaching skills' means skills that—

''(A) are based on scientifically based research;

''(B) enable teachers to effectively convey and explain subject matter content;

''(C) lead to increased student academic achievement; and

''(D) use strategies that—

''(i) are specific to subject matter;

''(ii) include ongoing assessment of student learning;

''(iii) focus on identification and tailoring of academic instruction to students's specific learning needs; and

''(iv) focus on classroom management.

"SEC. 202. STATE GRANTS.

''(a) IN GENERAL.—From amounts made available under section 210(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

''(b) ELIGIBLE STATE.—

''(1) DEFINITION.—In this part, the term 'eligible State' means—

''(A) the Governor of a State; or

''(B) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency.

''(2) CONSULTATION.—The Governor or the individual, entity, or agency designated under paragraph (1)(B) shall consult with the Governor, State board of education, State educational agency, or State agency for higher education, as appropriate, with respect to the activities assisted under this section.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall submit an application to the Secretary that—

''(1) meets the requirement of this section;

''(2) demonstrates that the State is in full compliance with sections 207 and 208;

''(3) includes a description of how the eligible State intends to use funds provided under this section;

''(4) includes measurable objectives for the use of the funds provided under the grant;

''(5) demonstrates the State has submitted and is actively implementing a plan that meets the requirements of sections 1111(h)(1)(C)(viii) and 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(viii) and 6319); and

''(6) contains such other information and assurances as the Secretary may require.

''(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) REFORMS.—Ensuring that all teacher preparation programs in the State are preparing teachers who are highly qualified, are able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by assisting such programs—

''(A) to retrain faculty; and

''(B) to design (or redesign) teacher preparation programs so they—

''(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification (including recertification) or licensing requirements to ensure that—

''(A) teachers have the subject matter knowledge and teaching skills in the academic subjects that the teachers teach that are necessary to help students meet challenging State student academic achievement standards; and

''(B) such requirements are aligned with challenging State academic content standards.

''(3) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

''(A) innovative approaches that reduce unnecessary barriers to State certification while producing highly qualified teachers;

''(B) programs that provide support to teachers during their initial years in the profession; and

''(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

''(4) INNOVATIVE PROGRAMS.—Planning and implementing innovative programs to enhance the ability of institutions of higher education to prepare highly qualified teachers, such as charter colleges of education or university and local educational agency partnership schools, that—

''(A) permit flexibility in meeting State requirements as long as graduates, during their initial years in the profession, increase student academic achievement;

''(B) provide long-term data gathered from teachers' performance over multiple years in the classroom on the ability to increase student academic achievement;

''(C) ensure high-quality preparation of teachers from underrepresented groups; and

''(D) create performance measures that can be used to document the effectiveness of innovative methods for preparing highly qualified teachers.

''(5) MERIT PAY.—Developing, or assisting local educational agencies in developing—

''(A) merit-based performance systems that reward teachers who increase student academic achievement; and

''(B) strategies that provide differential and bonus pay in high-need local educational agencies to retain—

''(i) principals;

''(ii) highly qualified teachers who teach in high-need academic subjects, such as reading, mathematics, and science;

''(iii) highly qualified teachers who teach in schools identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b));

''(iv) special education teachers;

''(v) teachers specializing in teaching limited English proficient children; and

''(vi) highly qualified teachers in urban and rural schools or districts.

''(6) TEACHER ADVANCEMENT.—Developing, or assisting local educational agencies in developing, teacher advancement and retention initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a highly qualified mentor teacher or exemplary teacher) and pay differentiation.

''(7) TEACHER REMOVAL.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to remove expeditiously incompetent or unqualified teachers consistent with procedures to ensure due process for the teachers.

''(8) TECHNICAL ASSISTANCE.—Providing technical assistance to low-performing teacher preparation programs within institutions of higher education identified under section 208(a).

''(9) TEACHER EFFECTIVENESS.—Developing—

''(A) systems to measure the effectiveness of teacher preparation programs and professional development programs; and

''(B) strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach as a result of such programs.

''(10) TEACHER RECRUITMENT AND RETENTION.—Undertaking activities that—

''(A) develop and implement effective mechanisms to ensure that local educational agencies and schools are able effectively to recruit and retain highly qualified teachers; or

''(B) are described in section 204(d).

''(11) PRESCHOOL TEACHERS.—Developing strategies—

''(A) to improve the qualifications of preschool teachers, which may include State certification for such teachers; and

''(B) to improve and expand preschool teacher preparation programs.

''(e) EVALUATION.—

''(1) EVALUATION SYSTEM.—An eligible State that receives a grant under this section shall develop and utilize a system to evaluate annually the effectiveness of teacher preparation programs and professional development activities within the State in producing gains in—

''(A) the teacher's annual contribution to improving student academic achievement, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)); and

''(B) teacher mastery of the academic subjects they teach, as measured by pre- and post-participation tests of teacher knowledge, as appropriate.

''(2) USE OF EVALUATION SYSTEM.—Such evaluation system shall be used by the State to evaluate—

''(A) activities carried out using funds provided under this section; and

''(B) the quality of its teacher education programs.

''(3) PUBLIC REPORTING.—The State shall make the information described in paragraph (1) widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

''SEC. 203. PARTNERSHIP GRANTS.

''(a) GRANTS.—From amounts made available under section 210(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

''(b) DEFINITIONS.—

''(1) ELIGIBLE PARTNERSHIPS.—In this part, the term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a partner institution;

''(ii) a school of arts and sciences;

''(iii) a high-need local educational agency; and

''(iv) a public or private educational organization; and

''(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a public charter school, a public or private elementary school or secondary school, a public or private educational organization, a business, a science-, mathematics-, or technology-oriented entity, a faith-based or community organization, a prekindergarten program, a teacher organization, an education service agency, a consortia of local educational agencies, or a nonprofit telecommunications entity.

''(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means an institution of higher education, the teacher training program of which demonstrates that—

''(A) graduates from the teacher training program exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 207(a); and

''(II) using the State report card on teacher preparation required under section 207(a); or

''(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

''(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

''(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas.

''(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

''(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student academic achievement;

''(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be used in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

''(3) contain a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e);

''(C) the partnership's evaluation plan pursuant to section 206(b);

''(D) how faculty of the teacher preparation program at the partner institution will serve, over the term of the grant, with highly qualified teachers in the classrooms of the high-need local educational agency included in the partnership;

''(E) how the partnership will ensure that teachers, principals, and superintendents in private elementary and secondary schools located in the geographic areas served by an eligible partnership under this section will participate equitably in accordance with section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881);

''(F) how the partnership will design and implement a clinical program component that includes close supervision of student teachers by faculty of the teacher preparation program at the partner institution and mentor teachers;

''(G) how the partnership will design and implement an induction program to support all new teachers through the first 3 years of teaching that includes mentors who are trained and compensated by the partnership for their work with new teachers; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its teacher support system; and

''(4) contain a certification from the high-need local educational agency included in the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f).

''(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) REFORMS.—Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining faculty; and

''(B) designing (or redesigning) teacher preparation programs so they—

''(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high-quality preservice and in-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support for teachers, including preparation time and release time, for such interaction.

''(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

''(4) TEACHER PREPARATION.—Developing, or assisting local educational agencies in developing, professional development activities that—

''(A) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, limited English proficient students, and students with special learning needs; and

''(B) provide training in methods of—

''(i) improving student behavior in the classroom; and

''(ii) identifying early and appropriate interventions to help students described in subparagraph (A) learn.

''(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

''(1) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

''(A) innovative approaches that reduce unnecessary barriers to teacher preparation while producing highly qualified teachers;

''(B) programs that provide support during a teacher's initial years in the profession; and

''(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

''(2) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

''(3) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing professional development programs for principals and superintendents that enable them to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards.

''(4) TEACHER RECRUITMENT.—Activities—

''(A) to encourage students to become highly qualified teachers, such as extracurricular enrichment activities; and

''(B) activities described in section 204(d).

''(5) CLINICAL EXPERIENCE IN SCIENCE, MATHEMATICS, AND TECHNOLOGY.—Creating opportunities for clinical experience and training, by participation in the business, research, and work environments with professionals, in areas relating to science, mathematics, and technology for teachers and prospective teachers, including opportunities for use of laboratory equipment, in order for the teacher to return to the classroom for at least 2 years and provide instruction that will raise student academic achievement.

''(6) COORDINATION WITH COMMUNITY COLLEGES.—Coordinating with community colleges to implement teacher preparation programs, including through distance learning, for the purposes of allowing prospective teachers—

''(A) to attain a bachelor's degree and State certification or licensure; and

''(B) to become highly qualified teachers.

''(7) TEACHER MENTORING.—Establishing or implementing a teacher mentoring program that—

''(A) includes minimum qualifications for mentors;

''(B) provides training and stipends for mentors;

''(C) provides mentoring programs for teachers in their first 3 years of teaching;

''(D) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day;

''(E) establishes an evaluation and accountability plan for activities conducted under this paragraph that includes rigorous objectives to measure the impact of such activities; and

''(F) provides for a report to the Secretary on an annual basis regarding the partnership's progress in meeting the objectives described in subparagraph (E).

''(8) COMPUTER SOFTWARE FOR MULTILINGUAL EDUCATION.—Training teachers to use computer software for multilingual education to address the needs of limited English proficient students.

''(f) SPECIAL RULE.—At least 50 percent of the funds made available to an eligible partnership under this section shall be used directly to benefit the high-need local educational agency included in the partnership. Any entity described in subsection (b)(1)(A) may be the fiscal agent under this section.

''(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than one Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

''(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.

"SEC. 204. TEACHER RECRUITMENT GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 210(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

''(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term 'eligible applicant' means—

''(1) an eligible State described in section 202(b); or

''(2) an eligible partnership described in section 203(b).

''(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section

shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

''(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

''(2) a description of the activities the eligible applicant will carry out with the grant, including the extent to which the applicant will use funds to recruit minority students to become highly qualified teachers; and

''(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

''(d) USES OF FUNDS.—Each eligible applicant receiving a grant under this section shall use the grant funds—

''(1)(A) to award scholarships to help students, such as individuals who have been accepted for their first year, or who are enrolled in their first or second year, of a program of undergraduate education at an institution of higher education, pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

''(B) to provide support services, if needed to enable scholarship recipients—

''(i) to complete postsecondary education programs; or

''(ii) to transition from a career outside of the field of education into a teaching career; and

''(C) for followup services provided to former scholarship recipients during the recipients first 3 years of teaching; or

''(2) to develop and implement effective mechanisms to ensure that high-need local educational agencies and schools are able effectively to recruit highly qualified teachers.

''(e) ADDITIONAL DISCRETIONARY USES OF FUNDS.—In addition to the uses described in subsection (d), each eligible applicant receiving a grant under this section may use the grant funds—

''(1) to develop and implement effective mechanisms to recruit into the teaching profession employees from—

''(A) high-demand industries, including technology industries; and

''(B) the fields of science, mathematics, and engineering; and

''(2) to conduct outreach and coordinate with inner city and rural secondary schools to encourage students to pursue teaching as a career.

''(f) SERVICE REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary determines necessary to ensure that recipients of scholarships under this section who complete teacher education programs—

''(A) subsequently teach in a high-need local educational agency for a period of time equivalent to—

''(i) one year; increased by

''(ii) the period for which the recipient received scholarship assistance; or

''(B) repay the amount of the scholarship.

''(2) USE OF REPAYMENTS.—The Secretary shall use any such repayments to carry out additional activities under this section.

''(g) PRIORITY.—The Secretary shall give priority under this section to eligible applicants who provide an assurance that they will recruit a high percentage of minority students to become highly qualified teachers.

''SEC. 205. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; ONE-TIME AWARDS; PAYMENTS.—

''(1) DURATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

''(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

''(2) ONE-TIME AWARD.—An eligible partnership may receive a grant under each of sections 203 and 204, as amended by the Teacher Training Enhancement Act, only once.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

''(A) with respect to grants under section 202, give priority to eligible States that—

''(i) have initiatives to reform State teacher certification requirements that are based on rigorous academic content, scientifically based research, including scientifically based reading research, and challenging State student academic content standards;

''(ii) have innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

''(iii) have innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas; and

''(B) with respect to grants under section 203—

''(i) give priority to applications from broad-based eligible partnerships that involve businesses and community organizations; and

''(ii) take into consideration—

''(I) providing an equitable geographic distribution of the grants throughout the United States; and

''(II) the potential of the proposed activities for creating improvement and positive change.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

''(c) MATCHING REQUIREMENTS.—

''(1) STATE GRANTS.—Each eligible State receiving a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

''(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''SEC. 206. ACCOUNTABILITY AND EVALUATION.

''(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

''(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

''(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students as defined by the eligible State.

''(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

''(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative programs.

''(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

''(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

''(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

''(B) promotes strong teaching skills.

''(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increased student achievement for all students, as measured by the partnership;

''(2) increased teacher retention in the first 3 years of a teacher's career;

''(3) increased success in the pass rate for initial State certification or licensure of teachers;

''(4) increased percentage of highly qualified teachers; and

''(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

''(c) REVOCATION OF GRANT.—

''(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

''(2) REVOCATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as

appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

''(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

''SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

''(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

''(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

''(4) The percentage of students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

''(5) For students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

''(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

''(7) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs in the State, including indicators of teacher candidate skills and academic content knowledge and evidence of gains in student academic achievement.

''(8) For each teacher preparation program in the State, the number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

''(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (8) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

''(A) a comparison of States' efforts to improve teaching quality; and

''(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information:

''(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed at least 50 percent of the requirements for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

''(ii) A comparison of the institution or program's pass rate for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average pass rate for institutions and programs in the State.

''(iii) A comparison of the institution or program's average raw score for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average raw scores for institutions and programs in the State.

''(iv) In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

''(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

''(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

''(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(e) DATA QUALITY.—Either—

''(1) the Governor of the State; or

''(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

''SEC. 208. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a).

''(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

''(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

''SEC. 209. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting

and that the reporting methods do not allow identification of individuals.

''(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

''(c) LIMITATIONS.—

''(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

''(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

''(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

''(1) 45 percent shall be available for each fiscal year to award grants under section 202;

''(2) 45 percent shall be available for each fiscal year to award grants under section 203; and

''(3) 10 percent shall be available for each fiscal year to award grants under section 204.''.

SEC. 3. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.

(a) ELIGIBILITY.—Section 222(a)(3)(D) of the Higher Education Act of 1965 (20 U.S.C. 1042(a)(3)(D)) is amended by inserting ''nonprofit telecommunications entity,'' after ''community-based organization,''.

(b) PERMISSIBLE USES OF FUNDS.—Section 223(b)(1)(E) of the Higher Education Act of 1965 (20 U.S.C. 1043(b)(1)(E)) is amended to read as follows:

''(E) To use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 224 of the Higher Education Act of 1965 (20 U.S.C. 1044) is amended by striking ''each of fiscal years 2002 and 2003.'' and inserting ''fiscal year 2004 and each of the 4 succeeding fiscal years.''.

SEC. 4. CENTERS OF EXCELLENCE.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—CENTERS OF EXCELLENCE

"SEC. 231. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are—

''(1) to help recruit and prepare teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom; and

''(2) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

''(b) DEFINITIONS.—As used in this part:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

''(i) a part B institution (as defined in section 322);

''(ii) a Hispanic-serving institution (as defined in section 502);

''(iii) a Tribal College or University (as defined in section 316);

''(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

''(v) a Native Hawaiian-serving institution (as defined in section 317(b));

''(B) a consortium of institutions described in subparagraph (A); or

''(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

''(2) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"SEC. 232. CENTERS OF EXCELLENCE.

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

''(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining faculty; and

''(B) designing (or redesigning) teacher preparation programs that—

''(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

''(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

''(A) teacher or principal mentoring from exemplary teachers or principals; or

''(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

''(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

''(6) Activities authorized under sections 202, 203, and 204.

''(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

''(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

''(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

"SEC. 233. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 5. TRANSITION.

The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. 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. 4409.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 4409, the Teacher Training Enhancement Act, a bipartisan bill that seeks to meet the call of the No Child Left Behind Act to place a highly qualified teacher in every classroom. It makes improvements to title II of the Higher Education Act to help ensure teacher-training programs are producing well-prepared teachers to meet the needs of America's students.

I commend my colleague, the gentleman from Georgia (Mr. GINGREY), for his leadership and commitment to

this important issue for our teachers. There is widespread awareness that the subject matter knowledge and teaching skills of teachers play a central role in the success of elementary and secondary education reform.

More than half of the 2.2 million teachers that America's schools will need to hire over the next 10 years will be first-time teachers, and they will need to be well prepared for the challenges of today's classrooms. For these reasons, the Nation's attention is increasingly focused on the role that institutions of higher education and States play in ensuring that new teachers have the content knowledge and teaching skills they need to ensure that all students are held to higher standards.

Accordingly, building on current law, the Teacher Training Enhancement Act authorizes three types of teacher training grants that each play a unique, yet critical, role in the education of tomorrow's teachers. State grant funds must be used to reform teacher preparation requirements and ensure that current and future teachers are highly qualified. Partnership grants allow effective partners to join together combining strengths and resources to train highly qualified teachers and achieve success where it matters most, in the classroom. Teacher recruitment grants help bring high-quality individuals into teacher programs and ultimately put more highly qualified teachers in the classrooms.

H.R. 4409 includes a new program to authorize grants for the creation of teacher preparation programs at minority-serving institutions around the country. This new Centers of Excellence program will help to increase teacher recruitment and make institutional improvements to teacher preparation programs at minority-serving institutions.

This legislation also includes activities authorized under the Preparing Tomorrow's Teachers to Use Technology program, which is part B of title II of the Higher Education Act. This program was updated and transferred to the Higher Education Act during consideration of the No Child Left Behind Act during the 107th Congress. The purpose of this program is to prepare prospective teachers to use advanced technology to prepare all students to meet challenging State and local academic content and student academic achievement standards.

In general, the Teacher Training Enhancement Act focuses on three key objectives: accountability, flexibility, and effectiveness to improve the quality of teacher preparation. The bill bolsters accountability requirements in current law to ensure States, schools, and prospective teachers have access to accurate and reliable data about the quality of teacher-training programs.

□ 1315

The bill also recognizes the need for flexibility in methods used for training highly qualified teachers and for that reason allows funds to be used for innovative methods in teacher-preparation programs which can provide an alternative gateway for teachers to become highly qualified. Pioneering programs such as charter colleges of education would also implement systems to gauge the true measure of teacher effectiveness, the academic achievement of students.

In addition to strengthening accountability measures, the Teacher Training Enhancement Act increases the effectiveness and quality in teacher training programs by including provisions to focus training on the skills and knowledge needed to prepare highly qualified teachers. The bill places a renewed emphasis on a broad range of skills required for effective teaching, such as the use of advanced technology in the classroom, rigorous academic content knowledge, scientifically based research, and challenging State student academic content standards.

Teacher-preparation programs have a great deal of responsibility in contributing to the preparation of our Nation's teachers, and this bill will make sure they are meeting their responsibilities. We owe our teachers the opportunities they are seeking to become highly qualified and ready to teach.

Mr. Speaker, I strongly support this bill, and I urge my colleagues to vote ''yes.'' We stand in solidarity and support of America's school teachers.

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

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

Mr. Speaker, I think I have seen this movie before. It was known at that time as H.R. 2211. It brings to mind, if I could sing I might sing it, but it seems to me I heard this song before. It is from an old familiar score. However, despite the fact that we are running this bill through again, the substance of this bill is certainly acceptable to this side.

I know this because, as I say, we voted on this before. It is over in the Senate under its previous title. In fact, we voted on this exact bill a few months ago. I think it was last year this House reported the bill by a vote of 404 to 17. And I would hope we would get even more votes on this second time around today. I intend to support this bill today again.

Why are we doing this? Why pass the exact same bill in the same Congress? Why is the House starting to repass the same bills in the same Congress? I do not think we have had a constitutional amendment that if a bill passes one House twice, it goes straight to the President, but nevertheless we are doing that. No one, however, watching this debate today should be fooled by it. We are not breaking new ground with this bill. In fact, we are not really even legislating.

The action taken by the House today on this bill and the other two bills that will follow are really unnecessary. Rather than wasting our time repassing legislation, as we are today, we should be investing in America's students and America's families. This investment would mean increasing Pell grants, holding down tuition, and allowing all students to benefit from today's low interest rates. The buying power of today's Pell grant is $500 less in real terms than these grants were worth 30 years ago.

President Bush has frozen the maximum Pell grant over the last 3 years. This bill does not add a single dime to Pell grants. Instead of expanding college access through increased Pell funding, we are repassing bills already passed by the House. Tuition has skyrocketed as States cut their higher education budgets. Tuition has risen by more than 30 percent since 2001. The Republican answer, repass bills already considered by the House.

We are at a time of historically low interest rates, the lowest in a generation. Some individuals who have previously consolidated their students loans now cannot benefit from these low rates. Instead, they are trapped with student loans at high interest rates. Is this legislation going to allow these students to reconsolidate their student loans at today's low interest rates? The answer is no. Instead of reducing the cost of college, this Congress is repassing bills already passed by this House.

Mr. Speaker, I again want to say that I am going to support the legislation which is before us today. However, we are simply squandering our time and resources by repassing this bill. This legislation is not making a single improvement to our higher education programs, nor does it ensure that a single teacher is more qualified.

Again, Mr. Speaker, though I have seen this movie before, I will support it.

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

Mr. MCKEON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, to respond to the refrain from the other side, my good friend, the gentleman from Michigan (Mr. KILDEE), has heard this hymn before. I have heard the song that we just heard before. I would say in the last 3 years we have increased Pell grants $1 billion a year. And in the last 8 years we have almost doubled the amount of money going into Pell grants and doubled the amount of young people in our country that are receiving Pell grants.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. GINGREY), the author of my bill, my friend and colleague.

Mr. GINGREY. Mr. Speaker, let me thank the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness, and I appreciate his great work on this legislation, as well as the gentleman from Michigan for this bipartisan bill.

I rise today in support of H.R. 4409, the Teacher Enhancement Act. It is a

bill I am proud to offer on behalf of our Nation's school teachers. H.R. 4409 will help ensure teacher-training programs produce well-prepared teachers to meet the needs of America's students.

The goals of the Teacher Training Enhancement Act are to increase student achievement, academic achievement, improve the quality of the current and future teacher workforce by improving teacher preparation and enhancing professional development activities, hold teacher-preparation programs accountable for preparing highly qualified teachers, and recruit highly qualified individuals from diverse ethnic and occupational backgrounds into the teaching profession.

As in current law, H.R. 4409 authorizes three types of competitive grant programs: the State grants, partnership grants, and teacher recruitment grants. The State grant funds must be used to reform teacher-preparation requirements, coordinate with the activities set forth under title II of the No Child Left Behind Act, and ensure that current and future teachers are indeed highly qualified. Programs administered through State grants will focus on effective teacher preparation, placing a renewed emphasis on the skills needed to meet the highly qualified standard.

The partnership grants allow effective partners to join together, combining strengths and resources to train highly qualified teachers and to achieve success in the classroom. Eligible partnerships now must include four partners: a high qualified teacher-preparation program at an institution of higher education; second, a college of arts and sciences; third, a high-need local education agency; and, this is new, fourth, a public or a private education organization.

These partnerships will require the faculty of the teacher-preparation program to serve with a highly qualified teacher in the classroom, allowing effective in-class experience to ensure that we do have highly qualified teachers who are truly prepared to teach.

As we work to hold teacher-preparation programs accountable for preparing teachers, the need to recruit individuals into the teaching profession will only increase. Teacher recruitment grants will help bring high-quality individuals into teaching programs and ultimately put more highly qualified teachers into the classroom. H.R. 4409 recognizes the need to ensure high-need local educational agencies are able to effectively recruit highly qualified teachers and will help answer that need by increasing the number of teachers being trained.

This bill also includes a new program which is based on provisions submitted to the Committee on Education and the Workforce by the United Negro College Fund and the Hispanic Education Coalition to authorize a teacher-preparation Center of Excellence at minority-serving institutions. This program will increase teacher recruitment and make institutional improvements to teacher-preparation programs at minority-serving institutions.

While current higher education law contains annual reporting and accountability requirements for institutions of higher education, these measures have proven ineffective in determining the true quality of teacher-preparation programs. H.R. 4409 adds an accountability provision to the Higher Education Act that will strengthen these current law provisions and hold teacher-preparation programs accountable for providing accurate and useful information about the quality of their program.

The bill is specifically designed to align teacher-preparation programs with the high standards for accountability on the results provided for in No Child Left Behind. The Teacher Training Enhancement Act places a strong focus on the quality of teacher preparation, and a renewed emphasis on the skills needed to meet the ''highly qualified'' definition found in No Child Left Behind.

H.R. 4409 recognizes flexibility should exist in the methods used for training highly qualified teachers, and it allows funds to be used for innovative teacher-preparation programs such as charter colleges which can provide an alternative gateway for teachers to become highly qualified.

The future competitiveness of our Nation will depend on our ability to strengthen education at all levels. We need to prepare our teachers so that they may fulfill the high standards for students' achievement outlined in the No Child Left Behind Act.

I am pleased, Mr. Speaker, to be offering this bill today which takes a step in the right direction to ensure that the teachers of tomorrow have access to the high-quality training they need and deserve. And I encourage my colleagues to vote ''yes'' on this bill and stand in support of America's teachers.

Mr. KILDEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY), the ranking member on the Subcommittee on Education Reform.

Ms. WOOLSEY. Mr. Speaker, you do not have to be a baseball fan to be familiar with those famous words of Yogi Berra, ''It is like deja vu all over again.''

Why are we back here on the House floor for a second time to consider bills to reauthorize teacher education and graduate education in the Higher Education Act?

The House has already passed these bills. It is time to move forward. It is time to address the real needs of students. Those real needs are to make higher education more accessible and more affordable. College tuition and college tuition fees have increased by almost 30 percent over the last 3 years. At State schools last year, 49 of the 50 States increased tuition. The average student debt is now almost $19,000, up 66 percent since 1997. Nearly half of all working postsecondary students work more than 25 hours a week in order to afford to stay in school.

What solutions do my colleagues on the other side of the aisle have for American students? They bring back for the second time two perfectly fine bills that the House has already passed and that do nothing to make college more affordable.

What they do not bring to this House floor is H.R. 4283, which would reauthorize the student loan programs. Well, it is not hard to understand why my colleagues do not want a public debate on that bill. H.R. 4283 freezes through the year 2011 the maximum Pell grant, the greatest source of postsecondary funding for low-income students. It would eliminate the current fixed rate on consolidated loans which will force most student borrowers to pay $5,500 more on their student loans.

□ 1330

It raises interest rates on all student loans, and it does nothing to address the problem of rapidly rising tuition.

Mr. Speaker, certainly, many in the Chamber should be talking about higher education, how to help more students go to college, how to help more students pay for college, not a tired replay of the debate on these two bills. So do not vote for it. Insist that we do something more.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), who comes from an experience as a teacher, as professor, as a coach.

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from California (Mr. MCKEON) and also the gentleman from Georgia (Mr. GINGREY) for bringing this bill to the floor. It seems like we get involved in extraneous arguments here and do not pay attention to the specific bill before us. I am sure we will eventually get to student loans and Pell grants as time goes on.

I am particularly interested in two aspects of this bill. As my colleague mentioned, I did serve as a faculty member, 2 years as a young man in graduate school, and then just 3 years ago I again was in a teacher's college for 2 years. So really there are two aspects of this bill that are very interesting to me.

One is the issue of accountability. Because we give Federal grants to colleges and universities for teacher training, and oft-times we really have no rating as to what the results are. So, as the gentleman from Georgia (Mr. GINGREY) and as the Chairman have mentioned, accountability is a big part of this bill. So this is done by comparing one college, one university with another, which I think is very important, State-by-State comparison.

Then, of course, the Secretary of Education must report to Congress each year on the overall state of the Nation's teacher training. Some colleges and universities do a great job of

training teachers, and some really do a rather poor job, and I think that will eventually show up.

The second main point of encouragement here is I serve a very rural district, a lot of small schools, roughly 400 that have 600 or less students. So, as a result, most of these school districts do not have somebody teaching advanced math, they do not have somebody teaching Russian, they do not have somebody teaching German, they have nobody teaching physics, and so it has to be done by distance learning. A big part of this bill is to ensure competence on the part of teachers in terms of technology, the ability to deliver successfully classroom education via ESUs and via the Internet. So I think this is really going to serve those schools that are widely dispersed and those students that are served in very small schools very well.

This is a well-crafted piece of legislation. I want to congratulate the Chairman and the author.

Mr. KILDEE. Mr. Speaker, on this summer rerun I now yield as much time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague for the time.

I think it is very important that the American people understand the charade that the Republican leadership is engaged in here today. The two education bills that are being taken up this afternoon, as my colleague has said, are identical to the education bills that this House has already passed by large margins. They have simply been repackaged, dressed up and trotted out again as if they were something new, but this bill we are considering now was passed last year by the House by an overwhelming vote of 404 to 17.

I do not think anyone has changed their mind in the House. This is a good bill, and it should be passed once again, but those who are close followers of the House of Representatives will begin to see a pattern here. Just 3 weeks ago, the House leadership brought out three other pieces of legislation at that time which were ostensibly health-related issues; and, again, those were three pieces of health legislation that had already passed the House of Representatives.

So what is going on? Why are we doing this? Why are we wasting taxpayer dollars? Why are we tying up the time of the House of Representatives on useless, unnecessary and meaningless exercises?

There is only one answer here, which is to create the illusion with the American people that the House of Representatives, that the House Republican leadership is actually doing something new to improve the higher education system and expand access to college and universities. We should not be wasting taxpayer dollars on what is simply a PR ploy, a cynical ploy.

We are facing many challenges in this country. We are facing challenges abroad. We are facing challenges here at home. In the area of education, we should get about the business of fully funding No Child Left Behind. This year's budget is $9 billion short that was submitted by the White House. Let us fully fund that.

Let us do something about the growing opportunity gap in higher education. We have got rising tuitions around the country. Federal support for students has been going down in real terms. Let us try and close that gap, but, instead, we are doing, as my colleagues have said, reruns, summer reruns.

This bill today accomplishes nothing new. That is bad enough. What is worse is that we are trying to create the impression that we are doing something new.

Sadly, it is a procedural hoax. It is an example of waste, fraud and abuse: waste of taxpayer dollars to be here and abusing the time of the House, a fraud on the American people in that we are trying to tell them we are doing something new when we just did this last year. We do not have to be doing it again. Abuse of process because we are taking the same bills, just giving them new bill numbers and telling people we are going to do something again.

So I think that whether a person is a Democrat or a Republican or Independent they should be offended by this farce. We should get about the business of doing something new in the area of education, the area of higher education, do something about the big problems we face in this country and not going through meaningless exercises to try and create the impression that something is new.

Madison Avenue would be very jealous of what is happening here today in terms of trying to create an impression that something is being done when it is not.

Mr. MCKEON. Mr. Speaker, I am happy that we are here today working on something to help better our teachers and better education for our young people.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. BURNS), a strong member of the committee, a person who was a college professor for 20 years and knows what he is speaking about.

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding the time. I thank the gentleman for bringing this legislation to the floor.

I sat here and I listened to the rhetoric from the other side, and they do not seem to get it. They do not seem to get that education is important to America. They do not seem to get the fact that, as we improve education and teacher training, we can improve America. They do not seem to get the fact that it is important that the future of our Nation depends on education.

I want to speak specifically to a portion of this legislation that we worked out with our colleagues from the other side; and that is the demand for more ethnically and culturally diverse, highly qualified teachers. It is critical, especially as the significant growth in the numbers of minority students in K through 12 is present across our Nation.

Opportunities that increase the numbers of minority teachers and enhance their training will support the broader strategies to enhance instructional opportunities for and can help to eliminate the achievement gaps of minority students.

According to part C of H.R. 4411, it authorizes the creation of centers of excellence at high-quality, minority-serving institutions.

During the discussion of H.R. 2211, the Ready to Teach Act, the bill that we are discussing from last year, I offered an amendment that was cosponsored by the gentleman from New York (Mr. OWENS) and the gentleman from Texas (Mr. HINOJOSA) that authorizes grants for teacher preparation at centers of excellence that are based on language that was submitted by the committee or to the committee by the United Negro College Fund and the Hispanic Education Coalition.

I am pleased that the bill before the House today, H.R. 4409, the Teacher Enhancement Training Act, also contains this important new program.

I believe that these centers of excellence will provide minority-serving institutions that have demonstrated a record of preparing highly qualified teachers with a leadership role in recruiting and preparing those teachers and increase the opportunities for Americans of all educational, of all ethnic and of all geographic backgrounds to become highly qualified teachers.

In general, the purpose of these centers are to increase teacher recruitment at minority-serving institutions and make institutional improvements to teacher preparation programs at these schools.

Mr. Speaker, I have two HBCUs in the 12th district. Paine College in Augusta and Savannah State University in Savannah will both benefit from this legislation. They provide grants. Grants are competitively awarded to high-quality teacher preparation programs at HBCUs, the Historically Black Colleges and Universities, Hispanic-Serving Institutions, Tribally-Controlled Colleges and Universities, Alaska Native-Serving Institutions and the Native Hawaiian-Serving Institutions.

This is a good bill. It provides a positive reinforcement for the future for teachers and teacher training and for minorities across our Nation. These grants can be used for numerous opportunities at these institutions to enhance and create opportunities for minorities in the teaching environment: reforms within teacher preparation programs; high-quality preservice clinical experiences; initiatives that promote the retention of highly qualified

teachers and principals; and scholarships to help teachers pay for tuition, room, board and other experiences.

Mr. Speaker, I urge my colleagues to support this legislation, to support minority-serving institutions and vote yes for H.R. 4409, the Teacher Training Enhancement Act.

Mr. BOEHNER. Mr. Speaker, I rise in support of H.R. 4409, the Teacher Training Enhancement Act, and I would like to thank the gentleman from Georgia [Representative GINGREY] for his leadership on this issue. The bill before us complements the No Child Left Behind Act and will help to improve the quality and accountability of our nation's teacher preparation programs.

In exchange for significant new funding, the No Child Left Behind Act calls on states to place a highly qualified teacher in every public school classroom by the 2005–2006 school year. We can all agree highly qualified teachers play a pivotal role in the successful education of our nation's children, and those children deserve nothing less than the best.

Congress has kept its word to increase funding to help ensure teachers can become highly qualified—in fact, funding for teacher quality grants increased by 35 percent in the first year of No Child Left Behind alone. We're providing the resources, and this bill will build on that effort by ensuring our teachers are highly qualified and prepared to teach.

There is no doubt highly qualified teachers are essential if we are to provide every child in America with a high quality education. In fact, the future competitiveness of our workforce is directly dependent on the quality of education in our schools. Today's students are tomorrow's workers, and highly qualified teachers play a vital role in providing our students with the skills and knowledge they need to succeed. Yet the nation's teacher training programs suffer from a serious lack of accountability, and this time it's the teachers who are being left behind.

The bill before us today takes important steps to ensure teacher training programs are giving prospective teachers the skills and knowledge they need to meet the highly qualified standard in No Child Left Behind. Let's be clear on this point: this bill is about supporting our teachers. We're expecting a lot from them, and they deserve high quality training programs that will ensure they are ready to teach when they step into the classroom.

This legislation makes several improvements to Title II of the Higher Education Act to strengthen the programs that train the teachers of tomorrow. This bill is about helping teachers, pure and simple—giving them the tools and training they need to meet the needs of the nation's students.

H.R. 4409 authorizes competitively awarded grants under the Higher Education Act to: increase the quality our teaching force by improving teacher preparation and enhancing professional development; hold teacher preparation programs accountable for preparing highly qualified teachers; and recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

The Teacher Training Enhancement Act ensures program effectiveness can be accurately measured and places a renewed emphasis on the skills needed to meet the "highly qualified" standard found in the No Child Left Behind Act. This includes areas such as: the use of advanced technology in the classroom, rigorous academic content knowledge, scientifically based research, and challenging state student academic standards.

Under this bill, funds can also be used to recruit individuals, and specifically minorities, into the teaching profession. This bill allows for the creation of Centers of Excellence at high quality minority serving institutions. These Centers of Excellence will help increase teacher recruitment and strengthen teacher preparation programs at minority serving institutions.

As we work to place highly qualified teachers in classrooms across the nation, I'm particularly pleased that the Teacher Training Enhancement Act allows for innovative programs that provide alternative options to the traditional teacher training programs. Proposals outlined in the bill, such as charter colleges of education, provide a much-needed alternate route to training highly qualified and effective teachers.

This bill recognizes that individuals seeking to enter the teaching profession often have varied backgrounds. And by creating flexible approaches that step outside the box, these individuals can become highly qualified teachers through training programs as unique as their individual experiences.

H.R. 4409 will also bolster accountability so that the effectiveness of teacher training programs can be measured. While current higher education law contains annual reporting requirements, these measures have proven ineffective in gauging the true quality of teacher training programs. In fact, the current requirements have sometimes been manipulated, leaving data skewed and often irrelevant. This bill will strengthen reporting measures and hold teacher preparation programs accountable for providing accurate and useful information.

A highly educated workforce is critical to America's future competitiveness. And the quality of education is directly related to the quality of teachers entrusted with the vital task of educating our students. I've said it before and I'll say it again; we are expecting a lot from teachers, and they deserve our full support. This bill will do exactly that—support the teachers of tomorrow, and the teaching profession as a whole, by strengthening teacher training. Our teachers deserve it, our schools deserve it, and our students deserve it. Mr. Speaker, I strongly support this bill and encourage my colleagues to do the same.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 4409, the Teacher Training Enhancement Act, which will strengthen teacher training programs to ensure teachers are highly-qualified and ready to teach when they enter the classroom.

A year and a half ago, the President signed the No Child Left Behind Act into law. Ever since states and school districts across the country have been answering its call to reform. The Teacher Training Enhancement Act follows the momentum of No Child Left Behind and meets its requirement to place a highly qualified teacher in every classroom. A requirement of great import, as the value of a qualified teacher on a student's ability to learn has been proven, over and over again. H.R. 4409 achieves this by making improvements to the Higher Education Act to help ensure teacher training programs are producing highly qualified teachers to meet the needs of America's students.

All states and nearly all teacher education programs in the country are affected by general accountability provisions in this legislation. Schools receiving federal funds must report annually on the quality of teacher preparation, including information on the pass rates of their graduates on initial certification assessments. Higher education institutions enrolling federally-aided students in their teacher preparation programs must report annually detailing, among other things, the certification pass rates of graduates.

Unfortunately, this data has proven ineffective in measuring the true quality of teacher preparation programs. Current requirements have often been manipulated, leaving data skewed and often irrelevant. For example, if a student fails to pass the state certification exam, upon completion of the institution's program, the school will award them a degree in another field rather than in education. A school will only award students an education degree if that student has passed the state exam. That way, the school will always have a 100 percent pass rate. H.R. 4409 sets forth more useful information. This includes requiring a school to report on all students who have completed 50 percent of the program and requiring an average score of students rather than the pass rates.

We are fortunate in the State of Delaware to have the University of Delaware's Elementary Teacher Education program. In many ways the University of Delaware has already begun to address the need to have a highly qualified teacher in our classrooms. They have been innovative and forward thinking always recognizing the importance of providing their students with a strong academic base as well as a practical experience.

In their freshman year at the University of Delaware, students participate in field experiences in the school setting. Freshmen have the opportunity to observe, tutor, and offer general assistance in the classroom. As sophomores and juniors, the experiences include planning, implementing, and assessing limited instructional units with small groups or an entire class. As seniors, students become engaged in an extended student teaching experience.

Technology is integrated throughout the curriculum and all students will graduate with the skills necessary to utilize technology in their instructional planning. The Elementary Teacher Education program's goal is to prepare teachers who are reflective practitioners serving a diverse community of learners as scholars, problem solvers and partners.

I am committed to ensuring No Child Left Behind is a success for America's children. The Committee and this Congress have been working since passage to ensure other laws in the education arena are aligned with No Child Left Behind. We have accomplished this with IDEA, Head Start and hopefully today with the Teacher Training Enhancement Act. I encourage my colleagues to support H.R. 4409.

Mr. KILDEE. Mr. Speaker, I strongly support this carbon copy of H.R. 2211 and urge its adoption; and I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I have no further requests for time. I ask that my colleagues support this legislation, and I yield back the balance of my time.

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

offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 4409.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRIORITIES FOR GRADUATE STUDIES ACT OF 2004

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4411) to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes.

The Clerk read as follows:

H.R. 4411

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Priorities for Graduate Studies Act of 2004''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. JAVITS FELLOWSHIP PROGRAM.

(a) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: ''In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.''.

(b) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting ''from diverse geographic regions'' after ''higher education''; and

(2) by adding at the end the following new sentence: ''The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.''.

(c) STIPENDS.—Section 703 (20 U.S.C. 1134b(a)) is amended—

(1) in subsection (a)—

(A) by striking ''1999–2000'' and inserting ''2004–2005'';

(B) by striking ''shall be set'' and inserting ''may be set''; and

(C) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program''; and

(2) in subsection (b), by amending paragraph (1)(A) to read as follows:

''(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for 2004–2005 and succeeding academic years, the same amount as the institutional payment made for 2003–2004 adjusted for 2004–2005 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

SEC. 3. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) DESIGNATION OF AREAS OF NATIONAL NEED; PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—

(1) in the last sentence of subsection (b)—

(A) by striking ''and an assessment'' and inserting ''an assessment''; and

(B) by inserting before the period at the end the following: '', and the priority described in subsection (c) of this section''; and

(2) by adding at the end the following new subsection:

''(c) PRIORITY.—The Secretary shall establish a priority for grants in order to prepare individuals for the professoriate who will train highly-qualified elementary and secondary school teachers of math, science, and special education, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

''(1) post-baccalaureate study related to teacher preparation and pedagogy in math and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in math and science;

''(2) post-baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and

''(3) support of dissertation research in the fields of math, science, special education, or second language pedagogy and second language acquisition.''.

(b) COLLABORATION REQUIRED FOR CERTAIN APPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

''(10) in the case of an application for a grant by a department, program, or unit in education or teacher preparation, contain assurances that such department, program, or unit collaborates with departments, programs, or units in all content areas to assure a successful combination of training in both teaching and such content; and''.

(c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking ''1999–2000'' and inserting ''2004–2005'';

(2) by striking ''shall be set'' and inserting ''may be set''; and

(3) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program''.

(d) ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2004–2005''; and

(2) by striking ''1998–1999'' and inserting ''2003–2004''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 716 (20 U.S.C. 1135e) is amended by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

(f) TECHNICAL AMENDMENTS.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(1) by striking ''section 716(a)'' and inserting ''section 715(a)''; and

(2) by striking ''section 714(b)(2)'' and inserting ''section 713(b)(2)''.

SEC. 4. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) CONTRACT AND GRANT PURPOSES.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;'';

(2) by striking ''and'' at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

''(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.''.

(b) SERVICES PROVIDED.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting ''in analytical skills and study methods'' after ''courses''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking ''1999 and each of the 4 succeeding fiscal years'' and inserting ''2004 and each of the 5 succeeding fiscal years''.

(d) GENERAL PROVISIONS.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 5. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) CONTRACT AND GRANT PURPOSES.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;'';

(2) in paragraph (2), by inserting before the semicolon at the end the following: ''for postsecondary students, especially those that provide academic credit for programs'';

(3) by amending paragraph (3) to read as follows:

''(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;''; and

(4) by amending paragraph (6) to read as follows:

''(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;''.

(b) AREAS OF NATIONAL NEED.—Section 744(c) (20 U.S.C. 1138c(c)) is amended by striking paragraph (4) and inserting the following:

''(4) International cooperation, partnerships, or student exchange among postsecondary educational institutions in the United States and abroad.

''(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy

trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).

''(6) Support for planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to enable institutions of higher education to work with private and civic organizations to assist communities to meet and address their pressing and severe problems, including economic development, community infrastructure and housing, crime prevention, education, healthcare, self sufficiency, and workforce preparation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$40,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years'' .

SEC. 6. URBAN COMMUNITY SERVICE.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 7. DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) SERVING ALL STUDENTS WITH DISABILITIES.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking ''students with learning disabilities'' and inserting ''students with disabilities''.

(b) AUTHORIZED ACTIVITIES.—

(1) AMENDMENT.—Section 762(b)(2) is amended—

(A) in subparagraph (A), by inserting ''in order to improve retention and completion'' after ''disabilities'';

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

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

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education.''; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraph:

''(D) DISTANCE LEARNING.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of electronic communication for instruction and advisement.''.

(2) CONFORMING AMENDMENT.—Section 762(b)(3) is amended by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (E)''.

(c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) a description of how such institution plans to address the activities allowed under this part;'';

(2) by striking ''and'' at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 765 (20 U.S.C. 1140d) is amended by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. 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 materials on H.R. 4411.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4411, the Priorities for Graduate Studies Act, which builds on the success of the graduate programs currently authorized under title VII of the Higher Education Act and also helps to fulfill the demand for highly qualified teachers at the K–12 level.

I want to commend my colleague, the gentleman from Georgia (Mr. BURNS), a valuable member of the committee, for his work on this important piece of legislation.

I am particularly pleased that this bill has the potential not only to enhance graduate education but to build on the strength of education at all levels by helping to increase study of subject areas facing particular shortages in elementary and secondary schools.

This bill complements H.R. 4409, the Teacher Training Enhancement Act, which we have considered here today. Bringing these two bills forward is our declaration that supporting America's schoolteachers is a priority for our committee and for the U.S. House of Representatives.

We know that an important part, important key to placing highly qualified teachers in every public classroom called for by the bipartisan No Child Left Behind Act is having adequate faculty available to train the teachers of tomorrow. This is particularly important in subject areas facing severe shortages.

If we are serious about ensuring every child learns from a highly qualified teacher, we must address the issue in a comprehensive manner. Elementary and secondary classrooms across the Nation are facing severe shortages of highly qualified teachers, particularly in high-demand subject areas. States and schools tell us they are struggling to find highly qualified math, science and special education teachers.

To address these shortages head-on, this bill places a priority on these particular subject areas, ensuring that our investment in graduate education continues to improve education at all levels in America.

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Although I believe the role education plays in creating a pipeline of highly qualified teachers is extremely important, the many other benefits of graduate education cannot be overlooked. As we enter the 21st century, the need for advanced education is becoming increasingly vital to successfully maintaining our place in the technologically advanced economy. The future competitiveness of our Nation will depend on successfully educating our workforce and fostering continued breakthroughs through education.

Now more than ever our citizens are obtaining graduate degrees in order to obtain more expertise in their field of study. This bill will help ensure the continued availability of such graduate study opportunities for students.

As we move forward with the reauthorization of the Higher Education Act, we must continue to build on the success of these valuable programs that prepare the next generation of scholars. We have expressed our support for our teachers before and we stand united today to continue that support and urge our colleagues in the other body to do the same.

Graduate education is essential to maintaining our economic leadership as well as ensuring the success of education reform in classrooms across America. I hope my colleagues will join me in supporting this bill and the continued success of graduate education.

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

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

Mr. Speaker, we have been here before. We have already voted on this legislation. As with the last bill, this legislation has already passed this House. Less than 1 year ago, this House reported the exact bill by a good bipartisan voice vote. That bill also improved our graduate programs. While this is a worthwhile goal, today's action does not actually move us further toward these improvements.

I am going to support this bill today, but there is a more important question for this body: Why are we repassing legislation? During the last bill we considered, I asked this very question. Since I did not get a satisfactory answer then, I really do not expect to get one now. But rather than wasting our time, Mr. Speaker, repassing legislation, we should be investing in America's families.

During the last bill, I talked about some much-needed improvement to our higher-education programs that this Congress should be considering. Now I will spend my time on how this Republican Congress and the Bush administration has not provided economic security for the American worker and their families.

The Republican Congress and the Bush administration have refused to provide extended unemployment benefits to those workers who have exhausted their initial benefits. Despite the fact that 1.5 million workers have exhausted their benefits, this Congress has refused to act. These workers who have lost their jobs due to outsourcing and the sour economy do not have the financial security to provide for their families. This Congress and the administration continue to turn a blind eye.

The real root of the problem for today's American workers is that there are not any jobs. I was in my hometown of Flint, Michigan, this past weekend; and I went into McDonald's and ordered the No. 9. They were hiring, but General Motors is not hiring. The really good jobs are not there.

There are 8.2 million individuals now unemployed. On his watch, President Bush has lost 2 million jobs. That is a staggering figure when you stop to think about it. The administration has failed to keep the jobs needed to keep pace with an expanding workforce, but also we are 2 million jobs in the hole.

The Republican Congress and the Bush administration have failed to pass an unemployment insurance extension and other critical legislation directly affecting the financial security of families. Instead, Congress is debating legislation that has already passed.

Clearly, Mr. Speaker, we need to refocus our priorities on restoring the economic well-being of our workers and the families for which they provide. Mr. Speaker, I again want to say that I am going to support this legislation which is before us today. However, this legislation is not moving us toward improving our graduate programs. We simply are squandering our time and resources by repassing this bill today.

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

Mr. MCKEON. Mr. Speaker, I yield myself 30 seconds to answer the gentleman's question why we are here today.

I think that we did pass these bills before, but they have not been acted upon by the other body. So I do not think it will hurt to have further discussion here, again voting on these issues and showing how important our teachers are, showing how important economic stability comes from education.

We think that it is very important to discuss these issues; and, frankly, I do not think it is a waste of time any time we can talk about helping the education of our country.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. BURNS), a strong member of our committee.

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding me this time and for his work on this legislation.

Mr. Speaker, I rise today in support of H.R. 4411, Priorities For Graduate Studies Act. I am pleased to be offering this bill, which will build upon the successes of our graduate education programs and help also trigger improvements at all levels of the educational environment by prioritizing studies in areas of national need.

We all recognize the importance of graduate education, particularly as we work to meet the challenges of the No Child Left Behind Act and place a highly qualified teacher in every school, in every classroom in America by the school year 2005–2006. I believe that the legislation before us today will help both States and schools across the Nation achieve that important goal.

Mr. Speaker, I speak from experience, having taught at the graduate level at Georgia Southern University for some 19 years. In order to produce a qualified teacher, you have to have a qualified classroom. So if we are going to have world-class math and science instruction for our K through 12 students, we have to have the world-class instruction for those teachers at our graduate schools across the Nation.

The Federal Government has long been involved with graduate level education, providing fellowships that assist students who excel in their chosen fields to complete education beyond the baccalaureate level. These programs have been successful, tremendously successful in encouraging in-depth study and creating knowledgeable experts, particularly in subject areas facing a national need.

Graduate programs authorized under the title VII component of the Higher Education Act produces immeasurable benefits for our Nation. Not only do these programs enrich our citizenry but they also nurture discovery and innovation that will lead to medical, educational, and technological advancements. Graduate programs train the next generation of teachers, the next generation of researchers and engineers and doctors and lawyers and professors. These individuals will be vitally important in preparing the United States to meet the challenges of a global economy.

Title VII of the Higher Education Act authorizes three graduate fellowship programs: the Graduate Assistance in Areas of National Need program, the Jacob K. Javitz Fellowship program, and the Thurgood Marshall Legal Educational Opportunity program. Collectively, these programs encourage students to advance their knowledge in scientific and technical fields, in the arts and humanities, and in legal studies by providing financial assistance as well as support services to those displaying academic excellence in their selected fields.

Each year, Congress appropriates nearly $70 million to assist these students in pursuing their goals. The Priorities For Graduate Studies Act seeks to build upon the success of these programs by targeting fellowships to subject areas facing national need not only at the graduate level but also by encouraging the study of subject areas where there are shortages in K through 12 education. This will help to expand the number of educators prepared to train teachers of tomorrow in the critical subject areas of math and of science and of special education. By placing a priority on these subject areas with a demonstrated national need, graduate fellowships will serve to strengthen education from the halls of universities down to the classrooms filled with children.

In addition to placing a priority on these three subject areas, the Priorities For Graduate Studies Act will also recognize the rapidly growing need for teachers prepared to meet the needs of students with limited English proficiency. H.R. 4411 is an essential piece of legislation that strengthens our higher educational system. We strengthen the graduate education, we target the Federal investment toward areas facing a demonstrated need, and we work to improve not just the graduate education but education at all levels across our Nation.

Mr. Speaker, I encourage my colleagues to join me in supporting this piece of legislation and help our already successful graduate educational programs become even more successful.

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

The gentleman from California (Mr. MCKEON) has said we are repassing these bills to get the attention of the Senate. I suggest it might be cheaper and more efficient to send a respectful message to the Senate, and I will be glad to cosign a letter with my colleague to do that.

But, nevertheless, I will support this bill.

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

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume, and respond to my colleague that I will be happy to join him in that letter. Whatever we can do to help move the other body, I think is important, especially in the area of education, where we are trying so hard to help our teachers and our young people so that we can better prepare ourselves for stronger economic stability in the future.

Mr. Speaker, I encourage all of my colleagues to support this bill.

Mr. HOEKSTRA. Mr. Speaker, I rise today in support of H.R. 4411, the Priorities for Graduate Studies Act, legislation which creates an informed and educated citizenry through strong and vibrant graduate education programs.

As we enter the 21st Century, the need for advanced education is becoming increasingly critical to successfully maintaining America's place in a technologically advanced economy. Now, more than ever, U.S. citizens are obtaining graduate degrees to gain additional knowledge and expertise in their fields of study. Nearly 2 million students currently attend one of more than 1,800 graduate school programs throughout the country. And, this number is increasing. According to the Council of Graduate Schools, total graduate enrollment in the

United States rose by 3 percent between 2000 and 2001, and it is expected to steadily rise in coming years.

Graduate programs, while important for their role in higher education, also play an essential yet often overlooked role in K–12 education. It is graduate programs that train individuals to become faculty at institutions of higher education. They will in turn train the elementary and secondary teachers of tomorrow.

H.R. 4411 is closely aligned with H.R. 3076, the Graduate Studies in Higher Education Act, which I authored and the House passed last fall. I have worked closely with Representative BURNS in crafting the legislation before the House of Representatives. Today's bill presents the House with an important opportunity to support graduate education while drawing attention to the need for highly qualified elementary and secondary teachers.

The Priorities for Graduate Studies Act strengthens the Title VII graduate programs contained within the Higher Education Act. H.R. 4411 reauthorizes the Graduate Assistance in Areas of National Need (GAANN) program, the Jacob K. Javits Fellowship program and the Thurgood Marshall Legal Educational Opportunity program. It also recognizes new areas of national need and increases flexibility for students in these graduate programs. By placing a ''priority'' within the graduate programs in the subject areas of math, science, special education and teaching English to speakers of other languages, this bill will strengthen the academic quality not only at the graduate level, but also within American elementary and secondary schools.

I encourage my colleagues to join me in supporting Representative BURNS' legislation, as together we can help make our country's already successful graduate education programs even better.

Mr. BOEHNER. Mr. Speaker, I rise today in support of H.R. 4411, the Priorities for Graduate Studies Act. I'm pleased to stand in support of this bill, which will both enhance graduate education and build on the strength of education at all levels by helping to increase study of subject areas facing shortages at the K–12 level. I'd like to commend Representative BURNS for his work on this important bill.

The Priorities for Graduate Studies Act will build on the success of the graduate programs currently authorized under Title VII of the Higher Education Act, and, additionally, the bill will help fulfill the demand for highly qualified teachers at the K–12 level.

Witnesses have testified before the Education and the Workforce Committee that an important key to placing highly qualified teachers in every public school classroom, as called for by the bipartisan No Child Left Behind Act, is having adequate faculty available to train the teachers of tomorrow. This is particularly important in subject areas facing severe shortages. I believe the importance of this cannot be overstated. If we are serious about ensuring every child learns from a highly qualified teacher, we must address the issue comprehensively.

Elementary and secondary classrooms across the Nation are facing severe shortages of highly qualified teachers, particularly in high-demand subject areas. States and schools tell us they are struggling to find highly qualified math, science, and special education teachers. And as our schools work to educate those whose native language is not English, we need teachers who are prepared to meet the needs of students with limited English proficiency (LEP). To meet these demands, this bill places a priority on these particular subject areas for graduate assistance programs, ensuring that our investment in graduate education continues to improve education at all levels.

Although I believe the role graduate education plays in creating a pipeline of highly qualified teachers is extremely important, the many other benefits of graduate education should not be overlooked. As we enter the 21st Century, the need for advanced education is becoming increasingly vital to successfully maintaining our place in the technologically-advanced economy. Now, more than ever, our citizens are obtaining graduate degrees in order to gain more expertise in their field of study. This bill will help ensure the continued availability of such graduate study opportunities for students.

As we move forward with the reauthorization of the Higher Education Act, we must continue to build on the success of these programs that prepare the next generation of scholars. We have expressed our support for our teachers before, and we stand united today to continue that support and urge our colleagues in the other body to do the same.

Graduate education is fundamental to maintaining our competitiveness and economic leadership, as well as ensuring the success of education reform in classrooms across America. And as our economic recovery continues and new jobs are created everyday, the importance of education will only grow. I hope my colleagues will join me in supporting this bill, and the continued success of graduate education.

Mr. SMITH of Michigan. Mr. Speaker, a highly educated workforce is critical to America's future competitiveness. And the quality of education in America's schools is directly related to the quality of the teachers entrusted with the vital task of educating the Nation's students. Today's students are tomorrow's workforce, and for that reason education is directly linked to America's future competitiveness in a changing economy.

H.R. 4411, the Priorities for Graduate Studies Act, addresses the shortage of highly qualified math and science teachers at the K–12 level. One of the problems is the continuing lack of faculty at the graduate level to train the teachers of tomorrow in these demanding fields. This must be addressed to fortify the pipeline of highly qualified teachers for our Nation's youth. To increase faculty in these high-demand subject areas, the Priorities for Graduate Studies Act will target Federal aid for graduate studies to these subject areas. The bill, introduced by my colleague from Georgia Representative MAX BURNS, places a priority on the areas of math and science for graduate fellowship programs in the Higher Education Act. Further, this bill reinforces previous Federal efforts in the ''No Child Left Behind Act'' requiring a ''highly qualified'' teacher in every classroom. This bill, along with the other bills being discussed today, also provides State grants to recruit and train teachers. In addition, loan forgiveness programs at the Department of Education and the Noyce Scholarship Program at the National Science Foundation (NSF), which seeks to encourage top math and science students to enter the teaching profession, are just some of the initiatives that have been designed to address issues of teacher recruitment and retention.

Federal Reserve Chairman Alan Greenspan recently testified before the House Education and Workforce Committee and said that strengthening the Nation's education and worker training systems and supporting innovation are essential to creating jobs and sustained economic growth for American families. He said that the U.S. appears to be lagging seriously behind other nations in terms of the quality of education being provided to students at the K–12 level. He quoted a study conducted in 1995 (The Third International Math and Science Study, a project of the International Study Center, Lynch School of Education, Boston College) revealing that although our fourth-grade students were above average in both math and science, by the time they reached their last year of high school they had fallen well below the international average.

The quality of America's workforce is inextricably tied to the quality of America's education system. For that reason, advanced degrees in specific subject areas will help to improve the training of our schoolteachers, building upon the quality of elementary and secondary education and, in turn, strengthening the competitiveness of the American worker. The House bill being discussed today recognizes that a shortage of advanced degrees earned in high-demand subject areas such as math and science can create a void from the university level down to K–12 classrooms. To address this shortage, the bill places a priority on these subject areas when awarding graduate level fellowships.

Mr. Speaker, when I have an opportunity to speak with teachers about education, I often ask them if teaching a child math or science is more like lighting a fire than filling a container, at what age they believe the flame of interest for math and science education is sparked and how can we keep it burning. I get all sorts of answers. Some say third grade. Others say kindergarten. But they all generally agree that our greatest challenge is to ensure that all children experience that initial spark to create more interest in science and math.

As Chairman of the Science Research Subcommittee, I recently introduced legislation that passed this House, creating a Congressional award for private sector entities that partner with schools to improve science, technology, engineering, and math education. The bill, H.R. 4030, would provide well-deserved recognition for outstanding private sector efforts and directs the National Science Foundation to disseminate information about award winners to educators, businesses and the general public.

The way to maintain and increase our standard of living is through innovation, technological advancement and hard work. We need to do a better job of encouraging student interest and achievement in math and science so that today's students will be successful in the highly competitive global economy.

Mr. GRIJALVA. Mr. Speaker, we are standing here today to consider pieces of legislation that the House passed overwhelmingly just a year ago. These were not controversial bills at the time they were first considered and they are not controversial now. It seems clear to me that the House Republican Leadership would like to distract the American public from the real issues that need to be addressed. Instead of being down on the floor to discuss

legislation that we all agree on and already passed, members of the House Committee on Education and the Workforce should be spending time working on the legislation that would offer real solutions to students struggling to pay for a college education.

Tuition is rapidly rising in nearly every state. The buying power of Pell grant has dropped significantly in the last 30 years. Students are graduating from college with enough debt that they could buy a car or even a house, which significantly hinders their ability to contribute to economic growth. Students are increasingly turning to a part time education just so they can support themselves while in college.

These are clearly dire times when it comes to college affordability, but instead of spending our time crafting legislation that would offer real solutions to students, we are rehashing legislation that we already passed to fulfill the political needs of the House Republican Leadership.

The Higher Education Bills that we are considering today are bills that I supported in the past and will support again in today, but today's debate is merely a distraction from the real problems that students face in paying for college.

Mr. HINOJOSA. Mr. Speaker, I do not object to the three higher education bills under consideration today. In fact, this body passed these bills with broad bipartisan support last year, and I voted for all three of them. I do object, however, to our wasting time revisiting legislation that we have already worked out instead of completing the work that remains to be done.

The Higher Education Act represents our national commitment to ensuring that a college education is possible for anyone—regardless of income, race, or ethnicity. This law supports our students and our institutions of higher education in their pursuit of academic excellence. It represents the single largest Federal investment in education with over $75 billion in student financial assistance distributed annually.

This Congress the Higher Education Act must be reauthorized. Instead of considering the act as a whole, the majority decided to pass the reauthorization in parts. The parts that we are considering today have already been passed. What we are failing to discuss today are the programs at the very heart of the matter—the student aid programs: Pell grants, student loans, work study.

We are also failing to discuss the instrumental Federal supports to the institutions that serve low-income and minority students—titles III and V of the Higher Education Act. The titles that support Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribally Controlled Colleges.

The Advisory Committee on Student Financial Assistance has reported that over the next 10 years as many as 4.4 million college-qualified low-income students will be unable to attend 4-year colleges because of unmet financial need. Two million will not be able to attend any college at all. Most of the students will be minorities—Hispanics and African Americans.

We have a lot of work left to do. I hope that we will get to it.

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

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 4411.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONVEYANCE OF REAL PROPERTY IN RAVENNA, OHIO

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3908) to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

The Clerk read as follows:

H.R. 3908

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

SECTION 1. LAND CONVEYANCE.

The Secretary of Labor shall convey, without charge or consideration, to Portage County, Ohio, all right, title, and interest of the United States (including all Federal equity) in and to the parcel of real property located at 1081 West Main Street in Ravenna, Ohio, to the extent such right, title, or interest was acquired through grants to the State of Ohio under title III of the Social Security Act (42 U.S.C. 501 et seq.) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or through funds distributed to the State of Ohio under section 903 of the Social Security Act (42 U.S.C. 1103).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill H.R. 3908.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 3908, a bill sponsored by my good friend from across the aisle, the gentleman from Ohio (Mr. RYAN), to convey all Federal rights to a property in Ravenna, Ohio, to Portage County, Ohio.

This particular building has been used as an employment services office by the State of Ohio since its construction in 1972. However, as the State of Ohio has transitioned to locally operated one-stop career centers, as authorized under the Workforce Investment Act, the State no longer needs this separate facility.

As envisioned under the Workforce Investment Act, the State now provides employment services through the one-stop career centers as one of numerous partner programs making reemployment and training services available through this seamless delivery system.

On an interim basis, Portage County, located in northeast Ohio, has been using the facility rent free for its one-stop career center. However, the Ohio Department of Job and Family Services, which still controls the building, does not want to be a permanent landlord. The State should not shoulder the responsibility of maintaining the building, as the State represents one of several tenants offering programs at the one-stop center.

While the State has the option to sell the building under a sealed-bid process, the county cannot afford to pay the appraised value of $184,000. Therefore, the State desires to transfer the property to Portage County. This cannot be done without Federal legislation relinquishing Federal rights to the building. The Federal Government holds just over 88 percent of the equity in the property, since it was acquired with Federal funds.

Passage of this bill should result in improved services to job seekers in the local area served by the one-stop center. Now the local workforce investment board and county commissioners will be free to focus solely on job counseling, workforce preparation, and training for individuals seeking new or better jobs. In addition, they will continue to serve businesses seeking qualified employees.

□ 1400

During this time of sustained job growth in our growing economy, we need to ensure that local workforce investment areas are ready to provide needed assistance. By finalizing the location of the county's one-stop center, H.R. 3908 will do just that.

I thank the gentleman from Ohio (Mr. RYAN) for bringing this bill to the floor, and I encourage my colleagues to support the bill.

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

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California (Mr. MCKEON). This is truly a bipartisan effort, and I appreciate all of the help we have received. This is a county in my district which has been low on resources, as many counties have been, not only in the State of Ohio but across the country. There has been a reduction in money from the State level to the local county level, and this is an opportunity for the Federal Government to step in and help a community that needs our assistance.

I would like to thank the gentleman from Ohio (Mr. LATOURETTE) who has been very helpful, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from California (Mr. GEORGE MILLER), the ranking member. I would also like

to thank the gentleman from Ohio (Mr. PORTMAN) and Governor Bob Taft and the Director of the Department of Job and Family Services, Tom Hayes, who has been extremely patient through this process, as well as the gentlewoman from California (Ms. PELOSI), and the local county commissioners in Portage County, Commissioners Smiles, Keiper and Frederick, and the State Senator, Kim Zurz, and the State Representative, Kathleen Chandler.

This was truly a bipartisan effort, an effort to help a local community that needs help. As the gentleman from California (Mr. MCKEON) said, about 88 percent is being picked up, and that will assist the local community.

With that, I would like to again thank the gentleman for his help. I appreciate the Chair of the committee as well and all of the staff who have been tremendous. The staff of the gentleman from Ohio (Mr. LATOURETTE) and the staff of the gentleman from Ohio (Mr. PORTMAN) and the staff of the committee has been great, and I thank them for all their help.

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

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

Mr. Speaker, I again would like to commend the gentleman from Ohio (Mr. RYAN) for representing his district and taking care of this important situation. I think it will be very good to extend the work services provided through the one-stop shop to be able to really carry out the purpose of that Workforce Investment Act, to reach out and help people in these tough times. I think they are doing a good job, and I commend them for the job they are doing.

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

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 3908.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING CONTRIBUTIONS OF WOMEN, SYMBOLIZED BY ''ROSIE THE RIVETER,'' WHO SERVED ON THE HOMEFRONT DURING WORLD WAR II

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 413) honoring the contributions of women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II, and for other purposes.

The Clerk read as follows:

H. CON. RES. 413

Whereas during World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory;

Whereas women worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men;

Whereas these women demonstrated great skill and dedication in the difficult and often dangerous jobs they held, which enabled them to produce urgently needed military equipment at recordbreaking speeds;

Whereas the need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace;

Whereas the service of women on the homefront during World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs;

Whereas these women devoted their hearts and souls to their work to assure safety and success for their husbands, sons, and other loved ones on the battle front;

Whereas the needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home;

Whereas the needs of women on the homefront led to employer-sponsored prepaid and preventative health care never before seen in the United States; and

Whereas in 2000, Congress recognized the significance to the Nation of the industrial achievements on the homefront during World War II and the legacy of the women who worked in those industries through the establishment of the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California, as a unit of the National Park System: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving an Allied victory;

(2) recognizes the lasting legacy of equal employment opportunity and support for child care and health care that developed during the ''Rosie the Riveter'' era; and

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the stories and accomplishments of women who served the Nation as ''Rosies'' during World War II.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 413.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Con. Res. 413 and urge each of my colleagues to support this important resolution.

Mr. Speaker, this weekend in Washington, DC, President Bush dedicated the World War II Memorial, the first national memorial dedicated to all who served during the Second World War. As it should, this memorial honors all military veterans of the war, the citizens on the homefront, the Nation at large, and the high moral purpose and idealism that motivated the Nation's call to arms.

Today, we pause to recognize in particular the contributions to those who may not have faced enemy fire but were no less a part of our decisive victory in those dark times: the millions of Americans who across the Nation heeded a call to serve when their country needed them.

After the bombing of Pearl Harbor in 1941, the young men of America poured out of the factories and offices to line up at the recruiting offices. The young women of America lined up at the factories and arsenals to fill jobs left vacant by those who went off to fight.

These women, symbolized by Rosie the Riveter, wore hard hats and coveralls and pulled the same load as many of the men they replaced. They operated heavy cranes, milling machines and countless other heavy tools that most women had never heard of before the war. They bagged gunpowder, made weapons, crated ammunition and did whatever else was asked of them so that their fathers, husbands, sons and sweethearts could win the war and come back home again. Indeed, the Rosie the Riveter movement is credited with helping push the number of working women to 20 million during the 4 years of war, a 57 percent jump from 1940.

The image of Rosie the Riveter has become familiar to all of us and symbolizes the contribution of those millions of mothers, daughters and sisters who, as their loved ones were sent overseas to fight the Axis, picked up the work vital to our Nation's productivity and security. At a time when sacrifice was asked of every American, both at home and abroad, these brave young women rose to the call and served their country with honor and pride. As we honor the contribution of each American to the World War II effort, so today do we properly honor our ''Rosies.''

Mr. Speaker, I had an Aunt Lil who was a Rosie the Riveter in World War II. She is not with us today, but I wish she could be to see this honor presented to her and other women who filled the call and served as Rosie the Riveter. I urge each of my colleagues to support this important legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would like to begin by thanking the House Women's Caucus led by the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from West Virginia (Mrs. CAPITO) for their sponsorship and their

pushing for this resolution to come to the floor and to thank the House and Senate cosponsors of our resolution, including California's two Senators, Senator BOXER and Senator FEINSTEIN, and Richmond's Rosie the Riveter superintendent Judy Hart from the National Park Service and, obviously, the 6 million women who helped build American history.

Many people have learned about the Rosie the Riveter story recently from the great work being done by Ford Motor Corporation to encourage Rosies to come forward and tell the story of the Rosies, along with the National Park Foundation.

This legislation that we are voting on today honors the millions of women who answered the call to service on the homefront during World War II. The Rosies, as they are known, built tanks and ships, working as welders, machinists, mechanics, pipe fitters, electricians and boilermakers and so many other trades and professions during the Second World War while so many men were off in the battles of combat. They learned the skilled jobs previously reserved for men. They earned men's wages, and they gained new independence. The effort by these women made victory abroad possible.

Those who have studied the history of the period will remember how unprepared America was to enter the Second World War. It is because of the effort by these Rosies that we met the challenge and succeeded in winning the Second World War. But it also was a time when there was some dramatic change in the workforce in America. Women and minorities were gaining access to high-paying jobs and industry for the first time. Health care and services for employees and their families were available on a full-time basis for the first time in many instances. Services, including child care, to help parents balance family and work for the first time became available.

The oldest continuous child care center in the program is in my district that was part of the Kaiser Shipyards in the San Francisco Bay area, and it was named after Ruth Powers who was a teacher and a Rosie at that time, and it continues in service today.

We saw these incredible partnerships created between government, industry and the labor unions to take care of the workforce and to train the workforce and to make sure they could report to work every day. It is also clear that this contribution is absolutely tantamount to our winning the Second World War.

This weekend we will have a rivet cutting at the Rosie the Riveter World War II Homefront National Park in Richmond, California, where we will cut the ribbon on the new Visitors Center that is being created there.

Kaiser shipyards in Richmond, where they produced a Liberty ship every day, women comprised over a quarter of the workforce. Their shipyard was the largest and most productive of World War II. The war transformed the economy of California. The State population grew by nearly 75 percent. Richmond grew from 23,000 people to a booming town of 100,000 people in support of the warfront industries that were related there at that time.

Many people today think that 24–7 is a term that came out of the technology revolution, out of the dot.com revolution. Mr. Speaker, 24–7 was a watchword in Richmond, California. We had 24-hour supermarkets because people worked three shifts. We had 24-hour rooming houses where people changed beds according to the shifts that they were working. We had 24-hour child care for families, 24-hour physician services, 24-hour health care, because the effort there was to keep the workforce working so that they could meet the demands of the war, which they did.

It also provided for the most rapid and deep integration of the American workforce up to that time in history, as did much of World War II in the industry base. It changed the economy, it changed our society, it changed the women's movement in this country and their role in American society.

If you have met the Rosies, you understand the pride that they demonstrate when many of them can still show their journeyman's card, when many of them can describe the fear they had on the first day of work when they showed up for jobs that they had never heard of or seen done before, and also the pride when they now recognize what they contributed to: the winning of the Second World War.

I want to thank the cosponsors of this legislation, the House women's organization for pursuing this.

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

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from Tennessee (Mrs. BLACKBURN) and that she may control the time for the majority.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Con. Res. 413. Today, we are honoring these millions of women who, although they have never been to a battlefield, they really served valiantly during some of our Nation's darkest hours. I think we have all heard stories from our moms and relatives and from individuals who really rolled up their sleeves and got to work to be of service to our Nation. Of course, there are women from all walks of life, all ages, and they really heeded the call of this Nation in shipyards, dockyards, steel mills, lumber mills, wherever they were needed. They worked in defense industries and support services to power the American productivity that helped win World War II.

The sight of women outfitted in overalls and wielding industrial tools was popularized in the 1942 song ''Rosie the Riveter.'' The image and the song created an instantly recognizable nickname for those homefront heroes. Today, that nickname and that image is still recognized and loved.

Mr. Speaker, these women demonstrated skill and dedication in difficult and often very dangerous jobs, but their work produced urgently needed military equipment at record-breaking speeds. They were efficient, and they defined many of the standards we hold today. The legacy of these Rosies is still seen across America. Their service on the homefront marked the start of an unprecedented entry of women into the workplace and created a lasting legacy of women leaders for us to look up to.

□ 1415

One such Rosie now lives on a 70-acre farm in my district in Tennessee. Lois Turner worked as a mechanic at Bell Aircraft in Niagara Falls, New York, from 1943 to 1945. She had many roles at Bell. She worked in machine gun manufacturing; and with her delicate hands, she was able to do much of the safety wiring in parts of our warplanes that most others could not reach. She spent 15 minutes at a time held upside down to reach those tight spots. Lois' skill and care helped keep our soldiers safe.

Mr. Speaker, the Rosies of World War II put heart and soul into their work because their work meant the safety and security of their loved ones on the battle front.

As many Members will recall, in 2000 Congress recognized the significance of America's World War II industrial achievements and the legacy of the women who helped make those achievements possible by establishing the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California. It is a unit of the National Park System. As we did then, we pause again today to remember the women who have given so much to their country.

Their love of country, their hard work, their prayers for our soldiers were in the steel and plate of every American battleship. They were then, and remain today, deep in the soul of our war effort and a great victory for freedom and peace.

We should all thank our colleague, the gentlewoman from West Virginia (Mrs. CAPITO), for her leadership in honoring these women and for sponsoring this resolution, so that America will never forget these wonderful patriots.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues in recognizing the enormous contributions

made by American women on the home front during World War II. Embodied by Rosie the Riveter and the empowering slogan ''We Can Do It,'' women from around the Nation filled industrial jobs left empty by their husbands, their brothers and neighbors fighting abroad during World War II.

World War II was won not only by the veterans we honored with a new memorial last week but by the women in their lives as well. Every man, every woman, every child in the United States of America sacrificed during World War II; and as important as any of these sacrifices were those of the countless Rosie the Riveters who filled industrial jobs, who ran households under a strict ration system, whose lives were not easy, but whose contribution was never, ever questioned when they were making that contribution. In fact, these contributions serve as a valuable demonstration of the sacrifice and determination that winning a war demands of an entire Nation.

Every Rosie is an inspiration for a Nation that is once again at war, and their efforts remind us that military victory is not possible without the support and without the contributions of Americans at home.

Now, just as it was then, we can do it, and we must.

Mrs. BLACKBURN. Mr. Speaker, I yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), the sponsor of this legislation.

Mrs. CAPITO. Mr. Speaker, I am exceedingly proud to be the sponsor of House Concurrent Resolution 413. I am also extremely proud that all 62 women Members of Congress are cosponsors on this legislation as well.

During World War II, a remarkable band of women picked up the rivet guns left on factory floors and shipyard docks by departing workers. Many of those workers were husbands, boyfriends, sons and dads; and those women started building the tanks, airplanes, and ships that America needed to win the war.

This group of women became known as Rosie the Riveters, the bandana-brazing, tight-muscled woman depicted in posters with the slogan ''We Can Do It.''

Earlier this month, I called on all the Rosies from West Virginia to send me their stories so younger generations of West Virginians could learn about this important part of their history.

It is clear the important role that the Rosies played during the war. I received a letter from a woman from Elkview, West Virginia, who worked on the wing sections of B–29 Superfortress bombers at the Goodyear plant in Akron, Ohio. The B–29 was the military's most sophisticated propeller-driven bomber.

Another Rosie from Winfield, West Virginia, worked as a riveter at General Machinery in South Charleston, West Virginia, building rockets that her husband used thousands of miles away in the Pacific.

Just last week, several Rosies came to Washington to tell their stories. Leona Phares from Elkins, West Virginia, came; and she had a very touching comment. I asked her what she did when her husband left her. Her husband was originally in the factory with her, and he was called to duty. I said, What did you do? She said, I worked as long and as hard and as fast as I could, because I wanted him home as quick as he could get there.

We also learned that one of the Rosies from the district of the gentlewoman from New York (Ms. SLAUGHTER) was held upside down for 15 minutes at a time because her hands were so small she could get up under and rivet in certain areas.

Extraordinary women. We always say we can do twice as much in half the time, but upside down at the same time?

This resolution honors the extraordinary contributions of the women pioneers who have inspired future generations, whose dedicated service on the home front during World War II was instrumental in achieving an Allied victory. The resolution urges citizens to study, reflect upon, and celebrate the stories and accomplishments of the Rosies.

The Rosies are a vital part of American history. This band of remarkable women should be honored and remembered.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise today in support of the Rosie the Riveter resolution that recognizes the hard-earned contributions of women on the home front during World War II.

Rosie symbolized the millions of women who broke through the glass ceiling and showed this Nation that women could perform paid work in nontraditional jobs.

There were an estimated 18 million women who worked in World War II defense industries and support services, including steel mills, foundries, lumber mills, aircraft factories, offices, hospitals, and even daycare centers. Today, there are well over 68 million women in our civilian labor force, which is almost 60 percent of all women over the age of 16.

As an icon of strength and will, women during World War II bonded together to secure our Nation's factories and future. Their legacy of equal employment opportunity and support for child care and health care that developed during Rosie the Riveter's era has served men, women, and families since that time.

I would also like to thank the gentlewoman from West Virginia (Mrs. CAPITO) for taking us to the memorial service for Rosie the Riveter in honor of all the women that have served our great country. It was a wonderful ceremony that took place last week at Arlington National Cemetery, where members of the Women's Caucus from both sides of the aisle came together to help celebrate the many contributions of women in the Armed Forces, as well as Rosie the Riveters who participated in our country's establishment.

Mrs. BLACKBURN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of House Concurrent Resolution 413. It is certainly an honor to stand here and publicly thank the women who worked on the home front as this Nation fought World War II.

As the years go by, our Nation has become, I think, more able to fully understand the incredible contribution of both the men and the women who have been rightfully called our Greatest Generation. Certainly the World War II memorial which we dedicated just this past weekend honors this Greatest Generation and all of those who fought in the deadliest war in the history of mankind.

With the adoption of this resolution, we can honor the women who were instrumental in winning that war and securing the freedom, not only of our Nation, but in fact of the entire world.

It seems that it is hard to believe sometimes that it has actually been 60 years since the end of World War II. As the great leaders of America and war machine were actually developing their plans of engagement, here in the United States literally millions of Americans were preparing for the invasion by building the greatest force the world has ever known. Among that workforce were more than 6 million American women, women who were faced with enormous challenges, women who met that challenge in the defense of freedom.

There was a very famous Saturday Evening Post cover, actually painted by Normal Rockwell, I think in 1943, and it showed an American woman who was carrying a rake, a hoe, an oil can, a pipe wrench, a sewing machine, bottles of milk, as well as air-raid warning equipment. Along with her red, white and blue outfit, she also wore a civil defense cap under a nurse's cap.

That is how it was during World War II. American women were expected to hold down the home front and do all of the jobs left behind by the men who were off fighting the war.

Certainly today it is our great privilege to honor these American women, women who symbolize an icon known as Rosie the Riveter. And because of the contributions of millions of Rosies, our wartime factories were transformed into the arsenal of democracy, as they literally built the armaments that led the entire world to peace.

American women became welders, riggers, crane operators, and dock workers; and they provided the American war machine with the tools that we needed to win the war. And we are

truly, truly grateful. Their service to our Nation and to the freedom-loving people of the world cannot be repaid. They are great Americans, and may God bless them.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the original author of the World War II memorial legislation.

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

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from California for yielding me this time and am pleased to rise as a member of the Women's Caucus and a cosponsor of House Resolution 413 to honor Rosie the Riveter, the millions of Rosie the Riveters, who helped the United States of America to win that great victory of liberty over tyranny a half century ago.

It is very rewarding to be able to stand here today and to say that the Veterans History Project that is a part of what our Library of Congress is assembling will allow all people in our country who either served in the military or here on the home front, including women in our war industries, factories, as air-raid wardens, as cadet nurses, to tell their story on audio and video, and that as a part of this resolution I want to encourage all women or their families and loved ones to begin to put this down, and through your Member of Congress get the application blank so that your story can become part of America's permanent history, because, in fact, Rosie the Riveters changed America forever.

Today, nearly two-thirds of the women in this country work outside the home. At the time the war started, less than 25 percent did.

This happens to be a photo of Willys-Overland in Toledo, Ohio, that still makes the Jeep. Nowadays they call it Daimler Chrysler. But that particular company in 1940 received a $25 million contract from the Department of Defense, and in all our community received nearly $1 billion, pushing employment figures at that plant alone to the highest levels that they had been since the Great Depression. Other plants, like Acklin, went on 24-hour, 7-day-a-week production.

Our own mother, Cherie Rogowski Kaptur, worked at the Champion Spark Plug factory making spark plugs that she knew went into airplanes. She became a union leader, a member of the United Auto Workers local in that plant, so that they could make perfect plugs, so that no pilot would lose a life because a spark plug did not fire. I can remember her talking about that, even until her golden years.

Women were very responsible, just as they are in the home. When men began going to war, women began to work outside the home by the millions.

So today we honor those woman. Through their service, America changed forever as unprecedented numbers of women worked not just inside the home, but outside the home, and in many ways helped to educate the generation that now serves our Nation inside this Congress of the United States.

The character of Rosie first appeared in the 1942 song "Rose the Riveter," written by Redd Evans and John Jacob Loeb and recorded by big-band leader Kay Kyser.

"All the day long,
Whether rain or shine,
She's a part of the assembly line.
She's making history,
Working for victory,
Rosie the Riveter

The number of women in the American workforce increased by more than 50 percent over the war years.

Some six million women joined the war effort on the homefront.

In about July 1940, Toledo's Willys-Overland Jeep factory announced a $25 million dollar contract. In all, Toledo received over $900 million dollars in defense orders, enough to put employment figures at the highest they'd been since 1929. Many plants, including Acklin, went to 24 hour, 7 day a week production.

With many men going to war, women began going to work outside the home by the thousands. In 1942 the first nursery opened in Toledo in order to meet the demands of mothers working in the factories. These women didn't only work in factories however. In fact, they filled a variety of positions from auto-mechanics and bus drivers to freight handlers for the Railway Express Agency.

Mrs. BLACKBURN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today to support this resolution, which appropriately honors American women who responded to our Nation's call during World War II.

At a time when many men left to serve our Nation on foreign shores, the jobs that had long been held by these men fell to the responsibility of women. Women were propelled out of their traditional roles as housewives and mothers as they readily filled the void created by the departure of their fathers, sons, and brothers.

Putting on their hard hats, they embraced a new life as riveters and welders, assembling bombs, building tanks and ships and making ammunition. It is no wonder that the iconic image of Rosie the Riveter has become synonymous with World War II. That singular woman represents the more than 6 million women in America who aided the war effort and changed forever the role of women.

□ 1430

Without these women, the Allied victory could not have been a reality. Today, we honor their patriotism and their unwavering dedication to their country. I take off my hard hat to them.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, thanks to the authors for bringing forth this resolution.

I rise to salute Rosie the Riveter.

Women affectionately known as "Rosies" revived the image of the feminine ideal. Rosie the Riveter's slogan of "we can do it" helped mobilize millions of American women who sowed the seeds for the women's rights movement.

During World War II, as more and more American men were sent off to battle, over 6 million women did their part to ease the hardship for America by taking over jobs that had been previously exclusively male.

Rosies filled the void in America's workforce by working under very poor conditions for very little pay in factories doing welding, machining, building aircrafts, fixing tanks and armament factories.

Although the average Rosie the Riveter's salary was $31.21 a week for her labor, as compared to $54.56 a week for the men that still remained, these women fought social discrimination, gender harassment, and physical abuse.

Rosie the Riveter's image of a strong, competent woman was a symbol of patriotic womanhood.

Rosies all over the country showed their strength and their power and their pride.

We thank these women who paved the way for women's empowerment. Women are capable of doing anything. It is too bad that it took a war to make everyone see it. Times would never be the same again.

Mrs. BLACKBURN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I would like to relate some of my memories of World War II. I was born in 1934. I was about 7, 8, 9 and 10. In our community what allowed Rosie the Riveter to go into the workforce and our factories was other women on the homefront, that substituted for taking care of children. So some of the women in our community went and babysat for other women to allow them to go into our factories to do some of this work.

So I am pleased that one of the resolved clauses reads, "honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving the Allied victory." Those women that made the effort, that got in the physical conditioning to allow them, really unheard of before, to do man's work was also supplemented by so many mothers and so many other women in every home in most every community of the Nation.

In our rural area of Michigan, women were the ones that were encouraging the savings of string and tinfoil and saving all of their bacon fat and encouraging their children to contribute to the war effort. So it was not only

the work in the factories, but it was the inspiration that mothers and other women gave to their communities. So it was more than the factories. It was women going in to become members of the school board, to help guide the community and to substitute in public service organizations, where women came forward to really start a new era in America of women proving themselves to be so effective in achieving goals.

So I commend the resolution, I commend the effort of these women, especially as we have just finished the dedication of the memorial of World War II. Because that memorial is a dedication not only to those that died but to all of our fighting men and their families. The women during World War II were what kept the spirit up in a very strenuous time for many families in many communities as we saw relatives and loved ones die in service.

So I would just like to expand the commendation of women during World War II to the knitting of scarves and the collecting of cookies and all of the work that went on, in addition to those women that allowed us the production of planes and ships and guns and ammunition.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, this decision to go in to work in the industrial forces of this country during World War II was not a decision that could be taken lightly. The fact of the matter is this was dangerous, hard, heavy work that these women were engaged in, in many of these professions. We are told that between Pearl Harbor and January 1 of 1944, 37,000 people were killed in these industrial factories and shipyards and airplane factories, and over 210,000 were permanently disabled, and almost 4 million were temporarily disabled, 60 times the count on the battlefront in that situation. So these women were making serious sacrifices in many instances and, in some cases, their lives.

This weekend, as I mentioned, we will do a ribbon-cutting on the Visitors Center of the Rosie the Riveter World War II homefront Park in Richmond, California, and it is symbolic of so many of the activities that took place on the homefront in the San Francisco Bay area and elsewhere in the Nation. There are other sites around the Nation that will be added to this park where these homefront activities took place.

But in the western United States prior to the war, for the decade prior to the war, we had produced no merchant ships and, all of a sudden, with the advent of the war, we produced 4,600 ships in 1,300 days. In one instance we produced a ship, the SS *Robert Peary*, a liberty ship, in 4 days, 15 hours, and 29 minutes from start to finish. That ship was produced and sent on its way to contribute to the war. That effort was possible because of the participation of women in the workforce, the Rosie the Riveters, and the contributions that they made to the homefront campaign to not only ready America for the war, to keep it engaged in the war, but to win that war in Europe and in the Pacific campaigns.

Thousands and thousands of workers migrated across the country to come to California to work in the war industries, to work on the West Coast, in Seattle, in Puget Sound, and elsewhere in those war industries. As they did, they changed, as so many of our colleagues have already spoken to, they changed the face of the workforce, they changed the race of the workforce, they changed the makeup of the workforce, and they changed the attitudes of employers toward workers. Because at the Kaiser Shipyard they knew that they needed to keep every employee on the job all of the time.

That is why we saw what is now the Kaiser health care system. The largest HMO in the country today was started in the Kaiser shipyards in Richmond, California. It was there because they provided full health care coverage for all of their workers and their families. In my district, of those people who have health care insurance, I think roughly three out of four are enrolled in the Kaiser insurance plan.

That is a legacy of the Rosie the Riveter days of the homefront effort during the war and is the model for child care in the workplace in this country. It was begun in these industries because of the necessity of making sure that these women could balance the care of their children, the good health of their children, and the need of this country to have them engage in the workforce.

I am very proud that one of my aunts, Laura Kerry, was a Rosie the Riveter in the shipyards. My father worked as a labor arbitrator for the shipyards between the workforce and the employers at that time.

So, again, I want to thank the gentlewoman from West Virginia (Mrs. CAPITO) for sponsoring this resolution, and the Women's Caucus and the gentlewoman from New York (Ms. SLAUGHTER) for her sponsorship on this side of this legislation.

Mr. Speaker, I urge all of my colleagues to support this measure.

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

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

I want to again thank the gentlewoman from West Virginia (Mrs. CAPITO) for her work on this legislation and for bringing forth the opportunity that we could all take a few minutes and say thank you to the women that we know, the Rosies, who have been here and who have worked.

I think that one of the things that they have done is that they set forth for us, as we have heard from so many of our speakers today, more or less a role model for how they lived patriotism, how they worked each and every day, and how they displayed that love of freedom. As some of our colleagues have talked, it was through victory gardens, it was through keeping other children, it was through enabling the women who could head into the factories and head into the workplace to be there and to do a great job. And, of course, they did change the face of the workplace.

But I think that, probably more than that, one of the things that they accomplished and did a tremendous job in accomplishing was giving us a peace dividend. That is something that their children and their grandchildren have enjoyed and continue to enjoy today, and it is because of the extraordinary effort of so many of the Rosie the Riveters. What a pleasure it is today for us to join together and to thank each and every one of them for those efforts.

Ms. PELOSI. Mr. Speaker, I am proud to join my colleagues and all the women Members of Congress in cosponsoring this resolution and honoring the contributions of the women who served the homefront during World War II. Symbolized by "Rosie the Riveter," these women answered the call to aid America at a pivotal time in our Nation's history.

Millions of "Rosies" produced the planes, ships, tanks, trucks, guns, and ammunition that America needed to win the war. They were the indispensable workforce at home that helped our Nation achieve victory abroad.

The Rosies not only equipped our country to win the war, they also made it a better place for women. These courageous and hard-working women broke down traditional barriers surrounding women and the workplace. Shattering stereotypes, the Rosies were not only successful workers but were also dedicated wives and mothers.

The Rosies created new opportunities for women in all parts of our society. They blazed a trail that American women continue to follow today. Sixty years later, "Rosie the Riveter" has become a lasting symbol of women's rights and an icon of the can-do spirit of women. As the famous Rosie poster said, "We can do it."

The Rosies helped build our military at a critical time, and they helped build a better America. We are all forever in their debt.

Ms. MAJETTE. Mr. Speaker, what does a woman say to those who have paved her way? We, each of us women in the Congress, could not have done it without you, Rosie. It certainly wasn't an easy haul, and we are still fighting, but you picked up a hammer, literally, and tore down the barrier. It took years for them to stop putting it up again, after all your hard work and patriotic dedication, but here we are.

Women of today have the Rosies to thank for ground gained in women's empowerment. Often thought of as the first substantial force of working women, you have certainly earned your place in history.

Across the Nation, more than 6 million Rosies departed from their everyday routine. And in my home state of Georgia, we have our very own Rosies still living and serving as an example of what it means to blaze a trail, to fight, to sacrifice, and to be an American patriot. As we honor these women who stayed on the home front and supported the war effort by passing House Concurrent Resolution

413, I want to thank Georgia's Rosies: Mary Isobel Keena, Atlanta; Constance Hagen, Hiawassee; Emery Gantz, Lawrenceville; Elizabeth Bolen Minton, Pine Mountain Valley; and Jeannie Mae Euler, whose family lives in Athens, GA, for all they have given to the country and the confidence of America's women.

These and all the other Rosies throughout the United States deserve our thanks as we honor each of them today—you taught the women of our country not only that we could do it, but that we can do anything.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank my colleague, especially Representatives SLAUGHTER, CAPITO SOLIS and BROWN-WAITE, the four co-chairs of the Congressional Caucus for Women's Issues. I was delighted to join my colleagues recently in meeting many of the ''Rosie'' women at an exhibit at Arlington Cemetery honoring their power and their commitment.

I am pleased to be here today to honor the contributions of the women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II. During World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory; Women transcended gender barriers and worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men.

''There cannot be true democracy unless women's voices are heard. There cannot be true democracy unless women are given the opportunity to take responsibility for their own lives. There cannot be true democracy unless all citizens are able to participate fully in the lives of their country.''—Hillary Rodham Clinton

Rosie the Riveter gave women a chance to have their voices heard and time to show their skills. The need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace. I have always believed that women are essential to breaking down barriers and creating a more egalitarian society. The Rosie the Riveter era proves just that.

World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs. The needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home. Now more than ever we must implement polices to show women that we will continue their work. If we can provide childcare for the ''Rosies,'' we certainly owe it to later generations as well.

I want to close with a story of a true Rosie the Riveter; Katie Grant. Katie and Melvin Grant moved from Oklahoma to California in 1943 with their 6-week-old daughter, Laquetta. After working together as fruit packers, Melvin found a job at a fish cannery in Point San Pablo and Katie worked in the Richmond Shipyards. By December, Melvin had joined the Marine Corps and, until his return in August 1945, fought in the Pacific theatre. Katie's testimonial states:

''I worked the graveyard shift 12:00–8:00 a.m., in the shipyard. I took classes on how to weld. I had leather gloves, leather pants, big hood, goggles and a leather jacket. They said you weld like you crochet.

''Well, I did not know how to do that, but I could sew and make a neat stitch. We held the welding rod with one hand and the torch fire in the right hand. Placed the rod in a seam and melted it down in a small bead seam and brushed it off with a steel brush.

''They put me forty feet down in the bottom of the ship to be a tacker. I filled the long seams of the cracks in the ship corners full of hot lead and then brushed them good and you could see how pretty it was. The welders would come along and weld it so it would take the strong waves and deep water and heavy weight. I liked it pretty good. I don't remember how much I got paid for working. Lots of people came to Richmond to work in the shipyards. Lots of women went to work to help with the war. I told Melvin later that I helped to make a ship for him to come home in.''

Ms. SLAUGHTER. Mr. Speaker, today we are honoring the work carried out by all of the ''Rosie the Riveters'' during World War II.

I would like to thank all those from both sides of the House who have shown strong support for H. Con. Res. 413.

I am pleased to state that every woman Representative has already joined together in an unprecedented, bipartisan demonstration of unanimous support by the entire Congressional Caucus for Women's Issues in cosponsoring this historic resolution.

This resolution allows us to:

Honor the extraordinary contributions of the women who dedicated service on the home front during World War II;

Recognize the lasting legacy of equal employment opportunity and support for childcare and health care developed during the ''Rosie the Riveter'' era; and

Call on the people of the United States to take the opportunity to study, reflect on, and celebrate the stories and accomplishments of women who served during World War II.

In conjunction with the dedication to the World War II Memorial on the National Mall this past Memorial weekend, we would like to take the opportunity today to reflect on the contributions made by women who served the country on the home front during World War II.

When 10 million people were abruptly departed from civilian duty, industries servicing the war recruited over 6 million women to fill those positions.

From across the country, and from all different backgrounds, women answered the call to service.

It was the ''Rosies'' who worked on the home front as welders, riveters, engineers, designers, managers and all kinds of other positions that had been traditionally held by men.

Women showed skill and dedication in often dangerous tasks that needed urgency in completion, and did so in record-breaking times.

These contributions showed us the admirable passion, drive and desire that the ''Rosies'' had.

For example, the women who worked at the Ford assembly plant in Richmond, California, built over 49,000 jeeps and prepared for shipment more than 20 percent of all combat vehicles used by the United States during World War II.

More than 25 percent of the Kaiser shipyard workforce in Richmond was made up of women, and produced more ships than any other shipyard in the United States.

The accomplishments Rosies achieved are not exclusive to the war alone. Their efforts of 50 years ago have helped strengthen women's position in society today.

The Rosies demonstrated:

That women are just as able to do the work that only men had been permitted to do;

That women are not inferior to men, and that they are just as able to succeed and even surpass men in the workforce; and

That it was women who stepped up to keep our country running during the war, and deserve to be appreciated by our entire Nation for their achievements.

The Rosie the Riveter/World War II Home Front National Park in Richmond, California is one of the steps we have taken to ensure the efforts of women during World War II are not forgotten.

This park will help preserve for the benefit of the United States the sites, structures and areas located in Richmond that were instrumental in war time efforts and success.

Finally, I would like to make a special note of one of the Rosies whom I had the opportunity to meet 2 weeks ago at a congressional reception that we had in honor of the Rosies.

One of my ''former constituents''—had I been serving in Congress at the time—Lois Turner worked as a mechanic at Bell Aircraft in Niagara Falls, NY, from 1943 to 1945.

I understand that because she had small hands, she was able to do the safety wiring in areas of the plane that others couldn't reach, often being held upside down for 15 minutes at a time to get to especially tight spots.

To Lois, and to all of the Rosies who have honored us with their presence for the celebrations in Washington, DC, over the past few weeks, as well as all Rosies everywhere—I thank you for your courageous service and dedication to our nation.

I urge my colleagues in the House of Representatives to pass this resolution unanimously, in a strong demonstration of our thanks to the millions of Rosie the Riveters who so valiantly served our country.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 413.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SIMPLE TAX FOR SENIORS ACT OF 2004

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4109) to allow seniors with Social Security and pension income to file their income tax returns on a new Form 1040SR without regard to the amount of interest or taxable income of the senior, as amended.

The Clerk read as follows:

H.R. 4109

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 ''Simple Tax for Seniors Act of 2004''.

SEC. 2. FORM 1040S FOR SENIORS.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall make available a form, to be known as ''Form 1040S'', for use by individuals to file the return of tax imposed by chapter 1 of the Internal Revenue Code of 1986. Such form shall be as similar as practicable to Form 1040EZ, except that—

(1) the form shall be available to individuals who have attained age 65 as of the close of the taxable year,

(2) the form may be used even if income for the taxable year includes—

(A) social security benefits (as defined in section 86(d) of the Internal Revenue Code of 1986),

(B) distributions from qualified retirement plans (as defined in section 4974(c) of such Code), annuities or other such deferred payment arrangements,

(C) interest and dividends, or

(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3)), and

(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after December 31, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. FOLEY) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

(Mr. FOLEY asked and was given permission to revise and extend his remarks, and include extraneous material.)

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

Mr. Speaker, let me first open up with the discussion on H.R. 4109 and the importance of this bill that is on the floor today, the Simple Tax For Seniors Act of 2004.

Mr. Speaker, in America, it is customary to recognize the long life and achievements of older citizens by offering a discount on rides, theater tickets, and other fees. While there are certainly many businesses that choose not to offer discounts, Federal law requires that all individuals be treated equally in public accommodations. Yet, there is an exception.

Instead of offering a discount, the IRS makes filing a tax return more difficult for seniors. Taxpayers aged 65 or older are not allowed to use the one-page form 1040EZ, even if they have a simple return and choose not to itemize deductions. Instead, seniors are required to file using the far more complicated form 1040 and its numerous schedules.

There are over 35 million seniors over the age of 65, and the IRS receives over 10 million standard tax returns from seniors each year. Due to the retirement of the baby boom generation, this number is expected to rise to 12.5 million by 2010. The IRS has taken note of this trend and, thankfully, the agency is working on a new simplified tax form for seniors. But even though the test form has been popular among a focus group of seniors, the IRS has not yet fully or finally decided to implement the new form and make it available.

The IRS estimates that the new form, assuming it is made available, will simplify tax filing for millions of seniors and their tax preparers.

□ 1445

This legislation will assure the IRS devises a simple form for seniors to use in filing their 2005 tax returns.

Senior taxpayers earning Social Security, retirement benefits, interest and capital gains will be able to meet their obligations on a simple tax form tailored to the specific needs of senior filers.

Because it will make tax filing easier for seniors, the bill has the strong support of the AARP, the American Association of Retired Persons, and the 60–Plus Association.

Mr. Speaker, during the past several weeks, we have addressed the marriage penalty and other problems with the tax system. Now is the time to address the senior penalty. There is little justification for denying seniors access to a means of filing that is so popular and efficient.

I would like to thank the gentleman from Georgia (Mr. BURNS) and the gentleman from California (Mr. COX) for championing this piece of legislation. I urge my colleagues to support the legislation.

I also know it will be difficult for those to see, but it is a 1040EZ form. It is very, very simple; it is easy to read. It is not complicated, and it provides all the details necessary for the IRS to properly calculate either liabilities or refunds. The beauty of a form like this is that it is simple. Many know that even those who have the help of accountants find it an enormous task in completing the IRS required forms. But for the seniors to be further penalized by not being able to participate in this easy document is simply shameful. So we are very excited about the chance to bring this bill to the floor.

I have as well, and I will provide and place into the RECORD, the floor statement of the gentleman from California (Mr. COX) relative to this; but I want to take a moment also to single out one of his constituents, a member of the Silver Haired Congress, Mr. Roland Boucher of California, Orange County, California. This idea germinated basically in a discussion of the Silver Haired Congress.

Many people I know say nothing ever gets through Congress. You cannot reach the people. It is hard for them to understand the difficulties people face. They are just not hearing me. Well, Mr. Boucher, your idea has merit. It has been brought to the attention of the policy committee. The gentleman from California (Mr. COX) is the chairman of the policy committee and, of course, he is a member of the Congress, but also the hard working efforts of the gentleman from Georgia (Mr. BURNS), who decided to team up together to make certain that this idea not only was vetted properly in the policy committee but was ultimately brought forward by the Committee on Ways and Means which has jurisdiction for Social Security.

So to Mr. Boucher and the Silver Haired Congress, I salute you for taking the time to bring the idea and the notion to Congress of the inequity of the current situation where seniors were not allowed to file on the simple form. It is another example of where Congress hears from constituents and legislation is enacted on this floor, the people's House, bringing these ideas forward for seniors everywhere to enjoy the simplified form.

So I place Mr. COX's statement into the RECORD, who had to go to the White House for some briefings on homeland security, a very, very important topic. And I know he wants this placed in the RECORD.

Mr. Speaker, at this point I will also enter into the RECORD the 1040S form so it can be part of the testimony.

Form **1040S** Department of the Treasury—Internal Revenue Service
U.S. Individual Income Tax Return **200X**
IRS Use Only—Do not write or staple in this space.

OMB No. 1545-0074

Label (See page 19.)
Use the IRS label or print or type.

Your first name and initial	Last name	Your social security number
If a joint return, spouse's first name and initial	Last name	Spouse's social security number
Home address (number and street). If you have a P.O. box, see page 20.	Apt. no.	
City, town or post office, state, and ZIP code. If you have a foreign address, see page 20.		

▲ **Important!** ▲ You **must** enter your SSN(s) above.

Presidential Election Campaign (See page 20.) ▶ **Note.** Checking "Yes" will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want $3 to go to this fund? ▶ You ☐ Yes ☐ No Spouse ☐ Yes ☐ No

Filing Status Check only one box.
1 ☐ Single 2 ☐ Married filing jointly (even if only one had income)

Exemptions
3a ☐ **Yourself.** If someone can claim you as a dependent, **do not** check box 3a
b ☐ **Spouse**
Number of boxes checked on 3a and 3b ▶ 3c ☐

Adjusted Gross Income

4	Wages, salaries, tips, etc. Attach Form(s) W-2	4	
5a	**Taxable** interest. Attach Schedule B if required	5a	
b	**Tax-exempt** interest. **Do not** include on line 5a — 5b		
6a	Ordinary dividends. Attach Schedule B if required	6a	
b	Qualified dividends (see page 23) — 6b		
7	Taxable refunds, credits, or offsets of state and local income taxes (see page 23)	7	
8	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ ☐	8	
9a	IRA distributions, pensions, and annuities — 9a — b Taxable amount (see page 25)	9b	
10a	Social security benefits — 10a — b Taxable amount (see page 27)	10b	
11	**Adjusted gross income.** Add the amounts in the far right column for lines 4 through 10b ▶	11	

Taxable Income

12	Check if: ☐ **You** were born before January 2, 19XX, ☐ Blind. ☐ **Spouse** was born before January 2, 19XX, ☐ Blind. **Total boxes checked** ▶ 12 ☐		
13	Enter the **larger** of your: **Itemized deductions** from Schedule A **or** **Standard deduction** shown below for your filing status. **But** see page 32 if you checked any box on line 12 **or** someone can claim you as a dependent. • Single, $X,XXX • Married filing jointly, $X,XXX	13	
14	Subtract line 13 from line 11	14	
15	If line 11 is $XXX,XXX or less, multiply $X,XXX by the number of exemptions entered in the box on line 3c. If line 11 is over $XXX,XXX, see the worksheet on page 33	15	
16	**Taxable income.** Subtract line 15 from line 14. If line 15 is more than line 14, enter -0-	16	

DRAFT 10/12/03

Form 1040S (200X) Page 2

Tax, Credit, and Payments

17	Amount from line 16 (taxable income)		17
18	**Tax** (see page 34)		18
19	**Alternative minimum tax** (see page 34). Attach Form 6251		19
20	Add lines 18 and 19		20
21	Credit for the elderly or the disabled. Attach Schedule R		21
22	**Total tax.** Subtract line 21 from line 20. If line 21 is more than line 20, enter -0- ▶		22
23	Federal income tax withheld from Forms W-2 and 1099	23	
24	200X estimated tax payments and amount applied from 200X return	24	
25	**Total payments.** Add lines 23 and 24 ▶		25

Refund

26	**Amount overpaid.** If line 25 is more than line 22, subtract line 22 from line 25		26
27a	Amount of line 26 you want **refunded to you** ▶		27a

Direct deposit? See page 40 and fill in 27b, 27c, and 27d.

▶ b Routing number ▶ c Type: ☐ Checking ☐ Savings

▶ d Account number

28	Amount of line 26 you want **applied to your 200X estimated tax** ▶	28	

Amount You Owe

29	**Amount you owe.** Subtract line 25 from line 22. For details on how to pay, see page 41 ▶		29
30	Estimated tax penalty (see page 42)	30	

Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see page 42)? ☐ **Yes.** Complete the following. ☐ **No**

Designee's name ▶ Phone no. ▶ ( ) Personal identification number (PIN) ▶

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and accurately list all amounts and sources of income I received during the tax year. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See page 20. Keep a copy for your records.

Your signature	Date	Your occupation	Daytime phone number ( )
Spouse's signature. If a joint return, **both** must sign.	Date	Spouse's occupation	

Paid Preparer's Use Only

Preparer's signature	Date	Check if self-employed ☐	Preparer's SSN or PTIN
Firm's name (or yours if self-employed), address, and ZIP code		EIN	
		Phone no. ( )	

Printed on recycled paper Form **1040S** (200X)

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

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

Mr. Speaker, I am very worried that somebody might hurt themselves patting themselves on the back on this one so let me put this in perspective. What we are about to legislate is a congressional directive to the Treasury Department, to the agency overseeing the IRS, to do what the IRS is doing.

We are all for simplified tax forms for seniors, and I will be happy to support this legislation. I will go into the detail of it in a minute. I have got before me and I will offer as an exhibit in the RECORD a sample form released by the Treasury Department yesterday which is precisely the subject of the legislation before us.

In other words, in this instance, Congress appears to be scrambling to try and get in front of the parade that is already well under way. We have prospects, I believe, of bringing this online with or without this legislation. But because everyone is for tax simplification for seniors, I urge my colleagues to vote for it.

To correct any misunderstandings, seniors are not presently precluded from using the 1040EZ form. On the other hand, it does not capture a senior citizen deduction relevant to their needs. That is why seniors using simplified forms tend to use the form 1040A. It is a simplified form, 20 million Americans use it, a number of them seniors; but it includes items not relevant to seniors' taxable situations. Items like educator expenses, student loan interest, tuition and fees deductions, these are extra lines on here. They are very clear what they purport to mean, but they are irrelevant to a senior's considerations.

So the IRS, under the leadership of Commissioner Mark Everson, has developed a form that is simple, two pages, captures the sources of income commonly reported by seniors, including investment income, pension, interest, dividend income, capital gains and losses. It includes all of that, but still in a simplified form with a larger font to make it a little more readable for seniors.

I commend the commissioner for his leadership of the IRS. I believe that he has taken steps to improve its service to taxpayers while improving compliance with the Tax Code by the taxpayers. I am very heartened about the stepped-up targeted audit activities geared toward large corporate concerns that have been routinely cheating on the Tax Code. I also commend him for this particular initiative simplifying the Tax Code for seniors. I guess we in Congress thought it was such a good idea we are scrambling to get a little bit of the credit ourselves.

So I would urge my colleagues on both sides of the aisle to support this legislation.

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

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

I would like to commend the majority. When we took control of Congress in 1994, we were very specific in sending a message to the IRS through hearings we held here in the Capitol that we wanted more simplified forms. So I do not agree to the notion that somehow we are trying to get ahead of the curve here or catch up with the IRS. It is after our pleadings with them to make the IRS more user friendly do we find ourselves now viewing the forms that they are testing. In fact, they have been tested in two locations, in Tampa and in Minneapolis, so we know that the tests are receiving very popular and positive acclamation.

Our idea is that we now further define it so that the IRS, in fact, will make this available for all seniors who choose to use them.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BURNS), the author of this legislation.

Mr. BURNS. Mr. Speaker, I thank the gentleman from California (Mr. COX) and the policy committee in working with me on this legislation, the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, and the gentleman from Florida (Mr. FOLEY) for managing the debate and supporting this legislation today.

This is a Simple Tax For Seniors Act. Simple. Simple tax for seniors. 1982, 24 years ago, the IRS developed the 1040EZ which works for everyone in America except seniors. 24 years. The IRS had an opportunity to correct an oversight, really a blatant example of age discrimination, and yet they have chosen not to act. We are in a position today to correct that problem.

It is incredible, absolutely incredible that the current tax law provides simplified tax forms for all Americans except those over 65. This is nothing other than age discrimination on the part of the Federal agency, the IRS. We are told that this injustice stems from an earlier era where all Americans retired at 65 and the 1040EZ had no place to report retirement income. That is no excuse. It is no excuse for not providing a short form for our seniors. If a 1040EZ does not do the job, then we ought to have a separate form that does. Again, that is what this bill does today.

This legislation creates the 1040S for seniors that is a simplified tax form. It will provide our seniors with a short form similar to the EZ that all the country can use; and amazingly enough, it results in tax savings. Tax savings and Federal dollar savings for the IRS.

There are an estimated 11 million Americans over the age of 65 who currently file the standard 1040 form without taking one itemized deduction. They would be delighted to be able to use a new short form if one were available. We know that the current EZ form costs the IRS about half as much to process as the standard 1040. So we can reasonably expect that we will save 50 percent of the cost of processing associated with the 1040S.

Are there any objections to the bill? Apparently not. I am delighted to have the support from both parties, from both sides of the aisle; but we are not willing to admit the fact that this is something that we have to get done today. Some believe that this form will make it easier for seniors to file their taxes, but it might be at the expense of making it harder for the IRS to audit their returns through an automated system. I do not think that is the case; but if it is the case, then I am going to side with the senior taxpayer over the Federal tax collectors each day and every day.

Some believe that we ought to do nothing. Just wait, just wait for the IRS to make the changes themselves, that given time, given time, they will do what is right. They will do what they ought to do. They will create a form. We have been waiting 24 years.

Why is this bill necessary? We have had a 1040EZ for 2 decades without having a single, simple tax form for seniors. Really a violation of the Civil Rights Act. The Treasury says they are still studying the matter.

We have crafted this bill with the help of the Committee on Ways and Means, working with Treasury, to ensure that the bill guarantees a truly effective short form by 2005, a date certain, 2005. We have done so without leaving any loophole.

Do not allow the IRS to avoid moving forward to produce anything less than a simple form for seniors equal to the simple form employed by all other taxpayers. We have amended the bill to remove all excuses for creating a true short form and provide the force of law against an action spanning years, and indeed decades, by bureaucrats. It does not take the IRS 2 years to audit seniors. It does not take them 2 years to place liens on their homes. It should not take 2 years to draw up a simple form to make it a little easier for seniors to figure out their tax obligation; 2 years can be an eternity for someone in their sunset years.

So if the IRS is truly planning on finally coming out with this short form for seniors, fine. This bill will not hurt a thing. But if they are planning on more stalling, they just got a kick start from the Congress. We are resolved that before this session is over, we will have a law in place that guarantees our seniors will no longer be subject to the blatant age discrimination that they have suffered for years through not having access to a short filing form like the rest of their fellow Americans.

My colleagues, it is pretty simple. It is time that we pass the Simple Tax Act For Seniors, H.R. 4109. I urge my colleagues to support this legislation.

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

Mr. Speaker, back in North Dakota people chuckle about the story of the chicken who was absolutely convinced that dawn arrived as a consequence of his crowing. Well, we have heard some crowing today. And the reality is we are going to have a simplified tax form for seniors. In fact, the Treasury Department has published it, shown us what it is going to look like. All this without a congressional bill. But what the heck. It is a good idea so let us join the party and quickly pass this bill.

I would like to straighten out a couple of things. It is not, as my friend and colleague on the Committee on Ways and Means said, that over the last 10 years of Republican majority in this House they have marched steadfastly towards the goal of tax simplification. Well, we all know the reality is a bit different. Hundreds of pages have been added to the Tax Code. It is more complex than ever. Things phase in; things phase out. It is a nightmare. And so I am really delighted to hear both sides of the aisle talking about tax simplification.

I believe this is precisely something we need to do. Now, while the 1040EZ was crafted essentially to capture those that are just basically reporting their W–2 statements, single people or married, wage earners without children, it has done a good job of that. Obviously, senior citizens fall into a different bracket. They have been using the 1040A, which is another simplified form; but we can improve on the 1040A.

I am very pleased that the commissioner of the IRS has demonstrated leadership once again with this 1040S, which I think will be a much better form. To help illustrate the order of events here, this bill before us, H.R. 4109, was introduced, but in the end was not consistent with the work under way at Treasury and IRS to develop a new IRS form. So H.R. 4109 was amended to reflect precisely the work being already done at Treasury. Well, let us salute them for a job well done. I guess we could clap them on the back with a resolution of congratulations. Instead, we will demonstrate our fervor by passing this legislative directive under the suspension bill.

All of that really does not matter. What matters is that we get a simpler form that is going to help seniors, make it easier than ever for seniors filing their taxes. That is what this resolution does. That is why I am going to vote for it.

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

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

First, let me suggest to our colleagues there are several vehicles that would help simplify the IRS completely. The gentleman from Georgia (Mr. LINDER) has a sales tax proposal that is very thoughtful and worth studying, and I urge some Members on both sides of the aisle if they would like to actually simplify the operation of the IRS, they look at that piece of legislation. There are other proposals such as the flat tax proposal that again bears some discovery and conversation.

So as we continue to try and make the IRS as user friendly as we possibly can, I just commend my colleagues to look at that situation.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH), the Chair of the Subcommittee on Research. He is also a member of the Committee on International Relations and a sponsor of flat tax.

Mr. SMITH of Michigan. Mr. Speaker, over the last few years, we have been able to cut taxes; but we have not been able to simplify those taxes. Maybe this is a step in the right direction. And I am the prime sponsor of the flat tax because there is so much favoritism that is now incorporated by special interests, lobbyists and groups putting into our Tax Code, that every favor becomes a disservice to everybody else that has to make up those taxes.

Today the Federal Tax Code has 400 percent more words than the Bible and accompanying the law are a staggering 2.5 million pages of regulations. As a result, it now takes a person filing a 1040 form a full 13 hours and 27 minutes to do their taxes.

H.R. 4109 helps seniors reduce this burden by requiring the IRS, and not leaving it to their discretion, where some administrations might say, let us go ahead and have a 1040S and some administrations say, well, we do not need the 1040S. But this would require the IRS to have a more simplified version of the tax form for seniors.

Under present IRS rules, more than 35 million individuals age 65 or older are not permitted to use the 1040EZ; and the ratio of seniors to all individual income tax filers is growing. According to an IRS study, the return filing population aged 65 and over will grow from 10.7 million in 2000 to 12.5 million in 2010. In light of this trend, the IRS has been considering, like the gentleman from North Dakota (Mr. POMEROY) suggests, a simplified tax form for seniors. This legislation will assure IRS follows through on its promise to make such a form available. In particular, the bill requires the IRS to offer to individuals age 65 and over a form 1040S that is as similar as practicable to the 1040EZ.

The IRS is instructed to make the form available notwithstanding the receipt of Social Security benefits, distributions from a qualified retirement plan, annuities or other deferred payment arrangements, interests or dividend or capital gains or losses.

Finally, the IRS is instructed not to establish an income threshold for use of the form so that seniors with incomes in excess of the $50,000, the current threshold for form 1040EZ, will be permitted to use the simplified form.

The IRS estimates that as many as 11 million seniors will use the new form in the first year it is made available.

As one of the few members of Congress who does his own taxes, I am well aware of the mind-numbing complexity of figuring out the income tax. As the old saying goes, there's nothing certain but death and taxes. We can't do anything about death, but we can and should make taxes as fair and easy as possible.''

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

Mr. Speaker, we should pass this bill. It is a good bill. We should simplify the Tax Code for seniors. That effort has been well under way. I am very pleased the IRS has had the work focus group tested so they have been able to draw direct feedback from senior constituents representative of those who will now be using the new form. I am pleased to vote for this bill.

I, just again, to put it all in perspective, let us not be claiming too much credit here. This effort was well under way, but it is a good thing to do. Let us do it.

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

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

Mr. Speaker, today we have an opportunity to make life easier for millions of American seniors who file a tax return. In view of the large number of seniors and the relatives who file on their own and the growing number of seniors, the IRS has long recognized the need to simplify tax filing for seniors.

In support of this goal, the IRS has conducted focus group meetings in Tampa, Florida and Minneapolis, Minnesota in which group members praised a test form 1040S developed by the IRS. If Congress does not act, however, there is no guarantee that the IRS will make this simple filing option available. Moreover, seniors will continue to be barred from using form 1040EZ because of their age.

The American Association For Retired Persons supports this legislation. So does 60–Plus. And the Joint Committee on Taxation has concluded that it will not cost anything in terms of revenue.

Mr. Speaker, I want to thank the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, for bringing this measure to the floor; the gentleman from California (Mr. COX), chairman of the policy committee; the gentleman from Georgia (Mr. BURNS), the sponsor of this legislation; my colleague, the gentleman from North Dakota (Mr. POMEROY), on the Democratic side; and again a special recognition of Mr. BOUCHER of the Silver Haired Congress from Orange County, California, for illuminating the problem and bringing this idea to the United States House of Representatives.

Mr. COX. Mr. Speaker, thanks to the gentleman from Georgia, Mr. BURNS, for sponsoring this outstanding and much-needed reform of our tax system. This bill will direct the IRS to create a simpler, shorter, less time-consuming tax return for America's senior citizens. As you might expect, Mr. BURNS' success with this bill means that seniors will save

time and money during tax season, but the good news for all of us is that in fact, all taxpayers will benefit, because simple forms cost the IRS less money to process. So we are cutting government spending with the passage of this act. According to the IRS, the government spends 50 percent more processing the standard 1040 than it does processing the short 1040EZ form.

I appreciate Mr. BURNS' leadership on this issue. I also want to thank a constituent of mine, Roland Boucher, for helping to put this issue on the map and for sharing with me a number of ideas which I shared with Congressman BURNS, who led this lightning-strike campaign to craft a bill, bring it to the House floor, and provide relief for seniors in time for the 2005 tax year. Roland Boucher, who is my delegate to the National Silver Haired Congress and Chairman of United Californians for Tax Reform, has been a tireless advocate for this legislation and similar tax reforms in State and local government. And he has sent a message from Orange County, California. Says Roland, "Please tell Congressman BURNS that he is about to make a lot of seniors very happy. We are tired of being denied a simple option for filing our taxes simply because of age. We're tired of being treated as second-class taxpayers just because we've attained a level of wisdom and experience to which others can only aspire."

Representative BURNS' bill is a valuable reform for America's more than 35 million seniors, all of whom are denied the use of the existing 1040EZ form by IRS regulation. Simplicity and a less time-consuming process at tax time could yield enormous benefits, precisely because the IRS has made the current system so difficult. The Tax Foundation estimates that taxpayers spend almost 6 billion hours per year complying with our Federal income tax system at an annual cost of $194 billion. This difficulty in meeting the demands that the law and the IRS have placed upon Americans is on the rise. The Tax Foundation estimates that by 2007 the cost could soar as high as $350 billion.

You might think that almost all of this time and money is spent by huge corporations with their complicated capital structures and multitudinous business operations. Wrong. 45 percent of the costs are borne by individuals. Does this burden fall most heavily on the rich, with their various assets and more complicated financial lives? No. The Tax Foundation discovered that compliance costs are highly regressive. Taxpayers with adjusted gross income of less than $20,000 pay a staggering 4.5 percent of income merely in compliance costs. This is an outrageous and unacceptable bureaucratic tax on all Americans, but today we focus only on the unfair treatment of seniors. For a moment let us all imagine what it must be like to be a retired low-income senior, working hard to make ends meet on a fixed income, and then to have to devote almost 5 percent of that limited income just to figure out how much money you owe the IRS. Talk about adding insult to injury. It's time to cut the hassle tax, the anxiety tax, the confusion tax of having to complete an endless, complicated tax return.

Mr. BURNS and I want simplicity and an end to the enormous compliance tax for all Americans. Today, I am proud to stand with the gentleman from Georgia as he leads the first phase of the campaign—relief for America's millions of senior taxpayers. This reform is long overdue. I thank the gentleman from Georgia for making it happen.

Mr. COLLINS. Mr. Speaker, I rise to state my strong support of H.R. 4109, the Simple Tax for Seniors Act of 2004, which would require the Internal Revenue Service to offer a simplified tax form for America's senior citizens.

I commend my Georgia colleague, Congressman MAX BURNS, for introducing this legislation. This common sense legislation would create a new form entitled "1040–S" that would enable seniors to file their tax returns in less time and in a simpler format. The new form, which would be similar to the 1040EZ, would be available to seniors for their use when they file their 2005 income tax returns.

Under current law, many seniors cannot use Forms 1040A or 1040EZ, because the IRS limits their use to individuals with less than $50,000 in taxable income.

The bill instructs the IRS to make the form available in spite of the receipt of Social Security benefits, interest or dividends, capital gains or losses, or distributions from a qualified retirement plan, annuity, or other deferred payment arrangement. The IRS is also instructed not to establish an income threshold on the form so that seniors with incomes in excess of $50,000 will be permitted to use the simplified form.

I urge all my colleagues to lend a helping hand to America's senior citizens and vote in favor of the Simple Tax for Seniors Act of 2004.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Florida (Mr. FOLEY) that the House suspend the rules and pass the bill, H.R. 4109, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1086) to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003

SEC. 101. SHORT TITLE.

This title may be cited as the "Standards Development Organization Advancement Act of 2003".

SEC. 102. FINDINGS.

The Congress finds the following:

(1) In 1993, the Congress amended and renamed the National Cooperative Research Act of 1984 (now known as the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301 et seq.)) by enacting the National Cooperative Production Amendments of 1993 (Public Law 103–42) to encourage the use of collaborative, procompetitive activity in the form of research and production joint ventures that provide adequate disclosure to the antitrust enforcement agencies about the nature and scope of the activity involved.

(2) Subsequently, in 1995, the Congress in enacting the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) recognized the importance of technical standards developed by voluntary consensus standards bodies to our national economy by requiring the use of such standards to the extent practicable by Federal agencies and by encouraging Federal agency representatives to participate in ongoing standards development activities. The Office of Management and Budget on February 18, 1998, revised Circular A–119 to reflect these changes made in law.

(3) Following enactment of the National Technology Transfer and Advancement Act of 1995, technical standards developed or adopted by voluntary consensus standards bodies have replaced thousands of unique Government standards and specifications allowing the national economy to operate in a more unified fashion.

(4) Having the same technical standards used by Federal agencies and by the private sector permits the Government to avoid the cost of developing duplicative Government standards and to more readily use products and components designed for the commercial marketplace, thereby enhancing quality and safety and reducing costs.

(5) Technical standards are written by hundreds of nonprofit voluntary consensus standards bodies in a nonexclusionary fashion, using thousands of volunteers from the private and public sectors, and are developed under the standards development principles set out in Circular Number A–119, as revised February 18, 1998, of the Office of Management and Budget, including principles that require openness, balance, transparency, consensus, and due process. Such principles provide for—

(A) notice to all parties known to be affected by the particular standards development activity,

(B) the opportunity to participate in standards development or modification,

(C) balancing interests so that standards development activities are not dominated by any single group of interested persons,

(D) readily available access to essential information regarding proposed and final standards,

(E) the requirement that substantial agreement be reached on all material points after the consideration of all views and objections, and

(F) the right to express a position, to have it considered, and to appeal an adverse decision.

(6) There are tens of thousands of voluntary consensus standards available for government use. Most of these standards are kept current through interim amendments and interpretations, issuance of addenda, and periodic reaffirmation, revision, or reissuance every 3 to 5 years.

(7) Standards developed by government entities generally are not subject to challenge under the antitrust laws.

(8) Private developers of the technical standards that are used as Government standards are

often not similarly protected, leaving such developers vulnerable to being named as codefendants in lawsuits even though the likelihood of their being held liable is remote in most cases, and they generally have limited resources to defend themselves in such lawsuits.

(9) Standards development organizations do not stand to benefit from any antitrust violations that might occur in the voluntary consensus standards development process.

(10) As was the case with respect to research and production joint ventures before the passage of the National Cooperative Research and Production Act of 1993, if relief from the threat of liability under the antitrust laws is not granted to voluntary consensus standards bodies, both regarding the development of new standards and efforts to keep existing standards current, such bodies could be forced to cut back on standards development activities at great financial cost both to the Government and to the national economy.

SEC. 103. DEFINITIONS.

Section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301) is amended—

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

''(7) The term 'standards development activity' means any action taken by a standards development organization for the purpose of developing, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the standards development organization.

''(8) The term 'standards development organization' means a domestic or international organization that plans, develops, establishes, or coordinates voluntary consensus standards using procedures that incorporate the attributes of openness, balance of interests, due process, an appeals process, and consensus in a manner consistent with the Office of Management and Budget Circular Number A–119, as revised February 10, 1998. The term 'standards development organization' shall not, for purposes of this Act, include the parties participating in the standards development organization.

''(9) The term 'technical standard' has the meaning given such term in section 12(d)(4) of the National Technology Transfer and Advancement Act of 1995.

''(10) The term 'voluntary consensus standard' has the meaning given such term in Office of Management and Budget Circular Number A–119, as revised February 10, 1998.''; and

(2) by adding at the end the following:

''(c) The term 'standards development activity' excludes the following activities:

''(1) Exchanging information among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required for the purpose of developing or promulgating a voluntary consensus standard, or using such standard in conformity assessment activities.

''(2) Entering into any agreement or engaging in any other conduct that would allocate a market with a competitor.

''(3) Entering into any agreement or conspiracy that would set or restrain prices of any good or service.''.

SEC. 104. RULE OF REASON STANDARD.

Section 3 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4302) is amended by striking ''of any person in making or performing a contract to carry out a joint venture shall'' and inserting the following: ''of—

''(1) any person in making or performing a contract to carry out a joint venture, or

''(2) a standards development organization while engaged in a standards development activity, shall''.

SEC. 105. LIMITATION ON RECOVERY.

Section 4 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4303) is amended—

(1) in subsections (a)(1), (b)(1), and (c)(1) by inserting '', or for a standards development activity engaged in by a standards development organization against which such claim is made'' after ''joint venture'',

(2) in subsection (e)—

(A) by inserting '', or of a standards development activity engaged in by a standards development organization'' before the period at the end, and

(B) by redesignating such subsection as subsection (f), and

(3) by inserting after subsection (d) the following:

''(e) Subsections (a), (b), and (c) shall not be construed to modify the liability under the antitrust laws of any person (other than a standards development organization) who—

''(1) directly (or through an employee or agent) participates in a standards development activity with respect to which a violation of any of the antitrust laws is found,

''(2) is not a fulltime employee of the standards development organization that engaged in such activity, and

''(3) is, or is an employee or agent of a person who is, engaged in a line of commerce that is likely to benefit directly from the operation of the standards development activity with respect to which such violation is found.''.

SEC. 106. ATTORNEY FEES.

Section 5 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4304) is amended—

(1) in subsection (a) by inserting '', or of a standards development activity engaged in by a standards development organization'' after ''joint venture'', and

(2) by adding at the end the following:

''(c) Subsections (a) and (b) shall not apply with respect to any person who—

''(1) directly participates in a standards development activity with respect to which a violation of any of the antitrust laws is found,

''(2) is not a fulltime employee of a standards development organization that engaged in such activity, and

''(3) is, or is an employee or agent of a person who is, engaged in a line of commerce that is likely to benefit directly from the operation of the standards development activity with respect to which such violation is found.''.

SEC. 107. DISCLOSURE OF STANDARDS DEVELOPMENT ACTIVITY.

Section 6 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4305) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively,

(B) by inserting ''(1)'' after ''(a)'', and

(C) by adding at the end the following:

''(2) A standards development organization may, not later than 90 days after commencing a standards development activity engaged in for the purpose of developing or promulgating a voluntary consensus standards or not later than 90 days after the date of the enactment of the Standards Development Organization Advancement Act of 2003, whichever is later, file simultaneously with the Attorney General and the Commission, a written notification disclosing—

''(A) the name and principal place of business of the standards development organization, and

''(B) documents showing the nature and scope of such activity.

Any standards development organization may file additional disclosure notifications pursuant to this section as are appropriate to extend the protections of section 4 to standards development activities that are not covered by the initial filing or that have changed significantly since the initial filing.'',

(2) in subsection (b)—

(A) in the 1st sentence by inserting '', or a notice with respect to such standards development activity that identifies the standards development organization engaged in such activity and that describes such activity in general terms'' before the period at the end, and

(B) in the last sentence by inserting ''or available to such organization, as the case may be'' before the period,

(3) in subsection (d)(2) by inserting '', or the standards development activity,'' after ''venture'',

(4) in subsection (e)—

(A) by striking ''person who'' and inserting ''person or standards development organization that'', and

(B) by inserting ''or any standards development organization'' after ''person'' the last place it appears, and

(5) in subsection (g)(1) by inserting ''or standards development organization'' after ''person''.

SEC. 108. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to alter or modify the antitrust treatment under existing law of—

(1) parties participating in standards development activity of standards development organizations within the scope of this title, including the existing standard under which the conduct of the parties is reviewed, regardless of the standard under which the conduct of the standards development organizations in which they participate are reviewed, or

(2) other organizations and parties engaged in standard-setting processes not within the scope of this amendment to the title.

TITLE II—ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2003

SEC. 201. SHORT TITLE.

This title may be cited as the ''Antitrust Criminal Penalty Enhancement and Reform Act of 2003''.

Subtitle A—Antitrust Enforcement Enhancements and Cooperation Incentives

SEC. 211. SUNSET.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 211 through 214 shall cease to have effect 5 years after the date of enactment of this Act.

(b) EXCEPTION.—With respect to an applicant who has entered into an antitrust leniency agreement on or before the date on which the provisions of sections 211 through 214 of this subtitle shall cease to have effect, the provisions of sections 211 through 214 of this subtitle shall continue in effect.

SEC. 212. DEFINITIONS.

In this subtitle:

(1) ANTITRUST DIVISION.—The term ''Antitrust Division'' means the United States Department of Justice Antitrust Division.

(2) ANTITRUST LENIENCY AGREEMENT.—The term ''antitrust leniency agreement,'' or ''agreement,'' means a leniency letter agreement, whether conditional or final, between a person and the Antitrust Division pursuant to the Corporate Leniency Policy of the Antitrust Division in effect on the date of execution of the agreement.

(3) ANTITRUST LENIENCY APPLICANT.—The term ''antitrust leniency applicant,'' or ''applicant,'' means, with respect to an antitrust leniency agreement, the person that has entered into the agreement.

(4) CLAIMANT.—The term ''claimant'' means a person or class, that has brought, or on whose behalf has been brought, a civil action alleging a violation of section 1 or 3 of the Sherman Act or any similar State law, except that the term does not include a State or a subdivision of a State with respect to a civil action brought to recover damages sustained by the State or subdivision.

(5) COOPERATING INDIVIDUAL.—The term ''cooperating individual'' means, with respect to an antitrust leniency agreement, a current or former director, officer, or employee of the antitrust leniency applicant who is covered by the agreement.

(6) PERSON.—The term ''person'' has the meaning given it in subsection (a) of the first section of the Clayton Act.

SEC. 213. LIMITATION ON RECOVERY.

(a) IN GENERAL.—Subject to subsection (d), in any civil action alleging a violation of section 1 or 3 of the Sherman Act, or alleging a violation of any similar State law, based on conduct covered by a currently effective antitrust leniency agreement, the amount of damages recovered by or on behalf of a claimant from an antitrust leniency applicant who satisfies the requirements of subsection (b), together with the amounts so recovered from cooperating individuals who satisfy such requirements, shall not exceed that portion of the actual damages sustained by such claimant which is attributable to the commerce done by the applicant in the goods or services affected by the violation.

(b) REQUIREMENTS.—Subject to subsection (c), an antitrust leniency applicant or cooperating individual satisfies the requirements of this subsection with respect to a civil action described in subsection (a) if the court in which the civil action is brought determines, after considering any appropriate pleadings from the claimant, that the applicant or cooperating individual, as the case may be, has provided satisfactory cooperation to the claimant with respect to the civil action, which cooperation shall include—

(1) providing a full account to the claimant of all facts known to the applicant or cooperating individual, as the case may be, that are potentially relevant to the civil action;

(2) furnishing all documents or other items potentially relevant to the civil action that are in the possession, custody, or control of the applicant or cooperating individual, as the case may be, wherever they are located; and

(3)(A) in the case of a cooperating individual—

(i) making himself or herself available for such interviews, depositions, or testimony in connection with the civil action as the claimant may reasonably require; and

(ii) responding completely and truthfully, without making any attempt either falsely to protect or falsely to implicate any person or entity, and without intentionally withholding any potentially relevant information, to all questions asked by the claimant in interviews, depositions, trials, or any other court proceedings in connection with the civil action; or

(B) in the case of an antitrust leniency applicant, using its best efforts to secure and facilitate from cooperating individuals covered by the agreement the cooperation described in clauses (i) and (ii) and subparagraph (A).

(c) TIMELINESS.—If the initial contact by the antitrust leniency applicant with the Antitrust Division regarding conduct covered by the antitrust leniency agreement occurs after a State, or subdivision of a State, has issued compulsory process in connection with an investigation of allegations of a violation of section 1 or 3 of the Sherman Act or any similar State law based on conduct covered by the antitrust leniency agreement or after a civil action described in subsection (a) has been filed, then the court shall consider, in making the determination concerning satisfactory cooperation described in subsection (b), the timeliness of the applicant's initial cooperation with the claimant.

(d) CONTINUATION.—Nothing in this section shall be construed to modify, impair, or supersede the provisions of sections 4, 4A, and 4C of the Clayton Act relating to the recovery of costs of suit, including a reasonable attorney's fee, and interest on damages, to the extent that such recovery is authorized by such sections.

SEC. 214. RIGHTS, AUTHORITIES, AND LIABILITIES NOT AFFECTED.

Nothing in this subtitle shall be construed to—

(1) affect the rights of the Antitrust Division to seek a stay or protective order in a civil action based on conduct covered by an antitrust leniency agreement to prevent the cooperation described in section 213(b) from impairing or impeding the investigation or prosecution by the Antitrust Division of conduct covered by the agreement;

(2) create any right to challenge any decision by the Antitrust Division with respect to an antitrust leniency agreement; or

(3) affect, in any way, the joint and several liability of any party to a civil action described in section 213(a), other than that of the antitrust leniency applicant and cooperating individuals as provided in section 213(a) of this title.

SEC. 215. INCREASED PENALTIES FOR ANTITRUST VIOLATIONS.

(a) RESTRAINT OF TRADE AMONG THE STATES.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by—

(1) striking ''$10,000,000'' and inserting ''$100,000,000'';

(2) striking ''$350,000'' and inserting ''$1,000,000''; and

(3) striking ''three'' and inserting ''10''.

(b) MONOPOLIZING TRADE.—Section 2 of the Sherman Act (15 U.S.C. 2) is amended by—

(1) striking ''$10,000,000'' and inserting ''$100,000,000'';

(2) striking ''$350,000'' and inserting ''$1,000,000''; and

(3) striking ''three'' and inserting ''10''.

(c) OTHER RESTRAINTS OF TRADE.—Section 3 of the Sherman Act (15 U.S.C. 3) is amended by—

(1) striking ''$10,000,000'' and inserting ''$100,000,000'';

(2) striking ''$350,000'' and inserting ''$1,000,000''; and

(3) striking ''three'' and inserting ''10''.

Subtitle B—Tunney Act Reform

SEC. 221. PUBLIC INTEREST DETERMINATION.

(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the purpose of the Tunney Act was to ensure that the entry of antitrust consent judgments is in the public interest; and

(B) it would misconstrue the meaning and Congressional intent in enacting the Tunney Act to limit the discretion of district courts to review antitrust consent judgments solely to determining whether entry of those consent judgments would make a ''mockery of the judicial function''.

(2) PURPOSES.—The purpose of this section is to effectuate the original Congressional intent in enacting the Tunney Act and to ensure that United States settlements of civil antitrust suits are in the public interest.

(b) PUBLIC INTEREST DETERMINATION.—Section 5 of the Clayton Act (15 U.S.C. 16) is amended—

(1) in subsection (d), by inserting at the end the following: ''Upon application by the United States, the district court may, for good cause (based on a finding that the expense of publication in the Federal Register exceeds the public interest benefits to be gained from such publication), authorize an alternative method of public dissemination of the public comments received and the response to those comments.'';

(2) in subsection (e)—

(A) in the matter before paragraph (1), by—

(i) striking ''court may'' and inserting ''court shall''; and

(ii) inserting ''(1)'' before ''Before''; and

(B) striking paragraphs (1) and (2) and inserting the following:

''(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

''(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

''(2) Nothing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.''; and

(3) in subsection (g), by inserting ''by any officer, director, employee, or agent of such defendant'' before '', or other person''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 1086.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1086, the Standards Development Organization Advancement Act of 2003. This legislation contains several important revisions to America's antitrust laws.

Title I of the legislation contains limited antitrust protection for standards development organizations. Technical standards play a critical role in fostering competition and promoting public health and safety. Without standards there would be no compatibility among broad categories of products and less confidence in a range of building, fire, and safety codes that promote the public welfare.

In the United States, most standards development is conducted by private nonprofit organizations known as Standards Development Organizations, or SDOs. This approach reflects the fact that private organizations are better able to keep up with the rapid pace of technological change. Congress has recognized the importance of SDOs and requires Federal agencies to adopt standards issued by these organizations whenever possible.

Over the last several years, the critical efforts of SDOs have been undermined by sometimes frivolous antitrust lawsuits. The growing frequency of these claims against SDOs stifles their ability to obtain technical information, hampers their effectiveness, and undermines the public goals that the SDOs advance.

I introduced this bill to remedy this problem. This legislation codifies the rule of reason for antitrust scrutiny of SDOs which requires courts to assess

whether the standards-setting activities of an SDO are procompetitive. It also limits the SDOs civil liability to actual, rather than treble, damages, and provides for the recovery of attorneys fees to substantially prevailing parties in antitrust actions against these organizations.

To receive these limited safeguards, H.R. 1086 requires the SDO to inform Federal antitrust authorities of the scope and nature of their activities and to devise and issue standards in a fair and open process prescribed by the legislation.

The Senate amendment we consider today also contains important bipartisan provisions that deter antitrust violations while strengthening antitrust enforcement efforts. Title II harmonizes the treatment of criminal antitrust offenders and other white collar criminals by increasing maximum prison terms for criminal antitrust violations from 3 to 10 years while increasing maximum individual fines for antitrust violations from $350,000 to $1 million. These provisions send an unmistakable message to those who consider violating the antitrust laws that if they are caught they will spend much more time considering the consequences of their actions within the confinement of their prison cells.

Title II also increases maximum corporate fines for antitrust violations from $10 million to $100 million. This considerable increase sends a clear signal to corporate officers and board members that a decision to violate antitrust laws will be severely punished.

Title II of the legislation also contains important modifications to the antitrust leniency program used by the Department of Justice to facilitate the detection and prosecution of antitrust violations. Under existing practice, parties that cooperate with Federal antitrust authorities to uncover violations may not be subject to government prosecution, but remain liable in civil actions brought by private parties. The bill creates an additional incentive for corporations to disclose antitrust violations by limiting their liability in related civil claims to actual damages. Furthermore, while a cooperating party would be liable only for damages attributable to that party's conduct, noncooperating conspirators will remain jointly and severally liable for treble damages for the misconduct of all of the conspirators.

As a result, the full scope of antitrust remedies against nonparticipating parties will remain available to the government and private antitrust plaintiffs.

Finally, the legislation clarifies the Tunney Act. This act gives Federal district courts some authority to review the merits of civil antitrust settlements with the United States before they enter final consent decrees.

□ 1515

Specifically, district courts in which an antitrust suit is brought must assess whether these decrees are ''in the public interest.'' The bill provides legislative guidance to the district courts by listing specific factors to be considered during this analysis. In addition, the legislation facilitates the transmission of comments received during Tunney Act proceedings by allowing Federal judges to order their publication by electronic or other means.

Mr. Speaker, H.R. 1086 contains important provisions that enhance the effectiveness of the antitrust laws and the authority of antitrust enforcement agencies to implement them.

The legislation is truly bipartisan and bicameral in nature, and while several people deserve credit for this legislation, I would like to recognize the late Committee on Science Chief Counsel Barry Beringer. Barry's hard work and dedication brought this legislation to the floor last year, and his decades of dedication and service brought great credit to this House. I urge my colleagues to support the legislation.

Pursuant to the general leave already granted, I will be placing into the RECORD a statement of legislative history that the gentleman from Michigan (Mr. CONYERS) and I have agreed to, and I ask that it appear in the RECORD at the end of my statement.

SUPPLEMENTAL LEGISLATIVE HISTORY FOR H.R. 1086, THE ''STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003'' AS ENROLLED BY THE HOUSE AND SENATE

When the House passed H.R. 1086, the ''Standards Development Organization Advancement Act of 2003,'' it only contained provisions directed at including standards-development activities undertaken by certain standards development organizations (SDOs) within the treatment accorded certain joint ventures by the National Cooperative Research and Production Act ''NCRPA.'' The Senate-passed version of H.R. 1086, which substantially incorporates the provisions of the House-passed version in its Title I, also contains an additional title, the ''Antitrust Criminal Penalty Enhancement and Reform Act of 2003.'' The following legislative history is submitted on behalf of the House Committee on the Judiciary jointly by Chairman Sensenbrenner and Ranking Member Conyers:

Section-by-Section Analysis of H.R. 1086

TITLE I—''STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003''

Section 101 contains the short title.

Section 102 sets forth the findings and purposes of the bill as they relate to standards development activities and standards development organizations (SDOs). The findings explain the purpose(s) behind the original enactment and subsequent amendment of the National Cooperative Research and Production Act (NCRPA). The findings also discuss how passage of the National Technology Transfer and Advancement Act of 1995 (NTTAA) unintentionally heightened the vulnerability of SDOs to antitrust litigation. The findings also explain how SDOs generally do not stand to benefit from any antitrust violation that might occur during the voluntary consensus standards development process. Finally, this section finds that continuing to subject SDOs to potential treble damages liability under the antitrust laws could impede pro-competitive standards development activity.

Section 103 adds to the existing definitions contained in section 2 of the NCRPA: The term ''standards development activity'' is defined as ''any action taken by a standards development organization for the purpose of developing, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the standards development organization.'' The definition of ''standards development activity'' excludes the following activities: exchanges of information, including competitively-sensitive information, among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required in order to develop or promulgate a voluntary consensus standard or in order to use the standard in conformity assessment activities; agreements or other conduct that would allocate a market among competitors; and agreements or conspiracies that would set or restrain prices of any good or service.

The definition of ''standards development activity'' is broad enough to encompass any action taken by an SDO in ''developing, promulgating, revising, amending. reissuing, interpreting or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the SDO.'' The ''Standards Development Organization Advancement Act of 2003'' is not intended to change or influence existing intellectually property policies currently utilized by various SDOs (including but not limited to, patent searches), nor to affect or influence new intellectual property policies that may be developed in the future. Such policies are vitally important to ensuring a level playing field among all users of a standard that incorporates patented technology. In addition, the legislation is not intended to change or alter the application of existing antitrust laws with respect to intellectual property. The legislation also seeks to encourage disclosure by intellectual property rights owners of relevant intellectual property rights and proposed licensing terms. It further encourages discussion among intellectual property rights owners and other interested standards participants regarding the terms under which relevant intellectual property rights would be made available for use in conjunction with the standard or proposed standard.

The term ''standards development organization'' is defined as ''a domestic or international organization that plans, develops, establishes or coordinates voluntary consensus standards . . . in a manner consistent with Office Management and Budget (OMB) Circular Number A–119, as revised on February 10, 1998.'' The definition includes only the voluntary consensus standards body conducting the particular standards development activity, and does not include firms participating in the standards development activity.

The term ''technical standard'' is defined by reference to section 12(d)(4) of the NTTAA. The term ''voluntary consensus standard'' is defined with reference to revised OMB Circular A–119.

Section 104 amends section 3 of the NCRPA to apply the rule of reason standard to SDOs with respect to covered standards development activities in which they are engaged.

Section 105 amends section 4 of the NCRPA to include properly structured standard-setting activity undertaken by SDOs as eligible for the protections set forth in that section, provided that such activities have been previously disclosed to the antitrust agencies in

accordance with the requirements of the NCRPA, as amended.

Section 106 amends section 5 of the NCRPA to include SDOs, in their involvement in covered standards development activities, within the scope of the NCRPA scheme for awarding attorneys' fees to substantially prevailing parties.

Section 107 amends section 6 of the NCRPA to apply the same disclosure requirements to SDOs as a condition for obtaining the detrebling of damages. In order to obtain the detrebling, the required disclosures must occur not later than 90 days after either the date the SDO commences the standards development activity or the date H.R. 1086 is enacted, whichever is later.

Section 108 provides that the legislation shall not be construed to alter or modify the antitrust treatment of parties participating in a covered standards development activity, except for the SDO conducting the activity, nor of anyone engaged in standard-setting processes that are not within the scope of the legislation.

TITLE II—''ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2003''

Subtitle A—Antitrust Enforcement Enhancements and Cooperation Incentives

Section 201 contains the short title.

Sections 211–214 strengthen the Antitrust Division's corporate criminal leniency program, by providing that an antitrust leniency applicant who cooperates satisfactorily with the Division in its criminal investigation and prosecution can also receive limited damages exposure in a related private civil action in exchange for satisfactorily cooperating with the private plaintiffs. As Senator Kohl, the co-sponsor of S. 1797 (which included the leniency provisions) stated, these provisions ''will remove a significant disincentive to those who would be likely to seek criminal amnesty and should result in a substantial increase in the number of antitrust conspiracies being detected.'' (Statement of Senator Kohl (co-sponsor of S. 1797) upon introduction of the measure, 149 CONG. REC. S13520 (daily ed. October 29, 2003)).

Section 211 states that sections 211–214 of the title shall sunset five years after the date of enactment, except with respect to ''an applicant who has entered into an antitrust leniency agreement on or before'' the sunset date.

Section 212, defines: ''Antitrust Division'' as ''the United States Department of Justice Antitrust Division''; ''antitrust leniency agreement'' as ''a leniency letter agreement, whether conditional or final, between a person and the Antitrust Division pursuant to the Corporate Leniency Policy of the Antitrust Division in effect on the date of execution of the agreement; ''antitrust leniency applicant'' as ''the person who has entered into the agreement'' described above; ''claimant'' as a ''person or class that has brought, or on whose behalf has been brought, a civil action alleging a violation of section 1 or 3 of the Sherman Act (Section 1 of the Sherman Act (15 U.S.C. §1) prohibits contracts or combinations in restraint of trade; section 3 (15 U.S.C. §3) applies §1 to the District of Columbia and to territories) or any similar State law,'' but specifically excludes plaintiffs who are states or subdivisions of states with respect to civil actions brought to recover damages sustained by the state or subdivision (i.e., civil actions not brought as parens patriae); ''cooperating individual'' as ''a current or former director, officer, or employee of the antitrust leniency applicant who is covered by the agreement''; and ''person'' as the term is defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. §12).

Section 213 states that conduct covered by a ''currently effective antitrust leniency agreement'' will subject an antitrust leniency applicant and its cooperating individuals, as defendants in a private or state enforcement antitrust action, to liability only for the actual portion of damages suffered by the claimant ''attributable to the commerce done by the applicant in the goods or services affected by the violation'' so long as the court in which the civil action is brought determines ''that the applicant or cooperating individual . . . has provided satisfactory cooperation to the claimant. . . .'' The section does not alter existing provisions of the antitrust laws with respect to recovery of costs, including reasonable attorneys' fees.

Satisfactory cooperation shall include ''providing a full account to the claimant of all facts known to the applicant or cooperating individual . . . that are potentially relevant to the civil action'' and ''furnishing all documents or other items that are potentially relevant to the civil action . . . that are in the possession, custody, or control of the applicant or cooperating individual . . . wherever they are located.'' The section's use of the term ''potentially relevant'' is intended to preclude a parsimonious view of the facts or documents to which a claimant is entitled. Documents or other items in the applicant's possession, custody, or control must be produced even if they are otherwise arguably located outside the jurisdiction of the U.S. courts.

If the leniency applicant has applied for a leniency agreement ''after a State, or subdivision of a State, has issued compulsory process in connection with an investigation of allegations of violations of either sections 1 or 3 of the Sherman Act or any similar State law based on conduct covered by the antitrust leniency agreement or after a civil action . . . has been filed,'' the court must consider the timeliness of the applicant's initial cooperation with the claimant. Thus, this section is not intended to allow antitrust defendants in a private lawsuit or state parens patriae investigation or enforcement action to apply to the Department of Justice at the last minute to avoid full treble-damage liability.

The court in which the civil action is brought is empowered to determine whether the necessary cooperation has occurred. The power of the court is the same whether the court is a state or federal court and whether the antitrust claims have been brought under state or federal laws. That cooperation includes providing full factual disclosure of all facts, documents, or other things that are relevant or potentially relevant. Because many leniency agreements may be with organizations rather than individuals, the section provides that any antitrust leniency applicant must use its ''best efforts'' to obtain and facilitate cooperation from individuals. Recognizing that there are discovery tools that plaintiffs can use in discovery of entities, this section is intended to require cooperation of entities in such discovery. For example, under Fed. R. Civ. P. 30(b)(6), a corporation or another entity may be noticed or subpoenaed to provide a corporate representative to testify on its behalf. If the leniency applicant is an organization, individuals employed by the organization may also qualify for reduced private damages exposure if they cooperate to the court's satisfaction.

Section 214 clarifies that the subtitle does not affect the right of the Antitrust Division ''to seek a stay or protective order in a civil action based on conduct covered by an antitrust leniency agreement,'' to prevent the leniency applicant's cooperation ''from impairing or impeding'' a Division investigation or prosecution. It also states that the subtitle does not create any right to challenge the decision of the Division concerning whether to grant a leniency agreement; nor does it affect the joint and several liability of any of the parties to civil antitrust actions covered by the subtitle other than the ''antitrust leniency applicant and cooperating individuals. . . .'' In combination with section 213, the rule of construction in this section preserving the application of joint and several liability as to all defendants other than the leniency applicant provides an additional incentive to corporations and individuals who have violated the antitrust laws to be the first to cooperate with the government and private litigants. While the antitrust leniency applicant who cooperates with civil plaintiffs will be liable only for single damages caused by its own unlawful conduct, the remaining defendants will be fully, jointly and severally liable for the treble damages the conspiracy caused, minus only the amount actually paid by the leniency applicant. This could have the effect of increasing the amount of damages the remaining defendants are ultimately required to pay.

Section 215 increases, for violations of sections 1–3 of the Sherman Act, statutory maximum monetary penalties from $350,000 to $1 million for individuals and business organizations other than corporations, and from $10 million to $100 million for corporations; and increases maximum jail sentences from three years to 10 years. These increases reflect Congress' belief that criminal antitrust violations are serious white collar crimes that should be punished in a manner commensurate with other felonies. This section will require the United States Sentencing Commission to revise the existing antitrust sentencing guidelines to increase terms of imprisonment for antitrust violations to reflect the new statutory maximum. No revision in the existing guidelines is called for with respect to fines, as the increases in the Sherman Act statutory maximum fines are intended to permit courts to impose fines for antitrust violations at current Guideline levels without the need to engage in damages litigation during the criminal sentencing process.

For example, Congress does not intend for the Commission to revisit the current presumption that twenty percent of the volume of commerce is an appropriate proxy for the pecuniary loss caused by a criminal antitrust conspiracy. This presumption is sufficiently precise to satisfy the interests of justice, and promotes efficient and predictable imposition of penalties for criminal antitrust violations. Comments to the guidelines provide that if the actual overcharge caused by cartel behavior can be shown to depart substantially from the presumed ten percent overcharge that underlies the twenty percent presumption, this should be considered by the court in setting the fine within the guideline fine range.

Subtitle B—Tunney Act Reform

Section 221 makes clear that Congress intends for the district court reviewing an antitrust consent decree to go beyond merely considering whether entry of the decree would ''make a mockery of the judicial function,'' (this is currently the standard in the Court of Appeals for the D.C. Circuit) and that the purpose of this section is ''to effectuate the original Congressional intent in enacting the Tunney Act. . . .''

The Public Interest Determination provision first amends the existing Tunney Act by allowing, for good cause shown, dissemination of public comments on proposed antitrust consent decrees and responses to them by an alternative to publication in the Federal Register; replaces ''may'' with ''shall'' in its directions to district courts reviewing consent decrees; adds to the factors that a reviewing court must consider, in determining whether the proposed decree is in the

public interest, ''whether its terms are ambiguous'' and ''the impact of entry of such judgment upon competition in the relevant market or markets''; clarifies that nothing in the section shall be construed as requiring the court to hold an evidentiary hearing or to permit anyone to intervene; and specifies that the written or oral communications made on behalf of a defendant, which the defendant is required to describe to the court under section 5(g) of the Clayton Act, include communications ''by any officer, director, employee, or agent of such defendant, or other person.''

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1086, the Standards Development Organization Advancement Act of 2003. This measure has strong bipartisan support in the Committee on the Judiciary, the House and the Senate, as is evidenced by its cosponsors. It provides important and significant improvements to our antitrust laws. We passed the bill last year, and it passed the Senate more recently with amendments, and we are here today to approve the identical version of the bill.

Title I of the bill recognizes that organizations set thousands of standards that keep us safe and provide uniformity for everything from fire protections to computer systems to building construction. When all DVDs are the same size, competitors can manufacture to the standard and compete. When all plugs are the same size, anybody can sell a lamp without having to insist on a particular brand name because they know all lamps have the standard plugs. Without the relief in this bill, industries may be reluctant to agree on a standard out of fear that treble antitrust damages may be available.

So this title provides a common sense safe harbor for standards development organizations. Those who voluntarily disclose their activities to Federal antitrust authorities will only be subject to single damages should a successful antitrust suit arise. Those who refuse to disclose their activities or those who take actions beyond their disclosures will be subject to the treble damages under the antitrust statutes.

The bill does not exempt anyone from antitrust laws but applies the rule of reason to standards development organizations that are acting in an open and forthright manner. If a violation is found, the organizations are still liable for damages, but single damages, rather than treble damages, which would now apply. However, organizations that commit specific serious antitrust violations, such as conspiring about standards on price, market share or territory division, will still be fully liable for their actions.

The rationale for the more favorable treatment of standards development organizations under these circumstances is that standards development organizations, as nonprofits that serve a cross-section of an industry, are unlikely themselves to engage in anticompetitive activities; and, without the risk of treble damages, they can be more innovative in their effort to develop standards which enhance product quality and safety while reducing costs.

Title II of the bill, the Antitrust Criminal Penalty Enhancement and Reform Act of 2003, increases the maximum criminal penalties for antitrust violations so that the disparity is eliminated between the treatment of criminal white collar offenses and antitrust criminal offenses.

This title also incorporates a leniency provision that encourages participants in an illegal conspiracy to turn in their co-conspirators. This provision allows the Department of Justice to limit the damages of the cooperating company's civil liability to actual, rather than treble, damages. The Department of Justice will only grant such leniency if the company provides adequate and timely cooperation to both the government and any subsequent private plaintiffs in civil suits. And because the remaining conspirators remain jointly and severally liable to treble damages, the victims' potential recovery is not reduced by leniency in this situation.

Finally, Title II of the bill reforms the Tunney Act to strengthen the Act's requirements that courts review antitrust consent decrees in a meaningful manner, not simply as a rubber stamp to such decrees.

H.R. 1086 is an important bill that modernizes and enhances enforcement of U.S. antitrust laws. I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) for their leadership and cooperative efforts on this bill, and I urge my colleagues to support it.

Mr. BOEHNER. Mr. Speaker, I submit the following letters for the RECORD:

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, May 28, 2004.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your May 17, 2004 letter regarding H.R. 3908, the ''To provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.'' I agree that the Committee on Ways and Means has jurisdiction over matters concerning the Social Security Act and the effect this bill would have on provisions within your Committee's jurisdiction. While these provisions are within the jurisdiction of the Committee on Ways and Means, I appreciate your willingness to work with me in moving H.R. 3908 forward without the need for additional legislative consideration by your Committee.

I agree that this procedural route should note be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Ways and Means on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future.

I thank you for working with me regarding this matter and look forward to continuing our work and cooperation on this bill and similar legislation. This letter and your response will be included in the Congressional Record during the floor consideration of this bill. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely,

JOHN BOEHNER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 17, 2004.

Hon. JOHN A. BOEHNER,
Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BOEHNER: I am writing concerning H.R. 3908, ''To provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio,'' which was introduced on March 4, 2004, and referred to the Committee on Education and the Workforce.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Social Security Act. Sec. 1 of H.R. 3908 would convey a property purchased using federal funds authorized under Titles III and IX of the Social Security Act, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3908, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 1086, the standards Development Organization Advancement Act of 2003. This measure has enjoyed bipartisan support in the Judiciary Committee, the House, and the Senate. It provides important and significant improvements to our antitrust laws.

Title I of the bill recognizes that standards development organizations set thousands of standards that keep us safe and provide uniformity for everything from fire protections to computer systems to building construction. This Title provides a common sense safe harbor for these organizations. Those that voluntarily disclose their activities to federal antitrust authorities will only be subject to single damages should a lawsuit later arise. Those who refuse to disclose their activities, or those who take actions beyond their disclosure, will still be subject to treble damages under the antitrust statutes.

This bill does not exempt anyone from the antitrust laws, but it does apply the rule of reason to standards development organizations. Therefore the pro-competitive market effects will be balanced against the anti-competitive market effects of an action before a violation of the antitrust laws is found. Organizations that commit per se violations—making agreements or standards about price, market share or territory division, for example—will still be fully liable for their actions.

The rationale for such favored treatment is that standards development organizations, as non-profits that serve a cross-section of an industry, are unlikely themselves to engage in anti-competitive activities. However, if free from the threat of treble damages, they can increase efficiency and facilitate the gathering of a wealth of technical expertise from a wide array of interests to enhance product quality and safety while reducing costs.

Title II, the Antitrust Criminal Penalty Enhancement and Reform Act of 2003, increases the maximum criminal penalties for antitrust violations so that the disparity is eliminated between the treatment of criminal white collar offenses and antitrust criminal violations. At this point, I do not see any reason to revise downward the current Sentencing Guideline presumption that twenty percent of the volume of commerce is an appropriate proxy for the pecuniary loss caused by a criminal antitrust conspiracy.

This Title also incorporates a leniency provision that encourages participants in illegal cartels to turn against their co-conspirators. This provision allows the Department of Justice to limit the damages of the cooperating company's civil liability to actual, rather than treble damages. The Department of Justice will only grant such leniency if the company provides adequate and timely cooperation to both the government and any subsequent private plaintiffs in civil suits. And because the remaining conspirators remain jointly and severally liable for treble damages, the victims' potential total recovery is not reduced by leniency applicant's reduced damages. The central purpose of this provision is to bolster the leniency program already utilized by the Antitrust Division so that antitrust prosecutors can more effectively go after antitrust violators. The Department of Justice has assured me that it will always use these new tools cognizant of the needs of victims.

Finally, Title II of the bill reforms the Tunney Act to strengthen the Act's requirement that courts review antitrust consent decrees in a meaningful manner, rather than simply "rubber-stamping" such decrees.

H.R. 1086 is an important bill that modernizes and enhances the enforcement of U.S. antitrust laws. I'd like to thank the Chairman for his cooperative efforts on this bill and in writing the supplemental legislative history. We worked hard together on both and I'm very proud of the final product. I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a co-sponsor of this legislation, I support H.R. 1086, "The Standards Development Organization Advancement Act of 2003."

This Act amends the National Cooperative Standards Development Act to provide antitrust protections to specific activities of standard development organizations (SDOs) relating to the development of voluntary consensus standards.

Among other provisions, H.R. 1086 amends the NCRA to limit the recovery of antitrust damages against SDOs if the organizations pre-disclose the nature and scope of their standards development activity to the proper antitrust authorities. H.R. 1086 also amends the NCRA to include SDOs in the framework of NCRA that awards reasonable attorneys' fees to the substantially prevailing party.

The provisions of H.R. 1086 protect SDOs, and in turn, SDOs help protect consumers and the public. SDOs are non-profit organizations that establish voluntary industry standards. These standards ensure competition within various industries, promote manufacturing compatibility, and reduce the risk that consumers will be stranded with a product that is incompatible with products from other manufacturers.

The nature of the standards development process requires competing companies to bring their competitive ideas to the voluntary standards development process. When one of the companies believes its market position has been compromised by the standards development process that company will likely resort to litigation. It is not uncommon for the SDO to be named as a Defendant. For non-profit organizations like SDOs, litigation can be very costly and disruptive to their operations, and treble antitrust damages can be financially crippling.

Under H.R. 1086, the recovery of damages against SDOs is limited if the organizations pre-disclose the nature and scope of their standards development activity to the proper antitrust authorities. Furthermore, SDOs are only liable for treble damages under antitrust laws if they fail to disclose the nature and scope of their voluntary standards setting activity.

H.R. 1086 strikes a good balance. It does not grant SDOs full antitrust immunity, but it provides SDOs with protection from treble damages when they provide proper disclosure.

H.R. 1086 also benefits the consumer. It enables the SDOs to develop industry standards that promote price competition, intensify corporate rivalry, and encourage the development of new products.

Mr. Speaker, I support H.R. 1086.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1086.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ANABOLIC STEROID CONTROL ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3866) to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3866

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 "Anabolic Steroid Control Act of 2004".

SEC. 2. INCREASED PENALTIES FOR ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES.

(a) IN GENERAL.—Part D of the Controlled Substances Act is amended by adding at the end the following:

ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES

"SEC. 424. (a) Whoever violates section 401(a)(1) or section 416 by manufacturing, distributing, or possessing with intent to distribute, an anabolic steroid near or at a sports facility is subject to twice the maximum term of imprisonment, maximum fine, and maximum term of supervised release otherwise provided by section 401 for that offense.

"(b) As used in this section—

"(1) the term 'sports facility' means real property where athletic sports or athletic training takes place, if such property is privately owned for commercial purposes or if such property is publicly owned, but does not include any real property described in section 419;

"(2) the term 'near or at' means in or on, or within 1000 feet of; and

"(3) the term 'possessing with intent to distribute' means possessing with the intent to distribute near or at a sports facility.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 423 the following new item:

"Sec. 424. Anabolic steroid offenses near sports facilities.".

SEC. 3. SENTENCING COMMISSION GUIDELINES.

The United States Sentencing Commission shall—

(1) review the Federal sentencing guidelines with respect to offenses involving anabolic steroids;

(2) consider amending the Federal sentencing guidelines to provide for increased penalties with respect to offenses involving anabolic steroids in a manner that reflects the seriousness of such offenses and the need to deter anabolic steroid use; and

(3) take such other action that the Commission considers necessary to carry out this section.

SEC. 4. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (41)—

(A) by realigning the margin so as to align with paragraph (40); and

(B) by striking subparagraph (A) and inserting the following:

"(A) The term 'anabolic steroid' means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes—

"(i) androstanediol—

"(I) 3β,17β-dihydroxy-5α-androstane; and

"(II) 3α,17β-dihydroxy-5α-androstane;

"(ii) androstanedione (5α-androstan-3,17-dione);

"(iii) androstenediol—

"(I) 1-androstenediol (3β,17β-dihydroxy-5α-androst-1-ene);

"(II) 1-androstenediol (3α,17β-dihydroxy-5α-androst-1-ene);

"(III) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene); and

"(IV) 5-androstenediol (3β,17β-dihydroxy-androst-5-ene);

"(iv) androstenedione—

"(I) 1-androstenedione ([5α]-androst-1-en-3,17-dione);

"(II) 4-androstenedione (androst-4-en-3,17-dione); and

''(III) 5-androstenedione (androst-5-en-3,17-dione);

''(v) bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

''(vi) boldenone (17β-hydroxyandrost-1,4,-diene-3-one);

''(vii) calusterone (7β,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

''(viii) clostebol (4-chloro-17β-hydroxyandrost-4-en-3-one);

''(ix) dehydrochlormethyltestosterone (4-chloro-17β-hydroxy-17α-methylandrost-1,4-dien-3-one);

''(x) Δ1-dihydrotestosterone (also known as 1-testosterone) (17β-hydroxy-5α-androst-1-en-3-one);

''(xi) 4-dihydrotestosterone (17β-hydroxy-androstan-3-one);

''(xii) drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one);

''(xiii) ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene);

''(xiv) fluoxymesterone (9-fluoro-17α-methyl-11β,17β-dihydroxyandrost-4-en-3-one);

''(xv) formebolone (2-formyl-17α-methyl-11α,17β-dihydroxyandrost-1,4-dien-3-one);

''(xvi) furazabol (17α-methyl-17β-hydroxyandrostano[2,3-c]-furazan);

''(xvii) 13α-ethyl-17β-hydroxygon-4-en-3-one;

''(xviii) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one);

''(xix) 4-hydroxy-19-nortestosterone (4,17β-dihydroxy-estr-4-en-3-one);

''(xx) mestanolone (17α-methyl-17β-hydroxy-5α-androstan-3-one);

''(xxi) mesterolone (1α-methyl-17β-hydroxy-[5α]-androstan-3-one);

''(xxii) methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien-3-one);

''(xxiii) methandriol (17α-methyl-3β,17β-dihydroxyandrost-5-ene);

''(xxiv) methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3-one);

''(xxv) methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one);

''(xxvi) mibolerone (7α,17α-dimethyl-17β-hydroxyestr-4-en-3-one);

''(xxvii) 17α-methyl-Δ1-dihydrotestosterone (17 β-hydroxy-17α-methyl-5α-androst-1-en-3-one) (also known as '17-α-methyl-1-testosterone');

''(xxviii) nandrolone (17β-hydroxyestr-4-en-3-one);

''(xxix) norandrostenediol—

''(I) 19-nor-4-androstenediol (3β, 17β-dihydroxyestr-4-ene);

''(II) 19-nor-4-androstenediol (3α, 17β-dihydroxyestr-4-ene);

''(III) 19-nor-5-androstenediol (3β, 17β-dihydroxyestr-5-ene); and

''(IV) 19-nor-5-androstenediol (3α, 17β-dihydroxyestr-5-ene);

''(xxx) norandrostenedione—

''(I) 19-nor-4-androstenedione (estr-4-en-3,17-dione); and

''(II) 19-nor-5-androstenedione (estr-5-en-3,17-dione);

''(xxxi) norbolethone (13β,17α-diethyl-17β-hydroxygon-4-en-3-one);

''(xxxii) norclostebol (4-chloro-17β-hydroxyestr-4-en-3-one);

''(xxxiii) norethandrolone (17α-ethyl-17β-hydroxyestr-4-en-3-one);

''(xxxiv) oxandrolone (17α-methyl-17β-hydroxy-2-oxa-[5α]-androstan-3-one);

''(xxxv) oxymesterone (17α-methyl-4,17β-dihydroxyandrost-4-en-3-one);

''(xxxvi) oxymetholone (17α-methyl-2-hydroxymethylene-17β-hydroxy-[5α]-androstan-3-one);

''(xxxvii) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);

''(xxxviii) stenbolone (17β-hydroxy-2-methyl-[5α]-androst-1-en-3-one);

''(xxxix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

''(xl) testosterone (17β-hydroxyandrost-4-en-3-one);

''(xli) tetrahydrogestrinone (13β,17α-diethyl-17β-hydroxygon-4,9,11-trien-3-one);

''(xlii) trenbolone (17β-hydroxyestr-4,9,11-trien-3-one); and

''(xliii) any salt, ester, or ether of a drug or substance described in this paragraph;''; and

(2) in paragraph (44), by inserting ''anabolic steroids,'' after ''marihuana,''.

(b) AUTHORITY AND CRITERIA FOR CLASSIFICATION.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(1) in paragraph (1), by striking ''substance from a schedule if such substance'' and inserting ''drug which contains a controlled substance from the application of titles II and III of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 802 et seq.) if such drug''; and

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

''(C) Upon the recommendation of the Secretary of Health and Human Services, a compound, mixture, or preparation which contains any anabolic steroid, which is intended for administration to a human being or an animal, and which, because of its concentration, preparation, formulation or delivery system, does not present any significant potential for abuse.''.

(c) ANABOLIC STEROIDS CONTROL ACT.—Section 1903 of the Anabolic Steroids Control Act of 1990 (Public Law 101–647; 21 U.S.C. 802 note) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 5. REPORTING REQUIREMENT.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Attorney General, shall prepare and submit a report to the Judiciary Committee of the House and Senate, and to the Committee on Energy and Commerce of the House, evaluating the health risks associated with dietary supplements not scheduled under the amendments made by this Act which contain substances similar to those added to the list of controlled substances under those amendments. The report shall include recommendations on whether such substances should be regulated as anabolic steroids.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 3866, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, recently American sprinter Kelli White admitted to the United States Anti-Doping Agency that she had been taking banned steroids. European 100 meters champion Dwain Chambers and four other U.S. athletes also recently tested positive for steroid use. Steroid use in professional baseball is well-known. The fact is that steroids are abused in professional sports more often than many would like to admit, and we face statistics showing an alarming number of children in middle school and high school have tried steroids.

By simply reading the newspapers, one gets the feeling that steroid abuse is an epidemic. We must ask ourselves what kind of example is being set for our children when our best athletes feel it is necessary to pollute their bodies with these chemicals and risk their health to compete in sports. Today, we are here to say enough is enough by making it harder to traffic in steroids and making sure there are tough penalties for those who do.

Studies show that steroid use may include some very serious consequences such as liver disorders, heart attack and stroke. Additionally, many long-term users face psychiatric effects such as rage, mania or delusions. When used by adolescents, steroid use may result in premature growth cessation or rupturing of tendons.

In addition to facing the health consequences of taking steroids, Ms. White, Dwain Chambers and other athletes are facing the consequences of their actions professionally. All will be banned from competition for 2 years. Ms. White had to relinquish the medal she received in the 2003 world championships. Hopefully, the message our children receive from these high-profile cases is that our society will not tolerate this type of cheating in professional or Olympic sports. We should admire the athletes who achieve greatness through hard work and their own God-given abilities and hard work.

The Anabolic Steroid Control Act of 2004 will help to drive home this message. This legislation adds steroid precursors, substances which become steroids in the body, to the list of controlled substances, meaning they will no longer be available unless prescribed by a physician for a legitimate medical purpose. It also increases the penalties for anyone caught trafficking in steroids near a sports facility.

The goal here is clear. We do not want these substances around our gyms, baseball stadiums, football fields or our running tracks. We do not want our athletes to risk their health to win. We want our athletes to be examples of healthy individuals. We want the way our American athletes treat their bodies to be a source of pride for our country, not a source of shame. We want our children to be able to look up to them for their accomplishments.

I strongly urge my colleagues to support this legislation.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3866, the Anabolic Steroid Control Act of 2004.

This legislation updates the ban on steroids to include the several steroid precursors which have been developed since the 1990 ban on steroids went into effect. These precursors have been shown to cause the same reaction in the body as other steroids, and they are just as dangerous in terms of side effects and long-term damage potential. Yet, currently, they are not illegal; and they are widely used by athletes and others seeking to enhance muscle and body development.

In addition to being directly ingested, these dangerous drugs are also being consumed as parts of presently legal, over-the-counter nutrition and dietary supplements.

Of course, the most important concern driving the bill is the impact these drugs and precursors have on children. Some young athletes are using the drugs with the belief that they can become great in their sport and gain money and fame. However, in addition to risking disqualification from playing sports, they also risk stunted growth, infertility and other long-term health problems and even death.

While we must ensure that these dangerous new drugs and precursors do not get in the hands of children or others who would use them improperly, we must also be aware that these same drugs have legitimate uses. If made available for legitimate prescriptions by physicians, they could treat conditions such as body wasting with patients with AIDS and other diseases that result in loss of muscle mass.

So, Mr. Speaker, I am pleased to join the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Michigan (Ranking Member CONYERS) and other Members who have helped craft the bill in their effort to get these drugs out of the category of easy access to children and others who would use them improperly and into the laboratory to determine their legitimate, beneficial uses and into the doctor's office where they can be properly prescribed. I, therefore, urge my colleagues to support the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, for bringing this bill to the floor and thank him for his leadership.

H.R. 3866, the Anabolic Steroid Control Act of 2004, will help prevent the abuse of steroids by professional athletes and will also address the widespread use of steroids and steroid precursors by college, high school and even middle school students.

Steroid use has been banned in the United States since the passage of the Anabolic Steroids Control Act of 1990. However, in recent years, new substances have become available that have the same effects on the body as anabolic steroids but are not banned under current law. These steroid precursors can be just as dangerous as those substances that have been banned themselves under the original Act.

This legislation, which the Committee on Energy and Commerce had sequential jurisdiction on and was marked up in April in the Committee on Energy and Commerce, would add several of these new products to the list of banned substances and provide increased penalty for any individual who traffics in steroids within 1,000 feet of an athletic facility. This bill will go a long way toward ensuring that our Nation's athletes, both children and adults, will not be exposed to these dangerous products.

I want to again thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for his excellent leadership on this and would urge all my colleagues to vote yes on H.R. 3866.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. BARTON) for advancing this legislation. I would particularly like to thank the gentleman from New York (Mr. SWEENEY) for inspiring this legislation and having a great deal to do with its inception.

□ 1530

Mr. Speaker, in 2000, Mark McGwire hit 70 home runs. In 2001, more than one million children ages 12 to 17 used performance enhancing substances, and 390,000 children aged 10 to 14 used performance enhancing drugs or supplements. Chief among these substances used by teenagers was androstendione, which Mark McGwire admitted using when setting the record.

Mr. Speaker, androstendione is a steroid precursor. It is not a steroid under current definition; yet when ingested, it becomes a steroid, and it can be purchased over the counter by teenagers. Androstendione and other precursors are banned by the NCAA, the United States Olympic Committee, the National Football League, and the National Basketball Association; but it is not banned by Major League Baseball, high schools and junior high schools; and this just does not make any sense.

Steroids and steroid precursors cause cancer of the liver and kidneys, heart disease, stunt growth, cause extreme aggression and depression sometimes leading to teenage suicide, and the younger the user the more negative the consequences. But they also can build muscle, and therein lies the problem. It is a very dangerous situation.

I have three major concerns here: number one, many children do not know the risks. They assume that over-the-counter drugs are safe if they are sold over the counter. Also, 40 percent of supplements contain banned substances. They are not labeled correctly.

Number two, many young people will sacrifice health to gain a competitive edge. They know what the risks are, yet to win an Olympic medal, to win an athletic scholarship, to look more muscular, to make the team, they will actually sacrifice years off their life.

Number three, the use of steroids and precursors threatens the integrity of athletic competition. Do the 70 home runs in the year 2000 indicate greater athletic achievement than 65 home runs in the 1960s, or does it indicate better chemistry? We really will not know, and it is not fair to those who are competing today and those who competed 30, 40 and 50 years ago.

Again, I would like to thank the gentleman from New York (Mr. SWEENEY) and the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for their work. I urge support of H.R. 3866. This bill addresses the issue of steroid precursors; designer steroids, such as THD; and strengthens penalties for distribution of steroid products.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of the Anabolic Steroid Control Act, H.R. 3866, and commend my colleagues from the Committee on the Judiciary and Committee on Energy and Commerce for their hard work on this legislation.

Fourteen years ago, the passage of the Anabolic Steroid Control Act banned the use of steroids, but since then steroid precursors have emerged in the marketplace. These products, which are not considered steroids under current law, react like steroids once ingested and yield similar effects. Use of precursors is also associated with the same kinds of bad side effects associated with sustained steroid use, such as aggression, liver tumors, and extreme mood swings, just to name a few.

Since these substances are not legal under current law, some of them are marketed as nutrition or dietary supplements and are readily available over the counter. This has resulted in another detrimental development: widespread use of precursors among young people, ranging from college age to kids as young as middle school students. Pressured by athletic competition and peers, these young people turn to these substances for a competitive edge. Numbers released by the National Institute on Drug Abuse for 2003 show an alarming trend of increased precursor use among adolescents since the

early 1990s. It is clear that our current law must be updated to reflect the times. We must take action to protect our loved ones.

H.R. 3866 modernizes the list of anabolic steroids regulated by the Drug Enforcement Administration to include about two dozen new substances and increases the maximum penalties for trafficking steroids close to a sports facility.

However, I am concerned about what is not in this legislation, namely, the steroid hormone DHEA. Like my colleagues in the Committee on Energy and Commerce, I am disappointed to see DHEA exempted from H.R. 3866. Both the National Institutes of Health and the dietary supplement industry have declared their concern about potentially dangerous health effects.

The questions and concerns raised in this discussion show why the regulatory framework for dietary supplements must be updated. Under current law, consumers and the Food and Drug Administration do not have access to the information or tools they need to make informed decisions about dietary supplements.

With the support of the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN), I introduced the Dietary Supplement Access and Awareness Act, H.R. 3377, in order to establish commonsense consumer protections. The measures and education programs contained in H.R. 3377 will enable the FDA to gather solid data about the dangers some dietary supplements pose and make sensible informed decisions about supplements such as DHEA. In turn, consumers will have greater assurance than they currently have about the safety of dietary supplements on the market.

So, my colleagues, I would certainly encourage support of this legislation today. I believe it is sensible. But it also opens up the way for us to provide for consumers who choose to take dietary supplements more education and more information awareness.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY), who is a cosponsor of the legislation.

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

This is a big day for me personally because this is a piece of legislation that represents an agreement on a piece of legislation that I first introduced 4 years ago, and I want to talk a little about the personal aspects of this and how I got involved in the whole anabolic steroid precursor and designer steroid issue.

My son, who I love and who I am lucky enough to get to spend some time with, and I work out fairly regularly together, Mr. Speaker. And, fortunately, about 5 years ago, at one of our workouts, my son was talking to me about some of his friends and his colleagues and some of their training habits. It was also 5 years ago almost immediately after the Mark McGwire record-setting home run streak in Major League Baseball. My son said that he and his friends had all been talking about how they could get better, how they could get bigger, stronger, faster, hit the ball better; and one of the ideas they had, by virtue of some of the advertising and some of the stories they heard about Mark McGwire, was to use a substance called andro.

Mr. Speaker, the gentleman from Nebraska (Mr. OSBORNE), no greater a symbol of the American sports movement than Coach Tom Osborne at Nebraska, mentioned in his remarks andro and its effects, and the record was pretty clear that after Mark McGwire hit his home runs, performing under legal rules established at that time, the use of andro quadrupled, with teenagers making up a large portion of that population. According to the Department of Health and Human Services, one out of every 40 high school students admitted to using andro in the past year, and something in the range of 3 to 4 percent of junior high school students had talked about and were using anabolic steroids.

Now, 20 years ago, we addressed the issue of anabolic steroids and established very clearly the health risks that were attendant to it. But what we find now is this almost insidious effort to market products meant simply to skirt the law, simply to subvert the testing processes that exist and targeting a very vulnerable part of our population, young athletes, people who cared about their fitness, and marketing these products in order to take advantage of that circumstance.

So this legislation coming forward today represents Congress' response to that, an appropriate response that will effectively make it illegal to sell over the counter now, with that presumption of sales over the counter, that a product is safe and does what it says it does. It will make it illegal to sell those products over the counter at the GNCs, at the Wal-Marts, or any of the other places. And what it effectively does is protect our kids, which is, obviously, a very important part.

Now, make no mistake about it, keeping our children safe is far more important than restoring the integrity to the sports world, Mr. Speaker; but with the Anabolic Steroid Control Act we accomplish both of those things. In athletics today, the lines of fair play have been blurred by the prevalence of steroid precursors and designer steroids; and athletes have become more creative in turning those substances, such as andro, into their muscle-building cousins.

Now, I want to respond a little to one of the prior speakers, and this was the gentlewoman who preceded me most immediately, and that was the issue of DHEA and whether we have DHEA mentioned in the list of products specifically mentioned here. As someone 4 years ago that introduced legislation that was very broad and said that any precursor or any designer steroid ought to be outlawed, I came to recognize that that legislation, under the instruction of the chairman and the ranking member of the Committee on the Judiciary, probably would not have survived judicial scrutiny.

What we have in this legislation is the perfect balance to make sure that the legislation we pass forward will have the effect we choose it to have, and that is making sure that manufacturers are putting on the shelves products that do what they say and are safe, and, secondly, outlawing those that are not. So whether DHEA is mentioned in this legislation or not, or any other product that is devised, and there will be others the manufacturing community will come forward with, whether they are made illegal or not does not really matter here, Mr. Speaker.

The burden of proof is now shifted to them. The effective tools that we need in order to protect our kids, to protect athletes, and protect the next generation, and to protect the integrity of sports are here. That is why the FDA, the DEA, the United States Olympic Committee, the NFL, the NCAA, all of those groups, the U.S. Anti-Doping Association, CASPER, and all of those groups have come out in support of this legislation. They recognize that this long fight, begun 20 years ago in this body, is coming to the right conclusion, a conclusion that protects the American people.

Finally, Mr. Speaker, I want to recognize the hard work and efforts of the gentleman from Nebraska (Mr. OSBORNE). He committed with me 4 years ago to pass this legislation, and we have gotten that done. I also want to recognize the great work of the Committee on the Judiciary and its chairman, who gave us not only an opportunity to be heard but carried this legislation, through the ranking member; and the chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, the gentleman from North Carolina (Mr. COBLE); and his ranking member, the gentleman from Virginia (Mr. SCOTT), for their subcommittee work on all this. This is a strong bipartisan effort that is for the good of the American people.

Finally, and in conclusion, I would point out that all major sport entities of any credibility in this Nation have endorsed this legislation. It is time for Major League Baseball, and most specifically the Major League Baseball Players Association, to end the footdragging and to go forward and ban in their own sport these substances that threaten the integrity of their sport. And do it not just because the integrity of their sport is threatened, but do it as well because it is good for America, good for American athletes, and good for the next generation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman for his

comments and for his leadership on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, H.R. 3866 is a bill that will bring more integrity to athletics in this country and bring our legislative controls over steroids and steroid precursors up-to-date, thereby making them more effective. The abuse of these controlled substances is a major concern because it makes not only the players suffer, but is also makes the spectators, parents, family, friends, and ticket-purchasers suffer. Therefore, I generally support the bill introduced by my colleagues Messrs. SENSENBRENNER, CONYERS, SWEENEY, OSBORNE, and BERMAN, H.R. 3866, the Anabolic Steroid Control Act of 2004.

In supporting this bill, I also share the concern of my colleagues of the House Judiciary that it will explicitly exempt a specific steroid precursor, dehydroepiandrosterone or DHEA. The effect of this exemption is to prevent the Drug Enforcement Agency (DEA) from taking action against DHEA as an anabolic steroid, no matter what evidence accumulates about its risks.

H.R. 3866's purpose is to facilitate DEA's ability to restrict access to anabolic steroids, like Androstendione or Andro, that boost testosterone and estrogen levels in the body. Maintenance of this purpose is important because these products can have serious health risks, including potentially toxic effects on the liver and cardiovascular system, damage to fertility, and psychiatric side-effects, according to the American Medical Association. Because of their effects on hormone levels, anabolic steroids can be particularly damaging to growing children and adolescents. These products are widely marketed as performance enhancers and are increasingly used, especially by young people.

However, this act specifically excludes DHEA, another steroid hormone that is sold as a dietary supplement for performance enhancement as well as for rejuvenation. By specifically exempting DHEA we are sending a signal to the American public that DHEA is safe. This would be the wrong message. Once this legislation becomes law, we could see an increase in DHEA use, including among younger athletes, as the other products become less accessible.

DHEA is a hormone precursor. It converts to Andro and then to testosterone and estrogen in the body. The National Institutes of Health has expressed its concern about dangerous side effects and the possibility of undiscovered health risks associated with DHEA. Even the dietary supplement industry itself recognizes the health concerns associated with this product. The Council for Responsible Nutrition (CRN) puts Andro, which this legislation makes a controlled substance and DHEA in the same category. CRN says that young people ''may be more susceptible than adults to adverse effects of steroid hormone precursors such as 'andro' * * * and DHEA.'' Because of those safety concerns, CRN says that these products are inappropriate for use by athletes younger than 18.

According to Gary Wadler, a member of the World Anti-Doping Agency panel and an NYU professor of medicine, medically, ''there is no reason to ban andro and not DHEA.'' The National Collegiate Athletic Association bans Andro and DHEA. The World Anti-Doping Agency bans Andro and DHEA. Only this legislation bans Andro but protects DHEA. This exclusion has no scientific basis, and does not belong in this legislation.

Over 20 percent of athletes in Western nations have admitted to using drugs. Performance enhancing drugs should not be tolerated on any team in respect of fair play and because of the health risks associated with their use. When we watch games on television or from the stands, we should not have to ask ourselves, ''Is this the athlete's true ability, or just the drugs on display?'' Unfortunately, the illegal acts of a small number of players has caused the entire industry to suffer the burden of being subject to random drug testing. Random testing is a burden on players; however, given the tremendous amount of money at stake based upon physical performance and the degree to which young children look to athletes as role models, the benefits outweigh the burdens. A program of random drug tests, education, treatment, and discipline would cost an estimated $1 million annually. If such a program, along with effective legislation, like that before us today, were in place, there would be a decreased incidence of enhancement-drug related health risks such as heart disease, liver tumors, and edema (abnormal fluid accumulated in body tissues).

The sad trend among athletes is that the majority of those who have only used steroids for one game to see if they could improve continue to use steroids for the remainder of their career. Since the drug controls were instituted in 1968, there have been 51 positive tests at the Olympic Games. At the summer games in Barcelona in 1992, five athletes failed their tests. Although President Bush has proposed an additional $23 million for schools that want to do drug tests, he did not call for any money or new laws to combat drugs in pro sports.

In World War II, it is reported that anabolic steroids were given to Hitler's troops to increase their aggression. Russian athletes were the first to use anabolic steroids in official competitions, and in 1960's Olympic games, for the first time, the International Olympic Committee discovered the incidence of ''doping'' when a cyclist using amphetamine collapsed and died during a race.

We need heightened legislative controls over things that take away from the integrity of our athletics and entertainment. Therefore, I fully support this legislation, but I admonish that we need to enhance its controls to cover steroid precursors such as DHEA.

Mr. WAXMAN. Mr. Speaker, today we are voting on a bill that will limit access to most steroids. In principle, this is a good thing and, in general, I support this bill. However, this legislation is flawed. While it limits access for most steroids, it explicitly exempts a specific steroid precursor, DHEA, from the Anabolic Steroid Act, thereby reducing DEA's authority over this potentially dangerous product. Today there will be no opportunity to try to amend this legislation and make it better. That is unfortunate. Members could have benefited from a debate about whether we should, in fact, be protecting this particular product.

Here is why I am concerned about the DHEA exemption. DHEA is a dietary supplement that is marketed as a performance enhancer as well as a rejuvenating product. DHEA is a hormone precursor. It converts to Andro, and then to testosterone and estrogen in the body. According to the NIH, there are concerns about dangerous side effects and the possibility of undiscovered health risks associated with these supplements. A recently published study found that athletes who take DHEA supplements might increase their risk of enlarged prostate. Even the dietary supplement industry itself recognizes the health concerns associated with this product. The Council for Responsible Nutrition (CRN) puts Andro, which this legislation makes a controlled substance, and DHEA in the same category. CRN says that young people ''may be more susceptible than adults to adverse effects of steroid hormone precursors such as 'andro' * * * and DHEA.'' Because of those safety concerns, CRN says that these products are inappropriate for use by athletes younger than 18.

By specifically exempting DHEA we are sending a signal to the American public that DHEA is safe. This would be the wrong message. I suspect that once this legislation becomes law, we could see an increase in DHEA use, including among younger athletes, as the other products become less accessible.

According to Gary Wadler, a member of the World Anti-Doping Agency panel and an NYU professor of medicine, medically, ''there is no reason to ban andro and not DHEA.'' The NCAA bans andro and DHEA. The World Anti-Doping Agency bans Andro and DHEA. Only this legislation bans andro but protects DHEA. This exclusion is not about the science. This is an exclusion that the dietary supplement industry insisted on and I fear that this exclusion could have real adverse health consequences for young athletes.

I support this bill today because it represents an important step forward. But I am hopeful that this bill will be improved before we send it to the President.

Mr. CONYERS. Mr. Speaker, I strongly support the legislative proposal under consideration today. Without a doubt, H.R. 3866, the ''Anabolic Steroid Control Act of 2004,'' represents a major step in the right direction.

First, the bill highlights the serious nature of trafficking in steroid precursors by increasing the criminal penalties associated with their distribution, particularly near a sports facility. It's worth noting that this outcome was achieved without the use of mandatory minimums. Instead, the bill was drafted in such a way so as to leave sentencing determinations solely to the discretion of the judge—with the more egregious offenders being exposed to harsher sentences.

Second, the bill amends the Anabolic Steroid Control Act of 1990 by adding steroid precursors such as androstenedione, ''andro'' and its chemical cousins to the list of anabolic steroids controlled under the Controlled Substances Act. It also makes it easier for the DEA to add similar substances to that list in the future.

Scientific evidence shows that these performance-enhancing drugs create real and significant health risks. Potential long-term consequences of these products in men include impotence and the development of breast enlargement. While some women who use these products experience male pattern baldness, increased facial hair, and abnormal menstrual bleeding. And, most troubling of all, innocent children who are exposed to these products risk early onset of puberty and stunted growth.

Finally, the bill directs the U.S. Sentencing Commission to review the Federal sentencing guidelines for crimes involving anabolic

steroids and consider increasing them. Currently, the maximum sentence for offenses involving anabolic steroids is only 33–41 months for first time offenders. And to receive the maximum sentence an offender would have to have between 40,000 and 60,000 units, which is defined as a 10 cc vial or 50 tablets.

Saving children is the ultimate goal of this legislation. About 1 out of 40 high-school seniors reported that they had used andro in the past year, according to the Department of Health and Human Services' (HHS) 2002 Monitoring the Future survey, which tracks drug use among students. The survey, conducted by HHS's National Institute on Drug Abuse, also found that about 1 out of 50 10th graders had taken andro in the previous year.

In closing, I would like to thank Chairman SENSENBRENNER and Representatives BERMAN, SWEENEY and OSBORNE for their bipartisan leadership on this issue. I strongly urge my colleagues to lend their support to this sensible piece of legislation.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3866, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONSTITUTIONAL AMENDMENT REGARDING APPOINTMENT OF INDIVIDUALS TO FILL VACANCIES IN HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 657, I call up the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 83 is as follows:

H.J. RES. 83

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Prior to taking the oath of office, an individual who is elected to serve as a Member of the House of Representatives for a Congress shall present to the chief executive of the State from which the individual is elected a list of nominees to take the individual's place in the event the individual dies or becomes incapacitated prior to the expiration of the individual's term of office. The individual shall ensure that the list contains the names of not fewer than two nominees, each of whom shall meet the qualifications for service as a Member of the House of Representatives from the State involved. After the individual takes the oath of office, the individual may present revised versions of the list at any time during the Congress.

''SECTION 2. If at any time a majority of the whole membership of the House of Representatives are unable to carry out their duties because of death or incapacity, or if at any time the House adopts a resolution declaring that extraordinary circumstances exist which threaten the ability of the House to represent the interests of the people of the United States, the chief executive of any State represented by any Member who is dead or incapacitated at that time shall appoint, from the most recent list of nominees presented by the Member under section 1, an individual to take the place of the Member. The chief executive shall make such an appointment as soon as practicable (but in no event later than seven days) after the date on which Member's death or incapacity has been certified. An individual appointed to take the place of a Member of the House of Representatives under this section shall serve until the Member regains capacity or until another Member is elected to fill the vacancy resulting from the death or incapacity. The State shall provide for an election to fill the vacancy at such time and in accordance with such procedures as may be provided under State law, and an individual appointed under this section may be a candidate in such an election. This section shall not apply with respect to any Member of the House who dies or becomes incapacitated prior to the seven-day period which ends on the date on which the event requiring appointments to be made under this section occurs.

''SECTION 3. During the period of an individual's appointment under section 2, the individual shall be treated as a Member of the House of Representatives for purposes of all laws, rules, and regulations, but not for purposes of section 1. If an individual appointed under section 2 is unable to carry out the duties of a Member during such period because of death or incapacity, the chief executive of the State involved shall appoint another individual from the same list of nominees presented under section 1 from which the individual was appointed under section 2. Any individual so appointed shall be considered to have been appointed under section 2.

''SECTION 4. Congress may by law establish the criteria for determining whether a Member of the House of Representatives or Senate is dead or incapacitated, and shall have the power to enforce this article through appropriate legislation.''.

The SPEAKER pro tempore. Pursuant to House Resolution 657, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. 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 House Joint Resolution 83, currently under consideration.

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

There was no objection.

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

Mr. Speaker, today we debate whether we should amend the Constitution of the United States to allow House Members to be appointed in the wake of mass vacancies caused by a terrorist attack.

After September 11, 2001, no one would deny the real potential of such a catastrophe striking this body, but fundamentally today's debate is about whether to preserve lawmaking by a House of Representatives elected by the people or to deny the right of elected representation during the most crucial moments of American history and allow lawmaking by an appointed aristocracy.

□ 1545

I would urge the membership to soundly defeat this constitutional amendment to preserve the People's House as an elected House and not as an appointed House.

Let us be clear, any constitutional amendment denying the right to elected representation would accomplish what no terrorist could, namely striking a fatal blow to what has always been the People's House. The House, unlike the Presidency and the Senate, are unique among all branches and bodies of the entire Federal Government. It is the only branch institutionally designed to always reflect the popular will through the legislation it passes.

When terrorists attacked on September 11, 2001, it was an elected not an appointed Congress that acted in its wake; and the legislation passed by that elected Congress has a legitimacy that legislation passed by an appointed Congress would not have had. All of Congress' powers under Article I of the Constitution are only legitimately exercised by an elected House.

H.R. 2844, the Continuity in Representation Act, which passed the House on April 22 by an overwhelming bipartisan vote of 306 to 97, with more Democrats voting for it than against it, will ensure that the House is repopulated by legitimate democratic means within a maximum of 45 days after an attack causes mass vacancies. Within those 45 days, any constitutional amendment that allowed lawmaking by appointed members would pose far more risks than benefits; and legislation passed by an appointed House that did not comport with the people's will would have to be repealed by a later elected House, leading to further discontinuity at the very time when continuity is most important.

The Founders explicitly rejected the proposition that the appointment of Members is compatible with the American Republic. James Madison wrote

that ''it is particularly essential that the House should have an immediate dependence on, and an intimate sympathy with, the people'' and that ''elections are unquestionably the only policy by which this dependence and sympathy can be effectively secured.'' As Madison stated in his speech to the Constitutional Convention, ''a gradual abridgement of the right to elected representation has been the mode in which aristocracies have been built on the ruins of popular forms.''

This amendment is an abridgement of the right to elected representation. Contrary to the claim made by proponents of constitutional amendments, the President would not be unconstrained in its conduct immediately following a catastrophic terrorist attack. Of course, the President would be well within his constitutional authority to execute the laws in times of crisis.

However, the Founders also made it clear that the President would always be subject to impeachment by the House of Representatives, either a House operating on reduced membership or a later fully reconstituted House if the President abused executive authority at any time. And of course no law can be enacted solely by a House operating with a few Members alone. Further, the issue of incapacitated House members can be handled by changes to House rules. The Committee on Rules is already exploring those options.

Demonstrating this is not a partisan issue but one concerning the legitimacy of all Members of the House and of the legislation it passes, the House of Representatives, controlled both by Democrats and Republicans, throughout history has rejected all constitutional amendments authorizing appointed House Members sent to it by the Senate, even during the height of the Cold War. It is important to remember that the American people have always been able to elect their leaders, even during our Nation's darkest hour, the Civil War, when General Lee's Army was just a few miles away from this building.

Today we consider House Joint Resolution 83 sponsored by the gentleman from Washington (Mr. BAIRD). This proposed constitutional amendment contains all the flaws of amendments allowing the appointment of nonelected members, but it also has some unique additional problems.

The Baird amendment would not only override H.R. 2844, which already has passed the House by an overwhelming bipartisan vote, but it would forever strip the Congress of its discretionary authority to expedite special elections in emergency under its existing constitutional powers.

Let me repeat this. The amendment before us takes away the right of Congress under Article I, section 4, that expedites special elections in emergencies.

The amendment also requires House Members, prior to taking the oath of office, to submit a list of names to the governor that the governor can draw from in appointing that Member's replacement. This would subject candidates for Congress forever after to endless questions during their campaigns regarding whom they placed on the list and their connection to the candidate, and perhaps questions that can become embarrassing, creating needless distractions in what is supposed to be a clear contest between individual candidates.

And if a candidate did not tell the press who was on his or her list, the voters would not have a say on who the candidate's potential replacement should be. Such a list would also invite great mischief, including the placing of names on the list of those owed political favors.

Finally, H.J. Res. 83 provides that ''Congress may by law establish the criteria for determining whether a Member of the House of Representatives or Senate is dead or incapacitated.'' This provision would deny the House its existing authority under the Constitution that allows each House to adopt its own rules, an authority the Committee on Rules is already exercising, to address incapacitation by the rules, and needlessly involve the Senate in how the House operates. By doing so, it would unfortunately make addressing continuity of government more difficult than it already is.

Mr. Speaker, I doubt that any Member has faced a vote before that so clearly defines the principles stood for. Either you will vote to tear the fabric of our Constitution and deny the right of self-government under the laws passed by the people's chosen representatives, or you will vote to preserve the sacred right to elected representation.

That sacred right has endured since America's birth, through two World Wars, a Civil War, and now a shadow war waged by vicious haters of democracy. The terrorists would like nothing more than to see us rewrite our Constitution, the supreme law that comes closest to being our Nation's soul, to reflect their twisted vision of autocratic rule.

Around the world, both our friends and our enemies are watching. Vote this amendment down and show them what this House stands for and what it stands against.

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

The SPEAKER pro tempore (Mr. SIMPSON). Does the gentlewoman from California (Ms. LOFGREN) seek to control the time of the gentleman from Michigan (Mr. CONYERS)?

Ms. LOFGREN. Yes, Mr. Speaker, I do.

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

There was no objection.

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

Mr. Speaker, 6 weeks ago the House of Representatives passed H.R. 2844, the Continuity of Representation Act of 2003, which was written and offered by the gentleman from Wisconsin (Mr. SENSENBRENNER). This bill provides for the expedited special election of new Members of Congress to fill seats left vacant in extraordinary circumstances.

Under this bill, when such extraordinary circumstances occur, a special election must be called within 45 days. This bill was an important first step in addressing how the House continues to function in the event of a catastrophe, and that is why I voted in support of the bill.

I would note that outside scholars have questioned whether or not the Federal Government has the jurisdiction to impose this scheme on the States. I do not argue that today, but I think to some extent there is an open question as to that. There is also a more fundamental issue which may be partially addressed today, and that is what happens in the 45 days between a disaster that could eliminate the House of Representatives and the holding of these special elections.

In the 45 days following September 11, the House of Representatives cast 69 votes. Some of them were very important measures that helped us respond to the terrorism event. If there is no House of Representatives, there can be no Congress, and if there is no Congress to play its role in the constitutional scheme, the only thing that could happen in such a circumstance would be for the President to assume dictatorial powers and to end our system of constitutional government, an outcome that no one in this House or in this country wishes.

Under H.R. 2844, the House of Representatives would have no way to function for a month and a half; and without the House, there is no Congress. Several Members have introduced constitutional amendments that would address this problem. The gentleman from Washington (Mr. BAIRD) has offered an amendment which we are just about to vote on today. I have also introduced a constitutional amendment, H.J. Res. 96, which takes a different approach from the Baird proposal; and our colleagues, the gentleman from Connecticut (Mr. LARSON) and the gentleman from California (Mr. ROHRABACHER), have done similar things.

This whole issue is very complex, and it may be that none of the amendments are quite ready for our approval, but they certainly do command our attention. All deserve to be debated by Members of Congress, yet I believe that the House would be best served if the committee of jurisdiction, the Committee on the Judiciary, were to have hearings to sort through the complexities of this issue and then be able to present our findings to the full House for consideration.

However, during the 108th Congress, the Committee on the Judiciary has not had a hearing on this issue to compare the various proposals and to discuss the advantages and disadvantages

of each. In fact, I have requested a hearing. I did so during the markup of the Baird amendment in the Committee on the Judiciary, but none have been held.

Today, some may point out that there was a hearing on the constitutional amendment offered by the gentleman from Washington (Mr. BAIRD) in the 107th Congress. That is true, but the amendment on today's agenda is significantly different from the Baird amendment considered 2 years ago. This is a new amendment that was first introduced last December.

A distinguished commission that included former Speakers Foley and Gingrich, as well as Lloyd Cutler and former Senator Alan Simpson, studied this matter at some length and reached the conclusion that we need a constitutional amendment. I am not suggesting that we should simply accept their recommendations, but at the very least we should consider and evaluate their findings before we cast a vote that will define the stability or instability of the country in the event of a national crisis. Unfortunately, the Committee on the Judiciary has not had a single hearing on any of these amendments, so we will not have the benefit today of hearing from the scholars, former speakers and other distinguished leaders on this complex issue.

And now the leaders of the whole House are making the same error as the Committee on the Judiciary. They have scheduled a vote on an amendment that will decide the fate of our Congress during a catastrophe without first holding hearings to address the merits of the Baird approach and all of the others proposed by various leaders on the continuity of Congress.

Let me repeat. Today we are being asked to vote on an amendment to the United States Constitution, but we have not had even one hearing on the amendment in the Committee on the Judiciary in this Congress. It is not often that the Committee on the Judiciary marks up a constitutional amendment to the full House before holding a hearing.

Consider, for example, the constitutional amendment to protect the rights of crime victims. That particular amendment was introduced in the 108th, 107th, 106th, 105th and 104th Congress, and on each occasion prior to markup there were Judiciary Committee hearings.

Also, consider the committee's treatment of a constitutional amendment to prohibit flag burning. A proposal on this issue was introduced in the 108th, 106th, 105th and 104th Congress, and each time the Committee on the Judiciary undertook hearings.

Finally, in the 105th and 104th Congress, a constitutional amendment was introduced to limit the Federal Government's ability to raise taxes, and hearings were permitted on each occasion.

The majority has already seen fit to schedule a series of five judiciary hearings over the course of several months to discuss the issue of same-sex marriage and a potential constitutional amendment. It only makes sense that this House should not vote on an amendment to the U.S. Constitution before the Committee on the Judiciary holds at least one hearing.

This issue of the continuity of Congress should not be an exception. It is vitally important to our democracy and requires more deliberation.

□ 1600

Today, like I did in the Committee on the Judiciary 1 month ago, I will not vote to support the Baird amendment; but I will vote on a motion to recommit so that the Committee on the Judiciary will have a chance to appropriately hold hearings and review various approaches to this vital issue to our democracy. Some will reach a reasoned, but different, conclusion relative to the Baird amendment itself; but I think all will agree this body would be better served with extensive hearings on this complicated and enormously important subject.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER), who served two terms as Secretary of State and chief elections officer of the State of Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in opposition to this resolution, which is proposing to amend our Constitution by allowing for the appointment of Members of the United States House of Representatives in the event of a national emergency.

For over 225 years, the House of Representatives has been the people's House; and I say that I think that is so important, as we think about that, we have been known as the people's House. Members of Congress are required by the Constitution to be elected directly by the people. This requirement, of course, allows for all citizens to truly have a voice in their government and provides probably the most important of all of our checks and balances.

Under this resolution we are debating here today, elected representatives would be replaced by non-elected appointees, in a complete counter to the intent of our Founding Fathers. In a very strange irony, this provision would kick in at precisely the time when our citizens need to be heard the most, at a time of crisis.

As well, provisions of this resolution call for sitting Members of Congress to provide the names of two people to replace them in the event of their own death or incapacitation. One of these two people would then be appointed to the seat by the Governor of the appropriate State. This nonelected Member of Congress would then serve out the remainder of the relevant 2-year term, with all of the rights and privileges of an elected Member.

Yet appointing legislators who were not voted on by the public would negate the entire purpose of this House, which is to represent the people directly.

Just last month, this Chamber passed H.R. 2844, The Continuity in Representation Act of 2004, of which I was a very proud cosponsor. H.R. 2844 was passed with overwhelming bipartisan support because it puts forth a very clear, concise plan to deal with the now-real possibilities that we once considered unthinkable, quite frankly. It calls for expedited elections; and as the chairman had said here, as a former Secretary of State of a State of about 10 million people, I feel the timelines we outlined in that H.R. 2844 were very, very realistic.

Every Member of this House is an elected official who earns the right to come here to Washington and represent our constituents because we were voted in by a majority of the people in our respective districts. Rather than tinker with one of the pillars of our democracy via a reckless change to our Constitution, we should vote this amendment down and continue to press for the full adoption of H.R. 2844.

I urge a ''no'' vote on this resolution.

Ms. LOFGREN. Mr. Speaker, I yield 13 minutes to the gentleman from Washington (Mr. BAIRD), the author of this legislation.

Mr. BAIRD. Mr. Speaker, would the gentlewoman be interested in joining me in a colloquy?

I appreciate very much the comments of the gentlewoman, and I was intrigued by one thing she said. She said that even temporary appointments, I will paraphrase briefly here, would violate the entire purpose of the House of Representatives.

My understanding of Madison's approach was that there were more elements to having a house of representation than mere election, as important as that is, but also the role of checks and balances, the role of proportionate representation, the division of authorities between the legislative branch and the executive branch.

Madison specifically said: ''The accumulation of all powers, legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed or elected, may justly be pronounced the very definition of tyranny.''

What I would like to ask the gentlewoman is, if we have no House of Representatives, less than a quorum, do we have an alternative to the concentration of the power in the executive branch under current law?

Mrs. MILLER of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BAIRD. I yield to the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, I would say impeachment could be a possibility there. I do believe as you read the Constitution, the operative phrase, the operative theme, as we try to determine and decipher exactly what the intent of our Founding Fathers was, is that every Member of

this House needs to be directly elected by the people.

While I appreciate the gentleman's insistence on a constitutional amendment, it is obviously well thought out, the gentleman feels very passionately about it, I could not disagree more strongly.

Mr. BAIRD. Mr. Speaker, reclaiming my time, I appreciate this need to exchange, because this is exactly what we need to do. During the 45-day period, as I understand it, the gentlewoman is saying the only check on the executive would be the threat of impeachment.

Does the gentlewoman believe that is consistent with the Framers' intent, when they wrote all of article I and purposefully chose article I as the description the legislative branch, or does she believe the Framers' intent was to say the executive can have carte blanche to run the country as they might, but 45, and possibly 75, days later under the bill the gentlewoman coauthored, the Nation has to wait 75 days for impeachment as a check on the executive?

Mrs. MILLER of Michigan. Mr. Speaker, if the gentleman will yield further, I am not an expert in this part of the law, but I do believe Federalist Paper No. 47 addresses principally the gentleman's argument there. I will tell you though, as I mentioned, I was the Secretary of State for 8 years in one of our largest States, and I really looked at this bill and talked to a number of my colleagues, as well as many members involved in the elections industry, to make sure we had a reasonable time frame that we set out for expedited elections.

Mr. BAIRD. Mr. Speaker, reclaiming my time, if I may, I am not disputing that. The point before us here, we have passed that bill. The point before us here is what happens in the 45 days? I think there may be grounds to dispute whether you can have an election or not. But the point of this legislation is to say how do we get this Congress up and running promptly.

Let me give you a scenario and see if you are comfortable with it. John Ashcroft said last week or the week before that high-profile targets include this summer the Democratic convention and the Republican convention. I will take him at his word.

If it is true that we are a high-profile target, and if you are at the Republican convention or we are at the Democratic convention and terrorists attack, let us suppose they attack during the President's speech at the Republican convention, and the president is killed, heaven forbid this should happen, if the President and Vice President are killed and a number of my good friends on your side of the aisle perish, of necessity at that point the House will have to reconvene, there will be a new majority, hence a need to elect a new Speaker. Presumably at that point the Democrats control the House of Representatives, presumably we will elect a Democratic Speaker, and, under the law of succession of 1947, that person is now in line for the Presidency of the United States. That is my understanding of the status quo as it exists in law today.

I would just ask the gentlewoman if she is comfortable with that or disputes that is the status?

Mrs. MILLER of Michigan. Mr. Speaker, if the gentleman will continue to yield, my understanding is that the gentleman's amendment here today, the resolution we are talking about here today, actually would override the bill we have already passed in a bipartisan way. That is really my intent, to make sure we focus on that as well. I think that is very, very important.

Mr. BAIRD. Mr. Speaker, reclaiming my time, the legislation that I put forward, actually it would obviate, not necessarily override. I really want to underscore that point. The chairman has repeatedly, really since day one of this, I think, misrepresented this. He misrepresented it in his opening comments. He said the question before us, in essence, is whether you will have an elected Congress or an appointed aristocracy.

The true question is, will you have any Congress or not? Not my bill, not the bill of the gentlewoman from California (Ms. LOFGREN), not the bill of the gentleman from California (Mr. ROHRABACHER), not the bill of Senator CORNYN, not any of the bills put forward would in fact ban elections, as the chairman repeatedly says. It is deeply frustrating to me to have a matter of this importance be misrepresented.

No one disputes, and I firmly agree with you, that the mechanism to replace House Members should be direct election, ideally, and we should have them as promptly as possible. But if we are so concerned about an aristocracy and appointment not responsive to the people, are you not equally concerned that a party mechanism for selecting a candidate implies in itself some degree of potential beholding to those who appoint it? Is the gentlewoman concerned about that at all?

Mrs. MILLER of Michigan. Mr. Speaker, if the gentleman will yield further, no, I do not share the gentleman's consternation with that particular facet of it.

But as the gentleman has outlined, as I say, we are now dealing with a situation which we previously before 9/11 thought was absolutely unthinkable. So it is difficult for us all to stand up here and think about our own demise, numerically how many would have to be incapacitated or whatever before we would move forward with something like this.

I think the gentleman has laid out in a very speculative way a number of different scenarios. The gentleman and I, along with many others, had an opportunity to debate this at a hearing in front of the Committee on House Administration. We went through all of these different kinds of things.

I think we have just different approaches to what needs to happen here. But I feel very, very strongly, a vast majority, a bipartisan majority of this House feel that all of us should be directly elected by the people. I think the bill we passed previously does address that in a realistic way.

Mr. BAIRD. Mr. Speaker, reclaiming my time, I thank the gentlewoman for her time and appreciate her engaging in this colloquy. I sincerely do.

Mr. Speaker, the reason I asked the gentlewoman to respond is this is what we really need to do with this bill. The gentleman from Wisconsin (Mr. SENSENBRENNER) would claim that he brought this up at our request. In fact, we did not request this fashion of bringing this legislation up. What we requested was that all measures to provide for continuity be brought up for debate, including my own, the bill of the gentleman from California (Mr. ROHRABACHER), the bill of the gentlewoman from California (Ms. LOFGREN), the bill of the gentleman from Connecticut (Mr. LARSON), the bill of Senator CORNYN in the Senate, two Republicans on that list, by the way, several Democrats, that they all be brought up and we have full discussion.

I would note for the record that I see on the House floor now about six colleagues, maybe seven. Two things concern me about that: first, if we really take this seriously, I believe we ought to all take it seriously. I do not think for a second my bill is perfect. I think there is merit to the other legislation. But I do not think we are going to get to a solution unless we grapple with this issue, unless we take it seriously.

The second thing that concerns me is let us suppose this random group of survivors here, this six or seven on the floor, are the group of survivors. Under the Constitution, that is not a quorum. The Constitution, in my judgment, is rather clear that a quorum is a majority of the Members, but House Rules state it is a majority of those chosen, sworn, and living.

Importantly, would the people of the United States of America believe that the seven or eight of us here now, relatively randomly chosen if we were survivors, are consistent with the representational nature of this body? It is not just the people's House because it is directly elected, it is the people's House because it deals with proportionate representation. It is the people's House because of prompt reelections.

Would the eight of us here right now be sufficient to send this Nation into war? Would the eight of us be sufficient to impeach a President? Would we be sufficient to select one of our own as the Speaker of the House, who would then become the President of the United States? I noticed in her comments, in response from my friend from Michigan, not once did she truly address what happened in that 45 days.

We talked about the elections, and I appreciate the importance of that. Let

me, if I may, address some of the myths that have been perpetrated by the opponents of this bill.

First of all, the myth that we have already solved the problem. We have not solved the problem. We have provided for special elections in 45, possibly as long as 75, days. But this notion that it was an elected House, not an appointed House that passed legislation, is rather absurd, when the choice is there might be no House at all to pass legislation.

Secondly, this notion that continuity is somehow not urgent, that we do not have to move forward with this. It has been 3 years. On September 10, 3,000 of our fellow citizens had no idea they were living their last day, yet they were.

The notion that temporary appointments somehow subvert the right to election. Again, and I underscore it, nothing in any of the legislation put forward would take away the people's rights to election.

When the chairman said, and I thought it was rather remarkable, that my legislation explicitly in the Constitution authorizing the Congress to deal with the matter of incapacity, that that takes away our right to deal with incapacity, I found that rather absurd, to say the least. The legislation before us says that Congress can deal with incapacity statutorily. How does that ban our right to do so?

The myth, which is just so remarkable, that the appointees would be irresponsible to the general public does a profound disservice to the existing Members of the House of Representatives. Indeed, I find it an insult.

To believe that the people that sent us here with the authority to send their children to war, as we have chosen to do, to tax them or give them back their taxes, to impose any number of legislative remedies and sometimes problems on this country, but then the moment it comes time to make one of our most profound decisions, who would replace us in a catastrophe to carry on this institution, that moment, suddenly we lose capacity of our senses.

□ 1615

It not only insults us, it insults those who we might nominate to replace us.

By coincidence, not 30 minutes ago I met with Don Bonker, a gentleman who represented my district a little over a decade ago, a distinguished statesman with outstanding international skills. Do we seriously believe that if I nominated Mr. Bonker to be my replacement that he would act irresponsibly to care for this country? And if you believe that impeachment is a worthwhile check on the abuse by the executive, why do you not also believe that a subsequent election would be a worthwhile check on Mr. Bonker's conduct if he were to act irresponsibly? The inconsistencies and illogic are breathtaking sometimes.

I want to do one other thing. My friend, the gentleman from Arizona (Mr. SNYDER) is here; and I want to compliment him. It is rare in this body I find that we acknowledge that there may be a shortcoming in our own legislation and that an opponent of that legislation has pointed out a shortcoming. The gentleman from Arizona (Mr. SNYDER) came to me this morning, raised an issue; and I think he has a good point. I would like to be able to fix that.

I would have liked the process such as we propose in the original rule where you debate things and then have time to amend it. I doubt that is going to be allowed. But I will say, and I appreciate the gentleman very much for raising the shortcoming, I will in future drafts, if we have the opportunity, endeavor to fix that.

But I would also say right now that, even with the shortcoming, I believe with all my heart that the bill we have before us today is superior by far to the status quo. So while I expect fully that we may not pass this bill, I will intend to bring it up with modifications.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to this proposed constitutional amendment.

Every person who has ever served in this House in the over 200-year history that we have existed as a country, every person has been elected. Not one has been appointed. When one reads our Nation's founding document, it soon becomes clear that the right to elected representation was the very core of its significance and its lasting value. No constitutional amendment that allows appointed representatives would be consistent with the very essence of our Nation's reason for being and, for that reason, I oppose such amendments, including this one.

James Madison wrote in Federalist No. 57, ''Who are to be the electors of the Federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune.''

Constitutional amendments that would allow appointed Members would deny that sacred heritage.

At the Constitutional Convention, according to the notes taken by James Madison, delegate George Mason argued strongly for ''an election of the larger branch,'' that means the House, ''by the people. It was to be the grand depository of the democratic principle of this government. It was, so to speak, to be our House of Commons. It ought to know and sympathize with every part of the community; and ought therefore to be taken not only from different parts of the whole republic, but also from different districts of the larger members of it.''

It was arguments such as these that won the day when our Constitution was drafted. Constitutional amendments that would allow appointed Members would violate those principles the Founders believed were most important.

James Wilson at the Constitutional Convention, according to Madison's notes, ''contended strenuously for drawing the most numerous branch of the legislature immediately from the people. He was for raising the Federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible.''

Mr. Speaker, H.R. 2844, which I cosponsored and which passed the House on an overwhelmingly bipartisan basis, 306 to 97 right here in this House, preserves America's essential right to elected representation. This amendment, however, would override H.R. 2844 and deny the core of America's founding principles and, for that reason, I strongly oppose it.

Ms. LOFGREN. Mr. Speaker, I would note that when the Founding Fathers spoke at that time, they were contrasting with a Senate that was appointed.

Mr. Speaker, I yield 3 minutes and 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from California for yielding me this time, and I appreciate the insight that she provided us in the Committee on the Judiciary when she asked for a delay so that we might give the kind of attention to this issue, Mr. Speaker, that I know my colleagues know it deserves.

This is a very intellectual, if you will, and high law debate. As the distinguished gentleman from Washington (Mr. BAIRD) said, it has been 3 years, so sometimes distance and absence does not make the heart grow fonder, or it certainly does not educate us about the crisis in which we are literally debating.

It is important for the colleagues who are listening to this debate and who are participating in this debate to realize what the Baird amendment actually does. He is talking about catastrophe, disaster. He is talking about a wiping out of the United States Congress, 218 Members dead or incapacitated.

It is nice to stand here and to give out pleasantries and to, if you will, assume that it could not happen to us. But, as I said this morning, the beginning of the Constitution said we have gathered to create a more perfect union, and today we are attempting to debate an issue that is to create a more perfect union in the light and the backdrop of the life we lead now: terrorism abounding throughout the world, Iraq exploding, Afghanistan exploding, and the potential of terrorist acts as the

Attorney General has announced. Whether or not it is announced with any immediate evidence, he has announced it.

So what we are saying to the American people, frankly, is that we are talking about this body being incapacitated.

Now, I know that we would not want to make light of this, because some might say something about the incapacity, but we do realize that this is the most powerful law-making body in the world. This amendment deserves more than appeasement, and that is what we are getting here.

Frankly, I believe the gentleman from Washington (Mr. BAIRD) is accurate. He wanted to have a debate, he wanted to have a hearing because this is of value to him, not personally, but he believes that this is a needed constitutional amendment because we may face a catastrophe, and he wants to incorporate the gentleman from Arizona's (Mr. SNYDER) reflection.

I am interested in finding out whether there can be amendments dealing with how the appointment process goes forward.

But this is not to undermine the constitutional aspects of election. This is to suggest that there is nobody here to have an election, that we are all dead. Does anybody understand the monument of the moment that we are speaking about?

So when we begin to take this in a very calm and light manner, this is not what the gentleman from Washington (Mr. BAIRD) is talking about. He is not suggesting that we should eliminate the constitutional provisions or the commitment that we have to a democratic and free election. He is suggesting that we are in the middle of a crisis.

Now let me just cite for my colleagues the history of this Committee on the Judiciary since I have been on it. We have had the controversial hearings dealing with Waco. We have had the controversial hearings that took up a half a year dealing with the impeachment process of the President that served just a few years ago, William Jefferson Clinton. We have had those hearings. We have had the flag-burning hearings on a constitutional amendment every single year. We have had the victims of crimes amendment every single year, or a good number of them. We are going to have the same-sex hearings over and over again. I do not know if those are life-or-death matters, but we have had our set of hearings.

Can my colleagues tell me what reason there is, what reasonable men and women could disagree that we would not placate the gentleman from Washington (Mr. BAIRD) by a lousy presentation on the floor of the House? And I will say lousy not in disrespect of my colleagues but the fact that this is limited and ridiculous as it relates to the moment that we are discussing about the incapacitation of this body, 218 dead. And might I say to my colleagues, that is real. Because on 9/11, those planes were headed for the United States Capitol.

I would simply say that we need hearings, and we should recommit this back to the Committee on the Judiciary for full hearings, and we should not appease, but we should do our jobs and respond to the crisis that may come forward and work on behalf of the American people.

Mr. Speaker, I commend our distinguished colleague from Washington, Mr. BAIRD, for his effort and leadership in pursuing a legislative answer to questions left after the House passed H.R. 2844, the Continuity in Congress Act on April 22, 2004.

Like Mr. BAIRD, I sought to obtain answers to some of the issues that I found in that bill by offering an amendment, which Mr. SCHIFF was kind enough to offer in my absence.

While Mr. BAIRD's specific problems with H.R. 2844 are slightly different than those that I had, I support his legislation because it offers us an opportunity to craft a tighter legislative remedy to the need to establish a system of continuous leadership in the House of Representatives.

However, even Mr. BAIRD's attempt will not be maximized because our colleagues on the other side of the aisle have seen fit to push this bill through Committee markup without first allowing the Members to analyze it in a legislative hearing.

Although H.J. Res. 84 doesn't seek to expand the time to file suits concerning the special election process, Mr. BAIRD suggests that the question of emergency representation be answered before the vacancy can occur—when the elected Member initially takes office.

To reiterate my proposals to improve H.R. 2844, I suggested first that the section of the bill that deals with the time in which a person(s) may file a lawsuit arising out of the Speaker of the House's announcement of vacancies in the House of Representatives that exceed 100 be increased. This change would expand the ability of an aggrieved party to file suit for either declaratory or injunctive relief.

Because not every state has a Capital Beltway or even a superhighway system, and because information travels at a different rate in every location, it is important that we establish a fair standard for a filing rule that affects every state in the country. The principle of procedural due process dictates that every citizen have a realistic opportunity to obtain legal relief through our Judicial Branch.

Next, my proposal spoke more to the issue of due process for all citizens by preserving their right to appeal the announcement of a vacancy. Because the 45 day deadline for special state elections already places significant constraints on the electoral process and on the citizens represented due to its brevity, taking away the right to an appeal from the U.S. District Court would excessively curtail the procedural due process rights enjoyed by citizens.

Given that the time in which a Federal judge has to compose an order disposing of these matters is provided in this bill, an equally expeditious appeals process should be provided so as to maintain consistency with the U.S. Constitution and the commitment to both the 5th and 14th Amendments.

Lastly, I proposed that the right to sue under the original bill be extended to the citizens of every state in addition to the chief executive. This proposal is very important to protect the interests of all citizens in the various congressional districts in the midst of party politics. As H.R. 2844 is drafted, Section 2, paragraph (4), subparagraph (iv) would confer the right to sue in the event of a vacancy announcement by the Speaker of the House solely to the "executive authority," in Houston's case, the Governor.

Such very limited language almost certainly threatens to deprive the citizens of a right that they should enjoy in the event that the Governor chooses not to participate in a suit for declaratory or injunctive relief pursuant to a vacancy announcement made by the Speaker of the House. In order to protect the rights of every person who truly has an interest in a call for a special election, we must allow citizens to sue for relief.

A careful review of the Judiciary Committee's history with respect to its past treatment of constitutional amendments evidences a strong practice of holding hearings prior to any scheduled full Committee markup of that particular amendment.

Consider, for example, the constitutional amendment to protect the rights of crime victims. That amendment was introduced in each consecutive Congress since 1994 (the year the current Majority took control of the House), and on each occasion, it was the wisdom of the Committee to schedule a hearing.

Also, consider the Committee's treatment of the constitutional amendment to prohibit flag burning. A proposal on this issue was introduced in the 108th, 106th, 105th and 104th Congress and each time the Committee undertook hearings prior to scheduling a markup.

Moreover, consider the Committee's treatment of the constitutional amendment to limit the federal government's ability to raise taxes. A proposal on this topic was introduced in the 105th and 104th Congress, and hearings were held on both occasions.

With this apparent and undeniably longstanding tradition, we are now told that a hearing is unnecessary under the present set of circumstances because a hearing was already held on the Baird amendment introduced in the 107th Congress. This line of reasoning lacks merit for two important reasons.

First, as previously mentioned, it has been the well-established practice of the Judiciary Committee to schedule a hearing on such proposals prior to proceeding to a markup. This hard and steadfast rule has prevailed, even under circumstances where the proposed amendments were virtually identical in nature.

Second, even assuming the general rule was subject to change, the two versions of the Baird amendment, H.J. Res. 67 (introduced in the 107th Congress) and H.J. Res. 83 (introduced in the current Congress), are distinct enough to warrant two separate hearings on their own merits. H.J. Res. 83, for example, uses a distinct threshold for making temporary appointments; places considerable limits on the discretion of the chief executive when he or she is authorized to make such appointments; and provides a mechanism for an incapacitated Member to regain his or her seat after recovery from incapacity.

Our Committee has already seen fit to schedule a series of five hearings, over the course of the next several months, to discuss the issue of same-sex marriage. With this in

mind, one single hearing to discuss and consider ideas on how best to ensure the continuity of our government in the event of a catastrophic incident is more than reasonable.

Mr. Speaker, I ask that my colleagues think about the gravity of what this Constitutional amendment will entail. We need to recommit this bill to the committee of jurisdiction, the Judiciary, and revisit the important issues that I have stated above.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE), a member of the Committee on the Judiciary.

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

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

I rise to relish this debate. It is precisely the type of issue that, as I was a boy first falling in love with the Constitution of the United States, as no doubt the gentleman from Washington (Mr. BAIRD) did as well, I hoped some day to be a part of here.

I congratulate the distinguished gentleman from Washington State for his passion on this issue, and I believe in his well-intentioned efforts to address what is, unfortunately, an issue that this Congress must continue to confront in the years ahead.

But with regard to House Joint Resolution 83, however well-intentioned, Mr. Speaker, I would offer that it is nonetheless bad policy.

When terrorists attacked America on September 11, I was here in the Congress, and that very next day, I witnessed that it was an elected Congress that responded in the wake of those attacks. Had the 107th Congress been comprised of appointed officials, the legislation we passed would not by definition have carried the same validity. The truth is, it would hardly have been reassuring to the American people immediately following a terrorist attack to see the faces of hundreds of strangers running their government; and, gladly, it did not occur.

The Constitution could not be clearer on this point. Article I states, ''The House of Representatives shall be composed of Members chosen by the people of the several States,'' and that ''when vacancies happen in the representation of any State, the executive authority shall issue writs of elections to fill such vacancies.''

Of this point James Madison wrote in Federalist No. 52, ''As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the House should have an immediate dependence on and an intimate sympathy with the people.''

Frequent elections are unquestionably the only policy by which a dependence and sympathy for the people can be equally secured. In fact, it would be Madison himself who in a speech years later would suggest ''a gradual abridgement of the right to suffrage or to elected representation has been the mode in which aristocracies have been built on the ruins of popular forms.''

That is not what we are about here today, nor would I imply it or suggest it to my friends and colleagues. But I am here to say that this business of the People's House being the exclusive province of the national government where one must be elected by the people to serve is a principle worth defending.

For that reason, despite my admiration for the gentleman from Washington, I urge my colleagues to oppose this resolution inasmuch as it does undermine the core principle that this place on this floor should ever be the People's House.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the Committee on the Judiciary and the ranking member of the subcommittee.

Mr. NADLER. Mr. Speaker, we are asked today to consider the most serious question likely to come before the Congress: how to maintain our government as a democratic representative government in the event of a catastrophic terrorist attack. We must think carefully about the unthinkable, and we must do it now while we have the opportunity to do so.

Unfortunately, this proposed amendment is being brought up by the Republican leadership under a closed rule, with 90 minutes of debate, no hearing in the Committee on the Judiciary or in any committee of this Congress. An alternative proposed by a Republican colleague from California cannot even be debated under this rule. As the ranking Democratic member of the Subcommittee on the Constitution, the subcommittee with the responsibility to consider all proposed constitutional amendments, I can tell my colleagues that this proposed amendment has never been the subject of a hearing in this Congress.

Let me read what the Republican report on this bill says: ''No hearings were held on H.J. Res. 83,'' period. We have found the time for five hearings on same-sex marriage, and we have found the time to consider a bill to declare the oak tree the official tree of the United States. We have found time for hearings on flag burning but not on how to prevent the destruction of our democratic institutions.

□ 1630

We have found the time to consider a balanced budget constitutional amendment, but no time to consider how to maintain the voice of the American people in the consideration of taxing and spending measures.

These are the twisted priorities of this Republican leadership. How do we protect our democracy in the event of a terrorist attack? Who knows. I would like to know how we can protect our democracy right now. Clearly an issue that is of the highest importance to the Nation, an issue that should be nonpartisan is being handled in a partisan manner. That is anti-democratic.

Is this amendment the right solution to a significant problem? Perhaps. Frankly, I think it goes in the right direction. I have some amendments to it that I would make, if they were in order, if we had time to consider it. We ought to hold hearings.

This House passed a bill to guarantee elections in 45 days. Frankly, I think that 45 days is too quickly. What do you do as a practical matter, especially after a catastrophe, what do you do within those 45 days? I think that the best amendment would probably be something that would be along the lines of this amendment that we are considering now, but I think there ought to be a mandate that there be a special election within a reasonable time period, not 45 days, but maybe 120, 180 days.

What is practical? I think there are other things. But the fact is how do you determine when someone is incapacitated and when he is no longer incapacitated? We ought to have serious hearings. We ought to consider this properly. We ought to consider the gentleman from California's (Mr. ROHRABACHER) suggestions, my suggestions, other people's suggestions. We ought to consider the suggestions of law professors. We ought to do this right. This is a serious matter.

Instead, what we have done is take up the chairman's bill. Why? Because he is the chairman. We do not consider anything else. We know that many people think that that is not an adequate bill, but they did not have proper hearings either. Now because of criticism, we are taking up this bill with no amendments and no other considerations.

Frankly, the trouble that Members are having answering these questions is because the Republican leadership will not allow the proper minimal consideration of this issue. That is no way to protect our democracy in these dangerous times.

I would urge that this bill should be sent back to the Committee on the Judiciary. I will vote for it because it is the best thing we have in front of us. We ought not to be in the position we are in.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to respond to the complaints about the process in the Committee on the Judiciary. It is true there were no hearings on the amendment of the gentleman from Washington (Mr. BAIRD) during this Congress. There was a hearing in the last Congress. There was not very much support for the notion of appointing replacement Members of the House of Representatives.

The gentleman from Washington (Mr. BAIRD) introduced House Joint Resolution 83. Until the day it was reported by the Committee on the Judiciary, it had no co-sponsors at all. Then there were two people who added their names to the joint resolution, including the gentleman from New York. There was

one amendment that was offered during the committee markup when the resolution was open for amendment at any point, and it was subsequently withdrawn.

When the Committee on Rules had its hearing last night, none of my Democratic friends offered any amendments for the Committee on Rules to consider. The gentleman from California (Mr. ROHRABACHER) did offer an amendment.

I would point out that on November 15, 1983, when the Democrats were controlling the House, the House considered the Equal Rights Amendment, a very important constitutional amendment under suspension of the rules where there was only 40 minutes of debate and no amendments were offered. Two-thirds vote was required under suspension, as it is for constitutional amendments; and it was voted down.

But anybody who complains about this process where there is 90 minutes of debate, no amendments because it is a closed rule and, except for the gentleman from California (Mr. ROHRABACHER), nobody offering any amendments, I think really ignores how the ERA was considered 21 years ago.

Now, finally the gentleman from Washington (Mr. BAIRD) filed a discharge petition. He wanted to bring the bill up out of the regular order, without any hearings, and without any committee consideration. What I did is there was a full markup at the committee where the amendment was open for amendment at any point. There was a vote in the committee. And the majority of the committee reported it out adversely.

So I think that anybody who says we need more hearings should not have been on that discharge petition.

Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. FORBES), a member of the committee.

Mr. FORBES. Mr. Speaker, I rise today in strong opposition to House Joint Resolution 83. I myself was elected to serve in the House of Representatives 3 years ago this month in a special election when my predecessor passed away. If my predecessor had been forced to make a list of successors, would have I been on it? I do not know the answer to that question. But I do know that it is unlikely that my constituents would have wanted their representative decided for them in any other manner than by election.

In a time of national emergency, the people I represent should have a right to choose their next representative. To deny them this right would be autocratic and unjust, no matter how well intentioned the motive.

Today, Mr. Speaker, we are considering a powerful amendment that could alter the very nature of our government. It would strip the voice of the people at a time of national emergency, a time when the people's voices are most necessary and most moving. Without elections, our government becomes bureaucracy in action rather than democracy in action. It is precisely at such a time in such an emergency that we need to guard and defend the rights of our citizens to vote and not yield to the temptation to absolve that right.

This bill undermines the legitimacy of the House of Representatives. It is no accident that our Founders designed the House of Representatives to be composed solely of elected representatives of the people.

George Washington said: ''The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American people.''

Mr. Speaker, our experiment with democracy has worked. As a Nation we have survived many national emergencies, disasters, and tragedies. We are the oldest working democracy because we make it clear that power in this government must remain with the people.

I urge my colleagues to vote against House Joint Resolution 83.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise in opposition to H.J. Res. 83. And for those Members who are undecided on how they are going to vote today, I suggest two questions: First of all, have my colleagues read this proposal? If they have not, please go to the computer, pull it up, and read it. The language is confusing. It does not work. I do not believe it accomplishes the purposes that the sponsors have set out for us.

Today is not the day of the vote for this proposal. It is still in a draft form and needs more work.

The second question, What does one consider to be the essence of democracy? Is it continuity of government, or is it the right of a free people to be represented by those people whom they elect? If one believes in a seamless continuity, there has always been a way to do that. We have had kings. The king is dead. Long live the king. Succession just passes to the son or daughter.

This particular proposal says succession will pass to people who we select. We die and the government will appoint one of those two people. That, in my view, provides continuity, but it does not preserve what I think is the essence of democracy, the right of a free people to be represented by those whom they elect.

Finally, on the motion to recommit, which I believe is coming, the language that I read, I believe it is the current draft, says that this resolution will be sent back to committee for full hearings on this resolution.

In the spirit of what has been said by the gentleman from New York (Mr. NADLER) and others, I would hope that language would be modified asking the committee chair to have hearings on all the proposals out there.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this legislation. Of course, it is well intended. We have all worked together. The request was made of me that we have a chance to vote up or down on this constitutional amendment. The gentleman from Wisconsin (Mr. SENSENBRENNER) and I worked this out.

Now the author of the amendment says it is flawed. We have the ranking minority member of the Subcommittee on the Constitution saying it is flawed. We have a proposal before us. It should be unanimous that we vote ''no.'' It is a bad idea, and it should not be done.

The thing that troubles me is while I know that my colleagues would like to ensure that there are elections, their proposal does, in fact, provide the opportunity for appointed individuals to serve in the House. There was a debate in 1787 on this very issue. Charles Pinckney, as he discussed the issue of the first branch, talked about the fact that Members of the House should be appointed. Why should they be appointed? He said the people were less fit judges.

Now, I am not claiming that the people who are proponents of this constitutional amendment believe that the people are less fit judges. I am not claiming that they do not want to have elections. But I will say that as we look at the debate in 1787, Madison, Mason, Dickerson and other Framers, I think, got it right and concluded correctly with Madison's quote when he said: ''The right of suffrage elections is certainly one of the fundamental articles of democratic government. A gradual abridgement of this right has been the mode in which aristocracies have been built on the ruins of popular forms.''

I think it is very important for us to note that it was the James Madison view that prevailed, ensuring that the people are elected when they serve in the people's House. Remember, it was Federalist 53 when Madison said: ''Where elections end, tyranny begins.''

This proposal would, in fact, have something take place before elections. So I think that we have the opportunity with this amendment before us to tragically move in the Pinckney direction, which did, in fact, say that the people are less fit judges. And that is why I believe it would be wrong for us to potentially have a totally appointive government which we conceivably could have if this constitutional amendment were to prevail. It is possible that we could have an appointed President, Vice President, an entire United States Senate and, with this proposal, appointed Members of the House. That is why James Madison was

so careful, and that is why he was so correct in ensuring that at least one entity could not serve, could not have any power unless it is vested in them by the people.

Mr. Speaker, the author and other Members have now admitted that this is flawed. The gentleman from Arkansas (Mr. SNYDER) just came forward having offered a proposal to the gentleman from Washington (Mr. BAIRD) about making a modification, and he has come forward and said he would like to have another proposal.

Well, we have gone through this for a long period of time, and as the gentleman from Wisconsin (Mr. SENSENBRENNER) has said, a hearing on the constitutional amendment was, in fact, held in the last Congress. We know what it consists of. A constitutional amendment consists of having appointed, rather than elected, Members of the House. And the proposal itself is flawed, as has been admitted.

That is why I encourage my colleagues in an overwhelming bipartisan way, just as we in an overwhelming bipartisan way by a vote of 306 to 97 voted in favor of our expedited election legislation, we should come together in the same way and vote down this ill conceived measure that would fly in the face of the vision put forth, the inspired vision of the Framers of our Constitution.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of this measure and commend my good friend and colleague, the gentleman from Washington (Mr. BAIRD), for his outstanding leadership on this critical issue.

This important legislation would amend the Constitution to allow temporary appointments to fill vacancies in the House only in the event of a catastrophic attack. If we do not pass this legislation, Mr. Speaker, we risk disenfranchising large portions of the country in a time of national crisis or, worse, in the case of mass incapacitation of Members preventing the House from even convening to conduct the people's business.

Some Members will argue today that a constitutional amendment is not necessary to address the problem of congressional continuity. While I understand some of their concerns, I question whether Congress has investigated the matter enough to even come to that conclusion.

The AEI Brookings Continuity of Government Commission after studying the issue thoroughly endorsed a constitutional amendment even though some members began the process undecided or opposed to that course of action.

Mr. Speaker, others will note that the House already addressed this matter by passing legislation in April to require expedited special elections within 45 days.

□ 1645

Well, Mr. Speaker, I would point out that in the 6 weeks after the attacks of September 11, the Congress passed numerous pieces of legislation authorizing, among other things, the use of military force, an airline assistance measure, an economic stimulus bill, the Defense Authorization Act, numerous appropriations bills, the farm bill, and legislation pertaining to bioterrorism, victims assistance and terrorism financing.

Well, Mr. Speaker, without a constitutional amendment to allow temporary appointment after a disaster, the most important decision that our body can make, the decision to declare war, could have been made with a greatly diminished or unrepresentative House.

I am disappointed that we are being given only 90 minutes to debate one of the most important topics that this Congress can address. I know that other Members have proposed their own constitutional amendment to address the issue of congressional continuity, and we deserve hearings and discussion on those recommendations as well.

Mr. Speaker, it is our duty to prepare the legislative branch for any kind of disaster; and this constitutional amendment is necessary to ensure that the House will be able to continue its work even in the worst circumstances. I urge my colleagues to support this legislation. I congratulate the gentleman from Washington (Mr. BAIRD) for his leadership and passion on this issue.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX), the chairman of the House Republican Policy Committee.

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

Mr. Speaker, I thank the author of this proposal before us. It was 2 years ago that the Speaker asked me, along with the gentleman from Texas (Mr. FROST) as my co-chair, to chair the Continuity of Congress Working Group that was a predecessor for the outstanding work that the Committee on the Judiciary has done legislatively in subsequent years.

Our working group, which existed for over a year, took a first look at these problems after the horrible events of September 11 shocked us into realizing that it could happen, that the entire Congress or virtually the entire Congress could be destroyed at once. This is a problem for the House much more than it is for the Senate because, of course, senators can be appointed. They can be replaced immediately. The House cannot because we have, as you have heard throughout this debate, since the inception of our country always been an elected body.

So the working group recommended a resolution that was adopted unanimously by this House, urging the States to advance special elections in the event of an emergency, to speed up that process. When the States did not, except for California, respond to that resolution, we passed the very thing here recently requiring that that take place. We have also, as a result of the work of the Speaker's working group, the bipartisan working group on continuity of Congress, seen a lot of our recommendations brought into effect.

I want to commend the author of this proposal, the gentleman from Washington (Mr. BAIRD), because he was one of the moving forces in making sure that all of this happened.

We have completed the following: There is now a reformed House resolution on expedited special elections. There is now a change that we routinely employ to the concurrent adjournment resolution so that, in the event of a catastrophe, we could reconvene in some other place other than the Capitol. There is now an emergency recess rule so that if the Speaker or whoever is presiding learns that there is an imminent attack we can adjourn under our rules, and the Congress could reconvene elsewhere under the proceeding reform.

There is a very important change in the way we account for vacancies in the House that otherwise, if there were a lot of Members killed, would prevent us from mustering a quorum. This change allows the Speaker to announce the adjustment of the whole number of the House upon notification of the death, resignation, or expulsion of a Member. And the Speaker's announcement, importantly, is not subject to appeal.

We also have changed the rules for Speaker succession. Much in the same way that the author of this proposal has suggested that we repopulate the House, we have made sure that there will be a Speaker. There is now going to be a list of Members who will succeed the Speaker in the event of a vacancy in the office, and that Member will act in this role until the House reconvenes in order to elect a new Speaker.

The challenges that are under debate today remain. We do not have a national consensus. We cannot get two-thirds in the House and Senate. We know that, but we are moving the process forward.

I will vote against this only because it is not perfect, but I commend the gentleman for offering it.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT), a distinguished member of the Committee on the Judiciary.

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

Mr. Speaker, I voted for H.R. 2844, the expedited election procedure which provides that States should try to have expedited elections in the event of a catastrophe within 45 days.

I voted for that measure because I thought it was better than nothing,

and prior to that we did not have a process in place. I voted for it because, on a motion to recommit, the opposing side, the Republican side, decided that they would accept the motion to recommit to at least make whatever State procedures were in place subject to the civil rights laws of our country and other voting rights laws.

H.R. 2844 provided a transition position that will expedite an election within 45 days, but I still think that there is a need to have a debate about whether there ought to be a different process for replacing Members in the event of a catastrophe in a shorter time frame, and I am satisfied that the only way that that can happen would be through a constitutional amendment.

I am probably the least likely person to be supporting a constitutional amendment, and I rise today neither in support of nor in opposition to H.J. Res. 83, the proposed constitutional amendment that the gentleman from Washington (Mr. BAIRD) has offered. What I am disappointed about is that we have taken this very weighty national issue and turned it into what has essentially become a partisan issue, a political issue; and we have used this opportunity, instead of as an opportunity to hear from the people and to try to form a consensus about what should happen under these circumstances, to basically one-up the other side. Let me rush this thing to the floor without any real debate.

I think the sad thing today really is that we have not had an opportunity to review and study and have hearings on either the Baird proposal or a number of other proposals that are out there that cry out for hearings and the kind of debate that we believe are necessary and that the public deserves.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me time; and I appreciate his leadership on this issue.

I rise to note a couple of important points. I would start with the proposition that Lord Churchill pointed out, and that is that democracy is the worst form of government, except for all the others. It is an inconvenient form of government even at the best of times, but the gentleman just spoke and suggested that we need to have more debate about how the People's House should have its representatives selected.

The truth of the matter is, from the inception of our Republic we have had that great debate and our Founding Fathers have solved that debate for us. They have told us that the People's House need to be elected by the people.

Speaking of the inconvenience of democracy, George Mason during that great debate suggested that ''whatever inconvenience may attend the democratic principle, it must actuate one part of government.'' By the way, that is us. He continued, ''It is the only security for the rights of the people.''

Mr. Speaker, I would suggest to you that doing away temporarily with democracy is something that a lot of aspiring democracies in third world countries have done, and temporary turns out to be a long time and sometimes forever. The worst thing that we can do is to throw out our traditions because we are having a serious crisis.

It is a shame that a great, honorable debate about how we continue the traditions our Founding Fathers gave this great House, the People's House, always elected by the people of the various States, it is a shame that it has descended into sort of a partisan roughhouse here because that certainly is inappropriate. But I would point out that the Democratic party, big D, is being very undemocratic, small d, in this debate. The Republican party is being very, small r, republican during this debate because it is the Republic that our Founders gave us that we are trying to defend, especially as it relates to article 1 and how the people of this House, that represent all of the citizens of the United States, are selected.

I would end up by stating that James Madison, the prime author of our Constitution itself, suggested he ''considered the popular election of one branch of national legislature an essential plan of every free government.''

Mr. Speaker, I would ask every Member of the House to support Madison's version, our version, of a free government, defend elections, and do not do away with elections temporarily or ever.

Ms. LOFGREN. Mr. Speaker, I yield 3¾ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H.J. Res. 83. I support this constitutional amendment not because I believe this is the best proposal or a perfect proposal but because I believe we need a constitutional amendment to assure the continuity of Congress, and the Baird proposal is the only option that we have been allowed to vote on.

I agree with the gentleman from Washington (Mr. BAIRD) that this subject deserves better treatment than it has gotten so far, and I will be voting for his motion to recommit with instructions to the Committee on the Judiciary to hold hearings on several proposals.

One of those proposals, House Joint Resolution 92, is mine. I asked the Committee on Rules yesterday to make my proposal in order as a substitute and was turned down. So I am taking this opportunity to explain my substitute to our fellow colleagues today.

My amendment would provide for a temporary acting successor, actually, a choice of five in case any of us become deceased or incapacitated. That would go for senators as well. I want to stress this point because there has been some misunderstanding. What we are talking about is the proposal on the floor today or my own proposal. The debate is not whether or not a seat should be filled by an elected representative. We keep hearing that. No. Elected representatives are certainly the best option to go whenever you have that opportunity.

The choice that we are talking about today is whether the death or incapacitation of a representative or a senator should result in a State or district going unrepresented for months or whether representation should be continued during this period by someone who has been appointed or been selected by us, by those of us who were elected, and that selection is made known to the voters prior to the selection so that the voters will approve not only the representative or senator but the choice of an alternative in case that senator or representative becomes incapacitated or killed.

We are not talking about not having an elected official or elected officials here. That is a bogus argument. I am sorry. We are talking about the 45 days in which, before there would be a special election, whether or not that our country will remain vulnerable because we do not have people representing the people of the United States or, in my proposal, whether or not during those 45 days the American people will have a chance to vote for an alternative when they vote for us to get us elected in the first place.

□ 1700

This makes all the sense in the world. We elect a Vice President of the United States that way right now. Is that to say if the President is incapacitated or dies that we have someone who is unelected when the Vice President steps up? No. He is elected even though his name is not on the ballot.

There is no reason why we should not have this in the legislative part of the government as well as the executive. This goes to the heart of whether or not we are going to be prepared for an emergency.

Let me note that on September 11, when we were in our desperate situation, I remember when we met on the steps, the gentleman from Washington (Mr. BAIRD) and I, I grabbed him and said, look, we have got to sing ''God Bless America'' right now because the American people need this. We are in a crisis, and they need this.

Today, the American people need a constitutional amendment to come to grips with this challenge that terrorism threatens to bring upon us. We need to make sure we are ready in case of an emergency. The Republican proposal is to leave us totally at risk for 45 days. That is ridiculous. Let us amend the Constitution and take care of this problem, and the people's right to vote will be taken care of as well.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SMITH) a member of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the chairman of the Committee on the Judiciary for yielding me time.

Mr. Speaker, Article I, section 2 of the Constitution states as follows: ''The House of Representatives shall be composed of Members chosen by the People of the several States. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such vacancies.''

The Constitution emphasizes the right of the people to govern themselves through their elected representatives. We should not ignore that Constitution.

However, the constitutional amendment we are considering today would create unelected representatives. It would have vacancies during a disaster filled by appointees.

The House already has passed H.R. 2844, introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER), which passed by a three to one margin. It requires special elections to occur within 45 days of a disaster that kills more than 100 Members of Congress.

While some wonder how the government would operate while we are waiting for those elections, there is a House rule that provides that a quorum shall consist of all Members who are living. During a time of disaster when many Members have died, the Speaker can adjust the required quorum to reflect the number of Members still living.

On the other hand, by law, Senate vacancies are filled by the governor of the affected State. So if a significant number of House and Senate Members were killed during an attack and if House Members were appointed as well, as this constitutional amendment we are considering describes, we would then have a Congress of mostly unelected officials. That is another reason we must preserve the right of the American people to have elected representatives in the House.

Some claim that a constitutional amendment providing for the immediate appointment of representatives is necessary for a government to function, but Congress has granted the President significant powers to act during a national emergency. Congress could utilize that reduced quorum until elections are held.

Mr. Speaker, any constitutional amendment that would deprive the American people of the right to elect their representatives should be defeated. Democracy is always better than bureaucracy.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. BAIRD), the author of the amendment.

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from California for the time.

I would just note that it was my distinguished colleague from Texas who, when we were given the opportunity, my colleague was asked for unanimous consent in the Committee on the Judiciary hearing to let me speak to my own bill. It was a UC request. All it needed was one member of their body to speak up and say no, and it was the gentleman from Texas.

On the one hand, the opponents of this legislation argue that we must have elected representatives. On the other hand, they suppress the rights of those elected representatives to speak to their own legislation.

Our 90 minutes are about up. I want to take a little bit of time, if I may, to thank the gentleman from Texas (Mr. FROST) and the gentleman from California (Mr. COX) for their outstanding work on the Working Group. I would like to commend the gentleman from Connecticut (Mr. LARSON); the gentleman from California (Mr. ROHRABACHER) for his intelligent and thoughtful comments; the gentleman from Rhode Island (Mr. LANGEVIN); the gentlewoman from California (Ms. LOFGREN) for her leadership on this issue, the gentleman from California (Mr. SHERMAN) for his work on presidential succession matters.

I would also like to commend the work of the Continuity of Government Commission. We have spent 90 minutes on this issue today. The Continuity of Government Commission spent virtually a year on the matter. All of the members of that commission began saying we should not amend the Constitution, much like my friends on the other side have. Yet, to a person, they agreed at the end that we need to or we will be without the checks and balances so fundamental to our great Republic.

I also want to thank the opponents of this bill, the chairmen of the various committees. I also want to thank the ranking members.

The discussion today I think makes the proposal we will end up with a stronger proposal. That is part of the crucible of this institution. My fear, however, is that that crucible itself is in jeopardy. There will be silence on this floor if we perish or there will be chaos and discord as partisan rancor evolves in the aftermath when this lack of constitutional clarity emerges.

People have said what the American people would want, my friends on the other side. One of the things we do far too seldom here is go back to the people themselves and ask them. I would invite my colleagues to do as I have. Hold some town halls, go to some Rotaries or Kiwanis or Lions or whatever group you want and give it a fair question. Say here is the choice, a fair and balanced question. Say do you want in the aftermath of a crisis, do you believe we should have temporary appointments, nominated by the people you most recently elected and thereby are most likely of the same party and political ideology or would you have complete vacancy for 45, possibly 75 days? Ask them and see what they say. Ask them.

If my colleagues can come back to me and say that the people I talked to would say we would rather have no voice in Congress as our Nation goes to war and my sons and daughters are committed to a conflict, we would have no voice in Congress as our civil rights are usurped, we would like to have no voice in Congress as someone accedes to the presidency who was never elected but who was, in fact, themselves appointed, ask them, and I believe with great confidence they will tell my colleagues we would like a voice imperfect, indirect though that voice may be if unelected. At least they were appointed by the person most recently elected. At least the political makeup of this great body will be preserved. At least some of the most consequential decisions in the history of this country will be made under a model of checks and balances that, yes, Mr. Madison and Mr. Jefferson and Mr. Mason and the rest of the Founders found so essential.

Elections are sacred, but so, too, is representation. I would urge my colleagues to vote yes on the motion to recommit. Let us have a full and fair debate in the committee and bring back a still better bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

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

Mr. LINDER. Mr. Speaker, I thank the chairman for yielding this time, and I rise in opposition to the underlying resolution.

I will agree with the argument that the Founders could not have envisioned airliners being used as missiles against skyscrapers, or even the U.S. Capitol. I do not, however, subscribe to the theory that the Founders were unable to envision in their minds a terrorist attack with the ability to take the lives of Members of Congress en masse.

On November 5, 1605, 13 co-conspirators placed 36 barrels of gunpowder in a cellar beneath the British House of Lords with the intent of destroying the entire British parliament and killing King James I, who was charged with convening the legislative body on that day. Only through an anonymous letter and the quick action of a few members of Parliament was a British soldier named Guy Fawkes arrested minutes before he was to light a fuse that was designed to spur a revolution in England.

My point is that the Founders were cognizant that a terrorist attack on the government resulting in the deaths of scores of Members of Congress could occur. The Founders drew a great deal of our constitutionally-formed system of government from the British parliamentary system and English common law. They were perhaps the greatest political thinkers in history. Yet, despite this knowledge of British history and clear references in the Federalist Papers to the dangers of any effort that would deny the right of elected representation, there are those who

have argued today under the assumption that the Founders never contemplated such a situation.

Despite knowing that a surprising and devastating attack could befall this government, the Founders were adamant in their belief that under no circumstances were Members of the House to be selected by any means other than popular elections. Elections are the key events that connect the American people to their government, and these elections have a legitimacy no appointment process ever could.

Although we can all agree that an attack on this body would threaten the fabric of this country, that same fear should not drive us to weaken the very foundations upon which this Congress, as the Federal government's legislative branch, operates.

Federalist No. 52 says it best: "the right of suffrage is very justly regarded as a fundamental article of republican government. To have submitted it to the discretion of the states would have been improper . . . for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal government which ought to be dependent on the people alone."

In addition, I am concerned that the constitutional amendment before us today would not only override H.R. 2844, which already passed the House by an overwhelming vote of 306–97, but it would remove the Congressional authority to expedite special elections in emergencies under its existing Article I, Section 4, clause 1 authority. H.R. 2844, as passed by the House, is designed to ensure that the House can be repopulated by legitimate democratic means within 45 days after an attack causes multiple vacancies in the House.

The proposed constitutional amendment also includes a provision that states that "Congress may by law establish the criteria for determining whether a Member of the House of Representatives or Senate is dead or incapacitated . . ." I am quite concerned that this particular provision would deny the House its existing authority to address incapacitation by House Rules. This is an authority the House Rules Committee is already exercising. The provision of the constitutional amendment needlessly involves the Senate in how the House operates. By doing so, it would unfortunately make addressing continuity in government more difficult than it already is.

Mr. Speaker, and I continue to believe that government should neither exist nor change but with the express will of the people by whom and for whom it is created. I am hopeful that the prevailing will of this body will reflect that of our nation's Founding Fathers and will ultimately preserve its own popularly-elected nature by defeating this resolution.

With that Mr. Speaker, I urge my colleagues in the House to join me in voting against this resolution.

Ms. LOFGREN. Mr. Speaker, I yield 10 seconds to the gentleman from Washington (Mr. BAIRD) to make a correction.

Mr. BAIRD. Mr. Speaker, I apparently misspoke earlier when I mentioned it was the gentleman from Texas (Mr. SMITH) who expressed objection to my opportunity to speak in the Committee on the Judiciary. I regret that. There was a member of the majority. I thought it came from the gentleman from Texas (Mr. SMITH). I apparently was in error, and I apologize for the mistake.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on the Judiciary when he is not busy as chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to this resolution.

On April 22 of this year the House, overwhelmingly passed H.R. 2844 by a vote of 306 to 97, a measure introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, which would provide for the continuation of the House of Representatives in the event of a catastrophic loss of Members of the House. This legislation would also ensure that each Member of the House is elected, just as our Constitution mandates. Ensuring the election of Members of the House is the right approach for structuring legislation to provide for the continuity of government.

The direct election of Members of this body by the people is a fundamental principle established by the Founders of our Constitution. Specifically, the U.S. Constitution states, ''The House of Representatives shall be composed of Members chosen by the people of the several States. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such vacancies.''

This was not what the Constitution provided for the other body, and ever after we have been known as the People's House. That principle would be severely eroded with the adoption of this resolution.

Congress has a duty to set forth procedures to ensure that the government continues to function in the event of a catastrophe. However, Congress also has a duty to protect the direct link to the people that has always characterized the House of Representatives. Especially during the aftermath of a catastrophic event, it is important that we prevent the possibility that the government could consist only of unelected officials.

I have some serious concerns about House Joint Resolution 83. Specifically, I am deeply concerned about the idea that every Member of this House would designate two or more other people to effectively shadow Members of Congress under somewhat secretive circumstances. I am also concerned that if one of these officials were appointed to Congress then that person would have an inherent advantage over anyone else in the subsequent election by reason of the implicit endorsement by the former Member of Congress. This provision would chip away at the premise that the people and only the people should have the authority to determine who their representative should be.

For these reasons, I urge the opposition of this resolution and urge Members of the House to vote no on House Joint Resolution 83.

Ms. LOFGREN. Mr. Speaker, I reserve my time.

Mr. SENSENBRENNER. Mr. Speaker, I am prepared to close debate if the gentlewoman from California will do so first.

Ms. LOFGREN. Certainly.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. LOFGREN) is recognized for 4 minutes.

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

I think it is important that we have hearings in the Committee on the Judiciary to examine this subject matter. Several speakers have suggested that to have a constitutional amendment to provide for the temporary replacement of Members of the House so that we could have a Congress that acts before elections can be held would be the end of democracy. I think that we need to come to grips with the fact that if they kill us all, we have some bad choices. Here they are.

□ 1715

We can have an appointed government, because there is a line of succession to the Presidency, in the Senate there is a provision in the Constitution for their appointment, and no House of Representatives, which means that the appointed President would assume dictatorial powers. Or we could have a constitutional amendment that allows for the temporary appointment of Members of the House until special elections can be held so that the House is made up of elected representatives. I think those are the choices that face us.

Now, the American Enterprise Institute did a good thing. They put together a commission that looked at this whole issue, and here is what they said in their report: ''While some protections,'' they say, ''exist for reconstituting the Presidency, Congress would have a far more difficult time. It might not function well or at all. Ensuring the continuity of Congress is now a more pressing need than at any previous time in our history. According to two of the 9/11 plotters, the fourth plane that crashed in Pennsylvania was headed for the Capitol, and it is entirely conceivable the Congress will again be a target.''

It is interesting that although we have proceeded on pretty much a party-line basis in the discussion of this matter, not completely but almost completely, and it was certainly a party-line vote in the House Committee on the Judiciary, the commission itself was very bipartisan. The honorary cochairmen were President Jimmy Carter and President Gerald Ford. The cochairmen were Lloyd Cutler and former Senator Alan Simpson.

Tom Foley, the former Speaker, and Newt Gingrich, the former Speaker, who did not agree on a lot, agreed on this. Further, Bob Michel, who was the minority leader for so many years and is so well regarded, served on this commission with Leon Panetta, and they agreed as well that what we need is a constitutional amendment.

The alternatives to a constitutional amendment do not solve the problems of mass vacancy. They have a chapter indicating why special elections are helpful but not sufficient, and here is what they say: ''The President would act without a check, extra constitutionally in some cases, until Congress reconstituted itself. In addition, there is a possibility that a Congress of greatly reduced size would act, and that the vast majority of Americans could view this Congress as illegitimate. Shorter election cycles would not eliminate any of these problems but only slightly shorten their duration.''

They point out that ''clarifying the quorum requirement is not a solution.'' And they say, ''While the commission sees the value of clarifying the interpretation of the quorum requirement, it does not believe that making the requirement more lenient will ensure the constitutional continuity of Congress. Quite the opposite. A lenient quorum requirement might result in a small number of Members acting as the whole Congress and calling into question the legitimacy of congressional actions. The commission does favor a clarification of the quorum requirement, but not as a substitute for the constitutional amendment.''

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

Mr. Speaker, we have debated this constitutional amendment for almost an hour and a half now. I think that the issue is very clear, and that is whether the House should maintain its function as a House that no one enters without first being chosen by the people, or whether there should be some procedure for the appointment of Members of the House should there be a catastrophe.

This is a philosophical difference, and it is a philosophical difference that no amount of hearings will be able to bridge. Maybe this constitutional amendment is improperly drafted, maybe it is not; but the thrust of the constitutional amendment is to allow the appointment of Members of the House of Representatives to act, supposedly in the people's name, when there is a national catastrophe of unspeakable proportions. Any action by appointed officials will lack the legitimacy of action by elected officials, and that is why I think it is important to reconstitute the House with people who come to Congress with a mandate from the people should there be a disaster that wipes out most of our government.

Now, let us look at what House Joint Resolution 83 proposes to do. It says that prior to taking the oath of office, every Member elected to the House shall designate at least two temporary successors and will send that list to the Governor.

Now, during a campaign, when candidates are running against each other, there is no way that candidates will be able to avoid telling the press and the public who they will name as temporary successors. And that would be a distraction that would take away from the issue of choosing a representative in Congress who, hopefully, will serve for the full 2-year term. And all kinds of extraneous issues, such as how much the temporary successor designee contributed or whether they have special interests and things like that, will end up becoming an ancillary, but very important, issue in the campaign and take the campaign's focus away from the issues that the candidates espouse in their platforms. And that would not be good for democracy at all.

Now, it puzzles me greatly that people who have said how important it is that we deal with this issue and deal with it properly are now attacking the Committee on the Judiciary and asking for a delay. On October 23 of last year, the author of this amendment, the gentleman from Washington (Mr. BAIRD), said ''The more urgent matter is to put the measure before the body.'' That is what is being done today, yet now I hear him and others saying, well, we need more hearings.

Well, Mr. Speaker, more hearings will just continue the debate on whether or not there should be appointed temporary successors or the House should maintain its tradition constitutionally of being entirely comprised of people who are elected by the voters of the various States.

The Continuity in Government Commission's report, which endorses appointed representatives, says ''The exact details of a solution are less important than that the problem be addressed seriously and expeditiously.'' Today we are debating that issue. We ought to send a clear message on whether this House wants to have temporary successors appointed, which will only be done by a constitutional amendment, or whether we want to continue our tradition of having people who come here to be elected.

I urge that the motion to recommit be voted down and that the amendment be voted down so we can show the people of America and the world what this House stands for and what it stands against. I ask for a ''no'' vote on the motion to recommit and a ''no'' vote on the constitutional amendment.

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

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 657, the joint resolution is considered as having been read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read a third time.

MOTION TO RECOMMIT OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentlewoman opposed to the joint resolution?

Ms. LOFGREN. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Lofgren moves to recommit the joint resolution H.J. Res. 83 to the Committee on the Judiciary with instructions to conduct hearings on the subject matter of the joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes in support of her motion.

Ms. LOFGREN. Mr. Speaker, in the 45 days after September 11, this House first met to show the American people that their Congress was still intact, and then we went to work.

On September 13, we provided for the expedited payment for public safety officers who were killed or suffered catastrophic injury; we passed on September 13 the Victims of Terrorism Relief Act, the Emergency Supplemental Appropriations Act; on September 14 we authorized the United States Armed Forces to take action against those responsible for the attacks; we adopted the Air Transportation Safety and Stabilization Act; we made appropriations; we adopted bills to combat terrorism and adopted the Financial Anti-terrorism Act, the Bioterrorism Enforcement Act, and the list goes on and on.

Those were important activities. And if there were no Congress, those either could not have occurred or the executive would have had to assume the legislative authority that is by Constitution vested with the Congress. And as has been stated before, the Congress cannot exist unless the House of Representatives exists.

Now, we know that the temporary appointments can only be made if we are to change the Constitution. And although some think this is a bad idea, what we are asking is that we have a thorough study of this whole subject in the committee of jurisdiction in the House Committee on the Judiciary.

There are many issues that we need to discuss. There are, as the commission pointed out, several approaches that can be made, a broad approach that delegates to the Congress the ability to provide for replacements by statute, or a prescriptive approach similar to the one promoted by the gentleman from Washington (Mr. BAIRD).

What is incapacitated? How do we define that? If there is an appointment, is that person eligible to run for reelection? And if they are serving because of incapacity, will they be replaced when the incapacitated Member resumes their abilities? Who would do the appointments: the courts? the Member?

the governor? the legislature of each State? These are many questions that need to be answered, and all of them should be studied.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD), the author of the amendment.

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

The reason I think we need to recommit this bill, and it is rare, I think, for an individual who has authored a bill to suggest a motion to recommit, because when I called for the discharge petition to bring this bill to the floor, it was not just this bill. I wanted to bring many different approaches so we could fully discuss it.

The fundamental question I would urge the chairman of the Committee on the Judiciary and its members and this body as a whole to consider is this: it is a fine thing to defeat this legislation, and I respect the judgments of the people who may choose to do so, but you have yet today, or in the prior discussion of the chairman's own bill, answered the question satisfactorily for the American people as to what happens during the 45 or 75 days. People continue to say, no one should ever serve in the House who was not elected. We would all prefer that that be the case. But you have never said clearly and unambiguously, with clear-cut constitutional justification, how our government runs without a House of Representatives. You have yet to do so. You have offered pleasantries, reassuring promises; but you have never said how the country runs.

Madison did want the representatives to be elected, but he wanted there to be representatives. The people back home want to have representatives. Who will choose to send your kids to war? Who will choose to protect your civil rights? Maybe you can just rely on someone you do not know, an unelected representative whom you do not know. Maybe you can rely on that. And if they send your kid to war wrongly or usurp your civil rights, you can take great reassurance that 75 days later you can impeach them, assuming that one of their actions in the interim has not been to somehow reduce your right to do that.

You are rolling the dice, my friends. You are rolling the dice, and you have not yet put in place a solution. Mine may not be perfect, it is not; but let us, please, have an opportunity to revisit this issue and answer that question.

Ms. LOFGREN. Mr. Speaker, I would ask only that we approach this on a bipartisan basis in the committee. We should hold hands and work on this as a team, not fighting each other on party-line votes.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, passing this motion to recommit will not serve to do anything but to continue a debate that has gone on for almost 45 years. In 1960, the Senate passed an amendment to allow for the appointment of House Members.

□ 1730

It was never voted on in the House of Representatives, and that was during the height of the Cold War when everybody was afraid that the Soviet Union would unleash a missile or massive numbers of bombers, and if we did not make it down to the bunker at the Greenbriar in West Virginia, the entire Congress would be wiped out. That was a crisis time, and the Congress did the right thing: It ignored what the Senate did in terms of appointment of House Members.

Sending this resolution back to committee is not going to change anybody's mind on whether replacement House Members should be appointed or elected. We ought to hit this issue directly on the nose and vote on the amendment after defeating the motion to recommit.

Now I am again very puzzled by the fact that many of the proponents of this amendment, including the Commission on Continuity in Government, and their spokesperson is Norman Ornstein of the American Enterprise Institute, have said that the problem should be addressed seriously and expeditiously. This is what we are doing today.

And the author of the resolution, who now wants to have more hearings, told Roll Call on October 23, 2003, that the more urgent matter is to put the measure before the body. The measure is before the body today. We ought to vote down the motion to recommit. We ought to have a clear vote on whether Members want to have temporary successors appointed or to preserve Madison's principle of having the People's House be elected by the people. It is time to stand up and be counted, not to have more hearings on the subject. Vote no on the motion to recommit and vote no on the joint resolution.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.J. Res. 83, which amends the United States Constitution to allow appointed persons to fill vacancies in the House of Representatives in the event of an emergency. Since the Continuity of Government (COG) Commission first proposed altering our system of government by allowing appointed Members to serve in this body. I, along with other Members of Congress, journalists, academics, and policy experts, have expressed concerns that having appointed Members serve in the House of Representatives is inconsistent with the House's historic function as the branch of Congress most directly accountable to the people.

Even with the direct election of Senators, the fact that Members of the House are elected every 2 years while Senators run for statewide office every 6 years means that Members of the House of Representatives are still more accountable to the people than are members of any other part of the Federal government. Appointed Members of Congress simply cannot be truly representative. James Madison and Alexander Hamilton eloquently made this point in Federalists 52: "As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured."

Mr. Speaker, there are those who say that the power of appointment is necessary in order to preserve checks and balances and thus prevent an abuse of executive power. Of course, I agree that it is very important to carefully guard our Constitutional liberties in times of crisis, and that an over-centralization of power in the executive branch is one of the most serious dangers to that liberty. However, Mr. Speaker, during a time of crisis it is all the more important to have representatives accountable to the people making the laws. Otherwise, the citizenry has not check on the inevitable tendency of government to infringe on the people's liberties at such a time. I would remind my colleagues that the only reason we are reexamining provisions of the PATRIOT Act is because of public concerns that this act gives up excessive liberty for a phantom security. Appointed officials would not be as responsive to public concerns.

Supporters of this plan claim that the appointment power will be necessary in the event of an emergency and that the appointed representatives will only serve for a limited time. However, the laws passed by these "temporary" representatives will be permanent.

Mr. Speaker, this country has faced the possibility of threats to the continuity of this body several times throughout our history, yet no one suggested removing the people's right to vote for Members of the House of Representatives. For example, when the British attacked the city of Washington in the War of 1812 nobody suggested the States could not address the lack of a quorum in the House of Representatives though elections. During the Civil War, Virginia which borders Washington, DC, and where today many Capitol Hill staffers reside and Members stay when Congress is in session, was actively involved in hostilities against the United States Government, yet President Abraham Lincoln never suggested that non-elected persons serve in the House.

Adopting any of the proposals to deny the people the ability to choose their own representatives would let the terrorists know that they can succeed in altering our republican institutions. I hope all my colleagues who are considering supporting H.J. Res. 83 will question the wisdom of handing terrorists a victory over republican government.

The Constitution already provides the framework for Congress to function after a catastrophic event. Article I Section 2 grants the governors of the various States authority to hold special elections to fill vacancies in the House of Representatives. Article I Section 4 gives Congress the authority to designate the time, manner, and place of such special elections if states should fail to act expeditiously following a national emergency. As Hamilton explains in Federalist 59, the "time, place, and manner" clause was specifically designed to address the kind of extraordinary circumstances imagined by the supporters of H.J. Res. 83. Hamilton characterized authority over Federal elections as shared between the

States and Congress, with neither being able to control the process entirely.

Last month, this body fulfilled its Constitutional duty by passing H.R. 2844, the Continuity of Representation Act. H.R. 2844 exercises Congress's power to regulate the time, place, and manner of elections by requiring the holding of special elections within 45 days after the Speaker or acting Speaker declares 100 or more Members of the House have been killed. This proposal protects the people's right to choose their representatives at the time when such a right may be most important, while ensuring continuity of the legislative branch.

In conclusion, I call upon my colleges to reject H.J. Res. 83, since it alters the Constitution to deny the people's right to elect their representatives at a time when having elected representation may be most crucial.

Mr. HOLT. Mr. Speaker, I rise in opposition of this amendment.

The Founding Fathers designed the House of Representatives to guarantee the preferences and will of the people was represented. They included provisions in the Constitution, such as a 2-year term of office and requiring that vacancies be filled in all events by a special election, to ensure that the Members serving in this Chamber would be held directly accountable to the people.

Although the 17th amendment expanded this ideal of representation by requiring Senators to be directly elected by citizens of their State, it still permitted the use of appointments to fill vacancies. Therefore, the unique nature of the House of Representatives remained intact and to this day no Member has ever entered this body except by the mandate and popular vote of his or her constituents.

The stark realities of the 21st century, where terrorists seek to destroy our Nation and the incapacitation of a large portion of this Chamber is no longer inconceivable, require us to reexamine the continuity of our government. However, I believe that even in a terrorist attack or other catastrophe enough Members would survive to conduct the business of the Congress. The small probability that no Members would survive to serve does not warrant amending the Constitution to circumvent the electoral process. Suffrage is fundamental to the success of our democracy, and it must be protected even in times of crisis and uncertainty.

I urge my colleagues to vote against this amendment.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of the efforts of our colleague Representative BRIAN BAIRD to secure House consideration of the issue of amending the Constitution of the United States to ensure the continuity of Congress. I had hoped for hearings on this critical issue in the Judiciary Committee, followed by ''regular order'', and I had hoped for consideration of a number of Constitutional amendments sponsored by Members of the House, including H.J. Res. 89, which I introduced. One subcommittee hearing conducted 2 years ago does not really do this subject justice.

Many Members were looking for an opportunity to use the normal legislative process to develop and perfect their proposals regarding the continuity of the House, relying on the collective wisdom of the Members, and input from constituents. Such a discussion could have helped to educate both Members and the public on the importance of a Constitutional amendment. But because the truncated process foreclosed on that option, I did not submit my joint resolution to the Rules Committee.

Should the opportunity arise, I will vote to recommit this joint resolution to the Judiciary Committee, in the hope that there can be an open discussion, and broad debate on the matter. And I will vote for Rep. BAIRD's amendment, H.J. Res. 83, on final passage, in the hope that all Members who support the concept of a Constitutional amendment, will similarly express themselves on the worthiness of that objective, even though we may differ about which amendment would best serve this Nation. For I think this issue will arise again, and perhaps there will be an opportunity in the next Congress to more fully discuss and debate the issue. Sen. CORNYN's proposed Constitutional amendment is making its way through the Senate, so the issue is bound to arise again in some form.

While I believe the need for a Constitutional amendment is self-evident, I understand other Member's reservations about tinkering with the Constitution. Nonetheless, I have yet to hear a satisfactory answer to the question of what the Legislative Branch—not just the House—could constitutionally do in the weeks or months following an attack, if deaths and incapacitation left either chamber bereft of a quorum, incapable of legislating, or so unrepresentative as to deligitimize any actions it might take.

H.R. 2844, the ''Continuity of Representation Act'', which passed in April, and which called for special elections within 45 days after a certain number of vacancies occurred in the House, did not address that question. I think we need to be realistic about the consequences of a non-functional Legislative Branch at what is likely to be the most critical juncture in our Nation's history.

And I would like to put to rest the notion that the continuity of Congress debate is in any way partisan. There is no partisan content whatsoever to this issue. Neither Republicans nor Democrats are advantaged or disadvantaged by any of the ideas we are discussing. The vote on H.R. 2844 should have put that notion to rest, when a majority of Democrats voted for the bill, joining all but a handful of Republicans.

Members will no doubt recall that in the days and weeks following September 11, 2001, the House passed numerous pieces of vital legislation, which allowed the government to function both in war, and in furtherance of domestic policy goals. We did not hand out a ''closed for business—trust the Executive'' sign. We exercised the checks and balances essential to a stable and mature democracy, and we got the job of legislating done in record time.

In the absence of a Constitutional amendment, there is the sad prospect that the National could be governed by either martial law, or by other extra-Constitutional actions by the Executive, of potentially dubious legal status. This would be happening at the most critical time in the Nation's history, since that would be the only means left to run the government without a functioning Legislative Branch. And that would trample upon one of the core principles of the Framers of our Constitution—our system of checks and balances.

The Framers feared a powerful executive. And in the early days of our Republic, the office of President was fairly weak. However it has grown stronger over time, as the institutions of government have evolved, and as the Nation's needs have changed. The essential roles of Congress includes restraining the Executive, and that role remains paramount in maintaining our democracy today.

We cannot predict how the Executive, claiming potentially dictatorial powers, will operate in the absence of a functioning Legislative Branch, or whether such actions will withstand legal challenge. But we do know how to prevent this situation from ever occurring. We need only to remove our heads from the sand, and take the proper steps to legally address the issue under the Constitution.

While it is essential that we protect the ''people's House'' by populating it with popularly elected representatives from the 50 states, it is also essential that we protect the ''people's interests'' by taking action to prevent the Legislative Branch from ever being shut down for weeks and months following a catastrophic event.

I want to take a moment to discuss my own proposal, which I believe is less cumbersome and more straightforward than some of the other concepts. It would provide for the appointment of temporary Members of the House by state legislatures or, in some instances, by state governors, to serve pending the filling of vacancies through special elections. I think this procedure would be less cumbersome than using lists of potential successors which Members would have to create each and every time they ran for office. In the next Congress, I might consider leaving the appointment power to governors alone.

My amendment would require that all temporary replacements be from the same political party as the Members they succeeded, and that their tenure cease as soon as a popularly elected successor presents credentials to the House. I look forward to future hearings to debate that aspect of the proposal, since issues have been raised as to how someone's party affiliation can be determined in some states.

The amendment would also bar the temporary replacements from seeking office in the next election for the House, in order to ensure that they focus on representing their new constituencies, and coping with the emergency, rather than creating fund-raising committees and filming television commercials.

The subject is also deserving of significant debate, since I know some have argued that temporary replacements should have the right to present themselves to the public for election in our democratic system. I believe, however, that during a crisis following a potential attack, it is more important to keep the government running, and there is nothing in my amendment which would bar these temporary replacements from running at a future time, after they have finished discharging the responsibilities of the office to which they were appointed.

My proposed Constitutional amendment also addresses the complex subject of incapacity, by giving Congress the power, by law, to address it. The issue is better suited to examination in a law-making, or rule-making process, rather than to being specified in detail in the Constitution. As ranking member of the House Administration's Committee, which has jurisdiction over the incapacity question, I hope to press for Committee debate on the subject.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD, the text of H.J. Res. 89, and a section-by-section summary of the resolution, and yield back the balance of my time.

H.J. RES. 89

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. A smaller number than the majority of the House may resolve that a vacancy exists in the majority of the number of seats of the House of Representatives provided by law.

''SECTION 2. After the adoption of a resolution under section 1, the legislature of any State in which a vacancy in the membership of the House of Representatives exists shall convene a special session to appoint an individual to fill the vacancy.

''SECTION 3. If the legislature of a State does not convene a special session under section 2 during the 5-calendar day period which begins on the day after the date the House adopts the resolution described in section 1, or if the legislature convenes a special session during such period but does not appoint an individual to fill a vacancy in a seat during the 3-calendar day period which begins on the date the legislature convenes the special session, the chief executive of the State shall appoint an individual to fill the vacancy.

''SECTION 4. An individual appointed under this article shall meet the qualifications for service as a Member of the House of Representatives, and shall serve as a Member until an election is held to fill the original vacancy. The State shall provide for such an election at such time and in accordance with such procedures as may be provided by law, except that the individual appointed under this article may not be a candidate in the next election for the House. An individual appointed under this article shall be a member of the same political party as the Member of the House who previously held the seat.

''SECTION 5. The procedures and requirements described in sections 2 through 4 shall apply only with respect to a vacancy existing as of the date of the adoption of the resolution described in section 1 or a vacancy first occurring during the 20-calendar day period which begins on such date. In the case of a vacancy first occurring during such 20-calendar day period, section 3 shall apply as if the reference to the date on which the House adopts the resolution described in section 1 were a reference to the date on which the vacancy first occurs.

''SECTION 6. For purposes of carrying out the provisions of this article, Congress shall have the power by law to specify circumstances constituting when a vacancy happens in the Representation from any State in the House of Representatives, and to address the incapacity of Members of the House of Representatives.

''SECTION 7. Congress shall have power to enforce this article through appropriate legislation.''.

SUMMARY OF HOUSE JOINT RESOLUTION 89, A CONSTITUTIONAL AMENDMENT INTRODUCED BY REPRESENTATIVE JOHN B. LARSON TO ALLOW TEMPORARY APPOINTMENTS TO FILL VACANCIES IN THE HOUSE OF REPRESENTATIVES

Section 1. A smaller number than a majority of the House may resolve that a vacancy exists in the majority of the number of seats in the House provided by law, triggering the temporary appointment provisions.

Section 2. The legislature of any state in which House vacancies exist shall then convene a special session to appoint persons to temporarily fill the vacancies.

Section 3. If the state legislature does not convene within five calendar days after passage of the House resolution, or if the legislature does not complete selection of temporary House Members within a period of three calendar days beginning on the date of convening, the governor is required to make the appointments.

Section 4. Members serving temporarily in the House by appointment must meet the constitutional requirements for service in the House, and will exercise the full powers of membership until the vacancies are filled by election as provided by law. A temporary Member may not be a candidate in the succeeding election and must be of the same political party as the Member who previously held the seat.

Section 5. The temporary appointment authority applies to vacancies which exist at the time of adoption of the resolution by the House, or to any additional vacancies which occur within 20 days thereafter. If vacancies occur within this 20-day period, the time limits relating to action by the state legislatures and governors begin again with respect to those House seats.

Section 6. For the purposes of this article, Congress shall have the power by law to specify circumstances constituting when a vacancy happens in the House, and to address the incapacity of Members of the House.

Section 7. Congress shall have the power to enforce this article through appropriate legislation.

The article would become part of the Constitution if ratified by the legislatures of three-fourths of the states within seven years of the date of its submission to them.

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

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Ms. LOFGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, as ordered, on the question of passage on each of three motions to suspend the rules on which proceedings were postponed yesterday and earlier today.

The vote was taken by electronic device, and there were—ayes 194, noes 221, not voting 18, as follows:

[Roll No. 218]

AYES—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
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
Chandler
Clay
Clyburn
Cooper
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
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)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
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
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood

Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Ballance
Bereuter
Carson (OK)
Conyers
Costello
Cummings
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Napolitano
Pickering
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1756

Ms. GINNY BROWN-WAITE of Florida and Messrs. JOHNSON of Illinois, SHERWOOD, HEFLEY, BEAUPREZ and BRADY of Texas changed their vote from ''aye'' to ''no.''

Mr. TANNER and Mr. PASCRELL changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 63, nays 353, answered ''present'' 2, not voting 15, as follows:

[Roll No. 219]

YEAS—63

Baird
Bell
Berkley
Blumenauer
Brown (OH)
Capuano
Case
Chandler
Crowley
Davis (TN)
DeFazio
Dicks
Dooley (CA)
Engel
Eshoo
Evans
Frost
Gephardt
Gutierrez
Hastings (FL)
Hinchey
Honda
Hooley (OR)
Inslee
Jones (OH)
Kennedy (RI)
Kilpatrick
Langevin
Larsen (WA)
Larson (CT)
Lowey
Lucas (KY)
Matheson
McCollum
McInnis
Meeks (NY)
Miller (NC)
Miller, George
Oberstar
Pascrell
Payne
Pelosi
Rangel
Rohrabacher
Rothman
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Schakowsky
Schiff
Sherman
Slaughter
Smith (WA)
Souder
Strickland
Tauscher
Towns
Udall (CO)
Vitter
Watson
Waxman
Weiner

NAYS—353

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
English
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Jackson-Lee (TX)
Watt

NOT VOTING—15

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Napolitano
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1805

Mr. EDWARDS, Ms. ROS-LEHTINEN, and Mrs. BONO changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. NAPOLITANO. Mr. Speaker, on rollcall No. 218 and 219, had I been present, I would have voted ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, proceedings will resume on three motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S.J. Res. 28, by the yeas and nays;

H. Con. Res. 413, by the yeas and nays; and

H.R. 4109, by the yeas and nays.

The vote on H.R. 3866 will be taken tomorrow.

These will be 5-minute votes.

RECOGNIZING 60TH ANNIVERSARY OF ALLIED LANDING AT NORMANDY DURING WORLD WAR II

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate joint resolution, S.J. Res. 28.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. RYUN) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 28, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 220]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1814

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING CONTRIBUTIONS OF WOMEN, SYMBOLIZED BY ''ROSIE THE RIVETER,'' WHO SERVED ON THE HOMEFRONT DURING WORLD WAR II

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 413.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 413, 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 417, nays 0, not voting 16, as follows:

[Roll No. 221]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey

Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Gordon
Gutierrez
McCarthy (NY)
Nadler
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1821

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SIMPLE TAX FOR SENIORS ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4109, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FOLEY) that the House suspend the rules and pass the bill, H.R. 4109, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 222]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
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Hall
Harman
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Hastings (FL)
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Hayes
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Hooley (OR)
Hostettler
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Hulshof
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Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
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King (IA)
King (NY)
Kingston
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Kleczka
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Knollenberg
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Langevin
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Larsen (WA)
Larson (CT)
Latham
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Lewis (CA)
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Lewis (KY)
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Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
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McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
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Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
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Sherman
Shimkus
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Simmons
Simpson
Skelton
Slaughter
Smith (MI)
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Snyder
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Spratt
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Turner (OH)
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Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
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Watson
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Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Ballance
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Gordon
McCarthy (NY)
Nadler
Sherwood
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1832

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to allow seniors to file their Federal income tax on a new Form 1040S.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

CONDEMNING THE CRACKDOWN ON DEMOCRACY PROTESTORS IN TIANANMEN SQUARE, BEIJING, IN THE PEOPLE'S REPUBLIC OF CHINA ON THE 15TH ANNIVERSARY OF THAT TRAGIC MASSACRE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 655) condemning the crackdown on democracy protestors in Tiananmen Square, Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre.

The Clerk read as follows:

H. RES. 655

Whereas the United States was founded on the principle that all men and women are created equal and entitled to the exercise of their basic human rights;

Whereas freedom of expression, assembly, association, and religion are fundamental human rights that belong to all people and are recognized as such under the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the horrific events of June 3–4, 1989, in Tiananmen Square, Beijing, in the People's Republic of China, reminded the world that these universal human rights are denied to the citizens of the most populous nation on earth by the Communist Party that rules in China;

Whereas in recent days the Communist Government of China has stepped up harassment of the relatives of people who lost their lives in the 1989 crackdown on democracy protestors in Tiananmen Square, in an apparent effort to control dissent ahead of the 15th anniversary of that tragic massacre;

Whereas in recent weeks China's Communist Party leaders have been working to eliminate the residual influence of Zhao Ziyang, who was purged as Communist Party chief for opposing the 1989 crackdown on the Tiananmen protests, and are trying to erase his name from history;

Whereas Zhao was last seen in public on May 19, 1989, when he tearfully begged student protesters to leave Tiananmen Square, and was then promptly put under house arrest and purged;

Whereas the Communist Government of China declared martial law the next day and troops backed by tanks crushed the student movement on June 3–4, 1989;

Whereas the demonstrations in Tiananmen Square were the manifestation of a democratic movement that had begun to spread across China following the death of the former General Secretary of the Communist Party of the People's Republic of China on April 15, 1989, and that had given rise to peaceful protests throughout China calling for the establishment of a dialogue with government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials;

Whereas after that date thousands of pro-democracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, when Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square;

Whereas the report of the Chinese Red Cross on June 7, 1989, and the United States Department of State Country Reports on Human Rights Practices for 1989, gave various estimates of the numbers of people killed and wounded in 1989 by the People's Liberation Army soldiers and other security forces, and it is now believed by many that thousands were killed;

Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were reportedly tortured;

Whereas the Communist Government of China continues to suppress dissent by imprisoning pro-democracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner;

Whereas credible sources estimate that the Communist Government of China continues to imprison as many as 2,000 Tiananmen Square activists, such as Yang Jianli, and denies such activists their basic human rights, such as access to legal counsel, contact with their families, and trials within reasonable times;

Whereas security agents of the People's Republic of China have detained Chinese citizens who were planning activities to commemorate the 15th anniversary of the Tiananmen Square massacre, including the preparation of a video for presentation at this year's United Nations Human Rights Commission meeting in Geneva on the deaths of their relatives and other victims who perished in Tiananmen Square;

Whereas coincident with the 15th anniversary of the Tiananmen Square massacre, the Communist Government of China has frustrated the efforts of Chinese citizens in Hong Kong to establish a gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as promised at the time of the reversion of Hong Kong to China in 1997 and as envisioned by the Basic Law of the Hong Kong Special Administrative Region;

Whereas despite an unprecedented public protest in Hong Kong on July 1, 2003, reminiscent of protests in Beijing shortly before June 4, 1989, the Standing Committee of the National People's Congress of the People's Republic of China declared on April 26, 2004, that universal suffrage would not apply to the selection of the Chief Executive in Hong Kong in 2007 or to the selection of members of the Legislative Council in Hong Kong in 2008; and

Whereas June 4, 2004, is the 15th anniversary of the date of the Tiananmen Square massacre: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses sympathy to the families of those killed, tortured, and imprisoned as a result of their participation in the democracy protests of June 3–4, 1989, in Tiananmen Square, Beijing, in the People's Republic of China, and to all those persons who have suffered for their efforts to keep that struggle alive during the past 15 years, and to all the people of China who lack fundamental human rights;

(2) commends all persons who are peacefully advocating for democracy and human rights in China;

(3) calls upon those nations participating in the 2008 Olympic Games in Beijing to use opportunities created by the Games to urge China to fully comply with the United Nations Declaration on Human Rights;

(4) calls upon the Communist Government of China, its National People's Congress, and any other groups appointed by the Communist Government of China to honor its pledge of a ''high degree of autonomy'' made at the time of the Hong Kong reversion in 1997, by permitting immediate elections for the Legislative Council of Hong Kong according to rules approved by the Hong Kong people through an election-law convention, referendum, or both, and by leaving all revisions of Hong Kong law to a legislature elected by universal suffrage; and

(5) condemns the ongoing and egregious human rights abuses by the Communist Government of China and calls on that Government to—

(A) reevaluate the official verdict on the June 4, 1989, Tiananmen pro-democracy activities and order formal investigations into the reported killing, torture, and imprisonment of democracy activists with the goal of bringing those responsible to justice;

(B) establish a June Fourth Investigation Committee, the proceedings and findings of which should be accessible to the public, to make a just and independent inquiry into all matters related to June 4, 1989;

(C) release all prisoners of conscience, including those persons still in prison as a result of their participation in the peaceful pro-democracy protests of 1989, provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in China; and

(D) release Dr. Yang Jianli, an organizer of the Tiananmen Square protests of 1989, who has been illegally detained incommunicado by the Communist Government of China since April 26, 2002, and whose wife and 2 children are United States citizens, and put an immediate end to the harassment, detention, and imprisonment of all Chinese citizens exercising their legitimate freedoms of expression, association, and religion.

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

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

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

Mr. Speaker, I rise in strong support of the resolution.

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

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the

gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me time and for his exceptional service and leadership as chair of the Human Rights Caucus of the House. I also want to acknowledge the great work and leadership of the gentleman from New Jersey (Mr. SMITH). He has been a champion for human rights, and it has been my privilege to work with him over the years to promote international human rights. I thank him for his accommodation this evening.

Mr. Speaker, the forward march of freedom has often been advanced by brave souls who defied the powers of their day to demand the liberties and human rights to which all people everywhere are entitled.

This week the world pays tribute to the brave souls of Tiananmen Square who 15 years ago stood up for freedom, only to be met with a hail of bullet and a new era of repression.

Mr. Speaker, I am pleased to join with my colleague, the gentleman from California (Mr. COX), as well as the distinguished chairman, the gentleman from New Jersey (Mr. SMITH), and our ranking member, the gentleman from California (Mr. LANTOS) in sponsoring this resolution that remembers and reaffirms.

We remember the courage of the heroes of Tiananmen, and we reaffirm our Nation's commitment to the principles of freedom and democracy of which they dreamed. In doing so, this resolution keeps alive the spirit of Tiananmen Square. The spirit of Tiananmen lives in the hearts of all freedom-loving people.

We remember how millions of ordinary students, workers and citizens marched in peace. How they raised the Goddess of Democracy and the image of our own Statue of Liberty. How they quoted our own Founding Fathers. We remember with sadness and outrage how the so-called People's Liberation Army was unleashed on its own defenseless people, slaughtering thousands and searing into our consciences forever one of the most enduring images of the 25th century, the picture of a lone man before a tank, bringing a line of tanks to a grinding halt.

Fifteen springs later, the spirit of Tiananmen lives on in the prison cells across China. Today, we once again call on Beijing to release the thousands of Tiananmen activists held to this day and all the prisoners of conscience whose only crime was to demand their basic human rights. The spirit of Tiananmen lives on in the exiles who fled their beloved homeland and who today carry on the struggle. In San Francisco, which I have the privilege of sharing representation with the gentleman from California (Mr. LANTOS), we are proud that many of these talented young people have enriched our community. But even as we observe their celebrations to our Nation, we work for a day when they may return if they so choose to their own nation, a free and democratic China.

For too long the United States has pursued a policy of trickle-down liberty. First, economic freedom and then they said political freedom will follow. The 15 years since Tiananmen have exposed this policy as the illusion that it is. For a billion Chinese, freedom remains a dream deferred. After all these years, journalists, activists, academics, workers and religious believers are still persecuted and, Mr. Speaker, tortured. As this 15th anniversary nears, Beijing is still harassing and arresting dissidents and families of the Tiananmen victims. Meanwhile, Chinese elites are enriched by global trade. And despite more than a decade of concessions from Washington, our trade deficit with China has grown from $2 billion a year to over $2 billion a week, to a dangerous $124 billion a year.

The highest tribute we could pay on this anniversary would be to use our political and economic influence to advance the reforms advocated 15 years ago.

Finally, the spirit of Tiananmen lives on in the hearts of the Chinese people, especially those in Hong Kong who have tasted freedom. In taking to the streets to demand democracy, the brave people of Hong Kong have been a stirring example to the world. On this anniversary, U.S. resolve in facing Beijing would send a clear message to democratic reformers throughout Asia. Democracy in Asia is as crucial there as it is in the rest of the world.

So it is that the spirit of Tiananmen endures and inspires. Tanks and troops may crush a protest, but they can never extinguish the flame of freedom that burns in every human heart.

Mr. Speaker, on this day with this resolution we say to the people of China, including the people of Hong Kong and freedom-loving people everywhere, your cause is our cause. We will never forget. We will never forget. And in doing so we reaffirm our commitment to a common dream: the day when the world's most populous nation can at last be called the world's largest democracy.

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

Mr. Speaker, I thank the gentlewoman for her comments and for her leadership on this, and the prime sponsor of this resolution, the gentleman from California (Mr. COX). The Cox-Pelosi resolution before us is extremely important and very timely.

Mr. Speaker, in December of 1996 here in Washington, at the invitation of President Bill Clinton, General Chi Haotian, the Defense Minister of the People's Republic of China, the general who was the operational commander of the soldiers who slaughtered pro-democracy demonstrators in and around Tiananmen Square in June of 1989, said, ''Not a single person lost his life in Tiananmen Square.'' According to General Chi, the Chinese Army did nothing more violent than, and I quote him, ''pushing of people.''

General Chi not only met with Mr. Clinton in the White House but was accorded full military honors, including a 19-gun salute and visits to military bases. Rather than getting the red carpet, Mr. Speaker, I would respectfully submit that General Chi should have been held to account for his crimes against humanity.

Mr. Speaker, to counter the big lie that he proffered right here in Washington, D.C., I quickly put together and chaired a hearing of eyewitnesses to Tiananmen Square, to the massacre, including several Chinese, a former editor of the People's Daily, and Time Magazine's Beijing bureau chief. We also invited General Chi or anyone else to testify before our committee from the government of China. They were no shows, although we left a chair for them.

One of our witnesses, a man by the name of Xuecan Wu, the former editor of the People's Daily, was singled out by Li Peng for punishment and got 4 years in prison for trying to tell the truth to his readers in Beijing. Mr. WU called General Chi's lie about no one being killed ''shameless'' and told my subcommittee that he personally saw at least, and I quote him here, ''at least 30 carts carrying dead and wounded people.''

Eyewitness Jian-Ki Yang, Vice President of the Alliance for a Democratic China, testified, and I quote, ''I saw trucks of soldiers who got out and started firing automatic weapons at the people. Each time they fired the weapons, three or four people were hit, and each time the crowd went down to the ground. We were there for about an hour and a half. I saw 13 people killed. We saw four tanks coming from the square, and they were going very fast at a very high speed. The two tanks in front were chasing students.''

Imagine that, Mr. Speaker, tanks chasing students.

He went on to say, ''They ran over the students. Everyone was screaming. We counted 11 bodies.''

Mr. Speaker, Time Magazine's David Aikman, another eyewitness said, and I quote, ''Children were killed holding hands with their mothers. A 9-year-old boy was shot seven or eight times in the back, and his parents placed the corpse on a truck and drove through the streets of northwest Beijing on Sunday morning. 'This is what the government has done,' the distraught mother kept telling crowds of passersby through a makeshift speaker system.''

Mr. Aikman went on to say in his testimony that ''officials at the Chinese Red Cross reported 2,600 people dead, but then they too were ordered to keep silent and to deny that they had ever given out such figures.''

Today, Mr. Speaker, 15 years after Tiananmen Square, after a brutal massacre, the Chinese government perpetuates General Chi's Orwellian fabrication that no one died. It is now clear that thousands died and approximately 7,000 were wounded. Fifteen years after Tiananmen Square, some 2,000 people remain incarcerated for peacefully advocating human rights. To be jailed by the Chinese, as we all know, means torture, humiliation, and severe deprivations.

Mr. Speaker, in the early 1990s, the gentleman from Virginia (Mr. WOLF) and I visited Beijing Prison Number 1, a bleak gulag where 40 Tiananmen Square prisoners were being unjustly detained. We saw firsthand the price paid by brave and tenacious individuals for peacefully petitioning their government for freedom. And it was not pretty. They looked like the walking skeletons of Auschwitz.

Mr. Speaker, we do not know how many of those are still languishing in prison. Some, perhaps all of them, are still there; but of the 20,000 originally arrested and detained, like I said, approximately 2,000 continue in the gulags and in the Laogai of China.

Mr. Speaker, let me say that, despite the hopes and expectation of some that robust trade with China would usher in at least a modicum of respect for human rights and fundamental liberties, the simple fact of the matter is that the dictatorship in China oppresses, tortures and mistreats millions of its own citizens. Moreover, China is the land of the one-child-per-couple policy, a barbaric policy that makes brothers and sisters illegal. Forced abortion, force sterilization and ruinous fines are routinely deployed to ensure compliance with this Draconian and utterly cruel family planning policy.

Mr. Speaker, according to the U.S. Department of State, the government's human rights record remains poor. They start off with that in this year's report. And the government continues, the State Department goes on to say, to commit numerous and serious abuses. The Country Reports of Human Rights Practices also went on to say that there was backsliding. It was already bad and now it is even getting worse, and the word backsliding was used. And abuses including killing, torture, mistreatment of prisoners and forced confessions are among those that have gotten worse.

Finally, let me say in April the Chinese government openly gloated over the defeat once again of a U.S.-sponsored resolution at the U.N. Human Rights Commission. I would say parenthetically, given the makeup of the Commission, the outcome came as no surprise. Rogue nations proliferate and are all over that Commission. They make a beeline for that Commission to mitigate human rights adherence and enforcement and bringing rogue nations to confront these abuses.

In one stunningly absurd statement, Chinese Ambassador Sha Zukang said the U.S. proposal and the resolution was done out of, and this is his words, ''disappointment and jealousy.''

I would just like to say to the Chinese government and to Ambassador Sha Zukang, we proposed it because we care and we are in solidarity with the oppressed and we want to hold the oppressor to account. Disappointment and jealousy? I do not think so. This is all about trying to help those who are under the cruel boot of the Chinese dictatorship.

Mr. Speaker, I participated in the meetings in Geneva, and I confronted the Chinese leadership in an open forum. I have to say they were amazingly inept, and they were unprofessional. All they could do during the course of the debate was to deny, to deny, and to deny and to question our motives. And then, when things were not going well for them, they abruptly ended the meeting.

Mr. Speaker, someday the good and honorable people of China will live in freedom; and I believe the martyrs of Tiananmen who have suffered unspeakable horrors at the hands of a government and were jailed and were wounded and murdered will be even more revered and honored for their sacrifice than they are today. This resolution honors those courageous champions of freedom and democracy. I urge its passage.

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

□ 1845

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

Let me first pay tribute to my good friend, the gentleman from New Jersey (Mr. SMITH), who has been such an indefatigable fighter for human rights across the globe and particularly with respect to China and Tibet.

Let me also recognize the enormous contributions to this fight of the gentlewoman from California (Ms. PELOSI), the Democratic leader, my friend and neighbor and colleague, representing San Francisco, and our distinguished colleague, the gentleman from California (Mr. COX).

Listening to my friend from New Jersey, I am reminded of a picture I have in my office as one enters, and that picture, one of the most precious photos of all times, shows a lone young Chinese man standing up to a line of tanks, defying totalitarian tyranny with courage and devotion to the principles that our Constitution was built on.

Mr. Speaker, 15 years ago today, China's senior leaders huddled behind the walls of their compound near the Forbidden City. They had a critically important decision to make, whether to reach out to the students and workers gathered in Tiananmen Square and address their concerns about party corruption and lack of democracy or seek to squash the movement with force, if necessary.

Sadly for the cause of freedom and justice and for the lives of thousands of young Chinese citizens, the leadership of China made the wrong decision. Instead of entering into a meaningful dialogue with those gathered in the Square, they launched a brutal crackdown on the democracy movement, killing thousands and imprisoning many more.

China's leaders hoped that the world would forget the tragedy of Tiananmen Square, but fortunately for the cause of truth the victims of Tiananmen had mothers, mothers who have kept alive the memory of their slain children and demanded an apology from their government.

For the past 10 years, Mr. Speaker, the Tiananmen Mothers Campaign has worked to document the brutal 1989 crackdown by collecting the names of real victims and recording their individual stories. In the face of enormous pressure from the Chinese Government, the Tiananmen Mothers have respectfully requested a government investigation into the massacre and a formal apology for this gross violation of human rights. For their bravery alone, these women deserve the Nobel Peace Prize, which I earnestly urge the Nobel Committee to award them.

The Chinese Government has responded by putting the Tiananmen Mothers under house arrest and prohibited them from marking the June 4 anniversary in an appropriate manner. Once again, the government has made a shortsighted decision, repression, not dialogue.

I am proud, Mr. Speaker, that the Congress of the United States stands today united with the victims of the Tiananmen massacre and with the families of the victims who will one day be feted as heroes in a free and democratic China. I wish that Europe would stand with the Tiananmen victims as well.

Instead, the European Union is running headlong towards lifting the arms embargo it imposed on China, along with the United States, after the Tiananmen killings. In their desperate quest to earn some euros from the arms trade, France and Germany are pressuring the rest of the European Union to open the floodgates of weapons sales to China.

Mr. Speaker, the weapons that the Europeans will sell to the Chinese will be used to intimidate those who wish to speak out for freedom and to kill those who refuse to be intimidated. These weapons may also be used against American forces some day if we are ever called on to defend Taiwan against an unprovoked attack by the mainland.

Mr. Speaker, the member states of the European Union appear to have lost their moral compass; and they have forgotten that developed, democratic nations must make policy decisions which benefit human rights and international security but may harm mercantile interests back at home. It is my hope that this June 4th the European Union remembers those who were sacrificed in and around Tiananmen

Square 15 years ago and will refuse to yield to Chinese pressure.

With passage of our resolution, we will tell those who continue to battle for truth, justice and freedom in China that we have not forgotten their cause. I strongly support the passage of this resolution.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security. He is the prime sponsor of this resolution, and we appreciate his leadership on this issue and on human rights in China.

Mr. COX. Mr. Speaker, I thank the chairman for the time.

I thank the gentleman from California and the gentlewoman from California (Ms. PELOSI), who is the cosponsor of this resolution commemorating the 15th anniversary of Tiananmen Square.

That day in June of 1989 is, of course, remembered for the tragedy, but it should also be remembered as one of the high points in the progress towards democracy in human rights in the People's Republic of China. Because prior to the troops crushing the demonstrators and their message, the message had already spread all over China, and looked at in a grander scale of time, there is no question what ultimately can and must happen here. The troops may have won the battle that day against the Chinese people, but they will not win the war so long as we remember, and we will never forget. So we are today commemorating this anniversary of the Tiananmen Square massacre.

At the same time, we are supporting the people of China in their struggle for human rights. These democracy demonstrations that began in Beijing in April of 1989 spread quickly to other major cities and provinces throughout China. They were an inspiration to the world.

As Communist regimes were falling in Russia and East Germany and Poland, Romania, Latvia, Lithuania, Estonia, Ukraine, across Eurasia, the people of China were also seizing the moment to move to the next step in the development of their astounding civilization.

The statue of the Goddess of Democracy showed the world that China's glorious civilization and their extraordinary and wonderful culture for which we all owe a great debt of gratitude would advance still further in the 21st century so that the Chinese people would have a form of government worthy of that culture and that civilization. Finally, after centuries of feudalism, colonialism and foreign interference, the people of China would have genuine human rights, the freedom of association, the freedom of assembly, freedom of speech, freedom of religion, and the freedom to choose their own leaders.

When the Chinese Army injured or killed hundreds of unarmed civilians, some people insisted that this showed the true face of China, but, of course, it did not. The true face of China was shown in the statue of the Goddess of Democracy. The true face of China was shown in those demonstrations throughout the provinces and all the major cities in the country.

We want China to become a trustworthy member of the international community; and in some respects, certainly compared to cultural revolution and the reign of terror under Mao, things in China are much improved.

Yet contrary to the drumbeat sounded by some advocates of engagement, this resolution warns that China's willingness to engage in the world economy has not yet translated into evolution toward democracy nor even an improvement in the Chinese people's religious, human or worker rights.

I will never forget the audience I had with Jiang Zemin in the Great Hall of the People when I asked him, because they were then advertising the village elections that they were having as a step on the road to democracy, when might we have elections in China for a mayor or a city council. He said to me, not for at least 20 years. I still do not know to this day whether that is exactly what he said, because he might just as well have said not in my lifetime. It would have been literally a correct translation.

Here we are many years later, and there have been no steps towards that kind of authentic democracy. In fact, in Hong Kong, where that kind of democracy under the one-country, two-systems model is eminently possible and achievable and where the people of Hong Kong wish devoutly to achieve that result, Beijing has just insisted, in violation of their guarantee in 1997 of the high degree of autonomy to the people of Hong Kong, that there will not be universal suffrage and free elections for the chief executive or for a legislative council in 2007 and 2008.

With this resolution, Congress shows we remember and we will not forget. We insist that our country's China policy promote freedom, human rights and the rule of law, religious and political freedom, free expression, free trade and free markets.

Our long-standing friendship with China can only reach its full potential when the Chinese people enjoy these freedoms. These freedoms increasingly flourish along China's borders. Peace and security for the Chinese people and all their neighbors are essential preconditions for true political, social and economic progress.

Mr. Speaker, the PRC cannot seek a spirit of cooperation between our governments, as they claim to want during a recent visit by Vice President CHENEY, and at the same time so horribly mistreat their own people. Americans, as friends of the people of China, are happy to hear words about the PRC's government's commitment to human rights. We are happy to see their proposal of new amendments to their constitution further guaranteeing these human rights, but unless these words are reflected in deeds, they are meaningless.

The reflections published in the Wall Street Journal today by Wang Dan, one of the leaders of the 1989 Chinese democracy movement, were poignant. He said, ''It is clear to me as never before that the Tiananmen massacre was an unavoidable step in the long path to a free China and that true political reform can never come from within the Communist Party.''

□ 1900

He lamented that ''Communist leaders, be they conservatives or reformists, are all wedded to retaining the current political system, complete with its problems such as corruption and lack of accountability. And far from easing its iron grip on all forms of political dissent, the new leadership now seems intent on extending it to Hong Kong.''

It is striking, with all of the progress that we have seen in other areas, that the current Communist Party leaders in China have repudiated nothing that happened 15 years ago. As Wang Dan points out, that is because they understand ''that reevaluating the official description of the 1989 movement as counterrevolutionary would shake the foundations of the Communists' grip on power.''

Is it not a terrible irony that the current leaders of the People's Republic of China have their power because of the system that was enforced through these brutal means in 1989.

One of the demonstrators, one of the organizers of what happened in Tiananmen Square, a student at the time, is now Dr. Yang Jianli. He and his wife and his two children have lived here in America for many years because he suffered under the punishment, as so many Chinese freedom fighters, democracy activists do of exile. It is a horrible form of punishment. You can never go back to your own country again. So he was banished and lived here in America.

He decided that he wanted to go back to China; and when he set foot in the country, he was arrested. He has been in jail, held incommunicado, held without access to legal counsel or any of the legal rights guaranteed him even under PRC law, for the last 2 years. His children have not seen their father. His wife, Christina Fu, is well known to many of us here because she has helped us enact resolutions that this Congress has passed in a show of support for the basic human rights that any human being, and certainly this American resident, is entitled to. His crime, of course, was supporting freedom and democracy. It has been nearly a year since the House of Representatives enacted House Resolution 199 by a unanimous vote of 412 to nothing.

This legislation condemned and deplored the detention of Dr. Yang Jianli

and the lack of due process afforded him. It called on the Government of the People's Republic of China to release him immediately and unconditionally. The Bush administration has made the release of Dr. Yang one of its most important priorities, and the Vice President raised this at his recent summit. Yet the PRC has continued to violate its own law and to act without regard to international condemnation.

In 2003, the United Nations, through its Working Group on Arbitrary Detention, which I should point out is a group that includes Algeria, France, Paraguay, Hungary, and even Iran, a very diverse group, concluded that in this case continuing to hold Dr. Yang is a violation of the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights. The U.N. working group clearly and specifically declared that Yang Jianli's detention was illegal.

It is not just that he is being detained; it is that he is being abused. He is being virtually deprived of his human rights even as a prisoner. Not only was he arbitrarily placed for lengthy periods in solitary confinement; he was handcuffed for so long that his wrists bled. He was denied access even to books, newspapers, not to mention a lawyer.

Releasing Dr. Yang would be a small, but important, gesture that the Communist Government had learned something since Tiananmen Square. No such gesture, Mr. Speaker, has come.

As we remember Tiananmen Square, we must remember that there are many, many cases like Dr. Yang's. In fact, there are many, many cases of those who were murdered, tortured, and who are still in prison today. We must remind the dictators of the world yet again that individual freedom of expression is no mere internal affair of a government. It is a human right shared by all peoples and recognized by all civilized nations.

Mr. Speaker, I strongly support the passage by this House of this important resolution marking this sad anniversary, but this joyful anniversary that eventually will see freedom in China.

Article 19 of the United Nations' Universal Declaration of Human Rights explicitly guarantees the freedom to "receive and impart information and ideas through any media regardless of frontiers."

According to Amnesty International, a growing number of Chinese people are being detained or sentenced for peacefully expressing their views or downloading information on the Internet. The detained include students, political dissidents, Falun Gong practitioners, workers, writers, lawyers, teachers, civil servants, former police officers, engineers, and businessmen.

Signing online petitions, calling for reform and an end to corruption, planning to set up a pro-democracy party, publishing "rumours about SARS," communicating with groups abroad, opposing the persecution of the Falun Gong and calling for a review of the 1989 crackdown on the democracy protests are all examples of activities considered by the PRC's dictatorial regime to be "subversive" or a danger to "state security." Such charges almost always result in prison sentences.

China is also renowned for aggressive censorship of the Internet. Web sites of human rights organizations, and numerous international news sites are regularly blocked by government-controlled routers.

There is a role for the United States to play in this fight for free expression. We can promote the exchange of ideas and disseminate accurate information. Our efforts to do so behind the Iron Curtain were instrumental in empowering citizens living under Soviet Communist rule. It is now time to focus our efforts on a different Communist regime and a new technology.

The ability of people around the world to freely access news and information via the Internet may be the greatest threat to tyranny and the most powerful weapon possessed by free people that we have seen in our lifetimes. Indeed, Internet access is rapidly expanding in China. According to official statistics, the number of Internet users had risen to 79.5 million by December 2003 from 59.1 million users in December 2002—an increase of 34.5 percent.

But, just as Communist governments during the Cold War sought to keep uncensored news from their people by jamming Radio Free Europe and Radio Liberty, the government of China today retains strict control over the information Chinese citizens can access on the Internet. During the past few years, Beijing has passed sweeping regulations that prohibit unauthorized news and commentary on Internet sites, and officials arrest and imprison those who violate these laws. Authorities in China routinely block websites they believe a danger to their hold on power, including those of dissident groups and foreign news organizations, like the Washington Post, the New York Times, the BBC, and the Voice of America.

Dictatorial regimes like China have been aggressively blocking access to the Internet with technologies such as firewalls, filters, and so-called black boxes. In addition, these oppressive governments monitor Internet, email, and message boards for key words. They also develop lists of users who visit particular sites, and when they believe that a web user or publisher is a threat to their power, they don't hesitate to act on this information.

According to Human Rights Watch, Chinese web publisher Huang Qi, after enduring a 3-year detention, was finally sentenced last summer to 5 years in prison for the crime of subversion. What was he publishing? The online equivalent of our milk carton notices about missing persons. He had dared to create a website at which people could share information about missing friends and family members and he actually helped rescue several young girls who had been abducted and sold into marriage. Because his site also featured criticism of several state-run agencies, he now spends his days in prison.

The U.S. private sector is developing a number of technologies to combat Internet blocking. Unfortunately, the U.S. government has contributed few resources to assist these efforts and to put the new technologies to use.

That is why I joined Congressman TOM LANTOS, Senator JON KYL, and Senator RON WYDEN in authoring H.R. 48, the Global Internet Freedom Act, which would create a new Office of Global Internet Freedom within the International Broadcasting Bureau. The Office would develop and implement a global strategy to combat state-sponsored and state-directed Internet jamming and persecution of those who use the Internet. The Foreign Relations Authorization Act, which passed the House on July 16, 2003 but has been stymied by the other body, authorizes $8 million per year for the Office of Global Internet Freedom.

With the Global Internet Freedom Act, within the larger State Department bill, Congress can authorize $8 million annually to the proposed Office of Global Internet Freedom so that the U.S. can devote more resources to ensuring worldwide access to information and give those who strive for true freedom the tools they need to outwit the thought police.

The Chinese people certainly still need these tools, because the thought police in Beijing have obviously not learned from the SARS tragedy. While some might have hoped that this deadly lesson would lead to greater openness on the part of the regime—and perhaps some restraint in its ongoing campaign to block the free exchange of information via the Internet and other media—recent events suggest that the tyrants of Beijing are moving in the other direction.

Despite the early release of several high-profile Tibetan dissidents, suppression of political dissent and restrictions on religious freedom continue throughout Tibet and neighboring areas of the PRC. According to the Tibet Information Network, those early releases were quickly off-set by further arrests of Tibetan dissidents in other Chinese provinces. For instance, a popular singer was detained in March 204 because of the political content of his songs, and in February, a young monk was arrested at his monastery for possessing a photograph of the Dalai Lama.

Meanwhile, in northwest China, the international war against terrorism is used to justify harsh repression in Xinjiang, home to China's mainly Muslim Uighur community. Several mosques have been closed, use of the Uighur language has been restricted and certain Uighur books and journals have been banned. The crackdown against suspected "separatists, terrorists and religious extremists" intensified following the start of a renewed security crack-down in October 2003. Arrests continue and hundreds of dissidents remain in prison.

Members of unofficial spiritual or religious groups, including some Qi Gong groups and unregistered Christian groups, continue to be arbitrarily detained, tortured and ill-treated. Detained Falun Gong practitioners, including large numbers of women, are at risk of torture, including sexual abuse, particularly if they refuse to renounce their beliefs.

It is fitting that, as we debate this resolution, the Victims of Communism Memorial is nearing construction on Capitol Hill. The Memorial, which will commemorate this struggle by paying tribute to more than 100 million victims of Communist atrocities around the world, will prominently feature a replica of the Goddess of Democracy statue created by pro-freedom activists in Tiananmen Square, in addition to an eternal flame to the victims of Communism and bronze panels with quotes from heroes of the Cold War.

Wang Dan said, "The 1989 student movement played an invaluable role in pointing out the path to democracy in China. Without it, we would still be clinging to the myth that a small

group of enlightened Communist officials could rescue China from totalitarian rule. Instead we have learned from our mistakes that year, and realized that China's democratization must be a bottom-up process, driven by forces outside the Communist system.''

Today, on a bipartisan basis, Congress stands united in support of freedom for the people of China. Fifteen years ago, Tiananmen Square marked not only a tragedy, but a decisive turning point in the fight for freedom. People's Liberation Army troops won the battle against the Chinese people that day, but they will surely lose the war to imprison the human spirit—because we will never forget. The day will soon come when all of the Chinese people will have the right to speak and debate freely. The hope symbolized by the Goddess of Democracy will ultimately triumph.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to my good friend, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

I want to thank, first of all, the sponsor of the resolution, the gentleman from California (Mr. COX), for a very eloquent statement, and my good friend and colleague, the gentleman from California (Mr. LANTOS), for his very eloquent statement and for a long-standing commitment to human rights in China, as well as everywhere else in the world where those rights are abridged.

I just want to make a couple of points very briefly. I would hope that every Member, and I am sure they will by the time this is voted upon with a recorded vote, probably tomorrow, to read, those who have not read the full text. And I commend the maker of this resolution, the gentleman from California (Mr. COX), for being so comprehensive not just in the whereases but in the operative clauses.

He mentioned, I think a moment ago, about the Tiananmen mothers. They sent videos to Geneva to the U.N. Human Rights Commission. And because they presented a video to those who were there supposedly gathering information about human rights abuses anywhere and everywhere in the world where there is abuse, for that these Tiananmen mothers were not only arrested, and were subsequently, we understand, let go, but they now are being watched.

These are the mothers who have lost loved ones, sons or daughters, in Tiananmen Square and the days that followed. And the burden they carry having lost their loved ones is only exacerbated by the cruelty of the mothers now being harassed by the dictatorship in Beijing.

The resolution also calls for the release of Dr. Yang Jianli, another veteran of the Tiananmen Square protest of 1989, who has been illegally detained in China for over 2 years, so that he may be reunited with his wife and two children in the United States. It is time to let Dr. Yang go, and I hope that the Chinese get that message very, very quickly from what I hope will be a very bipartisan support for this resolution.

It also calls upon nations participating in the 2008 Olympics to use the opportunities created by the games to urge China to fully comply with the United Nations Declaration of Human Rights. I would remind my colleagues that when the Chinese wanted the Olympics 2000, they let out some very prominent dissidents, including Wei Jingsheng. I happened to be in Beijing on a human rights trip when he was let out. I met with him. When they did not get the Olympics, they went back and rearrested him and put him back into the Laogai and into the gulag in China. A very cynical approach.

This time they got the Olympics, and they did nothing whatsoever to deserve them. So, hopefully, the venue of the 2008 Olympics will be used by those who care about human dignity and human rights to raise these issues very substantively.

There is also the issue of asking for the establishment of a June 4 investigation committee. There has been an absolutely absurd whitewash of what happened the day of June 4 and the days that subsequently followed as a result of the Tiananmen Square massacre and all of the killings that occurred afterwards. The Chinese Government has made part of their three noes, or nonmentionables, the idea you cannot even mention Tiananmen Square; and if you do, you will suffer their brutality.

This is a very, very important resolution. Again, I want to thank the gentleman from California (Mr. LANTOS) for his graciousness in yielding this additional time to me. We have no further speakers, and I yield back to the gentleman.

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

This Congress always does its best work when it stands united. On this issue, my colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. COX) and the gentlewoman from California (Ms. PELOSI), and I stand shoulder to shoulder in striking a blow for freedom for the Chinese people.

Mr. SOUDER. Mr. Speaker, over the past couple of months, I have been working with the Victims of Communism Memorial Foundation as they and the National Park Service have searched for a suitable location for the Victims of Communism Memorial here in our Nation's Capital. The memorial, authorized by P.L. 103–199, will honor over 100 million victims of communist atrocities around the world.

With a death toll greater than that of all of the wars of the 20th century combined, communism has cast a shadow of terror from Berlin to Beijing, from Hanoi to Havana. The struggle of men and women against communism in these and other places must not be forgotten. As the world's leader in challenging Communist oppression, the United States cannot afford to forget the cost of communism and the reason for our struggle against it.

The Victims of Communism Memorial will commemorate this struggle by paying tribute to those who have lost their lives to Communist tyranny. An enduring reminder of their sacrifice, the memorial will stand as a testimony to future generations of Americans, a solemn remembrance of the lives lost to Communist oppression and of the purpose of our Nation's fight against communism and for the cause of freedom.

This story is not only an international story but also an American story. An estimated 26 million Americans trace their origins to former Communist countries.

The Victims of Communism Memorial Foundation has designed a memorial featuring a replica of the Goddess of Democracy statue created by pro-freedom activists in Tiananmen Square, including an eternal flame to the memory of the victims of communism and bronze panels with quotes from heroes of the cold war. This design is still pending approval of federal commissions.

The Chinese Embassy recently contacted the National Park Service to express objection to the design's use of the Goddess of Democracy statue, stating that it is an ''anti-China sign.'' This week, as we remember the fifteenth anniversary of the tragic events in Tiananmen Square and the democracy protestors who stood their ground there, we remember the importance of that statue—not as a symbol that is ''anti-China'' but as one that is pro-democracy and pro-freedom. That statue represented the hopes of a people for democracy and freedom in their land. Their courage and sacrifice in standing firm in these hopes have inspired people around the world. A replica of their Goddess of Democracy statue will be a fitting element of the memorial commemorating the millions who have struggled against communism and for freedom.

H. Res. 655 condemns the crackdown of those who stood for these freedoms in Tiananmen Square. With the Victims of Communism Memorial, we look to honor all who have suffered as they stood for freedom in the face of Communist tyranny. I urge my colleagues to support these efforts.

We here have the great blessing of living in a country built on the ideals of democracy. We do well to remember that there are others in the world who have not enjoyed the same freedoms. May we never forget their suffering nor take for granted the ''land of the free'' in which we live.

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

The SPEAKER pro tempore (Mr. FEENEY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 655.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATIONS TO LACROSSE PROGRAM AT UNIVERSITY OF VIRGINIA

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

Mr. GOODE. Mr. Speaker, I rise today to congratulate the lacrosse program at the University of Virginia. The Virginia Cavaliers' women's lacrosse team recently won the 2004 national championship, following the 2003 national championship of the men's lacrosse team. Both programs are outstanding and their championships stand as a testament to the skill and hard work of the University of Virginia's athletes, coaches, trainers, and staff.

I know that the University of Virginia is honored by both its men and women's lacrosse teams. I am proud to say that the 2004 women's lacrosse championship belongs to the University of VA from the Fifth District of Virginia.

TRIBUTE TO LANCE CORPORAL ANDREW ZABIEREK, USMC

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

Mr. MEEHAN. Mr. Speaker, I rise today in honor of a true hero, Marine Lance Corporal Andrew Zabierek, who gave his life in service to our country.

Lance Corporal Zabierek died tragically on May 21, 2004, while serving on duty with the 2nd Marine Division, 2nd Marine Battalion, Third Platoon near Baghdad.

At the funeral service for Lance Corporal Zabierek on May 29 at Saint John's Church in Chelmsford, Massachusetts, Mark Zabierek delivered an eloquent tribute to his brother that touched me and others who were present. He described the lifelong dedication that Andrew gave to his beloved family and friends and the supreme sacrifice he made in service to his country.

Mark Zabierek's touching eulogy to Andrew should be of interest to all of us here. I will read an excerpt and ask that the statement be included in the RECORD in its entirety:

''In an age where many people's idea of patriotism and civic responsibility are diminished by a sense of materialism, I was touched that my brother put his life on hold to join a service that most certainly would have brought him to the thick of the fighting overseas. He abandoned any other professional and personal designs to embrace a culture of service to his country and to our flag which now, tragically, drapes his coffin.''

Mr. Speaker, I think we all should take a moment to recognize Lance Corporal Zabierek. Andrew died fighting for the country he loved, alongside his comrades he respected. Our Nation is humbled and grateful for his sacrifice.

Mr. Speaker, the full eulogy given by Andrew Zabierek's brother Mark is as follows:

EULOGY FOR LANCE CORPORAL ANDREW ZABIEREK, USMC

(By Mark J. Zabierek)

I've always looked up to my bother, Andrew. From when we were young he was my role model, my hero, my friend. I wanted to be just like him, do everything he did. He had a rare sense of honesty and empathy that I could only try to emulate. Even in later years, if we fought, as brother's do, there was nothing said between us that could erode my love for him. I truly admired who he was as a person and the depth of his consideration for others.

In the wake of September 11th, as he pondered joining the military, my family sometimes didn't understand why a college graduate so gifted as my brother would want to enlist for a nominal wage and risk losing what would have been such a full life. Simply, my brother was special. He wanted to be a part of something bigger than himself. He wanted to serve and honor and protect the things that he held dear in life. His sense of justice didn't enable him to accept that others would go to war for him to fight and die in his stead.

I was indescribably proud of Andrew when he decided to serve in the Marine Corps. He had a brilliant intellect and talents too abundant to mention that he left to serve a higher calling. In an age where many people's idea of patriotism and civic responsibility are diminished by a sense of materialism, I was touched that my brother put his life on hold to join a service that would most certainly bring him to the thick of the fighting overseas. He abandoned any other professional and personal designs to embrace a culture of service, service to his country and to the flag which now, tragically, drapes his coffin.

For Andrew and me, all our lives our flag was a symbol of hope, freedom, and purity. Now this flag also will remind our family profoundly of the loss of Andrew and the sorrow that comes from realizing the cost of the ideals he and I grew up cherishing. Sadly, our family will forever feel the burden of the sacrifice that enables our flag to fly.

Andrew's desire to serve, as I've said, came from a sincere longing to better the lives of the people around him, but even he couldn't have imagined just how many lives he has touched. The support, kindness, and sympathy of family, friends, this congregation and this community would have shocked my brother who was humbly unaware of the extent of the loving spirit of the people among him now. My family and I can never truly express our thanks, nor repay your altruism.

Andrew is deeply mourned in his death, but was incredibly loved in his life. We come from a large family, all who cherish the memory of Andrew. He embodied the best qualities of my parents and grandparents who loved him perfectly and completely. He had my mother's tenderness and faith and my father's honesty and humor. He had an impeccable sense of right and wrong and a heart filled with immeasurable compassion.

He never met cruelty with hatred, never met sorrow without sympathy, and we know he met death with courage and dignity.

That was our Andrew, my brother. He was kind, noble, and he was loved. We know that love will lift him up to a better place at God's right hand, and his spirit and grace will be part of us for all our lives, never to be forgotten.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A TALE OF TWO ECONOMIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, during the past 3 years, we have seen a tale of two economies and an unprecedented redistribution of wealth in this country resulting in one economy for the middle-class families and one for the special interests. While there have been profit booms for corporations and a compensation boom for CEOs, there is a growing wage and benefits recession for the middle class of this country.

□ 1915

To those who say redistribution of wealth is wrong, I agree. Whether you redistribute wealth to the top 1 percent or the bottom 25 percent, that is wrong. Middle-class families are dealing with an economy that has a wage-and-benefit recession, all the while they have increasing health care costs, college costs, job insecurity, and retirement uncertainty associated with their savings.

While this administration creates tax loopholes for corporate jet use, leaving the taxpayers to pay for billions of dollars in corporate jet use, they have frozen college assistance to middle-class families. This is the essence of class warfare. As famed investor Warren Buffett once said, ''If class warfare is being waged in America, my class is winning.''

A report last month by Bloomberg in the Chicago Tribune showed U.S. corporate profits increased by 87 percent in the last 2 years. Average CEO pay got a big boost of 8.7 percent, while salaried employees saw the most anemic wage growth since World War II, 1.7 percent.

Bill McDonough, former chairman of the New York Fed and now chairman of the Public Company Accounting Oversight Board, describes the gap between CEO and worker pay as ''grotesquely immoral.'' I think we can all agree that the former chairman of the New York Fed is not exactly a flaming socialist or liberal. He also noted that, in 1980, CEO pay was 40 times higher than the average worker's. Today, it is 400 times higher. I think he sums it up best, ''I know a lot of CEOs from the 1980s, and I know a lot of CEOs from 2000, and they are not 10 times better than the CEOs of 1980.''

At every turn, this administration tells us the economy is humming along. That may be true in the executive suites and the boardrooms, but the other economy has created the largest income disparity since the turn of the century, and today middle-class families are facing a harder time to pay for college costs, health care costs, and retirement security at the very time in

which they have had nothing but an anemic wage growth.

David Rosenberg, chief economist at Merrill Lynch, said, ''The income from the recovery has been locked up in the corporate sector. We have had a redistribution of income to the corporate sector.''

The concentration of wealth has been accelerated by the President's economic and tax policies. A study cited by New York Times found that Americans are being taxed more than twice as heavily from earnings from work as they are from investment income, even though more than half of all investment goes to the wealthiest 5 percent of taxpayers.

While this administration has been cutting taxes for the wealthy, the rest of America have been literally going from paycheck to paycheck. Health care costs have gone from $6,500 for a family of four to $9,000 in less than 2 and a half years. College tuition costs increased in the year 2001 by 10 percent; 2002 by another 11 percent; and last year, 14 percent, all the while Pell Grants and other assistance for college have been frozen. $180 billion has been lost in 401(k) net worth and savings plans, and we are putting a squeeze on middle-class families.

What we face today is the end of the middle class as we know it. We ended welfare as we know it because it was a failed system. This administration has an economic policy that is ending the middle class as we know it. As President Bush seeks reelection, he can say he has kept his commitment to the wealthiest of America, and the other 99 percent has made out just as he planned.

This administration has two books, two sets of values, two sets of priorities, a single economic strategy that divides a country along class lines. If we want to live in a country without class divisions, we cannot deny middle-class families the same dreams of affordable health care, quality education, and a safe place to live that the most fortunate in this country have today. A government that pays no heed to that gap between the rich and the middle class does so at its own peril. To quote Supreme Court Justice Louis Brandeis, ''We can either have democracy in this country or we can have great wealth concentrated in the hands of a few, but we cannot have both.''

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent to utilize this time for my Special Order.

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

There was no objection.

TRIBUTE TO HON. STAN W. CLARK OF OAKLEY, KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening to pay tribute to a man of principle and faith who nobly devoted his energies to the service of others. Today, we mourn the death of Kansas State Senator Stan Clark of Oakley, Kansas, who was tragically taken from us as a result of a vehicle accident this past Saturday.

I had the honor of serving alongside Stan Clark in the State Senate for 2 years of his decade of service. As I and many of his colleagues will attest, Senator Clark was unwavering in his pursuit of issues based upon principle. He deservedly earned a reputation for being a conscientious and dedicated legislator. As peers, we valued his thoroughness in considering each piece of legislation and his deliberate, detail-oriented analysis of policy affecting his constituents. He always knew more about pending legislation than any other member of the State Senate.

Stan dedicated himself to public service on behalf of Kansans, and especially those who call northwest Kansas home, and he did it with conviction and purpose. The fact that Senator Clark sought elective office is in itself unusual. He had to convince the leadership of the Dunkard Brethren Church that public service was an appropriate calling for a Christian, for his church firmly believed that a person must not be conformed to this world. I cannot imagine a congregation that can be more proud of a decision to allow a member of their church to pursue public office. Stan did not conform to the things of this world but worked to transform the world and to perfect the will of God.

A lifelong Kansan, Stan was always true to his roots. He lived a life guided by the morals and values we in Kansas hold dear. He was motivated to do the right thing in each and every circumstance. In today's partisan arena where there is too much Republican this and Democrat that, Stan put people above politics. Although Stan was not always able to convince everyone of the rightness of his position, nor was he always in the majority when the votes were cast, he treated every person with dignity and respect.

His humility and his warm, genuine grin, which originated deep within his heart, won him the love of friends and the respect of opponents. He lived his life striving to follow Paul's instructions in Romans 12:

''Let love be without hypocrisy. Abhor what is evil. Cling to what is good. Be kindly to one another with brotherly love, serving the Lord, rejoicing in hope, patient in tribulation, continuing steadfastly in prayer, given to hospitality. Do not set your mind on high things, but associate with the humble. Do not be wise in your own opinion. Repay no evil for evil. If it is possible, live peaceably with men. Do not be overcome by evil, but overcome evil with good.''

In a speech just a few days before his death, addressing those gathered at a Vietnam moving wall displayed in his hometown of Oakley, Kansas, Stan told his neighbors his thoughts about death and as a result his thoughts about life. These are his words.

''Thinking about death produces a true love for life. When we are familiar with death, we accept each day and each week as a gift. This acceptance helps us to see all human life as priceless. Only when we are able to accept life, bit by bit, does it become precious. Only this awareness of death creates true inward freedom from material things. When we look death in the face, we overcome ambition and greed and the love of power and the fear of losing material things. When we look at ourselves, we realize how weak and misguided we can be. If we have not had the thought of death, we cannot achieve an inward freedom to live. When we bury death's control over our own lives and experience freedom and peace of mind, life becomes a gift that we can share with others.''

After his commitment to his faith, most important to Stan was his family. He devoted endless love and attention to his wife, Ruth, and their son, Will. Most common was Stan's dedication to balancing public responsibilities with a commitment to quality time shared with his family.

Today I join his many friends and admirers in extending my deepest sympathies to Ruthie and her family during this time of loss. Stan, you will be greatly missed by me, by my family, and by our many friends and your constituents, but he who does the will of God abides forever.

HOW COULD BUSH ADMINISTRATION HAVE BEEN SO WRONG ABOUT IRAQ?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, a question that should be asked here in Congress but there is resounding silence from the majority because they do not want to embarrass the Bush administration is how could the Bush administration have been so wrong about Iraq? How could they have been so wrong about the nonexistent weapons of mass destruction, about the nonexistent mobile biological warfare laboratories, about the fantasy that American troops would be greeted with flowers and there would be an immediate transition to a robust democracy in Iraq,

so, therefore, there would be no need for a robust force post-war to keep the peace, no need for body armor for the troops or armored Humvees.

And, in fact, the administration fired the head of the Joint Chiefs of Staff because he did not believe that stuff and said we would need 300,000 troops or more to maintain the order. Of course, he was right; they were wrong. But how could they be so wrong?

I guess you could be wrong if you took your intelligence from a convicted fugitive, bunko artist, bank embezzler, and that was the chief source of intelligence and information for this administration. Despite the fact that the CIA severed all ties with Mr. Chalabi 7 years ago, despite the fact that the State Department rejected Mr. Chalabi quite some time ago, the Bush principals involved in planning and executing this war, particularly Mr. Wolfowitz who was one of Mr. Chalabi's dearest friends and compatriots, believed Chalabi over their own CIA, over the people at the State Department and in other intelligence agencies.

They said, oh, no, Ahmad, he is telling us what is really going on in Iraq. He is giving us good information.

In fact, Chalabi was invited to a meeting of the Defense Policy Board 9 days after September 11, and he said, hey, skip Afghanistan and go into Iraq. Luckily, that initial advice from Mr. Chalabi was ignored. But at the same time he began building the case that there would be no guerrilla warfare and there would be quickly a new democratic government with him as its chosen head and that showers of flowers would come upon the troops and Mr. Chalabi and others.

He was close and met with Condoleezza Rice, Vice President CHENEY and Secretary Wolfowitz. Mr. Chalabi, despite the protestations of this administration and all attempts to hide their ties to him, was provided $39 million for his phoney intelligence by this administration, $340,000 a month in a stipend that continued even after his lies regarding weapons of mass destruction and the post-war environment in Iraq. Even then the administration continued to give him $340,000 a month.

He was flown into Iraq before the war was over by the Pentagon with the idea that he was going to become the new anointed president and leader. They had to quickly evacuate him when they found out that the Iraqi people did not think as much about this convicted bunko artist, fugitive, bank embezzler as did the CIA and others. They basically ran him out of the country until the U.S. established control.

He is, of course, not repentant about the bad information he gave us. He said, ''As far as we are concerned, we,'' meaning he and the other fraud members of the INC, ''have been entirely successful. Saddam is gone, Americans are in Baghdad, and what we said before is not important,'' and that is all of the lies he told us.

He went on to say the U.S. intelligence agencies are at fault because intelligence people are supposed to do a better job for their country and did not do such a good job. That is Mr. Wolfowitz and others who believed his lies were at fault, according to Mr. Chalabi, not he or the others who lied to us, misled us, and caused death of American troops and a lot of chaos in Iraq.

Now the director of DIA testified in March that all of the intelligence he gave us was either fabricated or embellished. The National Intelligence Council now says the intelligence was useless. Of course, his money was cut off last month. But, unfortunately, he did more damage than even that.

He has compromised the U.S. dramatically in the Middle East. As we see today, a headline story in the New York Times, ''Chalabi reportedly told Iran that the U.S. had broken their code'' which will mean incredible problems for the United States in gathering intelligence in that region where we already had scant resources.

□ 1930

Now the Bush administration, Mr. Wolfowitz and others, are trying to pretend like they never met this guy before. They did not give him $36 million, they did not base their war strategy on his phony intelligence, and they are not ''best buds.''

Well, you are judged by the friends you keep, and they cannot separate themselves from this. It has caused tremendous harm to our country, and those in the Bush administration who pushed Mr. Chalabi's information should be held to account. It has caused deaths of American troops.

CREATING A SENSIBLE, MULTILATERAL, AMERICAN RESPONSE TO TERRORISM

The SPEAKER pro tempore (Mr. FEENY). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, in their public speeches about the war in Iraq, President Bush and Vice President CHENEY often invoke the notion of sacrifice and responsibility. They insist that every American support their war in Iraq, and those that do not are labeled un-American, traitors, even treasonous.

According to this model, then, it follows that the White House would encourage patriotic, trustworthy companies to carry out the reconstruction of Iraq's war-torn infrastructure, their schools and hospitals, public buildings, roads and more. But that is just not happening.

Halliburton, which has been awarded reconstruction contracts left and right, does not seem terribly motivated by Bush and CHENEY's notion of sacrifice and responsibility. Perhaps all those no-bid contracts have gone to their heads, or perhaps Halliburton is still reeling from the fumes of the millions of gallons of gasoline it has been contracted to import into Iraq, one of many hefty contracts specifically coordinated by DICK CHENEY'S office.

You may recall that Vice President CHENEY is the former CEO of Halliburton. The problem is that, once again, the Vice President has lied to the American people about his involvement with his old employer, an employer that still pays him nearly $200,000 each year in deferred salary and with whom he holds nearly 500,000 company shares.

On September 4 of last year, Vice President CHENEY said on ''Meet the Press,'' ''As Vice President, I have absolutely no influence of, involvement of, knowledge of in any way, shape or form of contracts let by the Corps of Engineers or anybody else in the Federal Government.''

But that statement deeply contradicts an internal Pentagon e-mail obtained by Time Magazine, sent by an Army Corps of Engineers official on March 5, 2003, stating that the Vice President's office specifically coordinated a recent multibillion dollar contract in Iraq with Halliburton. That is the Vice President's office.

The e-mail specifies that Undersecretary of Defense Douglas Feith had appallingly ''coordinated'' the contract with the Vice President's office.

I wonder if Vice President CHENEY's coordination of lucrative contracts for his former employer appeals to the same high patriotic standards that he regularly invokes for the rest of us in his speeches. Or perhaps there is a double standard at work, a policy of patriotism when it is convenient, and another policy of sheer greed and selfishness when Halliburton comes knocking on the door with its $200,000 in annual deferred salary for the Vice President.

There has to be a better way, because the Bush doctrine of cronyism has been tried; and it has failed utterly. It is time for a new security strategy, one that emphasizes brains instead of brawn, depends on quality and sincerity in all business negotiations, and one that is consistent with the best American values.

I have introduced H. Con. Res. 392, legislation to create a SMART security platform for the 21st century. SMART stands for Sensible, Multilateral, American Response to Terrorism. SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships that control the spread of weapons of mass destruction with a renewed commitment to nonproliferation; and it aggressively invests in the development of impoverished nations, with an emphasis on women's health and education.

The United States can no longer afford foreign presidents watching as our national leaders reward their buddies with contracts worth billions of dollars and then turn around and call dissenters unpatriotic and un-American.

Instead, let us rely on the very best of America, our commitment to peace, our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Let us be smart about our future. SMART security is tough, SMART security is pragmatic and patriotic, and it will keep America safe.

WASHINGTON WASTE WATCHERS REPORT ON USDA WASTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise again today as a member of the Washington Waste Watchers, a Republican working group dedicated to rooting out rampant waste, fraud, abuse and duplication in the Federal bureaucracy.

Despite the major economic recovery that is under way, despite more new jobs and historic rates of homeownership, Democrats keep demanding that we take tax relief away from American families. Take away the tax relief that is responsible for the unparalleled growth in our economy, the tax relief that is creating jobs, the very same tax relief that has actually added revenues to our Federal Treasury. That is right, the Treasury Department reports that revenues are up due to tax relief-generated economic growth.

When it comes to the Federal deficit, Mr. Speaker, our fiscal challenges lie on the spending side, not on the taxing side; and that is where we must focus our attention. And by any measure, spending is out of control in Washington. For only the fourth time in the history of our Nation, the Federal Government is now spending over $20,000 per family. This is up from just $16,000 just 5 years ago. This represents the largest expansion of the government in 50 years. Since I have been alive, the Federal budget has grown seven times faster than the family budget.

Clearly we have a spending problem, not a taxing problem. Now is not the time to raise taxes on American families, as so many Democrats seek to do; but it is time to take the trash out in Washington, the waste, the fraud, the abuse, the duplication.

Let me give you just a few typical examples we found recently in just one government department, the Department of Agriculture. The Office of Rural Rental Housing made $4.4 million in rental subsidy overpayments in just one State simply because they could not verify the income of the recipients.

Can you imagine going to a bank or an automobile dealer and having them just hand out a loan without verifying your income? Do they not typically ask for a pay stub or a tax return? It is only common sense in the rest of America, but apparently not with many Federal bureaucrats. And Democrats want to raise our taxes to pay for more of this? $4.4 million of the people's hard-earned money squandered. That is enough money to fully armor 142 Humvees in Iraq.

Because the Rural Utility Service will not allow water and waste projects to be funded by both government grants and private loan sources, American taxpayers paid for more than $85 million of unnecessary grants over a 4-year period. This same agency made loans totaling about $100 million to projects that could have been financed with private credit. Instead, taxpayers, American families, were forced to finance them. This policy does not make any sense, yet Democrats want to raise our taxes to pay for more of this? That $85 million in unnecessary grants could have been used to purchase over 53,000 Kevlar vests for our troops in Iraq.

Mr. Speaker, almost everyone believes that we should help provide adequate nutrition for the neediest Americans; but because a food stamp program State agency in the Midwest did not provide oversight over its field offices, and because they had not performed a management review in over 7 years, almost $2 million in Federal funding was improperly spent on administration of the food stamp program in the year 2000. That money could have bought 720,000 gallons of milk for food stamp recipients in Indiana.

Mr. Speaker, can you imagine starting up a small business and not reviewing your finances for over 7 years? My guess is the business would go bankrupt. Yet Democrats want to raise our taxes to pay for more of this?

Mr. Speaker, this is just the tip of the iceberg. The list goes on and on and on, and so does the waste, the fraud, the abuse and duplication. It has been going on for decades.

Republicans are working hard to root out the waste of American tax dollars, but too often our Democrat colleagues keep fighting us every step of the way. Last year, the Committee on the Budget approved a budget asking for authorizing committees to identify just 1 percent, just 1 percent, of waste and fraud and abuse within their budgets. But again the Democrats fought us every step of the way. One of their leaders reviled our efforts, ridiculed it, and said it was "a senseless and irresponsible exercise."

Mr. Speaker, the American people disagree. With the Nation at war and with a large Federal budget deficit, there is no better time than now to root out this senseless waste, fraud and abuse, because when it comes to Federal programs, it is not how much money Washington spends that counts; it is how Washington spends it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REASONS WHY ADMINISTRATION HAS TO GO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I can hardly stop laughing after that last speech. You would think the Republicans were not in charge here. I think he was talking about President Bush and the Republican House and the Republican Senate that is wasteful. They have shoveled it out the door to all kinds of things.

Mr. Speaker, I read a quote the other day that astonished and frightened me. I think most Americans feel the same way. Here it is:

"The world should have expected the shocking photographs of Iraqi prisoners being tortured at the Abu Ghraib prison."

That is a pretty strong message, the kind of damning statement about U.S. foreign policy in Iraq that we might expect our enemies to say and even use to recruit. But the words were spoken by the head of Amnesty International.

Amnesty International's Secretary General Irene Kahn went even further in her remarks, saying U.S. policy has actually made the world a more dangerous place. "Sacrificing human rights in the name of security at home, turning a blind eye to abuses abroad and using preemptive military force when and where it chooses, have neither increased security nor ensured liberty." And, tragically, this sentiment is likely to get worse. The world now knows that at least three prisoners have died in U.S. custody in Afghanistan. There are other allegations apparently under investigation of beatings and sexual abuse.

As it stands now, we might never know the full extent of U.S. prisoner abuse in Afghanistan, because the top U.S. general says it is classified.

The AP quotes Lieutenant General David Barno as saying anything made public will contain only "some of the key conclusions." Also being kept secret are the "specific techniques used," the commander said. Those are code words for things like beating and hooding and other abuses.

The International Red Cross has been trying to get into other U.S. prison facilities in Iraq besides Abu Ghraib, but the Red Cross has been denied access. What else is yet to be discovered? Why is the military stamping "secret" on its activities in U.S. prisons in Iraq? The AP says evidence of abuse has surfaced in at least three other detention facilities in Iraq. "Secret" is what the administration and its civilians in charge at the Pentagon are saying.

The honor of every decent U.S. soldier is tarnished by prisoner abuse that the administration refuses to account

for. The safety of every decent U.S. soldier is endangered when this administration refuses to find those responsible within its own list of political appointees. It is not sergeants and PFCs at the bottom.

This President has turned worldwide goodwill and unending support after 9/11 into global disgust and worldwide mistrust of America. As long as this President remains in the White House, the United States grows increasingly isolated in the world.

The war on terror will not be won alone. And America will not win when this President's policies lead Amnesty International to say the war on terror is ''bankrupt of vision'' and concludes, ''The U.S. has lost its high moral ground and its ability to lead on peace.''

That is the legacy of this administration and the reason that George Bush is going back to Crawford, Texas, on the second of November.

□ 1945

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise once again as a member of the Washington Waste Watchers.

Mr. Speaker, as a result of Republican efforts, House committees spent a great deal of time last year finding wastes of taxpayer funds in Federal programs. Those efforts, as a matter of fact, highlighted over $85 billion in potential savings to the taxpayer.

This year, the gentleman from Iowa (Chairman NUSSLE) passed a budget resolution in the Committee on the Budget that goes a long way toward reducing and actually eliminating some of the most outrageous examples of waste, fraud, and abuse. By the way, I have to also applaud President Bush for working on implementing the President's Management Agenda, a performance-based system that seeks to reduce waste, fraud, and abuse. Mr. Speaker, we need to continue to work to eliminate waste, fraud, and abuse, because there is a lot more work that can be done.

Let us just look at a couple of examples. Let us look at the Environmental Protection Agency, for example, where, again, hard-earned taxpayer dollars are sent to ensure that our environment is protected. Yet a recent EPA Inspector General report found that an environmental advocacy group received nearly $5 million in educational grants that it used to lobby the EPA between 1998 and 2001, despite the fact that that is illegal, it is illegal to use those funds to lobby.

Another EPA audit found that they awarded a $700,000 grant without any knowledge of the work that the recipient was supposed to perform. They did not even know what it was for.

Yet another audit found that for almost half of the grants reviewed, and this is a quote, the EPA did not even attempt to measure the project's outcomes. Yet the Democrats want to raise hard-working Americans' taxes to do more of this.

The Inspector General also found that the EPA awarded a contract to an engineering firm that used some of those funds to host a golf day, but the Democrats want to raise your taxes to do more of this.

As a matter of fact, last year, the Democrats offered alternatives to major legislation that would have added almost $1 trillion to the deficit.

Let us make this very clear. The Democrat alternatives, all of their budget alternatives massively increased taxes. One of them increased taxes by $119 billion, the other one by $165 billion, and the third one by, again, a little bit over $165 billion in increased taxes on the hard-working Americans to do more of this.

That is the difference, Mr. Speaker. While the Washington Waste Watchers, while the President, while the Republican majority is trying to root out waste, fraud, and abuse, the Democrats are trying to pile on, and they have this love affair with increased taxes.

So, Mr. Speaker, while our friends, the Democrats, continue their love affair and continue to try to raise the taxes of the American people, those of us in the Washington Waste Watchers will continue to work with the President to try to root out that waste, fraud, and abuse and eliminate it as soon as possible.

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.)

FIRST-HAND KNOWLEDGE OF CONDITIONS AT GUANTANAMO BAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I could not help but notice, as I am sure many of my colleagues who are in the Chamber this evening noticed, the remarks of the gentleman from Washington State just a few minutes ago, talking about what Amnesty International thinks. Well, I want to remind my colleagues that Amnesty International is about as objective as the gentleman from Washington State; and if be anybody feels disgust toward this President, it is because of the harping and carping of people like that who really do not care about this country. They want to believe the Saddam Husseins of the world and not the President and Commander in Chief of this great country.

Mr. Speaker, I rise this evening primarily to talk about——

Mr. MCDERMOTT. Mr. Speaker?

The SPEAKER pro tempore. The gentleman will suspend.

For what purpose does the gentleman from Washington rise?

Mr. MCDERMOTT. The gentleman was talking about me specifically, and I thought we would take his words down and see if they are appropriate.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. MCDERMOTT. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman withdraws his request.

The gentleman from Georgia may continue.

Mr. GINGREY. Mr. Speaker, I rise this evening to talk a little bit about the situation in Baghdad at that Abu Ghraib prison and the reports of abuse by certain prison guards in one cell block.

A lot of the media, Mr. Speaker, has been suggesting that the reason this occurred was because General Miller had come from Guantanamo Bay where, over 2 years ago, we set up that facility for the enemy combatants that were captured in Afghanistan to detain them and that General Miller went over to Baghdad to Iraq to Abu Ghraib to advise them on how to obtain intelligence, actionable intelligence from the detainees, and because of that advice, this so-called ''GTMO-izing'' the operation in Iraq, this is what led to the abuse, that these miscreant few in this one cell block were not responsible because they were just simply following orders.

Well, Mr. Speaker, tonight I want to explain to my colleagues the opportunity that I had a week ago Tuesday to go to Guantanamo Bay, along with my colleague from the other side of the aisle, the gentleman from Florida. We were both asked to go by our chairman of the House Committee on Armed Services, the honorable gentleman from California (Mr. HUNTER), and the ranking member, the gentleman from Missouri (Mr. SKELTON).

So we had an opportunity, Mr. Speaker, to go to Guantanamo Bay and see that operation firsthand. And I am proud, as I know and I feel very confident in listening to and talking with my colleague from Florida, that we did not see any abuse in Guantanamo Bay. We did not see any water torture. We did not see any use of dogs. We did not see any prisoner injury or abuse.

Mr. Speaker, what we saw, rather, was a very well-conceived, well-designed operation that included interrogation, yes, the obtaining of actionable intelligence in a humane way and in a very sophisticated way, and yet a detention facility that took into consideration the prayer activities of the detainees from Afghanistan. Indeed, in each and every cell, there was an arrow pointing to Mecca, to the east. There

were prayer beads, there were prayer caps, there was a Koran, and each of these detainees were treated in a very humane fashion.

So I would say this to my colleagues, that, indeed, if we are ''GTMO-izing'' the operation in Iraq, amen. That is what we need to do.

UNCOVERING WASTE, FRAUD, AND ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CARTER) is recognized for 5 minutes.

Mr. CARTER. Mr. Speaker, I rise to discuss what my colleagues have been discussing here today: issues of waste, fraud, and abuse. But, before I do, I would like to make one statement. I operated as a trial judge in Texas for about 21 years, and we had rules in the court at that time that if the opposing counsel for any purpose attacked or impugned the honesty or integrity of another member or got vicious and attacked them in any form or fashion, we could correct them; and if they continued in that type of style, we could actually fine them. It has been my limited experience here in Congress that if we were able to allow the Chair to issue such fines, we could probably balance the budget here in Congress without much problem at all. And I think we have seen a lot of that here today with the use of some terms like ''liar'' that I have heard here used today. I just as an aside wanted to say that.

Back about a year-and-a-half ago, I was in a meeting in Houston, Texas. As I said, I have been a trial judge. Before the meeting, I had an undercover Department of Public Safety officer come to me at this meeting and say he would like to talk to me in private for just a minute; and I went in and talked to him.

He said, Judge, I want to tell you about something. There is something going on here in Houston that I think you ought to know about it. There is a gang of Middle Eastern folks that are stealing baby formula from our local supermarkets and selling it to the WIC program.

Well, my first reaction would be the reaction I would think of most Americans, and that was, gee, whiz. I mean, do you guys not have anything better to do than go out and investigate shoplifting? But knowing that he was part of an undercover task force, I figured he had something to say, and I said, well, how big a deal could that be, Lieutenant?

He said, well, Judge, here in Houston it is about $1 million a month.

And I said, good Lord, $1 million a month for baby formula?

He said, yes, sir; and, you know, it is not against the law to possess baby formula. It is against the law to possess narcotics and dangerous drugs, but it is not against the law to possess baby formula. So if we catch a guy with a trunk load of baby formula, we cannot do anything to him. But we know what he is doing. He is stealing this formula, and he is selling it to the WIC program to the tune of about $1 million a month. In fact, the estimates are that in Texas alone it is $1.5 million a month Statewide.

He said, we have followed this group to Phoenix, Arizona. We have followed them to New Mexico, although I do not remember which town in New Mexico; to California, San Diego and Los Angeles. They have an operation in each one of those towns, to the possible tune of $30 million a month Nationwide. I was shocked.

And he said, we also have evidence that this is being used to fund terrorism.

Now when you want to talk about waste, fraud, and abuse, how much more fraudulent could it be than stealing from the mouths of our children and the poorest of our Nation, taking away a program that was designed to help poor mothers feed their babies, stealing from them, and letting a government agency be a fence for that purpose?

I asked him, I said, have you talked to the people in the WIC program? He said, yes, I have explained to them that they should not be buying this stuff off the street, that buying it off the street was fencing for criminal activity.

□ 2000

And he said, ''Well, they do not see the seriousness in it.''

Mr. Speaker, those of us who have been in criminal justice in this country have sent people to the penitentiary for a whole lot less than stealing a million dollars a month. I, for one, have done that on several different occasions.

It shocked me so that I am proud to let my colleagues know that in H.R. 3873 I got an amendment which now requires that the WIC program have certified vendors that they buy this product from. But when our government has risen to the size that it has risen, that it misses that kind of waste, fraud, and abuse; we have got a serious problem. And yet the other side of the aisle, the Democrats, want to raise our taxes to grow a bigger government, a bigger government that in many instances the right hand does not know what the left hand is doing.

For that reason, I honor the members of Waste Watchers for the hard work they are doing trying to be watch dogs.

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE 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. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHAT IS THE OCEAN'S ROLE IN CLIMATE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, what I would like to do to the Members assembled here tonight is to give a perspective on whether or not to some degree the climate on the planet is changing based on observational techniques by U.S. scientists.

What I would like to do as far as this perspective is concerned is to say about 500 years ago people thought the world was flat until there was observations and exploration. And through those techniques, Columbus, for example, it was discovered that the Earth was round. Galileo, the scientist, said that the Earth revolved around the Sun. As a result of that, he was put in prison and his life was threatened because at the time the religious doctrine was that the Sun revolved around the Earth because it was not mentioned in the Bible that it was the other way around. But then through certain techniques and observation, scientific discoveries, more information being disseminated, we realized that the Earth revolves around the Sun.

The other interesting perspective about 100 years after Galileo was a man named James Usher, a bishop in Ireland, said that the Earth was formed in 4004 B.C. but that was before we had the science of geology, geologic techniques. And through a series of information-gathering, it was discovered that the Earth was several billion years old. In fact, we did not realize how old it was in the extent of the universe until the Hubbell spacecraft.

Now we have this thing called climate change. And there is a great deal of discussion on that, whether or not there is climate change or whether there is not climate change, can humans impact the Earth so that the actual climate will change.

What I would like to go through very briefly are some observational discoveries about planet Earth. For example, the oceans cover 70 percent of the surface. The oceans store 1,000 times more heat than the atmosphere. The ocean transports about 50 percent of the energy it receives from the Sun. It transports that. That means if you look at

the heat that hits the equator, and the oceans have a current and they move that, that heat is moved to the northern latitudes and that moderates temperature so that it is not that cold. In the northern latitudes, the high latitudes, since the ocean currents move back the other way, some of that cold is moved down toward the equator, and it moderates the heat at the equator.

As a result of those ocean currents, the Earth, as we know it now, 21st century, has a heat balance that we are used to. But that heat balance throughout the geologic time has changed many, many, many times.

So what are the observations of the ocean? There is increased salinity as a result of some of the warming trends that the Earth has experienced in the last 100 years, and there has been a warming trend. There might be some dispute about how that warming trend has impacted, but there has been a warming trend.

We could look at some of the impact of the warming trend since in the last 50 years we have put more CO_2 back into the atmosphere than what it took nature millions of years to lock up in the form of CO_2 trapped in fossil fuel deep under the ground. If you looked at a map of the United States at night, you could see all the lights, you would see one long consistent trail, which actually is about 24 hours, from Florida to Maine of automobiles on Route 95. From Florida to Maine we would see this crease.

You will see it in all the major cities, whether it is Miami, Chicago, Pittsburgh, Los Angeles, et cetera, et cetera, and New York City certainly, Philadelphia, Baltimore, Washington, Houston, Dallas. We are spewing more CO2 into the atmosphere than the Earth's ability to absorb that and process that so we have that same balance.

We have seen a change. This kind of change in the balance or the makeup of the atmosphere has not been seen on planet Earth based on scientific ice core analysis for 400,000 years. So we see a salinity change around the equator in the ocean currents. We see elevated evaporation rates around most of the oceans because of the warmth, warming trend. We see increasing freshening of the ocean water in the northern latitudes, consequently changing the direction of these currents. And through these observations, we find some interesting perspectives that need more research on climate change.

WASTE FOUND WITHIN THE PELL GRANT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KLINE) is recognized for 5 minutes.

Mr. KLINE. Mr. Speaker, as another member of the Washington Waste Watchers, I would like to take this opportunity to highlight just one example of what we are now learning to be the vast amount of waste throughout our Federal Government. Unfortunately, no Federal agency is immune to this waste, even those that are implementing the Nation's most important Federal programs.

One particularly troubling example of waste is found within the Pell grant program. $336 million in Pell grants were improperly dispersed to applicants that understated their income in 2001. Let me be clear, American taxpayers spent $336 million in Pell grants for applicants that were not eligible.

Not only does this represent a terrible misuse of taxpayer dollars, the expenditure of these funds denies the legitimate financial assistance provided by Pell grants to the thousands of students who truly need and deserve this help.

Mr. Speaker, we belong to a Congress that has brought unprecedented increases in Federal funding to our schools. Yet the administrators in my district continue to ask why have I not seen that money. I should not have to report to the administrators, teachers, and parents in Minnesota that the money they need to provide the quality education our children deserve is not available because it has been wasted by an inattentive Federal bureaucracy.

We have got to put an end to this harmful waste. Unfortunately, some of our colleagues on the other side of the aisle would prefer to ignore this waste and simply complain about, quote, lack of funding for Pell grants. Rather than crack down on the ineffective bureaucracy responsible for this waste, they would like to create more funds by raising taxes on hard-working American families.

My colleagues and I in the Washington Waste Watchers have a more responsible approach. It begins with eliminating the waste in government spending and creating more efficiency in Federal programs.

The budgets passed by the House Republicans both last year and this year make great progress toward our goal of eliminating waste. Last year's budget led to a report that highlighted between $85 and $100 billion of wasteful spending. This year's budget instructed committees to reduce or eliminate the most egregious examples of waste.

Mr. Speaker, American taxpayers deserve better than to have their hard-earned paychecks squandered by an irresponsible bureaucracy in Washington. I ask my colleagues on the other side of the aisle to join us in creating a better Federal Government, not making it bigger through more tax increases, but helping us to expand services for those who truly need them by eliminating the waste.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BONNER) is recognized for 5 minutes.

Mr. BONNER. Mr. Speaker, Monday December 8, 2003, was truly a historic day for millions of Americans, especially our senior citizens. During the long anticipated and much planned for ceremony at the DAR Constitution Hall here in our Nation's capital, President Bush signed into law the conference report on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

This event, attended by lawmakers from both sides of the aisle, as well as from both Chambers here in this building, was a landmark moment in the history of the Medicare program. It marked the culmination of years of effort by Members from this Chamber, as well as by some of our colleagues in the other body.

Make no mistake, the revisions to the Medicare program will provide great benefits to the senior citizens of this country who need the help the most. By signing up now for the new prescription drug discount card, seniors will be eligible for at-the-register savings of between 10 and 25 percent today. Soon, 75 percent of the drug costs of up to $2,250 will be covered by Medicare; and before long, catastrophic coverage of up to 95 percent will take effect for amounts over $3,600.

This new plan includes incentives for employers to keep their current employees enrolled as well as retirees under their existing plans as well as employers who will be able to include new provisions of this Medicare plan, the expanse of which is in their new plans.

In my home State of Alabama, the Medicare program will assume responsibility for the prescription drug cost of nearly 140,000 seniors who are currently eligible for both Medicare and Medicaid coverage.

Mr. Speaker, the revisions to the Medicare program are more extensive than can be covered during the time we have this evening, but there is also one important fact to remember: this plan is purely voluntary. Many Americans may well be satisfied with the coverage that they currently have, and they do not have to do anything. They can stay where they are. Senior citizens have the right to choose whether or not they want to enroll in this important new program. Unfortunately, with all of the great news about this new program, many American seniors have failed to take action at this point largely because there is still confusion about the specifics of this program.

In a survey conducted in my district just recently, residents were asked how they felt about the new Medicare prescription drug plan. Sixty percent of those questioned said that they actually approved of the measure, although many did have additional questions

and reservations about specific parts of the plan. Nearly 30 percent were not sure how they felt or had no opinion at all.

In a series of town hall meetings I recently had in my district in south Alabama, I received more questions regarding this plan and how it would impact the seniors in my district and their families. These questions and the survey results are not surprising. Such sweeping changes in a program as important as Medicare, which has basically remained consistent since its inception since the 1960s, undoubtedly has caused some confusion.

In an effort to help answer some of these questions and help clear up some of the clouds of confusion that exist, I will be hosting two senior citizen seminars on Monday, June 7, in my district in south Alabama. The primary focus of these events is to focus the attention on the Medicare bill.

I am pleased that representatives from the Department of Health and Human Services will be in attendance to help answer questions, as well as my friend and our colleague, the distinguished gentleman from Georgia (Mr. GINGREY), who will also be on hand to discuss this important issue. Before beginning his outstanding service here in the Congress, the gentleman from Georgia (Mr. GINGREY) was a practicing physician. And he is well qualified not only as a legislator but also as someone who has participated in the medical profession for so many years of his life.

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Moreover, I have representatives from the Social Security Administration as well as the Department of Veterans Affairs to answer other questions that are pertinent to our senior citizens at this twilight of their lives.

My hope is that these two seminars, the first in Fairhope, Alabama, and the second in Mobile, will do much to provide useful information to help answer questions that are so important and so timely.

Mr. Speaker, I would encourage my colleagues on both sides of the political aisle to do likewise in their district, to try to reach out and help explain some of the questions that still exist with this new law. The assistance this program is providing is desperately needed by our senior citizens.

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

(Mr. KIND 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 Nebraska (Mr. TERRY) is recognized for 5 minutes.

(Mr. TERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING OUR CONGRESSIONAL PAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it is my sincerest pleasure that I rise to recognize and compliment the congressional pages that will be ending their term of service this week.

The House pages have made up the critically important staff that has kept the House floor running smoothly for over 200 years. This 2003–2004 school year pages were selected from hundreds of applicants following an incredibly competitive process that scrutinizes their individual achievements in academics, leadership, and complement to social and civic service.

Page duties include delivering all types of correspondence and legislative materials throughout the Capitol and House office buildings, answering phones in the Members cloak room, relaying messages, flying flags over the Capitol, and preparing the House floor for session and many other duties.

These pages have spent their entire junior year of high school in Washington, D.C. living, taking classes, and working for the House. The typical day of a page begins very early at 5:45 a.m. or 6 a.m. to eat breakfast prior to attending classes for school at 6:45 a.m. At 10 a.m. their legislative work day begins and lasts until the House adjourns in the evening and sometimes into the wee early morning hours. These individuals, I think, Mr. Speaker, have demonstrated their true commitment to playing an important role in our Nation's future by learning and working here in the Nation's Capitol.

We honor those pages that have shown the same generosity of spirit and depth of intelligence and capacity for human service that is so important of our leaders. These exceptional students have consistently displayed their dedication, intelligence, and concern throughout their time as a page in Congress. They stand out among their peers not only because of their many achievements but also the disciplined manner in which they meet all challenges.

I compliment the administration and those that have guided these pages. And although these pages have already accomplished a great deal, these young people possess unlimited potential. The House pages are young men and women of character, ambition and initiative who have made a significant contribution to the United States House of Representatives and have learned well the value of hard work and commitment. Their efforts and dedication are very much appreciated and our very best wishes bestowed upon them in all of their future endeavors that I am sure for some will include elected office, including Congress. I suspect all will be leaders in their community.

On behalf of the United States House of Representatives, we extend our thanks and our highest praise and congratulations to each congressional page.

AMERICA NEEDS AN ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to ask the question, How long can America afford to not have an energy policy in place?

For many years we had cheap energy in this country. We had oil for over a decade at about $10 a barrel and natural gas around $2 a thousand, but that has all changed.

Today we have oil constantly popping past the $40-per-barrel mark. The natural gas that we were putting in the ground today for next winter's heating $6.47 a thousand. Last year the world was shocked when we put it in the ground at $4.60 a thousand for the next heating season during the winter.

The question I ask again and again is when will we put an energy policy on the President's desk so he can sign it? He is the first President to continually ask Congress for an energy policy, an energy plan. Other Presidents ignored it. We have an education policy, but no energy policy. We have a defense policy, but no energy policy. We have an ag policy, but no energy policy. A transportation policy, an environmental policy, trade policies, but no energy policy.

I live within 5 miles in Pennsylvania of Drake's Well, the first oil well which was drilled in 1859; and when oil was discovered, it changed the world. It brought about the industrial revolution and the modernization of our society, and today the world consumes 80 million barrels daily. We use about one fourth, 20 million barrels; and our use continues to rise.

The alarming fact is that China and India are now growing faster in energy use than us and competing with us for foreign oil. And as the world economy begins to really grow, and it is, the demand continues to rise. Our problem is 50 percent of our oil comes from unstable parts of the world. We have no control over oil prices. We have no control over energy costs. And coupling that problem with the natural gas issue, which is new, just a few years ago it was $2 a thousand. Today, they continue to sky rocket. Four years ago, it was less than 3, usually 2-something. Last year, we were putting in the ground at $4.70 at this time of the year.

On the average of almost $6 over the year. Today we are putting it in the ground for next year at $6.47, and some think gas will be 7 to $8 a thousand this winter.

The problem that raises is that we are not competitive. Europe pays $3.70 a thousand. North Africa $1.20; all the others are under that. So the rest of the world has natural gas much cheaper than us.

Now, what is that doing to business in this country? It is eliminating the fertilizer business in this country as we speak. You cannot afford to make fertilizer in America because they use it as an ingredient and as a fuel. It is harming the petrochemical industry, which is quickly moving to Europe. Polymers and plastics and anybody that heats, bakes, cooks, melts or dries products with natural gas has a problem. We produce 85 percent of our natural gas in this country. We import 14.5 percent from Canada; a percent and a half of liquefied natural gas from numerous parts around the world; and we export about 1 percent of our gas to Mexico.

A decade ago, a moratorium was removed on the generation of electricity with natural gas. I think it is an issue that really needs to be debated again today. At that time, 8 percent of our natural gas was only allowed to be used for peak power, in the morning and evening time when we need that extra surge. But when they removed that moratorium, in a few short years 25 percent of the natural gas in this country is now used to generate electricity.

We have 1,000 rigs drilling, a number higher than most, than normally, but the shortage remains. All of the gas-rich areas in America are off limits to drilling, many legislatively. It has been prohibited to drill the east and west coast offshore. Around the Florida coastline where there is lots of gas, it is off limits. Forty percent of the gulf, and we know the rest of the gulf is rich with gas because we get a lot of it there, is off limits to drilling. Sixty percent of the Midwest, which is owned by the Federal Government, much of it is off limits to drilling or it takes years to get a permit.

We must somehow figure out if we are going to use natural gas to generate electricity, how we replace that supply because we are threatening homeownership, we are draining commerce, and we are threatening industries in this country that particularly use a lot of natural gas.

The question I ask again, Can we afford to float down the river aimlessly with no plan of action, no energy policy on the President's desk?

Yes, we must conserve and we must use energy more wisely and we must promote renewables, but the growth has not been there. Wind and solar are only used part of the time so you have to have an abundant source. America needs an energy plan. It needs to be on the President's desk tomorrow.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BOGUS COLLEGE DEGREES COST GOVERNMENT DEARLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

Mr. CHOCOLA. Mr. Speaker, tonight I rise in support and cooperation of my colleagues, the Washington Waste Watchers, who were here earlier this evening.

I unfortunately come to the floor tonight to share another example of wasted taxpayer dollars. Mr. Speaker, according to a report released by the General Accounting Office in May, taxpayers have paid hundreds and thousands of dollars and, in reality, probably much, much more for Federal employees to obtain bogus degrees from unaccredited postsecondary schools, also known as diploma mills. These so-called diploma mills sell academic degrees based upon life experience, sometimes based on negligible academic work, and some require no academic work at all. They simply sell degrees for a price.

The first 2 days of congressional hearings on fake degree-granting institutions, the director of GAO special investigations testified the data collected on just two of those diploma mills show Federal payments of almost $170,000 for bogus degrees. He also said the number is likely an underestimate, even for those two institutions; and he expects a broader investigation of nearly 140 known diploma mills would reveal many more cases of federally financed phony degrees.

The GAO report found that 463 Federal employees, including 28 senior-level officials, have listed diploma mill degrees on their resumes. And one of those senior-level officials even received a Federal tuition reimbursement of nearly $2,000 in connection with a phony degree from a bogus school.

Mr. Speaker, Democrats want to raise our tax to pay for more of this. That is just the tip of the iceberg because the GAO only received data from eight government agencies. The other agencies could not even respond to the inquiry. As an example, the Department of Health and Human Services told the GAO that it could not produce records of employee education payments because it maintains records in five different accounting systems. It has no way to differentiate academic degree payments from other types of training and does not know whether degree payments made with credit cards are even captured in its payment records.

What is worse, Mr. Speaker, is the taxpayers have given these fake-degree employees a raise. Now while their managers contend that their promotions were based on experience and not education, the GAO does not buy it and neither do I.

Mr. Speaker, developing simple standards for assessing the degrees used as credentials by Federal employees in determining which degrees, if any, the Federal Government should pay for, these agencies could have saved hundreds of thousands of taxpayer dollars.

Mr. Speaker, it is time for the Federal Government to clean up its act. It is time to hold Federal employees accountable for its actions. And by eliminating this type of waste, fraud and abuse government-wide, we can save the taxpayers hundreds of billions of dollars.

Finally, Mr. Speaker, our measurement of success here in Washington should never be how much we spend, but simply how well we spend taxpayer dollars.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes as the designee of the minority leader.

Mr. DELAHUNT. Mr. Speaker, we are here tonight, several of my colleagues will be joining me for our weekly hour that we describe as the Iraq Watch, which reviews issues of interest and concern to Members on both sides of the aisle as well as the American people.

But before we begin talking about events of the past several weeks in Iraq, Afghanistan, in the Middle East, I was conversing earlier with my colleague from the State of Washington (Mr. MCDERMOTT) regarding some of the statements given earlier on the floor by our colleagues and friends from the Republican side of the aisle. And I want to commend them and congratulate them for taking this issue of waste and fraud and abuse seriously.

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I understand that they are describing themselves as waste watchers. I can assure them that we will work together with them. We will cooperate and we will collaborate. Because, as the gentleman who last spoke indicated, it is absolutely essential that we use taxpayers' dollars efficiently, honestly and bring the highest possible return on the investment of those dollars in the American people.

In fact, I am really pleased that this is happening, and I dare say if our Republican colleagues reach out to Democrats that we will join with them and

make this a bipartisan effort. I would simply note that it is late in coming, however, because I think it is important to underscore who has been running the government here for the past 4 years.

I am joined by my friend from Pennsylvania (Mr. HOEFFEL); as I indicated earlier, the gentleman from Washington (Mr. MCDERMOTT), my colleague and friend; and, of course, the gentleman from Washington (Mr. INSLEE) and an original member of the Iraq Watch; and maybe I could pose a question to him.

Is it the gentleman's understanding that President Bush, who is a Republican, has served in that capacity for some 3½ years?

Mr. INSLEE. Mr. Speaker, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, that is one of the best rhetorical questions the gentleman has ever posed and very successfully; and it is accurate that the Senate and the House are now under the control of our friends, the Republicans, for the last 2 years.

Mr. DELAHUNT. So is it true that the Republicans became a majority in this particular branch back in 1994? I was not here in 1994. I think the gentleman from Washington (Mr. MCDERMOTT) was here in 1994. But who has been setting the agenda and running the House of Representatives since January of 1995?

Mr. INSLEE. Let me answer that and quickly segue to tonight's discussion. The presidency is under control of the Republican party, the Senate is under control of the Republican party, the House is under control of the Republican party, and if there is waste, fraud or abuse, it is under the watch of the Republican party which controls the government of the United States.

Our Republican friend speaking this evening talked about waste, fraud and abuse. Let us cut to one of the most onerous, glaring, enormous, stunningly scandalous waste, fraud and abuse that the Bush administration, with Republican support, has supported, and that is that they have given almost $40 million of taxpayer money to Mr. Chalabi and his Iraqi National Congress who tonight stands accused of giving away some of our most secret information to Iran.

This President, amongst the many mistakes that he has made, squandered almost $40 million in waste, fraud and abuse, taking the money from American taxpayers and giving it to this fellow that he told us was going to be the ''Spartacus of Iraq.'' We were told by the Vice President that we would be welcomed as liberators, with rose petals, and that this administration believed with Richard Pearl and DICK CHENEY and the whole group of them and Paul Wolfowitz, we have heard them described as the neo-cons. They are neo-cons, and they allowed Mr. Chalabi to con this administration out of $40 million, and we have not got a penny back.

Now, we 2 weeks ago, I think, tonight, held a meeting here on the Iraq Watch, and we blew the whistle on Mr. Chalabi loud and clear. Interestingly enough, the next morning, we were advised that the administration had finally cut off this spigot of taxpayer money to Mr. Chalabi. A week later, we find out that he is under investigation; and they have now raided his offices to find out if, indeed, he did give this secret information to Iran.

I just am encouraged, I suppose, that our Republican friends want to root out waste, fraud and abuse. It would have been nice if they had joined us in blowing the whistle on Mr. Chalabi months ago when we had been saying that this whole plan was based on a house of sand.

Now the administration, just to make sure people understand what happened here, Mr. Chalabi and his allies gave phony information about weapons of mass destruction. The neo-cons in the White House and the Defense Department bought it hook, line and sinker. They convinced the President, who apparently did not need much convincing, that we would just send Mr. Chalabi in there and he would be, as I said, the new Spartacus of Iraq, the De Gaulle of Iraq.

So what did we do? We put him on the payroll of one of the biggest welfare programs ever, to the tune of $40 million, and we flew him and 800 of his closest co-conspirators into Iraq about 4 days after the invasion, 2 days after the collapse of the Iraqi Army, thinking he was going to be our agent. It was a total scam, and the American taxpayers paid for it, and he is the worst case of waste, fraud and abuse.

Mr. HOEFFEL. Mr. Speaker, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. Mr. Speaker, is the gentleman from Washington (Mr. INSLEE) aware of how Mr. Chalabi allegedly got the information that he allegedly shared with the Iranians?

Mr. INSLEE. Well, I know, but I would like the gentleman to articulate that, actually.

Mr. HOEFFEL. It is my understanding that the fact that the Iranians have an intelligence code in order for them to communicate secretly amongst themselves, that that code was broken by America, and we were able to know exactly what the Iranians were doing in Iraq with their agents in Iraq, and that that is the information that Mr. Chalabi allegedly gave to Iran, which is your code has been broken.

The question is, how did Chalabi know? Well, he is under investigation and members of the Bush administration are being investigated because somebody had to tell Chalabi that the Americans have broken the Iranian code.

Mr. INSLEE. And Mr. Chalabi in the press reports said, well, somebody in the agency of the United States government told me when they were drunk, and this guy who had the President give $40 million to then disclosed some of the most sensitive information possible, that we have broken the Iranian code.

Mr. HOEFFEL. Do not forget that the President sat Mr. Chalabi right behind Mrs. Bush in this year's State of the Union address, right up there in that balcony 4½ months ago. There he sat in all his double-chinned glory, Ahmad Chalabi, directly behind the First Lady of the United States in the seat of honor 4½ months ago.

Mr. INSLEE. What is so disturbing about this, at least to me, is this is almost a pattern of this administration blowing Top Secret security information. They did it through Mr. Chalabi, although perhaps unintentionally. They did it blowing the cover of a CIA agent in order to punish Joe Wilson, the ambassador who blew the whistle on the falsehood that the President gave in his State of the Union speech. Is nothing sacred? Is nothing sacred in our security information? This administration needs to be held to account.

Here we have a situation where the President of the United States okayed $40 million of taxpayer money going to this scam artist who had already been convicted of bank fraud in Jordan and could not set foot back in his home country because of his previous conviction. We have a situation where this information was found out to be totally false, all of it. We started a war based on this false information.

And how many people have the President fired as a result of this scandal, as a result of this failure? How many people has he let go? How many heads have rolled in his administration to have accountability for this Chalabi debacle? Zero. Zero. This President has shown zero accountability throughout this entire mess, and the only people he has fired are those who are the ones who have told the truth, General Shinseki and Richard Clarke.

Mr. DELAHUNT. And Paul O'Neill.

Mr. INSLEE. Paul O'Neill. He punished Joe Wilson's wife.

Mr. DELAHUNT. Larry Lindsey, and the role of those who disagree, who were independent thinkers, there is a lengthening list.

But I dare say that future generations could very well look back on this particular moment in our history and Ahmad Chalabi would have a very special status. Because, as the gentleman indicated, Mr. Chalabi is very skillful, has a sordid history, if you will; was convicted of embezzlement in the Nation of Jordan; was sentenced in Jordan, an erstwhile ally of the United States when it comes to the war on terror and an ally of the United States in an effort to resolve the Israeli-Palestinian issue; was sentenced in a Jordanian court to some 22 years.

At a meeting that the gentleman from Pennsylvania (Mr. HOEFFEL) and myself and others had with King

Abdullah, I posed the question, was the king, our friend, our ally, ever consulted before Mr. Chalabi was named to the now-defunct Iraqi Governing Council? And his response was a terse no. I found that very disturbing because he went on to say that we, meaning the Jordanians, the Lebanese, have serious problems with Mr. Chalabi.

Well, I think what we are discovering is that we have serious problems with Mr. Chalabi. Mr. Chalabi has become an embarrassment to this administration.

The gentleman from Pennsylvania (Mr. HOEFFEL) indicated earlier that he sat in the gallery to my left while the President delivered the State of the Union address. He sat directly behind the First Lady.

Mr. Chalabi has a relationship with the President of the United States. One only has to see, Mr. Speaker, this picture. It is my understanding that the President, who is dressed casually here, on his trip during Thanksgiving to visit the American servicemen there, and we applaud him for that, is pictured here with Mr. Chalabi, Mr. Chalabi who provided false intelligence, according to reports emanating from the Department of State and from the CIA, which led this Nation into war. It was defectors whom Mr. Chalabi brought to the administration's attention which talked about weapons of mass destruction, which talked about links with al Qaeda, which talked about links with Osama bin Laden, all of which have been proven to be patently false.

It is very disturbing when we reflect and think that this false information was utilized in the course of the debate on the resolution authorizing war and was never questioned by the White House, by the President, by Vice President CHENEY, by Mr. Wolfowitz, by Mr. Douglas Fife and by Mr. Pearl, who at that point in time served on the Defense Policy Board. That information was simply accepted because they were, in my opinion, looking for facts to support their desire to go to war against Iraq.

And here we are. Today, a front page story in the New York Times that, if this is true, this will represent, in my opinion, a scandal that will rock this Nation.

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Not only, Mr. Speaker, were we given false information and false intelligence, but now we read in The New York Times that Mr. Chalabi, and let me quote for a moment before I defer to my colleagues: ''The Iraqi leader and former ally of the Bush administration disclosed to an Iranian official that the United States had broken the secret communications code of Iran's intelligence service, betraying one of Washington's most valuable sources of information about Iran, according to United States intelligence officials. They said about 6 weeks ago, Mr. Chalabi told a Baghdad station chief of Iran's Ministry of Intelligence and Security that the United States was reading the communications traffic of the Iranian spy service, one of the most sophisticated in the Middle East.''

If that be true, we have been betrayed. It was this President, George W. Bush, standing beside Mr. Chalabi in this very House during the course of a State of the Union address, who used that term ''axis of evil'' when he spoke of Iraq, when he spoke of North Korea, and when he spoke of Iran as being three members of that axis of evil. And here we have, according to The New York Times, and Mr. Chalabi has to be given an opportunity to respond, like the administration has to be given an opportunity to respond, to this absolutely outrageous potential alleged act of treason against the American people. It cannot stand.

Mr. INSLEE. And, Mr. Speaker, if my colleague will yield, another thing that cannot stand is this administration essentially sort of pooh-poohing the enormity of this disaster of relying on Mr. Chalabi.

There are two groups that have suggested it is of no consequence, one of which is Mr. Chalabi. He was interviewed in a major newspaper sometime ago and the article said ''an Iraqi leader accused of feeding faulty pre-war intelligence to Washington,'' and that is Mr. Chalabi, ''said yesterday his information about Saddam Hussein's weapons, even if discredited,'' meaning wrong, meaning false, ''had achieved the aim of persuading America to start a war.''

Mr. Chalabi has just kind of laughed off the fact that his false information caused America to start a war in which over 700 Americans have died. To him, that is okay because he described himself as a ''hero in error.'' Hero in error? Here is a man who took $40 million of taxpayers' money, gave us apparently willfully, according to Colin Powell, Colin Powell says willfully deceptive information, and started a war in which 700 Americans have died, in which thousands have been terribly wounded; and he describes himself as a hero. Well, he is no kind of hero in this Chamber or in my district or any district in this country.

But he, apparently, is still on some kind of a little bit of a working relationship with the Bush administration. How do I know that? Well, we have paid the man $40 million, and I have not heard the President of the United States say ''give the taxpayers that money back.'' I have not heard the President of the United States say, ''Mr. Ashcroft, go get that $40 million back; this man started a war, gave me false information.'' Still, with apparently now, or maybe people around him cooperating with the Iranians and breaking our security information, I have not heard the President say to go get that $40 million back.

What I have heard the President say, and what this administration has done, although the President says it was not with his approval, but he said, and there is a certain irony here, in the speech where the President of the United States had Mr. Chalabi sitting up in back of the First Lady, up there in the second row, at that very same speech where the President gave the American people the falsehood that Iraq was buying uranium from an African country, we now find out that was false. And we know it is false, because Ambassador Joe Wilson, who worked for the first President Bush, blew the whistle on that falsehood and indicated that that was not true. And what was the response of the administration? They blew the CIA cover of Joe Wilson's wife in an attempt to destroy her career with the CIA.

So here you have a situation where this administration has squandered $40 million of taxpayers' money and has not lifted a finger to get it back, even though that created a fraud which started a war, which destroyed the career of the person who told the truth about the falsehood that Mr. Chalabi got the President to tell the American people.

This is kind of an Alice in Wonderland moment, it seems to me, where the truth-tellers are punished, and the President still says go ahead and keep your money, I guess, that we gave to Mr. Chalabi. Something is wrong with this picture.

This administration has failed to come to grips with the multiple mistakes it has made in Iraq. And until it faces the music and admits the multiple mistakes it has made, we will continue to make them.

Mr. HOEFFEL. Mr. Speaker, I admire the fervor that my colleague from Washington has for pointing out the truth about the failings of Chalabi; but the point he just made is a lot more important, frankly, than the fun we are having piling on a guy like Chalabi, who is clearly a fraud, clearly a spinmeister, the kind of guy that my grandfather would have called a floor flusher. To meet Chalabi, as I did once, is to understand that the guy is just full of hot air.

But the question that my colleague poses to us tonight and to the Congress is, why did other people in the administrations not figure this out? And why are those who made mistakes not being held accountable for those mistakes? Because it would be a great injustice if we were to allow anybody watching tonight to get the impression that the problems of our policies in Iraq were solely the fault of Chalabi giving us bad information. He did give us bad information; and I believe, as Colin Powell believes, that it was willfully done, and he ripped us off for $40 million. And the passion of the gentleman from Washington on the subject is admirable, but the fact of the matter is, why did so many people in the administration believe what Chalabi had to say?

It seems to me that he was telling them what they wanted to hear, and

they did not listen to his information and apply a critical eye to it. I know that the CIA has been skeptical of Chalabi for years. I know the State Department has been skeptical of Chalabi for years. But the civilian leadership of the Pentagon, Mr. Rumsfeld, Mr. Wolfowitz, Mr. Feith, along with the support of the Vice President, Mr. CHENEY, bought Chalabi's lies hook, line, and sinker. It is because he was telling them, in my judgment, what they wanted to hear.

They honestly believed that we would be treated as liberators and not occupiers, and they made one policy mistake after another that has led us to where we are today after a year.

Mr. DELAHUNT. Mr. Speaker, if my colleague will yield to me, does this not just come down to basic incompetence?

Mr. HOEFFEL. Oh, it absolutely does.

Mr. DELAHUNT. I mean, no one is questioning or raising at this point in time malice or inappropriate intentions on the part of those policymakers, but it is almost beyond comprehension to believe that they would have fallen for the likes of Ahmad Chalabi.

I mean, in a recent Newsweek magazine, the May 31 edition, it says it all: ''Bad intel and broken trust. Ahmad Chalabi and the road to war. Our con man in Iraq.'' We were being conned, if you accept the validity of these allegations made by intelligence officers.

Mr. HOEFFEL. But, Mr. Speaker, I must tell my colleague that not everybody was being conned. The CIA saw through Chalabi, the State Department saw through Chalabi, and yet the civilian leadership of the Pentagon did not.

Mr. DELAHUNT. Exactly. And that is pointed out in this edition of Newsweek. Again, let me quote: ''Chalabi has not always charmed his patrons. His first run as a CIA asset in the early and mid-1990s was a disaster. His case officer did not trust him. There was a lot of hanky panky with the accounting. Triple billing, things that were not mentioned, things inflated. It was a nightmare, says a former U.S. intelligence official who worked with Chalabi.'' His quote. ''His primary focus was to drag us into a war that President Clinton did not want. But he had more luck with a group of Republican hard-liners who formed a kind of government in exile, the so-called neoconservatives like Wolfowitz and Richard Perle and Doug Feith.''

As I said earlier, when we pause and think that we went to war in part because of information given by this individual standing with the President of the United States, and that we have lost how many men and women? The costs have exceeded already $200 billion, put aside the blood and the pain and the anguish that Americans serving in Iraq and their families have had to experience. This is outrageous.

And now we find on the front page of The New York Times, Mr. Speaker, a story claiming that he provided the most highly sensitive information to Iran, which, according to reports, is developing a nuclear weapons program, is being accused by the President of the United States as being a member of an axis of evil. What is happening? This is incompetence. These people are not running or managing this issue except in the most incompetent way. They are blinded by ideology.

Mr. INSLEE. If the gentleman would yield, I want to address why and how that happened. This incompetence, as the gentleman describes it, Mr. Speaker, was institutionalized. It was set up to be incompetent.

What happened here was the CIA had good reason not to trust the information they were getting from Mr. Chalabi, and they kept telling the White House that. But the people in this administration, if they have a belief, it must be right, and it really does not matter what the evidence is. So what they did was, Mr. Rumsfeld set up his own intelligence agency, heretofore never in existence in the Pentagon; and it was their special little intelligence shop which they staffed with the people who worked for the neocons, who were basically going to tell the neocons whatever they wanted to hear.

So when the CIA was telling them and the Air Force, for instance when the Air Force told them these aluminum tubes the President told us about were used to build a nuclear weapon, I think it was the Air Force told him, or the CIA, one of the agencies, I have forgotten which one now, they said that is not accurate. So they just went to the little Pentagon fiefdom of the neocons and said, sure it is. They got their yes men and made their yes men in control of America's foreign policy, and this has led to the loss of 700 American lives as a result.

□ 2100

Now what has this President done to bring accountability to that system? Has he changed the director of this Pentagon intelligence agency? No. Has he disbanded it? No. Has he taken away the washroom privileges of anyone in the Pentagon? No. Has he canned the Secretary of State? No. Has he changed the Director of the CIA? No.

The only thing he has done or his administration has done is to break the security secrecy of the identity of a CIA agent in order to punish the one man who told the truth about the falsehoods that the President gave the American people. That is the only person that has lost their job associated with this, except General Shinseki who also told the truth about needing several hundred thousand American troops to provide security in Iraq.

We are seeing that the first step to a successful Iraq policy is to admit the mistakes of the past, clean house and get some new, fresh ideas in Iraq. Clinging to these folks and these agencies which have been so wrong on Iraq so many times is not going to allow us to be successful in Iraq, is not going to allow us to bring our troops home in a reasonable period of time.

We are asking the President to finally demand some accountability; and if this Chalabi scandal does not wake up the President to this need, it is hard to imagine what will.

Mr. HOEFFEL. Mr. Speaker, it is not just that mistakes were made by American policymakers, and it is not just that Chalabi gave us bad information. The other part of the equation is that the ideologues in the civilian leadership, in the Pentagon and in the White House simplified, distorted, took information and twisted it in such a way as to persuade the Congress and the American people that Saddam Hussein had weapons of mass destruction and that we needed to invade to keep that part of the world and this country safe from attack.

Let us not forget the fact that the intelligence information being given to the White House in the fall of 2002, the Defense Intelligence Agency report of September, 2002, the National Intelligence Estimate of October, 2002, was not available to the three of us at that time when we had to vote but was made available to us 6 or 7 months later. Those intelligence reports given to the White House were replete with uncertainty and caveats about the weapons of mass destruction in Iraq.

Now, they were wrong apparently to even think they might have been there, although we do know Saddam Hussein had them in the 1980s. They were wrong to conclude that he probably had them, but the reports were saying we think he has these weapons of mass destruction. He probably has them. We have been told he has them.

None of that uncertainty was passed on to the Congress in public statements or private briefings that we all attended, or to the American people in the fall of 2002 when we were asked to vote on the war authority. We were told with complete certainty that Saddam Hussein had weapons of mass destruction and we had to go get them.

In fact, the one member of the administration who had the most credibility in my opinion, Colin Powell, repeated this didactic approach, these statements with complete certainty, 4 or 5 months later in February or March of 2003 when he spoke to the U.N. He identified where the weapons were. He showed us pictures. He told us how much they weighed. He has 500 pounds over here; he has such and such over there. They talked about those two mobile chemical labs on flatbed trucks. Colin Powell assured the United Nations and all of the world that these things existed. They did not.

The intelligence they were basing these statements on was full of uncertainties. They deceived us. They led us to war with deceptions, and we have to hold them accountable for that. It is not just the mistakes. It is not just Chalabi's lies. It is the fact that some in the Bush administration were willing to twist that information, and this

goes to the President himself, to get us to go to war.

Mr. DELAHUNT. And look where we are now. The rest of the world does not believe us. A recent poll was taken in Latin America among the economic elite, not the poor, the disadvantaged, the down-trodden, if you will. It was done in seven countries. In five countries, the negative opinion of President Bush exceeded 90 percent. The average was 87 percent. This hurts us at many, many different levels.

Now we are faced with a scandal of a magnitude that I dare say we have not seen since Watergate, where we paid somebody who was conning us, that was betraying us to a potential adversary in Iran that the President of the United States described as a member of the Axis of Evil Club. Now we have the President of the United States today, according to CBS, has sought the help of an outside lawyer to represent him in the probe into who leaked the name of a CIA operative to a newspaper columnist. Believing that Bush will be interviewed or asked to testify before a grand jury, White House officials confirm that the President has put a Washington attorney on hot stand-by, CBS reported tonight.

The gentleman from Ohio (Mr. STRICKLAND) is now joining us, our other stalwart member of Iraq Watch.

What we have here is a growing morass, if you will, of investigations, of embarrassment, of loss of prestige, of the erosion of our moral authority in the world. And, most importantly, in addition to costing the American taxpayers hundreds of billions of dollars, we are now putting our men and women who have performed so valiantly and professionally in Iraq, we are putting our military at risk, we are putting our national security at risk.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, first of all, I would like to apologize for showing up late. I was detained, but I am glad you have been here spreading the truth and letting the American people know the situation.

I am struck by the fact that right up there in the balcony during the President's address to this great body with all of the Representatives and Senators and the Supreme Court members and members of the diplomatic corps present, that Mr. Chalabi, who now has been disgraced, was seated right up there near the First Lady in an honored position as a guest of the President right here in the Chamber of the House of Representatives.

And we now know, sadly, that not only is he largely responsible for much of the misinformation that was used to take us into this war, and the gentleman is right, it is costing us from our national resources, from our national treasury, but what eats at me is the fact that more than 800 precious American lives have been lost in this war. We went into this war based on bad information received from Mr. Chalabi, this friend of the Vice President, a man who was getting hundreds of thousands of dollars from this government while he was betraying us, quite frankly, betraying us.

It hurts me to look up there at that seat in the balcony of this Chamber and know that at one time he was seated up there and he received the applause of this body as the guest of the President at the same time he was deceiving us, taking our resources and ultimately giving information to our enemies. This is a disaster. I think it is a disgrace, and I hope it is thoroughly investigated and we get to the bottom of those who are responsible.

It is about time that members of this administration took responsibility for what they have done, took responsibility, and I look forward to further discussion as the American people become increasingly aware of what has happened.

Mr. DELAHUNT. Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I think responsibility is the right word, and I think what has been so stunning to us is the failure of the President to hold people and agencies responsible for their multiple foul-ups. This is not the way to run a railroad or a war, and other Presidents in other difficult circumstances have had the gumption and leadership to hold people accountable.

I had the honor of joining my dad, a World War II vet, at the dedication of the World War II Memorial this weekend. We were very proud of many people, including my father, at the dedication.

The memorial is a very moving place, and I encourage people to visit it. It is a very moving place. They have 4,000 stars representing our losses in World War II, and framing that wall of stars are two pillars, both of which have quotes from President Harry Truman.

I was talking to my dad, and he reminded me that Harry Truman did something. He held somebody who was very popular at the time accountable. He fired General MacArthur. It was an extremely controversial thing for the President to do. But he recognized in war you have to have accountability and responsibility.

There is nobody in this administration as popular as General MacArthur. I can guarantee the President that. And if President Bush had half the gumption of President Truman, he would fire some of these people tomorrow to send a message that we are not going to tolerate this incompetence anymore, and we are going to send a message to the world that we are going to be accountable to it as well.

Mr. DELAHUNT. Mr. Speaker, the gentleman has provoked a thought. What we have here is the absolute converse of what occurred back in the early 1950s. We have a professional military, a military that every American supports and a military that has conducted itself with valor and a military that all Americans can be proud of, but a civilian leadership that is incompetent. If we are ever going to win the war on terror, if we are going to defeat terrorism in this world, it is absolutely essential, as the gentleman said, for a new team.

I was at a hearing today in the Committee on International Relations which the gentleman from Pennsylvania (Mr. HOEFFEL) and I serve on. We all remember, it was a unanimous vote in this Chamber to go into Afghanistan and go after the real enemy, al Qaeda, the fundamental Islamists, eliminate them and reduce the threat. We had the support of the entire world. We had a genuine coalition.

Oftentimes, the French are castigated and denigrated on this floor, but if Members remember, it was the French national paper Le Monde that on September 12 said, ''Today we are all Americans,'' and now we have gone in another direction.

Members all know who Robert Novak is, an extremely conservative columnist, certainly not one who in most cases we would share the same viewpoint on a variety of issues, but here are his comments in a column he did recently. ''The handful of valiant American warriors fighting the other war in Afghanistan is not a happy band of bothers. They are undermanned and feel neglected, lack confidence in their generals, and are disgusted by Afghan political leadership. The overlooked war continues with no end in sight. Narcotics trafficking is at an all-time high. If U.S. forces were to leave, the Taliban or something like it would regain power. The U.S. is lost in Afghanistan, bound to this wild country and unable to leave.''

□ 2115

It is Special Services that is given the task of confronting armed narcoterrorists on a day-to-day basis.

Mr. Speaker, we are losing; not just in Afghanistan, but we are losing everywhere. This is a highly volatile, highly dangerous moment in our national history.

Mr. HOEFFEL. Mr. Speaker, if the gentleman will yield further, let me just add to the gentleman's wise comments.

We are at risk of losing in Iraq if we do not get security in that country. We all share the President's goals of creating a stable and peaceful Iraq with a representative self-government, hopefully a flourishing democracy. We all share that goal. But we cannot achieve that goal or any of the benchmarks without security. We cannot reconstruct that country without security, we cannot have a meaningful transfer of sovereignty on June 30 or any other day without security, and we certainly cannot have elections there without security. So we have not accomplished the fundamental task of this occupation.

The President keeps saying, well, we are going to turn things over June 30

and get out. Well, the military occupation is not ending, and it cannot end because the country is not secure, and it is not able to secure itself.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield, part of the problem is we took the advice of Chalabi. It was because of information that he had given, apparently to the Vice President, that we decided we could go into Iraq with less force than we actually needed to bring stability to that country; and the result is well over 800 precious American lives have been lost, and more are being lost every day; and thousands of Americans have been terribly wounded and are being wounded every day.

We are going to have this handover, and the President boasts that that is a very large milestone in the history of this country. The fact is, the American soldier is going to be there, the American soldier is going to have a target on his or her back, and we are going to continue to lose soldiers and to have soldiers wounded.

Now, the President tries to set this up as a two-choice dichotomy. He says, stay the course, and those who question his policies want to cut and run. I do not hear anyone saying they want to cut and run. But neither do we want to stay the course, as the President has laid it out. We want to change the course. We want to internationalize and Iraqitize this situation. We want to give other countries some of the responsibility, have them carry part of the burden.

The fact is that I am tired of slogans when it comes to this war. I have talked to too many loved ones who have their sons or daughters or husbands over there fighting this war. I met with a number of them just yesterday, and they are terribly concerned, as they ought to be, and they are wondering what is going on, how long will my loved one be there, and are they being protected as much as possible while they are there.

I would just remind my colleagues that we continue to have troops over there driving around in un-armored Humvees. We finally convinced the other side of the aisle that we needed to put more money into that project, but soldiers are still being needlessly wounded, and, in some tragic cases, losing their lives, in part because we are not giving them the proper equipment.

Part of it is we were told there would be rose petals, they were going to welcome us as liberators; and much of it was based on the information that came from this Chalabi, a man who we now know was not our friend, in fact, was giving information to our enemies.

That is the sad truth. We cannot run from that truth. The administration needs to face up to the facts that they used bad information, they made bad decisions, and, as a result, we find ourselves in this quagmire; and we need to change course and move in a different direction.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman. I agree with the gentleman that we have probably heard too many slogans and that slogans do not really help resolve complicated problems. But I would say to the gentleman that we need to get more troops in Iraq, preferably international troops, so we can get security. That is essential. Then we can get elections and get an Iraqi government freely elected in charge so America can get out.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, if I can just for a moment speak to the issue of America's standing in this world. I am reminded of DeTouqueville when he came to this country, a Frenchman who toured the original 13 States, and he made this observation. He spoke of America's greatness, and he said America is great because America is good.

The world has always looked towards the United States of America, not just because of its military strength or its economic power, but because of our moral authority. Americans through the generations have earned that title, that title of ''American,'' because we are a moral and a good and generous Nation.

But that perception of the United States is changing. We hear a lot about oil and our motives in terms of why we went into Iraq.

I remember reading the book ''The Price of Loyalty'' that was done by an author regarding the experiences of Paul O'Neill, former Secretary of the Treasury. I would ask my friends on all sides of this particular issue to take the time to go to page 96, because I have been asking this question for months now, and I cannot get an answer. Maybe I am simply frustrated.

But at a meeting of the National Security Council on February 27, some 7 months before our national tragedy on September 11, this is Secretary Paul O'Neill, a highly respected Republican who served in the Reagan administration, who served under this President Bush's father, let me just take an excerpt and read it to you:

''Beneath the surface was a battle O'Neill had seen brewing since the National Security meeting on January 30, which was about a week after the inauguration. There was Powell and the moderates at the State Department versus hardliners like Rumsfeld, Cheney and Wolfowitz, who were already planning the next war with Iraq and the shape of a post-Saddam country. Documents were being prepared by the Defense Intelligence Agency, Rumsfeld's intelligence arm, mapping Iraq's oil fields and exploration areas and listing companies that might be interested in leveraging the precious asset.

''This was occurring weeks after the inauguration. There was a document entitled 'Foreign Suitors for Iraqi Oil Field Contracts.' It lists companies from 30 countries, including France, Germany, Russia and the United Kingdom, their specialties, bidding histories, and, in some cases, their particular areas of interest. An attached document maps Iraq with markings for super-giant oil fields, other oil fields, and earmarks for production sharing.''

So we wonder, we wonder why the perception of this great and generous Nation is now being attacked, is now being questioned.

Recently there was a survey done by the Pew Foundation, and it was particularly disturbing because many across the world doubt our motives and believe that our real intent is to control Mideastern oil. In Russia, 51 percent of that population believes that that was why we invaded Iraq; in France, 58 percent; in Germany, 63 percent; in Pakistan, 54 percent; in Turkey, 64 percent; in Morocco, 63 percent; and in Jordan, 71 percent. This, I submit to my friends, is most disturbing.

Then we have a report in Time magazine, all Americans by now are aware that DICK CHENEY, the Vice President of the United States, whom in Bob Woodward's most recent book, ''The Plan of Attack,'' is described as having a ''fervor for war.'' That was by Colin Powell. Colin Powell said that, not one of us. It now appears that Time magazine reports that an e-mail from the Army Corps of Engineers says that ''Douglas Feith, an Undersecretary of Defense, approved arrangements for the Halliburton contract, contingent on informing White House tomorrow. We anticipate no issues, since action has been coordinated with the Vice President's office.''

And we wonder why our bona fides and our motives are being questioned? What happens now when the rest of the world reads that information in a journal that is generally regarded with respect, that represents American thinking?

Mr. INSLEE. If the gentleman will yield, I want to just kind of recap some of the things we have talked about as to why we are so adamant that this administration change and improve its policies in Iraq. We have talked about some things tonight, but I want to talk about the 10 significant failures of this administration. I just want to recap them quickly as to why we feel so strongly, why we have been here every week. I want to list them quickly.

Failure number one: the President told us, ''Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction.'' That and his other statements, many others, were false. Failure number one.

Failure number two: they told us that they had clear and convincing evidence of the connection between Saddam Hussein and the attack, the heinous attack on us on September 11. Those statements were false. Failure number two.

Failure number three: they told us we would be greeted as liberators, with rose petals at our feet. Mr. Chalabi would be the Spartacus of Iraq. That statement was false.

Failure number four: they ignored clear evidence and clear advice from

General Shinseki and many others that we would need several-fold the number of troops that they gave to this effort in order to secure Iraq, and they ignored this clear advice. Why? Because they wanted to fight this war on the cheap so they would not have to pay for it. Well, we have suffered from their effort to fight a war on the cheap with a lot of dead good American people in Iraq.

Failure number five: they refused to involve the United Nations until maybe 2 weeks ago, when they finally went back on their knees to the U.N.

Failure number six: they refused to have elections.

Failure number seven: they had no command and control system on the prisoner camps.

Failure number eight: no armor.

Failure number nine: no plan to pay for this war.

Failure number ten: they gave $40 million of taxpayer money to a con man that got us into this war.

These are 10 failures, and they demand accountability from people in this administration.

PROVIDING LIFELONG OPPORTUNITIES FOR ALL AMERICANS

The SPEAKER pro tempore (Mr. FEENEY). Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. HAYES) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYES. Mr. Speaker, we have tonight the subject of lifelong learning and education, making sure that our friends, our families, and working people in America have careers, opportunities, and chances to have the financial rewards that come with being American.

But, first, I would like to yield to my friend and colleague, the gentleman from Kansas (Mr. TIAHRT), who I think would like to help with the rewriting of history and set the record straight on some comments made by our colleagues across the aisle.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from North Carolina.

Mr. Speaker, I wanted to spend just a little bit of time before we talk about how we are going to bring jobs back into America talking about the things we just heard about.

Now, a lot of the Democrats and liberals want to ignore what happened on September 11, 2001. They want to ignore that terrorists brought the war on terrorism right down home to America. It was an attack on America, just like Pearl Harbor was an attack on America.

□ 2130

They have forgotten that we are at war against terrorism, and it is on a global scale.

And what do the terrorists want? They want a Taliban-style society right here in America. They want us to lose our freedom. They want our women to lose their rights. They do not want our women to have any property. They do not want them to have any voting rights. They do not want them to drive without having a male partner with them. They want them to wear burqas and look out through a mesh.

This is a total change to what our western society is. If you just look at Fallujah where we tried to give those people in the terrorist organization a chance to peacefully surrender, we backed off, we allowed the Iraqis to go in, and what happened? Well, we have a Taliban-style government there. The women are threatened to wear burqas. The men cannot shave their beards anymore. What is at stake here around the world is our culture.

The liberals want the U.N. to take charge. We heard that just over the last hour. They want the United Nations to take over this battle. Well, let us look at the record the United Nations has.

In Cambodia, after we left Vietnam because of the pressure of the liberals, 2 million people died, another million in Vietnam. But the U.N. was in control. We should be comforted, we should be satisfied that they took over, where 2 million people died in Cambodia.

Rwanda, the U.N. turned a blind eye; and 500,000 people died in Rwanda.

Today, in the Sudan, there is a racist war going on where the Arabs are killing Africans. They are killing the black people. Nearly 100,000 people may be dead as of this point.

The U.N. cannot fight the war on terrorism. The U.N. cannot make the United States safe.

Well, then they said, the liberals just said earlier that we had a bad decision because of the ''neocons.'' What they were referring to is the neoconservatives. It is some kind of label they are trying to put on people who are serving this country within the Department of Defense.

They said that we made a big mistake because we trusted Chalabi who was an expatriate. Well, we did make a mistake trusting Chalabi, but I have to tell my colleagues that we trust people who are expatriates all over the world today. Why do we do that? We do that because we think they have the best information coming out of the nation, and we trust them because they have the freshest information, and we trust them because we have no other alternative, thanks to the liberals and the Clinton administration.

We totally decimated our human intelligence all over the global. We decided, according to a rule that was placed on the CIA, that we could not deal with any ''shady characters.'' Well, who knows this information? It is the people who are on the inside in these countries that are corrupt. They are all shady characters that we have to deal with, but we have no human intelligence to verify it.

That is why we trusted Chalabi. We trusted him because it was the only information we were getting was from him. We trusted it, but we needed to have some human intelligence to go inside the country of Iraq before we went in and say, yes, this is right, or, no, this is not right. But thanks to the Clintons and the liberals, we could not deal with them. We did not have anybody there to verify it. So we trusted him, and we made a mistake. I think we ought to admit that, and we ought to move on.

Chalabi passed on information to the Iranians. It was reported in The New York Times. How we got that information, the reporter from The New York Times, I do not know. We need to check that out as well, because we are talking about very important secrets that this Nation held.

But we wanted to verify what was going on in Iraq before we entered, we want to verify what is going on around the globe, and we are trying to rebuild that human intelligence network. But thanks to the Clinton administration and the liberals, we do not have any of those contacts right now.

But in Iraq what we have done as Americans is we have taken the fight to the terrorists. We are not sitting back and waiting for them to come to New York or Washington, D.C., or Wichita, Kansas. We are taking the fight to them.

Now the liberals want us to withdrawal from Iraq. We cannot do that. I think that we have to stay there.

I talked to a young soldier over in Iraq when I was there myself, and I said, what do you think about being here in this hot spot where all the terrorists from all over the globe are coming here, they are arming themselves, they are trying to take out Americans?

He said, you know, this is the one spot in the whole globe where every American here is carrying a gun. I want the terrorists to come here. I do not want them going to my home. I want them to come to Iraq. Because this is where every American is carrying a gun, and we can take care of our ourselves, and he patted his machine gun.

We have to take the fight to the terrorists. We cannot wait for them to come to us. We do not want them here on the floor of the House of Representatives. We do not want them on the streets of Washington, D.C. We do not want them in Wichita, Kansas, or New York City or anywhere else in America. We want to take the fight to them.

Well, the liberals say, now, we are in this because of the oil; and they quote people in France and in Germany. Well, if we check about the Oil for Food program that the U.N. had, all of the kickbacks that were coming out of the Oil for Food program went to France, Germany, some of them went to Russia. Does that not sound familiar when you compare that to the list of countries that would not support us in our effort to free Iraq and kill the terrorists? They are the same people that benefited from the Oil for Food program by

taking kickbacks from Saddam Hussein.

Well, it is not about oil. Because you know what? We could have bought oil from Saddam Hussein. It was on the black market. It was flowing out of Iraq, thanks to these European countries. But we did not do that because we thought about justice, we thought about right, we thought about making America safe.

Well, it is not just about oil, because we could have taken care of that. It is also about making our country safe. It is about our way of life. It is about western civilization. It is about making the American people safe at home and safe across this country.

Now, the liberals would rather fight this war at home. They want to back off, but that is not what we are going to do. Thanks goodness for George Bush, who has had the courage to take this battle to the terrorists.

Now, they said we got bad information, that we got bad information about weapons of mass destruction in Iraq, that we know that they gave us bad information and we went in, and, sure enough, there was not anything there.

Well, they are ignoring several facts. Number one, we have found sarin gas used in ammunitions against our troops. Now, certainly that qualifies weapons as mass destruction. Perhaps they do not think that is the case. We have also found mustard gas. We have found containers with radiation material that has been in it. What do you define as weapons of mass destruction?

They are present in Iraq. Iraq had the will. They had the potential. They had the equipment. They had the material. They had the gas. They had the distribution systems. They had the history. They used it against their own people and against the Iranians. They had the proof.

Denial is not an option about weapons of mass destruction. They did exist. They currently do exist.

But I just wanted to spend a little bit of time talking about those who spoke here earlier and the criticism that they brought forward. But it was not right, and I think the American people need to understand that it is time for us to realize how serious this battle is. We are fighting for western civilization itself, and we need to take the fight to the terrorists instead of waiting for them to bring it to our hometown, because it is our children, it is our way of life that is at stake.

I did not come down here to talk about that. I just wanted to set the record straight before we moved on.

What I wanted to talk about was lifelong learning, and this is part of an overall program that we have developed at the Republican Conference in the House to address the problem that we have had in America about losing jobs overseas. Now, many people want to blame the companies that hire and create and keep jobs in America. Even the Presidential candidate for the Democrat party, the Presidential candidate for the Democrats said that we have Benedict Arnold CEOs that are sending jobs overseas. Well, let me say, the guys that have made the decision to send the jobs overseas did not do it on a lark or on a way of doing something that was just light-hearted. They did it because they have very few options left.

If we look at the possibilities for CEOs today, they can only control a couple of things. They can control the cost of wages, and they can control the overhead, in other words, how many buildings they have, how many people they have working for them. But if you look at a lot of the costs that are in business today, many of them are way beyond the control of the CEOs. Most of them, as a matter of fact, fall on to the burden that has been placed on them by the United States Government.

These are things that have occurred over the last generation. People in Congress with good intentions voted on legislation that had bad consequences, and it is time to set the record straight, and it is time to do something about it.

We have divided these problems into categories. These eight categories are listed on this placard next to me.

First is health care security. Health care costs have been rising dramatically across America, and we are having a hard time containing the costs, and it is really hurting us as far as keeping jobs in America.

We have bureaucratic red tape. We are trying to terminate that. That has really caused us to have problems with keeping jobs here in America.

This week we are dealing with lifelong learning. We are going to talk a lot more about that today, but lifelong learning is very important for creating an atmosphere in the future so that we can attract jobs and keep jobs right here in America.

Next week we are going to talk about energy self-sufficiency and security. We are going to then deal with tax relief and simplification, and we are then going to deal with trade fairness and opportunity and then spurring innovation through research and development. We are going to end our 8 weeks on the floor of the House with ending lawsuit abuse.

All of these categories were created by Congress over the last generation. All of these categories need to be changed so that we can bring jobs back into America. If we do not, we are going to see a continued loss of jobs in America, and you are either with us or you are against us. Either you support these issues and support bringing jobs back to America, or you are going to turn your back on working Americans, turn your back on the middle class, turn your back on the future for our kids and our grandchildren.

These are the issues that we are dealing with. This week, it is lifelong learning.

I am going to turn it back over to the gentleman from North Carolina, but I just want to say in closing my remarks that lifelong learning is the way that we are going to give hope not only for our children and grandchildren but for those workers who have suffered a loss of their jobs.

I just want to end with this one example. My cousin was laid off from the Boeing Company in October of 2001. Now, the Boeing Company makes commercial airplanes. He worked in the sheet metal shop working on commercial airplanes. After September 11, when people quit flying, they laid off a ton of people at the Boeing Company in Wichita alone. At one time there were 24,000 employees. Now they are down to about 12,000 employees. One of those laid off was my cousin, Mark Smith.

What he has done is he has gone back to college. He decided that he was going to fulfill his lifelong dream of being a teacher. Through the unemployment benefits provided by the Republican House, through the ability to go back to college provided by the Republican House, he has gone back to school. He has fought against the trend. He has gotten his degree now. He is practicing teaching as we speak, and he will start next fall fulfilling his dream as an educator.

He has done it because he had a vision, and that vision needs to be passed on to other Americans who are currently laid off. Let them go back to work. Let them create a future for themselves and for their families and do it.

Because we are thinking about how we can put them back to work. We do not just want to extend unemployment benefits, because the best we can do for an unemployed worker is to get them back to work. That is what they want. That is what they desire.

So lifelong learning is a tremendously important issue. It is third on the list of eight. And as we deal with that tonight I think it is important to remember that if you are going to get workers back to work you have to give them the tools to do that. Lifelong learning is one of those tools.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his efforts, and I thank him for bringing these issues to the forefront.

At this time, I will yield to my friend and colleague, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for his leadership to come to the floor of the House tonight, along with the cochairmen of the Careers for 21st Century America, the gentleman from Kansas (Mr. TIAHRT). I serve as another one of the cochairmen of this very important part of our Republican Conference.

Tonight we are going to talk about lifelong learning and its impact on this country. As we today held a press conference, the gentleman from Kansas (Mr. TIAHRT) and I, we talked about a number of things that face America,

our opportunity to make sure that the educational system that we have in this country is not only aiming at the right things but is prepared to make sure that we are ready for its future.

A number of facts came to us today that were very interesting. Among others that we learned were approximately 60 percent of corporations are prevented from updating technologies by the low educational and technically skilled level of their workers, meaning that the workers that are in today's workplace have to be retrained, have to be retrained on a regular basis, and that the corporation that today spends some $60 billion a year on training their employees and making sure that their employees can deal with not only the technologies that are new and emerging but also the tools, being able to do those things that will produce American products and make sure that America is leading edge.

In 1950, 80 percent of the jobs were classified as unskilled. Today, roughly 85 percent are classified as skilled. That is a change in the marketplace. In the coming decade, 40 percent of the job growth will require postsecondary education, so says the U.S. Chamber of Commerce. Approximately 75 percent of today's workforce will need to be retrained just to keep up with their current jobs, also from the Chamber of Commerce. Lastly, from the Chamber of Commerce, as much as 40 percent of tomorrow's jobs do not even exist today.

So as we begin talking about this, not only in the Republican Conference but also in the press conference today, we recognize that our leadership, through the leadership of the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. DELAY), that we needed to bring forth not only a vision statement about what we believe in, but also actual bills, pieces of legislation that will do those things that allow our country to be prepared for the future.

□ 2145

Mr. SESSIONS. And we recognize that, as we started talking about this, that three pieces of legislation, which are going to be on the floor this week, which are very, very important, one of them H.R. 4409, the Teacher Training Enhancement Act, which we are going to hear about in just a few minutes which the gentleman from Georgia (Mr. GINGREY) brought forth to our conference because he recognized that we need to make sure that we are utilizing the best effort not only from what States do, because they are responsible for education, but also to make sure that companies and people who are out there in local cities and at the local level are able to engage in those things to bring their skill sets to the educational environment.

We have H.R. 4410, the Teacher Shortage Response Act, which the gentleman from South Carolina (Mr. WILSON) has made sure is a part of our package. We need to make sure that we are able to accurately and carefully find those people who would come and be teachers in our public schools. We need to find those who have in particular a background in math and science, a high-tech background.

It is difficult for school systems to come and compete for those specialized people who might want to get out of school and be able to pay off their student loans, so they go and they work for local industry. We need them in our schools. So the gentleman from South Carolina (Mr. WILSON) saw this need and said we need to be able to compete in our school systems to have those kinds of teachers to be ready and available to teach our children. He did a good job.

Lastly, H.R. 4411, the Priorities For Graduate Studies Act. The gentleman from Georgia (Mr. BURNS) saw this as a tremendous opportunity for us to capitalize on many people who receive higher education, meaning a masters or a doctorate degree, to be a part of our school system, to be a part of the teaching system that we have in this country, to make sure that our students are challenged with not only leading-edge tool sets, the tool kits that are necessary, but also by the teachers who would be employed to do that, to challenge our bright young students to make sure that the leading-edge concepts, the leading-edge ideas that will develop tomorrow so that we can make sure that this country is prepared.

And that is what this week is about. That is why we operate Careers For the 21st Century in this week, talking about lifelong learning. We believe that if the United States Congress acts forthrightly to where we talk about what is the real job that Congress should be doing, we should be aiming this country in a direction that will allow the private sector and schools back home to not only compete and hire those people who will help our students, but also to make sure that the resources are available to do that. And that is why this Republican conference is so interested in making sure that this is a part of what is available in the tool kits for teachers and administrators back home.

I am very proud of what this will mean and what it will do. Years ago early in my career I spent time at Bell Labs in New Jersey. And I was around some of the brightest and the best of the young people that this country produced. Now we have seen a proliferation of jobs all over this country where high tech has taken off, where jobs are available in not only health care but also the employment industry where it is high tech involved in helping our military or perhaps producing things for jobs in this country.

We must continue in this country being the leading-edge producer of not only technology but also the students who will operate and make that technology work. I believe that America's greatest days are in our future because we have a vision and a dream about where we are going to go in terms of not only this generation but the next generation.

This is a part of the Republican Party's commitment to the future of this country. I am proud of what we are doing. I am proud to be a co-chairman of this very important Careers For 21st Century.

I thank the gentleman from North Carolina for taking his time tonight to make sure our message is given to our colleagues about how important our responsibility is to ensure the success of the next generation of Americans through education.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his efforts and his leadership.

This majority is making a difference as we aggressively pursue education goals that create careers and opportunities for families all across America. I might also point out, and I appreciate my colleague pointing out the gentleman from South Carolina (Mr. WILSON), the gentleman from Georgia (Mr. GINGREY), the gentleman from Georgia (Mr. BURNS).

And just today we passed a fine piece of legislation that expands on unemployment benefits by allowing people an additional $3,000 to help with finding a new job. We passed that today, House bill 444.

We are in the very near future going to deal with the family marriage amendment. We will protect America's families because education without families does not get us anywhere. Faith-based initiatives. This majority is making a difference.

Mr. Speaker, at this time I would like to yield to one of my good friends here from Georgia tonight, the gentleman from Georgia (Dr. GINGREY), for such time as he may consume.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from North Carolina (Mr. HAYES). I thank the gentleman from Kansas for reserving this hour and giving us this opportunity to talk about lifelong learning and preparing our men and women, indeed our children, our students for the 21st century workplace.

It is kind of interesting, we hear all this criticism. It seems like in this Presidential election cycle the big word is the O word, ''outsourcing,'' the outsourcing of jobs and decrying that. What is left out of that argument, of course, is the fact that with a global economy, with fair trade, you also balance that outsourcing, even though we wish no jobs would leave this country, with a lot of good jobs from insourcing.

I am a native Georgian and I represent, Mr. Speaker, the 11th District of Georgia; but I actually grew up in South Carolina just across the Savannah River on the State line, if you will. And I have seen that State, while losing over the years, the last 20 or 30 years, in fact, a number of textile jobs, unskilled jobs, in fact whole towns

were affected. The town of Graniteville, South Carolina, where my dad grew up, every job in that town was a textile job, of a cut and sew, highly unskilled job from generation to generation. And all those jobs were lost.

But, thank goodness because of a global economy today, in the State of South Carolina I know my colleagues, the gentleman from Texas (Mr. SESSIONS) just mentioned it, the gentleman from South Carolina (Mr. WILSON) the good work that he has done representing my mom and my brother in South Carolina, I am sure if he were with us tonight he would talk about that BMW plant in Spartanburg, South Carolina, as I could talk about the Pirelli Tire Company up in Rome in my 11th District in Georgia.

So there is a balance. I think it is important that we make a point there, that we are concerned about losing jobs, but we are mighty thankful that there has been a lot of insourcing. And hopefully one day soon we will have more jobs coming into this country than we have had leaving the country. They will be better jobs. They will be better-paying jobs with better benefits.

But as my colleagues pointed out, we cannot attract those companies, we cannot provide these jobs unless we have an educated, highly skilled workforce. And what has happened in the past with our youngsters coming out of school without good skills in math and science and information technology, computer skills, what you see, of course, is in so many instances you do not have all these operators, you do not go back to the old television series, I Love Lucy, Mr. Speaker, when Lucy and Ethel were on that assembly line trying to keep up with those donuts. You do not have that anymore. You have a lot less need for people on the line, on the production line because they have to be skilled and they are running the computer. And a lot of this stuff is done by computer. These are good-paying jobs, but they require more skills than what we have had in the past.

That is what this hour really is all about, to talk about what this leadership, what this administration has brought forward. And certainly we lost some jobs since 9/11, nobody could control that; but the efforts that this Republican leadership, this Congress has put forward over just the 2 years that I have been here as a freshman Member. I am very proud to have had an opportunity to vote in support of things that help the lifelong learning process.

Just today, just today, Mr. Speaker, as the gentleman from Texas (Mr. SESSIONS) mentioned, we had the opportunity to bring forward H.R. 4409, the Teacher Training Enhancement Act. Now, this is a bill that improves the skills of our teachers. And it is hand in glove with the No Child Left Behind Act that was passed in 2002, the year before I arrived here. And that was nothing but the reauthorization of elementary and secondary education, which was long overdue, which finally had some accountability in it and required that Federal dollars are being well spent at the local level. But there needs to be some accountability.

So if we are going to expect that no child will be left behind by the tenets of that legislation, then it is appropriate for us to also say colleges that teach our teachers, education colleges, you need to provide the highly skilled teachers that that law, No Child Left Behind, requires, that you produce these highly qualified teachers in the classroom by date certain. And they need to also be accountable just as we are expecting our superintendents and our teachers and principals at the local level to be accountable.

So this bill, and again, Mr. Speaker, I am proud that it was passed with wide, strong bipartisan support, as well it should be, because this just enhances the State grants, these partnership grants, teacher recruitment grants to make sure that not only are we doing a better job of teaching teachers, indeed making them highly qualified so that our youngsters in secondary education, before they get to higher ed, if they decide they want to go out into the workplace and take these highly skilled jobs that we are producing, then they are ready, they are ready to go. It is just very important that we do that.

So, again, I want to thank the gentleman from North Carolina for allowing me to come and share some of my thoughts. And again it is bills like H.R. 4409 and other things that this Congress has done, this Republican leadership, that is going to result in not only almost a million jobs that we have created in the last 8 months but certainly we are going to continue to do that. I just commend my colleagues for that effort.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his leadership. I thank him for his commitment to education, his commitment to the State and to his district. I am wondering if the good doctor would yield for a question.

Mr. GINGREY. Mr. Speaker, I will yield, sure.

Mr. HAYES. Mr. Speaker, as we stand here tonight talking about the importance of lifelong learning, my colleague is a doctor, like me he is not as young as he used to be, medicine and the way it is practiced has changed somewhat since he graduated from medical school and completed his internship.

If my colleague would just speak for a few moments, if you will, about the importance of continuing education, upgrading one's skills so that one can use the newest technology, the equipment, the techniques, the procedures that have allowed us to maintain the number one health care system, no thanks to the liberals who want to give it all to the government, but speak to us about a lifetime learning and his experience as a doctor and how that not only relates to medical skills but scientific skills, government skills, and others.

Mr. GINGREY. Mr. Speaker, I am so glad that the gentleman brought that up. There is no question that in my profession, as he pointed out as a physician, we are actually required on a 2-year cycle to take a certain number of hours of continuing education. And it has to be good hours. It is not a vacation meeting. It really has to be good continuing education requirement.

And this is, as my colleague points out, as it should be, because things change. And if we practice the same medicine in the 21st century that our great forefathers practiced back in the days of Little House on the Prairie when there were no antibiotics and you only did surgery as a last resort, today if we practiced in that manner, we would be practicing below the standard of care. And we would be subject to severe penalties, maybe even lose our license.

□ 2200

So it is very important. And just as you say, you cannot rely on those things that you learned when you are 10, 15 and even 20 years old. You have got to continue to upgrade your skills in any profession.

Mr. HAYES. Mr. Speaker, I am sure that the gentleman's patients are particularly appreciative of the transparency and the accountability that you bring to the operating table and to your doctor's office by presenting those credentials and letting you know of how you have increased your skills and kept up with the latest technique.

Mr. GINGREY. There is no question about that. And it makes me think, too, we are talking about this issue of outsourcing and the weeping and gnashing of teeth over that. But the very same people that are crying about outsourcing are the ones who for my profession will not give us an opportunity for a level playing field in regard to tort reform, will not help us pass meaningful legislation to bring fairness into class action lawsuits or product liability and put all these burdens on our small businesses, men and women who employ most of the people in this country. They create the jobs.

But yet it is not just wages that is causing us to lose these jobs. It is a lot of these burdensome rules and regulations that our competitors offshore do not have to abide by. So you are absolutely right.

We want people, my patients, I always want them to know. Whenever I completed that cycle, that 2-year cycle of particular education, I would put that little diploma in my office, hang it right there on the wall or in one of the exam rooms so they could look and see where I trained and am I up to date, absolutely essential.

Mr. HAYES. Mr. Speaker, I thank the gentleman. Those patients not only appreciate but they demand accountability. It sounds like no Child Left Behind, so we are on the right track.

Mr. Speaker, a good friend from Georgia and a leader in education, agriculture, defense, it is hard to think of what he is not a leader in, but I appreciate him being with us tonight. I yield to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. HAYES), my good friend.

Mr. Speaker, I spent 20 years in public education at the university level training young men and women to practice lifelong learning. The field that I was a part of was in computer and information systems, and I began that adventure in the early 1970s. Between the early 1970s and 2000 the industry changed virtually every 18 months. So it was a constant struggle to keep up with the technology, to keep up with the concepts and the techniques, first as a practicing professional but later as a faculty member at Georgia Southern, to be able to train my students in a discipline that was a constant change.

That is what we face in our Nation today. That is what we face across the spectrum.

I think what I want to talk about tonight, I appreciate my good friend from Georgia (Mr. GINGREY) in his work on the Committee on Education and the Workforce with me and the gentleman from North Carolina (Mr. HAYES). The bills that came out of the House today were important and significant on higher education. I was glad to be a part of that for both teacher training enhancement, which included a very significant component on centers of excellence for our minority serving schools, but also the Priorities and Graduate Studies Act, which allow us to focus on math and science and special education, those components of our society and our educational environment that we have, unfortunately, neglected all too frequently over the last number of years and we have fallen behind by any measure on world standards. We have got to improve in our education department.

But tonight as a part of lifelong learning I want to shift gears and talk about a concept that maybe does not get as much attention as it should. Many families in America, when faced with the choice of sending their child to a public school, they feel that maybe their needs cannot be met as well as an alternative or two. I want to talk about those alternatives.

We seem to be reinventing the way America learns, how young people are prepared to face today's society. We have alternatives from our public schools to our private schools to our charter schools to our home schools to even our cyber schools. Especially in the technology world, the cyber schools are becoming a major component of that.

But tonight I want to talk about home school, charter schools. I have home schooled constituents in my district, I have charter schools in my district, and there are many reasons why a parent and a family might look to that alternative.

It is amazing, self-learning has really been around a long time. If you go back and you kind of look at the lore of learning and the achievement by individuals who had limited formal education, if any at all, Thomas Edison, George Washington, Abraham Lincoln, Benjamin Franklin, the Wright brothers, Helen Keller, even Albert Einstein, all self-learners, all life-long learners.

It is amazing that we are beginning to come back to the concept of a family taking responsibility for their child's education, to become a partner in the education process.

I am a teacher, and I have tremendous respect and regard for those in the teaching profession. The dream of the teacher is to help their students achieve their dreams. So that a dream of a teacher is to make the dreams of that student come true, but the partner with the teacher is the parent. And all studies are going to tell us that when parents are involved, students learn. There is more discipline in the challenge. There is more involvement. There is a better environment for learning.

Just recently the Augusta Chronicle in my district in Georgia, the 12th district of Georgia, ran a marvelous article about a young lady who was in a school that failed to meet its annual yearly projects progress as a part of No Child Left Behind. She had a choice. She and her family looked at the amenities, and she changed schools within the public system in Richmond County. And this article went on to describe the positives that were associated with that and the achievement that she received and the way in which she was able to advance so much more, basically because of lack of discipline in the environment that she was having to move from.

Charter schools and home schools oftentimes are able to handle those challenges more effectively. There is a charter school in my district in Savannah, Georgia, that I visited not long ago; and they have two fundamental expectations: appropriate behavior by the student and parental involvement in every case. Now all of a sudden many of the things and the challenges that we face have become of limited concern.

Sometimes parents choose to home school because the alternatives may instill values that they do not agree with. They may instill values that run contrary to those of the traditional family. They kind of feel caught up and bound by their tax dollars to schools that may not meet their child's needs.

Over the last two decades home schools have grown from about 200,000 to over 2 million; and you have to ask yourself, why has there been such a rapid growth in this area? Well, in 1998, there was a study done that in every subject, in every subject in every grade level, K through 12, home school students, are you ready, scored significantly higher than their public or private school counterpart. Some 25 percent of all home school students at the time that they were enrolled at either grade level or beyond, they had an average ACT score of 23, compared to a public ACT score of 21.

Federal Reserve Chairman Alan Greenspan, Alan Greenspan rejected the Democratic notion that the more money we put into a school the better the school performs. His comment says, ''Putting money in is not necessarily an accurate measure of the output. We are falling behind by any measure in our secondary schools.''

Greenspan went on to say, we have to increase the skills every year, every year, or we will fall behind, we will fall behind.

One of the things that I want us to talk about tonight and maybe share with the rest of House is that how can we take the lessons we have learned from home schooling and apply them to improving our public education system. Primarily, the exponential growth in home schooling is primarily a result of bad public policies and programs in our Nation.

We have unfortunately turned a deaf ear to parental input and the voice of the parent. We have not given it its proper respect and consideration. We have tended to push the parent aside, as opposed to making them a partner. I will tell you that the best schools in my district, the highest-performing schools in my district are those who have active parental involvement in every grade in every classroom.

The President has placed a strong agenda on education and the pillars the educational reform pillars, accountability and testing. We all know No Child Left Behind has four fundamentals: accountability and testing, flexibility and local control, funding that works, funding that provides a return for the investment, and, finally, expanded parental options so that we can indeed move America forward.

We have to close the achievement gap. We have to have a first-class education around our Nation. The report cards that are coming out in Georgia now that show the progress that our schools have made, and they have made great progress. I have been in every school district, in many of the schools in my district, and I will tell you they are making great progress, and I want to congratulate them.

We still have a lot of work to do. But the point is, we have to have qualified teachers. We have to have committed parents. We have to have the fundamentals of education in every environment.

We are turning the corner on success, and we are beginning to see a return on our efforts when it comes to public education. I am proud of that achievement. If we are going to become lifelong learners, if we are going to be able to move from this decade into the next

and the ones beyond, we must all recognize that lifelong learning is a fundamental requirement in today's society.

So if you look at the experiences in higher education, if you look at the experiences in our great technical colleges, if you look at the experiences in our secondary schools, we have to realize that we must continue to improve at every turn in order to achieve a competitiveness and a quality standard second to none in our globe.

Mr. Speaker, there is a significant part of our agenda for America to ensure that no child is left behind regardless of their background, socio-economic, their ethnicities where they happen to live, but we also have to build that mechanism and that desire for learning.

One last illustration. Last week, during the district work week, I met with a family out of Hinesville, Georgia. They were in the military. They had a son, fine young man, 11 years old. He was in a school system that unfortunately was not meeting his needs. Not because he was too slow but because, in reality, he was advanced. He had taken the SAT score at 11. He scored 1,040 on an SAT. This young man had special needs, but they were special needs to be challenged. He was bored. He was bored in a 5th grade classroom when he could perform at 7th and 8th grade levels.

I sat there and I listened to the story, and I have got to work on this challenge. But we do not need to leave any child behind, but we do not need to hold any child back either, because there are folks out there who can really achieve.

After spending a half an hour with this young man and with his father and mother, by the way, his father is in the U.S. Army, Third Infantry Division at Fort Stewart, Georgia. He just came back from a year in Iraq. And I sat there and I listened to this young man and the challenges he faced.

□ 2215

I asked him to do one thing, do not lose your love of learning, because that is what will sustain you throughout your entire life.

We must all have a love for learning, and he assured me that he loved to learn, and that even though in a traditional classroom he might be a bit bored, that he could make up for that as a self-learner, and that is what we must all be.

I want to thank the gentleman from North Carolina (Mr. HAYES), thank the committee for focusing on learning and recognizing the fact that learning is an integral part of all of our lives and we must do it every day if we are to remain competitive.

Mr. HAYES. Mr. Speaker, I thank the gentleman again for pointing out the many intricacies and the many pieces that this Republican majority is helping to bring together so that lifelong learning and competitive young people coming out of our school system is a reality.

Just as a matter of interest, I do not know if the gentleman from Georgia knows this, but my wife and I lived in Alaska for a year. Sometimes we think of home schooling as a choice of Republican schooling. Well, in Alaska, it is an alternative. If you live more than two miles from a bus stop, they will furnish you at no question, no cost, the materials for home schooling.

One of the things that we learned from home schooling and why it is so important is, and I give my wife the credit because she did most of it, but I helped sometimes, if you home school your children, you really appreciate the teachers in the public school because you get a feel for what they go through. One of the beauties here, again, is small class size, concentrated, strong family involvement and participation.

So, again, I thank the gentleman.

Mr. BURNS. Mr. Speaker, if the gentleman would yield, I had an opportunity at the university environment to periodically have assignments in the international setting. I spent 6 months in Australia, and my sons were in the fourth grade and the seventh grade, and even though they went to Australian schools, my wife would tutor them in their U.S. subjects.

Four years later, we were in Sweden. My sons did not speak Swedish, but yet their instruction was in Swedish, and my wife, again, assumed the role of parent/teacher, and my sons, because of my wife's dedication, never missed a beat.

Now, not all families can do this. Not all families would select that option. But I think one of the most important things we see in this model is commitment to learning by the family unit and a commitment to assisting their children in achieving very, very positive results; and once that love of learning is instilled, then it carries through for a lifetime.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his participation.

At this time, I would like to yield to my colleague, the gentleman from Kansas (Mr. TIAHRT).

(Mr. TIAHRT asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from North Carolina for yielding.

I want to point out this placard I have about a statement that was made by Alan Greenspan before the Committee on Education and the Workforce. It says, we need to increase our efforts to ensure that as many of our citizens as possible have the opportunity to capture the benefits that flow from that engagement. For reasons that I shall elucidate shortly, one critical element in creating that opportunity is the provision of a rigorous education and ongoing training to all members of our society.

This proposal is not novel. It is, in fact, the strategy that we have followed successfully for most of the past century and a strategy that we now should embrace with renewed commitment. That is what we are talking about tonight, the renewed commitment to lifelong learning.

Mr. Speaker, I have a statement that outlines what we intend to follow this week, the legislation that we will bring before the committee, the commitment that the Bush administration has for education.

Mr. Speaker, I also have a statement about IBM and about their commitment to lifelong learning and how they average about $3,000 per employee and how they coordinate with different universities about lifelong learning that I would like to insert in the RECORD at this point.

Learning is indeed a "lifelong" endeavor. I'd like to highlight the efforts of IBM. IBM seems to understand what it takes to create a stronger workforce and is stepping up to the plate.

IBM partners with a number of colleges and universities around the country. For example, IBM's Scholars Program (http://www-306.ibm.com/software/info/university/) allows colleges and universities to receive IBM software free to charge and also permits faculty to attend IBM training sessions at no cost to them.

In Vermont, IBM relies on the Vermont State College system to supplement the company's own internal training curriculum in a variety of engineering and computer courses. Similar relationships exist in Poughkeepsie, NY, with Marist College and Dutchess Community College; in Austin, TX, with St. Edwards; and in San Jose, CA, with Santa Clara Community College and UC Santa Clara. IBM also has a long standing relationship with the National Technical University which allows employees to take a full range of classes remotely, which will lead to advanced degrees.

It's worth noting that IBM will spend between $750 million and $800 million on employee training this year alone. Half of this will be for U.S. employees (which averages out to almost $3,000 per employee). In addition, IBM will spend $25 million more on training those employees whose jobs "may" be at risk due to global resourcing. This training is specifically aimed at equipping employees with the skills necessary to secure employment with IBM business partners, vendors, or customers if IBM does not have a position for them. Moreover, under the auspices of the U.S. Department of Labor, IBM is working with other business partners to potentially train IBM employees for positions in these other companies so that an individual displaced from IBM would never enter the public workforce system but would receive custom training that fits the needs of their new employer.

IBM's training programs work and have produced positive results. I encourage the Federal Government to join IBM and others to create a stronger workforce and keep American workers competitive in today's global economy.

Mr. Speaker, I also have a statement about a great example of a company taking the reins and bringing job training to their employees. That is about the Quaker Fabric Corporation of Fall River in southeastern Massachusetts. Their motto is, "Hire the Best, Invest

in the Best and Keep the Best.'' It is an outline of their commitment to lifelong learning for their employees, and I will insert it in the RECORD at this point.

Mr. Speaker, in today's dynamic business environment, lifelong learning and job retraining are an essential part of the modern workplace. Businesses realize this, employees realize this, it is time for Congress to realize this.

A great example of a company taking the reins to bring job training to their employees is the Quaker Fabric Corporation of Fall River ion southeastern Massachusetts. Quaker Fabrics is a small business that manufacturers woven upholstery fabrics for residential furniture markets in the United States and abroad. Their motto is ''Hire the Best, Invest in the Best, and Keep the Best.''

Mr. Speaker, Quaker Fabrics realizes that new technology requires job retraining to stay competitive in today's global market. In order to compete, they opened the Quaker Learning Center to help their employees stay on top of new technology. This investment in their workers has paid them dividends. Their sales have increased by 55 percent and they have added new jobs for 1,000 people in their area. In the process, 12 of their employees have received their GED certificates, 20 employees now have certified computer training, and due to partnerships with local colleges and universities, 15 of their employees have graduated from MBA programs.

Quaker Fabric Corporation has gone a long way to empower their workers with the skills they need to compete in a global market. However, in their own words, ''We can't do it alone. We need our schools and teachers from K–16 to build the foundation of literacy, critical thinking, problem solving, mathematical and interpersonal skills required to be successful in today's knowledge based society. And it is critical that we have more programs and funding available for incumbent worker education.''

Mr. Speaker, lifelong learning creates new jobs and provides individuals with the skills they need to fill these new jobs. This is smart policy already embraced by American businesses across the country. The U.S. Congress should join businesses to help provide lifelong learning to American workers.

Mr. Speaker, I also have a statement about our Founding Father Benjamin Franklin, who is highly revered for helping lead Americans to independence and guiding the construction of our government but also talks about how he realized the importance of education and advocated not only for public education systems but also for adults to continually expand their knowledge. It follows with our concept of lifelong learning and what we are committed to, and I will insert it in the RECORD at this point.

Founding Father Benjamin Franklin is highly revered for helping lead America to independence and guiding the construction of our government. But it is the lightening and key experiment that has endeared him to schoolchildren. Benjamin Franklin was even more of a Renaissance man than actual Renaissance men. He was an inventor, a printer, a scientist, writer, philosopher, statesman, economist, musician and entrepreneur. He challenged all he encountered—in person and through his writings—to think in different ways and improve themselves. Most important, he realized the importance of education and advocated not only for public education systems, but also for adults to continually expand their knowledge. Franklin wanted to ensure that Americans got the necessary training at home to compete with the best and brightest around the world.

Though his formal schooling ended at age 11 when he began his first apprenticeship, Franklin never stopped educating himself, constantly reading, writing and learning new skills. Franklin assembled philosophy and science leaders for discussions, set up a subscription library in Philadelphia and established the Public Academy in the City of Philadelphia to ensure that young people had a chance for formal schooling. His push to promote education at home as well as to attract the brightest minds to the United States has been successful.

Franklin's goal of lifelong learning holds true today, perhaps even more so. A highly-educated workforce is critical to America's competitiveness. Today's students are tomorrow's workforce, and for that reason, education is directly linked to America's ability to compete in a changing worldwide economy. Many working adults are trying to keep pace with the education required to stay ahead in their careers, or are in need of retraining to get them back into the workforce.

As part of our eight point competitiveness agenda, the House is addressing Lifelong Learning needs this week. Our public school system has given generations of Americans the tools to pursue their dreams, and it can certainly help prepare boys and girls for the demands of the new century. Now we need to make sure that our children are learning the fundamentals, that they become familiar with technology, and that math and science curriculums are enhanced so they can compete in the economy of the future. We will pass three bills to do so: the Teacher Training Enhancement Act, the Teacher Shortage Response Act, and the Priorities for Graduate Studies Act. We also highlight the need to continue to make sure that students have the opportunity to attend higher education institutions. Finally, we will address worker training and retraining needs. The Worker Reemployment Accounts Act offers new assistance for unemployed workers to enhance their skills and find new jobs and reenter the workforce.

This week the House is focused on the American worker, on how we can directly help the American worker compete in the global economy. We need to give our children the basic building blocs for 21st century jobs, make sure all Americans have access to universities and community colleges, and that workers have access to the training that will guarantee them high quality, high paying jobs.

Instead of political rhetoric, Republicans are offering real solutions. We invite our colleagues to join us in moving America forward and providing opportunity for U.S. businesses and working families.

Mr. Speaker, I would also like to point out that the Chamber of Commerce has addressed Congress, and they said that as much as 40 percent of tomorrow's jobs do not exist today. I believe that the only way that we are going to prepare for tomorrow is that if we continue our efforts for lifelong learning and heighten the awareness of people in America to their commitment to education, whether it is at the primary level, the secondary level or the graduate level or postgraduate level, so that we continue lifelong learning for all Americans; that the commitment that the Republicans have in the House of Representatives, that the administration has be carried out through our efforts.

This week we are addressing lifelong education. Again, it is number three on our list of the eight issues that we think are important to bring jobs back to America. These eight issues are issues that have been roadblocks to keeping and creating jobs.

Congress itself over the past generation through good intentions has passed bad legislation. We are trying to overcome that bad legislation by changing the environment so we can bring jobs back into America. We started out with health care security. Then we moved to bureaucratic red tape. This week we are talking about lifelong learning. Next week, we are going to move on to energy self-sufficiency and security. Following that, we will take a week and talk about tax relief and simplification. Following that, we will talk about trade fairness and opportunity. Then we are going to move to spurring innovation through research and development. We are going to end up with lawsuit abuse and changing that.

This is a commitment that the Republicans have made to address each one of these issues one week at a time over a period of 8 weeks so that we can keep and create jobs in America, bring jobs back. Instead of outsourcing, we want to insource jobs to America. This is one way that we can overcome the barriers that employers are facing so that they can bring jobs back to America.

I want to thank the gentleman from North Carolina for spearheading the effort on lifelong learning. He has done a tremendous effort and a great success in the way he has brought other Members into the circle. He has brought this issue to the entire Republican Conference. He knows it is not only important in North Carolina but it is important in Wichita, Kansas, and across the United States.

So I want to thank the gentleman from North Carolina for allowing me this time to speak on behalf of this issue, working with him on this issue, as well as the others, and I would like to conclude my remarks and yield back to the gentleman from North Carolina to complete our efforts tonight.

Mr. HAYES. Mr. Speaker, I thank my friend, the gentleman from Kansas (Mr. TIAHRT), for his wonderful leadership and pointing out how important these issues of education are.

He talked about bureaucratic red tape. Just last week, if my memory serves me correctly, we passed the Paperwork Reduction Act, which puts

over $800 billion potentially back into our economy for American jobs and helping people with their career.

Mr. Speaker, in closing, there are two things that I have stressed in my time in Congress, and they are national security and economic security. My friend pointed out that on September 11 incredibly insane people flew three airliners, used them as missiles, flew them into the World Trade Center and the Pentagon. National security is critically important to our future. Fighting and winning the war on terrorism, which our brave young men and women are doing every day, is happening because of the commitment of America, the patriotism of these fine young men and women; and our commitment and our support of them is crucial for the future of our young people.

Economic security comes from education, childhood, families, middle school, high school, secondary, postgraduate. Economic security allows us to maintain the financial integrity of this Nation. Financial integrity and the things that go with it enable us to equip our military which liberates countries like Iraq and Afghanistan from terrorists, thugs and murderers.

So those are the two important issues.

To give you some firsthand information and experience from my district, we have seen how important this is. In August of this year, we had the largest single layoff in North Carolina's history. As this tragedy occurred and many people were dramatically, drastically and terrifyingly affected, retraining, education through the community colleges, through high schools, through other means, has been pointed out how important it is, and this majority and this administration has stepped in to provide the help and the guidance in every possible way that we can so these folks could be retrained so that they could be skilled for new careers.

A wonderful example is a lady named Barbara Price who worked at Pillowtech. She went back to school and I remember meeting with her at Rowan-Cabarrus Community College and hearing her describe how all of a sudden she is a 57-year-old mom who was having her high school students, who were extremely proud of her ambition, her willingness to go back to school, but they were helping her with her homework. They were encouraging her to adapt, to learn and to get these new skills.

So that is just one of many, many examples where lifetime learning continues. We are retraining for next generation, highly skilled jobs.

The question becomes, what are those jobs going to look like? Well, my answer is simply that America, with the ingenuity, the resources and the talented people we have, we can create those 40 percent of new jobs which have not yet been created, and that is what this majority is working to do with incentives, with tax cuts, with letting people keep more of their own money. Just a few of the ways that we can help do this.

In education, we are working with all of our schools, trying to find out how do we keep young people in school today. Because manufacturing jobs are not available when people drop out of school early. We have a program with the Dell Computer Company called Dell Techno, targeting at-risk and other young people in middle school, giving them the encouragement and also the excitement they need to see the connection between education, learning and earning. It has been very successful.

They come to school after hours. They learn how to take a computer apart, put that computer back together with the latest technology. After completing the course, they own that computer; and they can take it home and increase their skills.

BizWorld, teaching entrepreneurship and financial accountability. Teaches youngsters how to strive for making jobs, creating jobs, not just taking a job, teaching them the basic skills of creating a product, marketing that product, selling it and taking the profits, which not only are not a bad word but that is an imperative, taking the profits and expanding and making jobs, not taking jobs.

Congressional scholars bringing the remarkable assets of the Library of Congress into their high or middle school or college. Giving teachers additional tools. Because the way to show appreciation to these hard working teachers is, again, to give them the flexibility, the tools, the assets and resources they need.

Technology is not the only answer. We need stronger families. We need discipline in schools. We need the kinds of things and the cooperation that we have talked about tonight. This is the kind of America that we envision for our children and our grandchildren, an America that is learning, that is earning, that is taking the greatest that we have and expanding it, creating, maintaining and expanding freedom, opportunity and chances for others to enjoy the blessings that we have.

Mr. Speaker, I thank the gentleman from Kansas (Mr. TIAHRT) and all who have participated tonight, and I thank all of my colleagues who are interested in lifelong learning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FEENEY). Earlier this evening, remarks in debate included improper references to the Vice President. The Chair endeavors to take initiative to admonish such improper references to the President or the Vice President, to acknowledged candidates for those offices, or to Senators contemporaneously with their utterance.

Although in this instance no contemporaneous initiative was taken, the Chair nevertheless is constrained to remind all Members that remarks in debate may not engage in personalities toward the Vice President. Policies may be addressed in critical terms. But personal references of an offensive or accusatory nature are not proper.

ARE YOU BETTER OFF TODAY THAN YOU WERE THREE OR FOUR YEARS AGO?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes.

□ 2230

Mr. CUMMINGS. Mr. Speaker, it is certainly a pleasure to be here tonight along with my colleagues from the Congressional Black Caucus as we begin to look at a very critical issue, and it can be simply titled: Are you better off today than you were 3 or 4 years ago?

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members have 7 legislative days to revise and extend their remarks on the subject of this Special Order.

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

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I cannot help but comment on the comments that were just made by my Republican colleagues. As I listened to them very carefully, I was struck by, and I know it is their good intent to make America better, but one of my colleagues talked about how he had lost jobs in his district and how he now is trying to figure out ways to make sure that people who may have lost their jobs will be in a position to get jobs in the future. I think that is a very noble objective.

But the one thing we must keep in mind is that there are millions of people who have lost their jobs since January of 2001, and it is nothing like being in a position where you have lost your job. No longer are you able to buy tennis shoes for your children, no longer are you able, in many instances, to put food on the table. And if you were in Baltimore, no longer were you able to afford to take a vacation to Disney World, let alone a faroff distant land.

So when I listened to my colleagues, I could not help but ask myself the question, What have we done and what have they done to make sure that this country does not hemorrhage jobs? And then I heard the astounding argument that I did not think I would be hearing again since our President made it not long ago, in that there is something right about outsourcing jobs; that is there is something right about, according to my colleagues on the other side, about being able to make a call in Maryland for a Maryland service and possibly ending up with an operator

somewhere in India or in some far distant land because jobs have been outsourced.

I would simply come to this floor, Mr. Speaker, and say that it is time for us to change the leadership in this country, because the jobs they talk about having been lost are jobs that did not have to be lost. Over and over again members of the Congressional Black Caucus have come to this floor and talked about so many issues with regard to jobs, with regard to education; and then I hear my colleagues talking about lifelong learning. And I shall comment in a moment on what this administration proposes to do, and that basically is to cut back on the very training that they say that their constituents need after they lose the jobs; but, Mr. Speaker, I would simply say that something is awfully wrong with the picture that they paint.

Unfortunately, America has suffered and America's people have suffered tremendously over the course of the last 3½ years. So we ask the question tonight as a Nation, Are we better off today than we were 4 years ago? This question may sound familiar to you. If you will recall, it is the same question that former President Ronald Reagan posed to the Nation during his 1980 run for the Presidency. Now, I must admit that although I probably would not agree with President Reagan on many things, I definitely agree that Americans must assess whether or not their government is working for them; and if not, they must figure out what to do about that.

I would submit that if government is not working, we should have commonsense solutions. In an employee-employer relationship, if the employee is not doing the job, he or she is fired. And I would submit this evening that we need to look at that course for this administration, and it is our plan to lay out our case tonight.

Mr. Speaker, we should never forget that this is still the people's government. We are public servants of the American people. It is no accident that the first line of the Constitution reads ''We the people.'' And it is no accident that the people's money funds the operation of our government. Yet, Mr. Speaker, this Congress, led by Republicans in both bodies, has failed to fully provide for the people in every single way that matters.

As stewards of the government's purse, my colleagues on the other side of the aisle have run up deficits and debt to the highest levels ever. At the same time, on issues from education to health care to the cost of basic goods and services, the average American is worse off under this administration than they were 4 years ago. And now, Mr. Speaker, the administration is already making plans for further cuts in services to the American people for the next fiscal year.

We have often said on this floor that we understand and are definitely committed to our troops, but we also are committed to having a balanced approach to the problems of this country and the problems of the world. There is absolutely no doubt that anyone using common sense would make sure that you protect yourself from outside forces. I would agree with that, and I think most of my colleagues, if not all in the Congressional Black Caucus, would, as would probably all 435 Members of this Congress. But at the same time, Mr. Speaker, we have to balance that and make sure that the people in this country are taken care of too.

In other words, what good does it do to go outside of this country and defend this country and go to Iraq and go to Afghanistan seeking out the terrorists while at the same time the very people that we are supposed to be making sure that they have benefited are falling by the wayside. In other words, our children. I have often said our children are the living messages we send to a future we will never see.

But as I listened to my colleagues on the other side a few moments ago, it is interesting they never talked about the fact that children are indeed being left behind every day and every moment of the day. While they talk quite a bit about how great the No Child Left Behind legislation is, and I would agree with them to a degree that it is good legislation, and if I recall correctly most Members of this Congress voted for that legislation. It was pretty much a bipartisan effort. But the thing they did not mention is that it has been substantially underfunded.

If you go to any school district throughout this country, you will talk to teachers and you talk to people who are on the front line, and they will tell you that this underfunding has caused great grief and has put them and State and local governments in a very bad position.

I saw a recent Washington Post article revealed a secret White House budget memorandum which detailed severe cuts in a range of Federal programs that are essential to the lives of millions of Americans. Everything from Head Start, again talking about children, and homeownership programs, to Department of Veterans Affairs, yes, I said the Department of Veterans Affairs. And if I might just put a footnote here, here we are with the President just dedicating America's World War II memorial the other day, yet still the Department of Veterans Affairs is on the chopping block if this administration is reelected in November.

It is not about what is said; it is about what is being done. I would ask the American people to keep their eye on what is being done, not what is being said. And after celebrating Memorial Day and honoring our veterans, I cannot imagine how some people in this town could even propose to cut veterans benefits.

On Memorial Day, when I had an opportunity to talk to so many of the veterans in my district, one of their number one complaints was that they are not able to get the kind of medical care now that they need. They cannot even get the medical care for their spouses. And these are men and women who have given so much to their country believing that there would come a time that they would be able to get the type of benefits that they needed.

But this administration, while making wonderful, wonderful speeches at the new World War II memorial, at the same time is cutting benefits. It is unconscionable to think that the men and women who served this country would have to endure their elected officials turning their backs on them when they return home and need services.

And so it is, Mr. Speaker, that we have a situation where this administration has decreased Federal revenues, raised deficits through poor policy decisions, and is now telling the American people that they must sacrifice their children's educations or veterans benefits to pay for it all. Something is glaringly wrong with this picture when we ask our elderly veterans to take a cut, when we ask our children, now that it is their chance to get an education through Head Start and other programs that will support them and allow them to be all that God meant for them to be, it is simply not right that we would cut those things that would help our children get to where they have to go and cut the things that would help our veterans not only survive but thrive and live meaningful lives.

Mr. Speaker, I think the American people must put all of this in context of the budget conference that recently passed this House of Representatives. In order to pay for the President's prized tax cuts and to get the most political gain, this House agreed to a budget resolution that only extended out for 1 year. Traditionally, Congress considers budgets that take into account 10 years' worth of Federal spending. But knowing that a 10-year estimate would reveal their fiscal mismanagement, this administration and the Republicans in Congress chose to pass a 1-year budget that would mask the true cost of the tax cuts, a poorly crafted Medicare bill, and the war in Iraq.

Over and over again, members of the Congressional Black Caucus have come to the floor and not asked the American people but begged them to look at what was happening in this Congress and look at what this White House is doing and use a very simple commonsense measuring tool, and that measuring tool would simply be how, if you had a similar circumstance in your home, how would you handle that.

In other words, if you had an increase in problems in your home, if you had emergencies in your home, would you then go to your employer and say cut my pay? Well, basically, that is what has happened here. Here we have a war in Afghanistan, here we have a war in Iraq, here we have also a situation where we now have to have something

called homeland security; and so our costs are increasing to the tune of $25 billion, the most recent request from the President. But at the same time, the President makes a decision, and my Republican colleagues agree, to cut taxes on the richest of the rich. Something is simply wrong with that picture.

□ 2245

There are many people that sit and they say to themselves, it is good that I get my money back, and I can understand that, but one of the things that we have to realize is that most of the middle class get very few funds back on this tax cut. The fact is that we have a situation where in Maryland, for example, those middle-class folks who got a tax cut of maybe $600, $700, they saw the tuition of their students at State colleges go up some 30 percent in some instances. In Baltimore, sewer taxes have gone up, and there are proposed taxes with regard to property. So taxes are going up. They are also seeing that their services are lessened because there is not as much money coming through the State coffers.

So the question is: Is this a shell game or what? Is it a shell game that on the Federal level you tell me I am getting a tax cut and at the same time tax cuts are taking place for the richest of the rich? The fact still remains that services are reduced.

Mr. Speaker, the American people should truly take a look at their household finances and their general well-being and ask themselves, is my family better off now than we were 4 years ago? I would submit that they would have to answer no. Further, will the Nation be better off 4 years from now if we continue on our current course? I would guess that the average American would answer no to both of these questions.

In 2 days the Department of Labor will release its monthly unemployment situation report. For the good of the country, I hope the numbers reflect a positive change in the unemployment situation. But, regardless, we cannot allow ourselves to forget about the unemployed people that those numbers represent. I have often said that so often what we do is we look at statistics, and we get so caught up in numbers that we forget that there are faces and there are families behind those statistics.

Although the President and others in this administration are traveling the country touting job growth, we cannot allow ourselves to forget that the economy has yet to create a single net job under this administration, not one, no, not one.

So I ask, Mr. Speaker, what should all of the millions of people who have lost jobs, the 150,000 workers who are joining the workforce every month and the college graduates, like the ones I spoke to recently at Shaw University and Carnegie Mellon University, do to find work in an economy that has not created a single job since January, 2001? Real people, Mr. Speaker, are struggling to supply the most basic needs to their families and continue to pound the pavement every day in desperate search of a job.

If I were to ask the more than 120,000 unemployed people in my home State of Maryland if they are better off than they were 4 years ago, I believe the overwhelming majority would probably say no. Not only are they without work, but this administration continues to cut the social services that are supporting their very survival.

Mr. Speaker, if you look closely, you will find that among the 2006 cuts that the administration is secretly planning to make are job training and small business programs. As I listened to my colleagues a few minutes ago on the other side talk about retraining people for jobs when they lose a job, I wonder if they are communicating with this White House which is, at the same time as they are talking about trying to train people for jobs, here we have a White House that is submitting a budget to literally cut the training from underneath those people who are unfortunate to lose their jobs. It is counterproductive and, frankly, disingenuous to talk about job creation publicly yet cut every program that will create jobs when no one is looking.

So, Mr. Speaker, as I conclude, I must say tonight that something is wrong with this picture. Our President continually talks about being a compassionate conservative, but, as many people have said, the only people he seems to show compassion to are conservatives. Everyone else just simply seems to be out of luck and out in the cold.

Mr. Speaker, the American people cannot afford 4 more years of this President. For one, our country will be bankrupt and the domestic programs that are the life-line for tens of millions of Americans, not just African Americans but all Americans, will be decimated. This is a risk we simply cannot take. This is a risk we simply cannot afford.

That is why, just as we saw yesterday in South Dakota and all across this country, Americans are exercising their civic duty to vote. We saw record numbers of people coming out during the Democratic primaries. Why? Because they are frustrated, and they want a change. They are the ones, as they march to the voting booth, who have already answered the question, am I better off today than I was 3.5 years ago, and they are saying, no. They are saying, yes, I will vote.

They ask themselves another question as they walk into the voting booth, and that is, will we be better off if we ask this question 4 years from now than we are today? And I think clearly their answer is no. I believe that after January 20, 2005, there will be new leadership in the House of Representatives, the United States Senate and 1600 Pennsylvania Avenue. This new leadership will take charge to put America back on track, will take charge to put America back to work. It will take charge to make sure that our children, whose gifts are already wrapped up in them, have an opportunity to display their gifts and be all that God meant for them to be. They will take charge to make sure that college students have an opportunity to get an education and that the Pell Grants that now have level funded, basically, are expanded so that young people can have their opportunity.

In closing, I am always reminded that we just celebrated the 50th anniversary of Brown v. Board of Education. I will never forget a young lady named Kayla from the John P. Sousa School when she came before one of our programs celebrating Brown. She came with some very simple words, but they were very profound. Here was this little girl standing on her tiptoes, very frail but very healthy.

She stood up, and she said my name is Kayla. She said I am a student at the John P. Sousa School here in Washington, D.C. She said 50 years ago my school was segregated, and she said today my school is segregated. She said 50 years ago my school was all white, and then she said, 50 years later, my school is 98 percent African American and 2 percent Hispanic. She said I have seen the pictures of my school, the John P. Sousa Middle School, from 50 years ago. She said it was a beautiful place, one of the most beautiful places I have ever seen. She said now it is much different.

Her words were so piercing and left almost everybody in the room in tears when she said this. She said, today, when I go to school, I have no library because the adults tell us we cannot afford a librarian, so we have no library. She said I have had an opportunity to look at a few books in the place they call a library, and I noticed that many of them are the same books which existed on the shelves back in 1951.

She went on to say that so often she comes to school and it is damp because rain is coming through the roof. She talked about the bathrooms and how she refused to go so often and waited until she got home to relieve herself because the bathrooms were in such bad shape.

But then she asked the question which I think we must all confront. She said, as adults, I just ask you to do this. It is now my chance to get an education. It is my chance to have a decent childhood. It is your responsibility to provide me with that so that I can grow up to be who I want to be.

So it is not just the Kaylas of the world who suffer. It is our veterans. It is our students. It is all of those people who simply want an opportunity to get across a bridge that will allow them to turn back and help others across the bridge of this great society. Mr. Speaker, we cannot continue to cut the services to them and at the same time cut the taxes for the richest of the rich.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK), who has worked so hard on these issues and has been constantly at the forefront of trying to make sure that we do have balance in our country, trying to make sure that we deal with our economy, that we deal with our welfare with regard to this country in a balanced approach, but at the same time one who sits on the Committee on Armed Services and makes sure that our soldiers are supplied with the kinds of equipment that they need, that they are given the kinds of uniforms and the kind of support that they need.

I applaud the gentleman for his many, many efforts. Not only has he been at the forefront of our domestic issues and certainly those with regard to war, but he has also been one who has stood up over and over again with regard to peace and that is trying to bring peace to a foreign land called Haiti. The gentleman has spent countless hours in that country meeting with people, trying to make sure that humanitarian assistance is brought to those 8 million people who suffer.

Recently, the gentleman has spent a phenomenal amount of time trying to make sure that those flood victims in Haiti get the kinds of supplies that they need. A true leader and a true friend, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman for those very kind words. It is always an honor to address not only the U.S. House of Representatives but the American people.

I think it is very important when the gentleman from Maryland (Mr. CUMMINGS) was talking about many of the issues happening to Americans versus for Americans, and I think it is important that we speak from the position of fact, not fiction.

What we are talking about here is actually fact. This is the President's budget that he has put forth. This House on the majority side has passed a budget that in some instances undercut the President's budget. I thought tonight I would share with the American people some of the things that have taken place in this budget that is really jeopardizing our national security.

I think it is very, very important for this time after Attorney General Ashcroft had his famous press conference last week unveiling potential terrorist attacks on our country, possibly these terrorists could be in the continental United States, information that even the Department of Justice admits that they have known for the last 30 days, 30 days prior to that but failed to share with the American people.

Also at that press conference, I thought it was very interesting, we have the largest Federal agency in the history of the Republic and the history of the world called the Department of Homeland Security. I thought it was something fundamentally wrong. I am looking at this great announcement taking place, and there was no Secretary Tom Ridge at the Department of Homeland Security because he did not know that this press conference was taking place.

I will share with Members that Homeland Security is a very, very important agency in communicating with local government, giving them the kinds of direction and intelligence that they need to be able to fight the fight on the front end. We call it Homeland Security. I would say front-line security when it comes down to cities and counties and even all of the way down to the school boards of things that they have to do to protect the citizenry in their area.

But I can tell Members that the budget as we look at it and look at the COPS program that the President has cut, words are inadequate to even describe it.

□ 2300

The cut in the COPS Program, which is the community policing program that so many Americans appreciate, so many young lives have been diverted from a life of crime, so many crimes have been prevented in local communities and States, all to have enough money to be able to allow individuals that are making an enormous amount of money to get a larger tax cut, I think that is unfair. I think it is unfair to our men and women that are wearing blue; I think it is unfair to firefighters that are out there where the fire program was cut. We are opening fire stations in Iraq, but we are closing fire stations in New York City. I think it is important as we say that we honor our first responders, that we do not dishonor them by cutting the very funding that they are looking for.

The Firefighter Grant program was cut by $246 million. That is a lot of money, Mr. Speaker. It was cut for the sake of making sure that individuals that are well, well, well off have an opportunity to receive their tax cut. Then, on top of that, they try to make it permanent.

Also when you look at local law enforcement, for State and local law enforcement, also $959 million was slashed from the budget by the President. As we look at interoperability, when I used to be a State trooper in Florida, sometimes you would show up on an emergency scene and you will have a city or county law enforcement officer there. Many times, because in my particular area we had what we call interoperability, we were able to talk to one another to be able to save lives. Now this has been cut out of the budget.

In so many places in America, they do not have that opportunity to be able to talk to one another. In this time of terrorist threat and living under this new threat that we have right now of individuals possibly being on U.S. soil, individuals that wake up and go to bed every night with the thought in their mind and their heart that they want to carry out some level of harm to an American, no matter who you are, if you are a woman or you are a man or you are a minority or you are not a minority, if you are Native American, as long as you are an American, there are people that wake up in this world and in the continental United States saying, how can I carry out terror on these individuals? How can I disrupt their lives?

So these cuts that are being made, we are not just talking about school lunch programs. That is important. We are not just talking about hopefully trying to get a health care plan that the 43 million people without health care can have health care one day, affordable health care. That is important. Medicare, being able to make sure that we have an affordable prescription drug program that works for the individuals that need it versus for the individuals that are making the drugs. That is important.

But I will tell you what is very important is to make sure that we do not see a disruption in the way that we live our lives day in and day out. And the way this White House, and then the Congress, turned around, the majority turned around and even made it worse in cutting the very programs and the very funding that local governments need.

Now, Mr. Speaker, I want to make sure that we are clear on this, because I want to make sure the American people understand what I am saying. If a terrorist was to carry out or attempt to carry out an act in your local town, community or city or State, Members of Congress are not going to run down there and try to take care of things. It is going to be that first responder. It is going to be that police officer, it is going to be that firefighter, it is going to be that paramedic, it is going to be the individuals working in the hospitals, it is going to be the nurse that you look at every day, the doctors that you look at every day that will respond to that act.

Guess what? If they do not have the equipment to respond appropriately, if they do not even have the radio equipment to be able to communicate with a number of agencies that they must communicate with, to be able to hopefully contain the situation or prevent it, the penny will outweigh the pound in that instance.

So one wonders why the law enforcement community has found themselves running to Senator JOHN KERRY for support or help. They are running there because they do not see it in the budget. They do not see what we are saying in the budget reflecting our real purpose here and making sure that they have what they need.

This hits right here, because I was a State trooper for 5 years; and I will tell you, equipment is important, to be able to not only make sure I was able to go home to my family, but to make sure that many others, from the State I am

from, Floridians, were able to go home to see their families. If I did not have what I needed to protect them and prevent crime or accidents or what have you, then it is for naught.

Now, let us look at this. When we cut the budget here, Mr. Speaker, it is a trickle-down effect. It is something we call here in Washington ''devolution of taxation.'' We say, well, we will cut your taxes here. We will send you a $32 check in the mail, and maybe you can go out and get a Number 2 or Number 3 at Burger King or McDonald's for you and the kids. But in reality we are passing that down to the State government.

I have shared this on the floor before in the past, but I want to make sure the American people understand what is happening right now in real time. It goes down to the State, your local State. The State does not have the prerogative that we have.

We have the opportunity to take out a credit card, swipe it and just put it on the Federal debt, which I must say right now, Mr. Speaker, is the largest debt in the history of the Republic, in the history of this country.

I am not proud of that debt, and we did not get there by providing the dollars that we provided, minimum dollars we provided to local and State law enforcement to say we are putting it out there and we have given some money here and there and had a couple of check presentations on your local television station.

But this debt came from the tax cuts for the very wealthy individuals in this country. This debt came from going into war unplanned, which I must say you pull out Time magazine and the individuals that are writing about this and have been following what has been going on in Iraq, and read about mistake after mistake after mistake that have cost American lives, that have cost the taxpayers money. We called ourselves going with the willing. We went with individuals that we helped fund to make it to Iraq.

For those individuals that have served, rotated in and out of Iraq, those individuals that are watching us right now missing a limb, have facial scars from shrapnel, those individuals' families that are watching that never made it back, we honor and appreciate them every time we get an opportunity.

But there are some individuals that are in suits and ties that are making decisions that are not only sending this country into further debt as it relates to the effort in Iraq, but also because we did it the way we did it, did not provide the troops with the very things that they needed, going back to equipment and going back to following up on our responsibility of making sure that they have the equipment that they need, the armor that they need, of making sure these Humvees have armor around the doors, making sure we are able to head off these bombs that are detonated by cellular phones, we are just catching up.

It was a DOD report that said almost 25-plus percent of the injuries that took place could have been avoided if they had what they needed.

So when you hear individuals, and I heard the chairman speak when we started talking about devolution of taxation, and I just wanted to go there with the troops for a moment so that individuals know this is not just local government, this is throughout the Federal Government, that when it goes down to the State, they have to balance the budget.

And how do they balance it? Well, they cut the resources they would ordinarily give to taxpayers and your local city or town. So when that happens, that means that the local government, they have to turn to the family. That is where the buck really stops.

Think about it in your community. How many bond referendums have taken place recently to be able to raise money to run your schools or build your schools?

□ 2310

How many opportunities where someone has said, well, you know, we no longer have the feeding program for your grandmother or your aunt or even yourself who is watching right now; we had to cut that because the funding ran out.

Let me tell my colleagues, there was a lot of money to work with before the President took office. We were around here, Congress was around here talking about how are we going to spend, how are we going to manage and spend appropriately the surplus, of making sure that we are able to make sure that Social Security was not bankrupt, make sure that we are able to get a health care plan, where we do not have individuals that are punching in and punching out every day at work, working the midnight shift, some working two jobs and still do not have affordable health care. How do we help small businesses provide that health care to individuals? How do we help our young people prepare themselves to be able to be our leaders and Members of Congress and business owners in the future? How do we do that?

How do we make sure that we raise the education commitment from the Federal Government to the State government and local governments to make sure that we have a quality early childhood education program? How do we make sure that every troop who goes into a theater of war to put his and her life on the line, every Reservist that goes on active duty, how do we make sure that they have the equipment that they need to be able to defend this country; the very freedom that veterans have provided us right now, the democracy that we live under, the flag that we stand under? How do we make sure that those individuals are not sent in? And we are saying we are right behind you and we continue to drop more and more back as we look at show me the money. Show me the commitment. Show me that you are going to stand with me.

We have individuals right now, and this is not the Kendrick Meek report, you can read about it, you can ask a Reservist, you can ask someone who has gone into theater. Yes, they used to write letters and asked to be sent cake or sent candy or sent a picture. Now they are writing letters back home saying, send me a bullet-proof vest. Send me something for my radio. Send me some duct tape because I am having to make sure for my uniform. Send me an extra pair of pants. Send me a cap. Go down to the Army Navy store and buy this canteen for me.

Mr. Speaker, individuals are sleeping right now with sand in their teeth. The last thing that they should have to do and the last thing that their loved ones should have to do is to have to worry about equipment. But, better yet, when the question is asked, who is paying on some level or experiencing some sacrifice with what these men and women are doing in Iraq and Afghanistan fighting the war against terrorism, trying to set forth a democracy in Iraq?

So I think it is important, I say to my colleagues, that we remember that it is not all about press conferences and talking about how we support the troops. On this floor, every time something flares up in Iraq, someone wants to put forth a resolution supporting the troops. We support the troops. The troops know we support them. We do not have to every time something flares up, well, let us divert, let us see who is going to vote to support the troops and who does not support the troops. Supporting the troops is making sure the troops have what they need. And as we look at it right now, I say to my colleagues, they do not, and we are still talking about how we can get more of them there.

So, Mr. Speaker, as I wrap up, I just want to say that what this administration has done has not been a proper response to a post-9/11 experience. Harvard University had former Senator Sam Nunn, who is an outstanding patriot and a member of the Committee on Armed Services for many years in the other body, well-respected from Georgia, and they had an opportunity to look at nuclear weapons and what is the picture right now? What has happened in the last 4 years? We secured more nuclear stockpiles 2 years prior to 9/11 than we did 2 years after 9/11. And what we are hearing publicly from the CIA, they are more concerned about a nuclear weapon coming on a freighter or a container that can shut down the economy in New York or Miami or any of these major port cities, Los Angeles or one of the 361 ports we have here in this country, but, better yet, they are more accessible.

So it is important. This is serious business when we start talking about national security. It is serious business when we start talking about men and women in a forward area, and it is very serious when it comes down to the fact

that we are making tax cuts permanent for individuals that are out buying Hummers and things of that nature, out with major disposable income saying that we are hurting and we need another tax cut; better yet, we need to make it permanent in the light of cutting the Federal commitment to State government, cutting the Federal commitment to local government, cutting the Federal commitment to local schools, cutting the Federal commitment to our troops when it comes down to what they need.

So someone can get on the floor and they can go and talk for 2 or 3 hours talking about how much they love the troops, but it is not reflected in the budget, and it is not reflected as it relates to the equipment that they need on the ground there.

So, Mr. Speaker, I think that it is very appropriate that we share with the American people every week that this is not a Democrat, a Republican, or an independent issue. This is an American issue. This is an issue that Americans are fed up with, this continued lack of responsibility when it comes down to the Federal commitment to their local, State and local government.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his excellent statement. I am going to sum up and just reemphasize some of the things that he has said.

I think a Thursday, May 27, article by Jonathan Wiseman of the Washington Post, I just want to quote part of it, and the gentleman may have a comment on it. But the gentleman started off by talking about how real, we have to deal with real facts. And the gentleman said that the fact is that the President does submit a budget, and so we speak from that budget tonight and its devastating effect on so many Americans.

I had spoken earlier about the fact that this budget affects so many of our young people. I just want to quote from Mr. Wiseman's article. He says, ''The Women, Infants and Children nutrition program was funded at $4.7 billion for the fiscal year beginning in October, enough to serve the 7.9 million people expected to be eligible.'' But he goes on to say, ''In 2006, the program would be cut by $122 million.'' He says, ''Head Start, the early childhood education program for the poor, will lose $177 million, or 2.5 percent of its budget, in fiscal year 2006. The $78 million funding increase that Bush has touted for homeownership programs in 2005 would be nearly reversed in 2006 with a $53 million cut. The National Institutes of Health spending would be cut 2.1 percent in 2006 to $28 billion after a $764 million increase for 2005.'' That brought the NIH budget to $28.6 billion.

''Finally, a subject that is near and dear to all of us: homeland security. A centerpiece of the Bush reelection campaign,'' says Mr. Wiseman, ''would be affected. Funding would slip in 2006 by $1 billion to $29.6 billion, although that would still be considerably higher than the $26.6 billion devoted to that field in 2004, according to an analysis of the computer printout put out by the House Committee on the Budget Democrats.''

So we have this situation where we are simply talking about balance, and we have often said, members of the Congressional Black Caucus, let us deal with the Nation's problems like we would deal with our most serious family problems.

Basically, what we have called for was common sense, understanding that whenever we have a family problem, we pause, we analyze the situation, we are flexible, we come up with solutions that are appropriate for the problem.

□ 2320

I seriously question whether or not we are dealing with solutions appropriate to the problem, because everything seems to be out of balance. And so it is tonight, the Congressional Black Caucus comes and simply says that we are looking for balance. Yes, we must address the issue of terrorism. Every single one of us never wants to see planes flying into any building. None of us want to see chemical weapons released out into places where they could do harm. We do not want that. We want to fight terrorism, but at the same time we fully understand that we have got to make sure that we take care of the people here in the United States.

And if I have to say it a million times, I will say it over and over again, so often when people hear members of the Congressional Black Caucus or even hear the words ''Congressional Black Caucus'' they assume that we are only talking about and for African American people. And, ladies and gentlemen, I am here to tell you that the people that we speak for are Americans, no matter what their color may be. We want to make sure that every American has the opportunity to be all that God meant for them to be.

One of the things that I often say, as I yield to my friend, is that when I get up in the morning, after I pray for myself and my family, I ask God to give us as a Congress, give us the opportunities and the wisdom and the discernment to increase our constituents' opportunities to be blessed so that they can live the best lives that they can.

And so that is what this is all about. Not only our constituents, but as we well know, what we do in this body not only affects the constituents in our district, the constituents in our country, but, I would submit, our constituents of the world. It is not just limited to this country.

Mr. Speaker, I would now yield to the gentleman.

Mr. MEEK of Florida. Mr. Speaker, I just want to say that the gentleman is 110 percent right. I am so glad you shared the article with the American people and the Congress.

Today I wore the World War II pin they gave us when we were there at the dedication. I went with my uncle, King Pitman, and my mother, Congresswoman Carrie Meek. It was a very proud moment in their lifetime, the experience of the time of World War II. My uncle is a Korean veteran and he is a part of the VA. He is injured. He is disabled. He is in a wheelchair. I could not help but look at the other patriots that were out there. They asked for all the veterans to stand up and those that could stand, they stood. Some just put their hand up because they could not stand. These are the individuals that fought such a wonderful, wonderful war on behalf of our freedom. There was a lot going on during that war. There was a lot going on in Congress during that war.

But I will tell my colleague this, that I could not help but think on that day we did honor them. And, yes, they were without a place in our Mall for their service. And now they have a memorial that is outstanding. And I commend those that put forth the private sector dollars and also the Members that put forth the legislation to make that happen.

But I could not help but think the reality on Tuesday morning that if they went to the VA the line and the wait would have been almost as long when it comes down to health care as it took for them to be recognized by this country.

I will tell you this: we say that we love them, we say that we appreciate them, but when it comes down to being able to provide just the simple health care that they were promised, they have to wait weeks and months. VA hospitals are being closed throughout this country. And we are adding more and more veterans as we fight this effort in the gulf, as we fight this effort in Iraq and Afghanistan and the Horn of Africa. More and more veterans are being added to the rolls. I will tell you if veterans are having it hard now, I will tell you, if this Congress, if the American people do not do what they need to do in November to make sure that we have leadership in this House, that we have leadership in the White House, and that we have leadership in the other body that is going to set that as a priority, that we need to make sure that these veterans get what they deserve. And that is respect, number one, and to make sure that they get the health care that they were promised when they signed up. They did not sign up to wait in line, especially every day.

My son, we have an American flag outside of our house in Miami. It flies. We keep the light on it. We make sure no matter what is going on in the world that we appreciate and we honor their patriotism and we honor this country. But it is just a sad commentary that we can go and say, fine, you are a wealthy individual, and I am not upset with individuals being wealthy, maybe one day I can maybe in another life. But when we have veterans that are waiting in the lines and

not receiving the kind of health care that they deserve and not being appreciated in the way they should be appreciated, I think we can do better things with that money to be able to make sure that we honor them.

I thank my colleague for allowing me to be here tonight. I look forward to the Congressional Black Caucus continuing to come to the floor to share with the American people about what is going on under the dome here in Washington D.C.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman again for his leadership. The gentleman has been here for less than 2 years now, but has made a tremendous impact on so many of us. We are very proud of his leadership.

As we close, Mr. Speaker, I assume we have about a minute, let me just say this, that the gentleman did make a point that I want to reemphasize. We want to make sure we have a strong military. But young people, if they are listening to what we are saying and they are informed, a lot of times young people will go into the military, they are looking forward, they have a vision of their future, and they want to serve this country, they want to give it their best; but they also look beyond their service. They are saying what benefits will come to me? What benefits will come to my family? So I think probably one of the best recruiting tools for a strong military is for us to keep our commitment.

When they see their grandfathers doing what the gentleman just said, waiting in long lines for their relatives and friends, that does not say very much for us.

So I think as we are in this war and as we stand up for our soldiers, we must also stand up for our veterans.

Mr. MEEK of Florida. The gentleman is 110 percent right. Veterans should not get the voice mail when they call the VA. They should get the person that is going to treat them the way that they should be treated and make sure they are scheduled for whatever appointment they need in a reasonable time and not wait 3 or 4 months just to see an optometrist.

Mr. CUMMINGS. I think it is very appropriate that we end on that note, Mr. Speaker, a note about the people we just spent a day saluting and letting them know how much we love them; but now it is not only time to salute them and tell them that we love them but it is also time to make sure that we do for them as they have been promised.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as Member and First Vice Chair of the Congressional Black Caucus to warn our great nation. The current Administration—one that has made promises, one that has amassed tremendous debt, and one that has gotten us into a war and subsequent occupation that can be characterized as a financial abyss has put government agencies on notice this month that if reelected, the 2006 budget may include cuts for virtually all agencies in charge of domestic programs, including education and homeland security.

In the Administration's "accidental" memorandum proposing potential budget cuts fails to realize that when cuts are made across the board, vulnerabilities are created in each area, and we then have a homeland security problem.

A Washington Post article (May 27, 2004, Page A01) entitled "2006 Cuts in Domestic Spending on Table," a budget analyst at the conservative Heritage Foundation tried to rationalize the Administration's proposed 2006 cuts in stating, "I think the public is ready for spending cuts . . . not only does the public understand [sic] there's a whole lot of waste in the federal budget. However, the public is ready to make sacrifices during the war on terror." There is something troubling about that statement, something that is endemic to the entire Administration. The public's supposed willingness to sacrifice is obviously in respect of the need to conserve and enhance our domestic homeland security policy. Why on earth would the public not want to spend more money on improved homeland security? National Institutes of Health (NIH) spending would be cut 2.1% in 2006, to $28 billion, after a $764 million increase for 2005 that brought the NIH budget to $28.6 billion. We won't be worrying about improving our biodefense programs, apparently.

This is good news, bad news situation. The good news is that President Bush has hurt his chances of being elected again by letting people know that, if he is reelected, his budget for 2006 will include spending cuts for virtually all agencies in charge of domestic programs, including education, homeland security and others that the President backed in his campaign year. That will hurt his chances of being reelected. The bad news is that if he is reelected, his budget for 2006 will include spending cuts for virtually all agencies in charge of domestic programs, including education, homeland security and others that the President backed in his campaign year.

J.T. Young, a spokesman for the White House Office of Management and Budget, said in a memo that, "Agencies have asked for this sort of direction." Maybe that is true, but the rest of us didn't ask for such a negative policy. We need domestic programs, including education, homeland security, and others that the President backed in his campaign year.

The funding levels referred to in the memo would be a tiny slice out of the federal budget—$2.3 billion, or 0.56 percent, out of the $412.7 billion requested for fiscal 2005 for domestic programs and homeland security that is subject to Congress's annual discretion. It will not offset the enormous expense of the war in Iraq, an expense that we cannot even begin to estimate. But it will hurt the American people. We depend on these programs.

I am amazed by some of the items on his chopping block: The Education Department; a nutrition program for women, infants and children; Head Start; and homeownership, job-training, medical research and science programs all face cuts in 2006. This is very difficult to understand.

It also bothers me that the administration may have to make cuts in key government services to pay for the tax cuts that have gone to the wealthy members of our society. But with the budget deficit exceeding $400 billion this year, tough and painful cuts are unavoidable, said Brian M. Riedl, a budget analyst at the conservative Heritage Foundation, and this may be true. As I have said in the area of immigration law, we need to work together to solve our problems. If we have to cut expenses, the decision on what should be cut needs to be made on a bipartisan basis.

Another approach to offsetting our deficit would make more sense to me. We presently have between 8 and 14 million undocumented aliens living in the shadows of our society. If we brought them out of the shadows and made it possible for them to obtain good employment, they could contribute to our ability to pay off the deficit with the income taxes that they would pay.

Mr. Speaker, thank you for giving us time to discuss these important issues.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Ms. PELOSI) for today before 5:00 p.m. on account of a death in the family.

Mr. BALLANCE (at the request of Ms. PELOSI) for today and June 3 on account of personal reasons.

Mrs. EMERSON (at the request of Mr. DELAY) for today and June 3 on account of attending daughter Katharine's graduation from Washington and Lee University.

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. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. GILCHREST, for 5 minutes, today.

Mr. KLINE, for 5 minutes, today.

Mr. BONNER, for 5 minutes, today.

Mr. TERRY, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today and June 3.

Mr. CHOCOLA, for 5 minutes, today.

ADJOURNMENT

Mr. CUMMINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, June 3, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8328. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP–2004–0136; FRL–7358–7] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8329. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ultramarine Blue; Exemption from the Requirement of a Tolerance [OPP–2004–0056; FRL–7357–6] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8330. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerance [OPP–2004–0090; FRL–7348–1] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8331. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04–05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8332. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8333. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Illinois [IL222-1a; FRL-7666-1] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8334. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans California — San Joaquin Valley PM-10 Nonattainment Area; Serious Area Plan for Attainment of the 24-Hour and Annual PM-10 Standards [CA 294-0450, FRL-7663-8] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8335. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units [VA141-5075a; FRL-7666-5] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8336. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petition From North Carolina [OAR-2004-0076; FRL-7667-3] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8337. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion [FRL-7667-5] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8338. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that State has Corrected a Deficiency in the California State Implementation Plan, Ventura County Air Pollution Control District [CA 169-0440c; FRL-7665-3] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8339. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District, Feather River Air Quality Management District, Kern County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Bernardino County Air Pollution Control District, Santa Barbara County Air Pollution Control District, and Yolo-Solano Air Pollution Control District [CA 040-0448a; FRL-7662-2] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8340. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 04-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8341. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services with Canada (Transmittal No. DDTC 027-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8342. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan and the United Kingdom (Transmittal No. DTC 030-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8343. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom and Norway (Transmittal No. DDTC 025-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8344. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles thatare firearms controlled under category I of the United States Munitions List sold commercially under a contract with Colombia (Transmittal No. DTC 130-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8345. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to The Netherlands and Belgium (Transmittal No. DDTC 028-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8346. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Republic of Korea and Germany (Transmittal No. DDTC 032-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8347. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2003, as required by Section 655 of the Foreign Assistance Act of 1961 (FAA), as enacted 10 February 1996, by Section 1324 of Pub. L. 104-106, and 21 July 1996, by Section 148 of Pub. L. 104-164; to the Committee on International Relations.

8348. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8349. A letter from the Paralegal, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

8350. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8351. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Third Financial Statement for the period October 1, 2002 — September 30, 2003, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

8352. A letter from the Secretary, Department of the Interior, transmitting a draft bill ''To modify the boundary of the Castillo de San Marcos National Monument, in the State of Florida, and for other purposes''; to the Committee on Resources.

8353. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; [Docket No. 2002-NM-335-AD; Amendment 39-13550; AD 2004-07-06] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8354. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-101-AD; Amendment 39-13554; AD 2004-07-10] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8355. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321-111, -112, and -131 Series Airplanes [Docket No. 2002-NM-17-AD; Amendment 39-13559; AD

2004-07-15] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8356. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-235 Series Airplanes [Docket No. 2002-NM-160-AD; Amendment 39-13560; AD 2004-07-16] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8357. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airwothiness Directives; Boeing Model 767-400ER Series Airplanes [Docket No. 2002-NM-287-AD; Amendment 39-13555; AD 2004-07-11] received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McGOVERN (for himself, Mr. BRADLEY of New Hampshire, and Mr. EVANS):

H.R. 4477. A bill to amend the Uniform Services Employment and Reemployment Rights Act of 1994 to require employers to post a notice of the rights and duties that apply under that Act; to the Committee on Veterans' Affairs.

By Mr. MANZULLO:

H.R. 4478. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004, and for other purposes; to the Committee on Small Business.

By Ms. CARSON of Indiana (for herself, Mr. CLAY, Ms. LEE, Mr. OWENS, Mr. THOMPSON of Mississippi, and Ms. WATSON):

H.R. 4479. A bill to amend the Help America Vote Act of 2002 to prohibit States from denying certain veterans who have been convicted of a felony and who have completed their sentence the opportunity to register to vote or vote; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Ohio (for himself, Mr. BOEHNER, Mr. BRADLEY of New Hampshire, Mr. CHABOT, Mr. CHOCOLA, Mr. ENGLISH, Mr. GERLACH, Mr. GILLMOR, Ms. HART, Mr. HOBSON, Mr. HOEKSTRA, Mrs. JOHNSON of Connecticut, Mr. KLINE, Mr. LATOURETTE, Mr. NEY, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. REGULA, Mr. ROGERS of Michigan, Mr. SHAYS, Mr. TIBERI, Mrs. JONES of Ohio, and Mr. WALSH):

H.R. 4480. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers a credit against income tax for expenditures to remediate contaminated sites; to the Committee on Ways and Means.

By Mr. BLUNT (for himself, Mr. GRAVES, Mr. AKIN, Mr. CLAY, Ms. MCCARTHY of Missouri, Mr. SKELTON, Mrs. EMERSON, Mr. GEPHARDT, and Mr. HULSHOF):

H.R. 4481. A bill to amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes; to the Committee on Resources.

By Mr. BISHOP of New York:

H.R. 4482. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to prohibit the dumping of dredged material in certain bodies of water; to the Committee on Transportation and Infrastructure.

By Mr. BROWN of South Carolina:

H.R. 4483. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4484. A bill to suspend temporarily the duty on 1,2 Octanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4485. A bill to suspend temporarily the duty on Methyl Salicylate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4486. A bill to suspend temporarily the duty on Anisic Aldehyde; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4487. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. POMEROY, and Mr. RAMSTAD):

H.R. 4488. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4489. A bill to amend title 18, United States Code, to mandate a life sentence for repeat sex offenders; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 4490. A bill to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes; to the Committee on Resources.

By Mr. HOBSON (for himself and Mr. FORD):

H.R. 4491. A bill to amend part B of title XVIII of the Social Security Act to repeal the reduction in Medicare payment for certain items of durable medical equipment; 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. REGULA (for himself, Mr. LATOURETTE, Mr. BURNS, Mr. WILSON of South Carolina, Mr. RYAN of Ohio, Mr. GORDON, Mr. ENGEL, Mr. WAMP, Mrs. LOWEY, Mr. HINCHEY, Mr. TIERNEY, Ms. HART, Mr. BOSWELL, Mr. SPRATT, Mr. MEEHAN, Mr. NORWOOD, Mr. MURPHY, Mr. BARRETT of South Carolina, Mr. RAHALL, Mr. MCNULTY, Mr. DEMINT, Mr. BROWN of Ohio, Mr. CLYBURN, Mr. SWEENEY, Mr. DOYLE, Mr. BROWN of South Carolina, Mr. MURTHA, and Mr. NEY):

H.R. 4492. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Resources.

By Ms. ROYBAL-ALLARD (for herself, Mr. SIMPSON, Mr. SERRANO, Mr. KILDEE, Mr. GORDON, Mr. ANDREWS, Mr. GREEN of Texas, Mr. WALSH, Mr. WEXLER, Mr. MEEHAN, Mr. CUNNINGHAM, and Mr. SCHIFF):

H.R. 4493. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHERWOOD:

H.R. 4494. A bill to designate the Grey Towers National Historic Site in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 439. Concurrent resolution honoring the members of the Army Motor Transport Service that served during World War II and participated in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion; to the Committee on Armed Services.

By Mr. TANCREDO:

H. Con. Res. 440. Concurrent resolution expressing the sense of Congress that the United States should resume normal diplomatic relations with the Republic of China on Taiwan, and for other purposes; to the Committee on International Relations.

By Mr. BELL (for himself and Mr. BRADLEY of New Hampshire):

H. Res. 659. A resolution recognizing the need for consistent information, regulations, and guidelines regarding the safe disposal of used syringes outside medical facilities; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. FLAKE, Mr. RENZI, Mr. HAYWORTH, Mr. FRANKS of Arizona, Mr. KOLBE, Mr. PASTOR, and Mr. GRIJALVA):

H. Res. 660. A resolution congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. ESHOO introduced A bill (H.R. 4495) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel W. N. RAGLAND; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mrs. MILLER of Michigan.
H.R. 99: Mr. TANNER.
H.R. 195: Mr. ANDREWS.
H.R. 303: Mr. CHANDLER.
H.R. 371: Mr. WAXMAN, Mr. GONZALEZ, and Mr. TIERNEY.
H.R. 545: Mr. CHANDLER.
H.R. 584: Mr. BOUCHER.
H.R. 623: Mr. LAHOOD and Mr. GOODE.
H.R. 737: Mr. MILLER of North Carolina.
H.R. 785: Mr. ISAKSON.
H.R. 806: Mr. SIMMONS.
H.R. 876: Mr. RADANOVICH.
H.R. 880: Mr. THOMPSON of Mississippi and Mr. VAN HOLLEN.
H.R. 935: Mr. HOEFFEL.
H.R. 1043: Mr. ROSS and Ms. MAJETTE.
H.R. 1101: Mr. DEUTSCH.
H.R. 1231: Mr. CUNNINGHAM.
H.R. 1295: Mr. ACEVEDO-VILA.
H.R. 1306: Mr. LAMPSON.
H.R. 1310: Mr. PEARCE.
H.R. 1386: Mr. PASTOR, Mr. BAKER, Mr. WAMP, and Mr. KILDEE.
H.R. 1429: Mr. PAUL.

H.R. 1639: Mrs. NAPOLITANO.
H.R. 1716: Mr. BRADLEY of New Hampshire.
H.R. 1746: Mr. WEINER, Mr. KUCINICH, and Mr. CARDOZA.
H.R. 1755: Mr. MARSHALL.
H.R. 1775: Mrs. JO ANN DAVIS of Virginia.
H.R. 1778: Ms. BALDWIN.
H.R. 1784: Ms. LINDA T. SANCHEZ of California.
H.R. 1824: Mr. SENSENBRENNER, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, and Mr. DEUTSCH.
H.R. 1935: Mr. HASTINGS of Florida.
H.R. 2023: Mr. GILLMOR and Mr. NORWOOD.
H.R. 2133: Ms. PRYCE of Ohio and Mr. ISAKSON.
H.R. 2176: Mr. RUPPERSBERGER, Mr. SCOTT of Georgia, and Mr. EDWARDS.
H.R. 2217: Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. OWENS, and Mr. UDALL of New Mexico.
H.R. 2260: Mr. TIERNEY.
H.R. 2300: Mr. GONZALEZ.
H.R. 2318: Mr. BERMAN, Mr. MEEKS of New York, Mr. BELL, Mr. WAXMAN, Mr. WATT, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Ms. ROYBAL-ALLARD, Ms. VELAZQUEZ, Mr. ABERCROMBIE, Mr. ACKERMAN, and Mr. BERRY.
H.R. 2494: Mr. DEFAZIO.
H.R. 2527: Mr. GONZALEZ, Mr. DELAHUNT, Mr. LANTOS, and Mr. ISRAEL.
H.R. 2699: Mr. BUYER, Mr. JOHNSON of Illinois, Mr. CHANDLER, and Mr. HOEKSTRA.
H.R. 2711: Mr. SCHIFF.
H.R. 2823: Mr. MILLER of North Carolina.
H.R. 2885: Mr. PICKERING, Mr. ROGERS of Alabama, and Mr. BISHOP of Utah.
H.R. 2929: Mr. WAMP.
H.R. 2950: Mr. PETERSON of Minnesota, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. WELLER, Mr. RADANOVICH, Mr. QUINN, Mr. MEEK of Florida, and Mr. TURNER of Texas.
H.R. 2963: Mrs. NAPOLITANO.
H.R. 3014: Mr. GRIJALVA.
H.R. 3042: Mr. FOLEY.
H.R. 3085: Mr. ABERCROMBIE, Mr. TOWNS, and Ms. MCCOLLUM.
H.R. 3092: Mr. CHANDLER.
H.R. 3178: Mr. CHANDLER.
H.R. 3273: Mr. WAXMAN.
H.R. 3291: Ms. BORDALLO.
H.R. 3307: Mr. MCINTYRE.
H.R. 3329: Mr. BURGESS.
H.R. 3337: Mrs. TAUSCHER, Mrs. MALONEY, and Ms. ESHOO.
H.R. 3384: Mr. LAMPSON, Mrs. NAPOLITANO, Mr. CONYERS, Mr. LANTOS, Mr. FALEOMAVAEGA, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Ms. DEGETTE, and Mr. MCGOVERN.
H.R. 3460: Mr. BURTON of Indiana.
H.R. 3474: Mr. PASTOR.
H.R. 3507: Mr. BACA.
H.R. 3545: Mr. VAN HOLLEN.
H.R. 3558: Ms. WATSON and Mr. SCHIFF.
H.R. 3567: Mr. KUCINICH.
H.R. 3579: Mr. BROWN of South Carolina, Mr. HASTINGS of Florida, and Ms. ROYBAL-ALLARD.
H.R. 3604: Mr. ALEXANDER and Mr. BALLENGER.
H.R. 3615: Mr. DEUTSCH.
H.R. 3684: Mr. LEVIN.
H.R. 3736: Mr. CARSON of Oklahoma.
H.R. 3755: Mrs. MCCARTHY of New York.
H.R. 3777: Mr. HINOJOSA.
H.R. 3780: Mr. HINOJOSA and Mr. WAXMAN.
H.R. 3799: Mr. BARTLETT of Maryland.
H.R. 3803: Mr. HINCHEY.
H.R. 3804: Mr. MCINTYRE.
H.R. 3805: Mr. GRIJALVA, Mr. BERMAN, Ms. ESHOO, Mr. HONDA, and Ms. WOOLSEY.
H.R. 3815: Mr. GREENWOOD.
H.R. 3901: Mr. NUSSLE, Mr. CALVERT, and Mr. WALDEN of Oregon.
H.R. 3920: Mr. BILIRAKIS.
H.R. 3953: Mr. AKIN.
H.R. 3965: Mr. GRIJALVA, Ms. WATSON, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mr. TOWNS, Ms. MCCOLLUM, Ms. PELOSI, and Ms. LINDA T. SANCHEZ of California.
H.R. 4003: Mr. MCGOVERN.
H.R. 4016: Mr. CRAMER and Mr. COOPER.
H.R. 4035: Mr. EMANUEL, Mr. BERMAN, and Mr. PAYNE.
H.R. 4070: Ms. DELAURO.
H.R. 4076: Mr. WAXMAN.
H.R. 4077: Mr. HOYER and Mr. COBLE.
H.R. 4091: Mr. MILLER of Florida, Mr. GILLMOR, Ms. KILPATRICK, and Mr. ETHERIDGE.
H.R. 4097: Mr. OWENS, Ms. SCHAKOWSKY, Mr. CUMMINGS, and Mr. KILDEE.
H.R. 4101: Mr. KENNEDY of Rhode Island, Mr. VAN HOLLEN, and Mr. ANDREWS.
H.R. 4109: Mr. BRADY of Texas and Mrs. BIGGERT.
H.R. 4116: Mr. GOODLATTE, Mr. POMBO, Mr. CRANE, Mr. DELAY, Mr. CASTLE, Mr. NORWOOD, Mr. DREIER, Mr. GERLACH, Mr. MCCRERY, Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. TOM DAVIS of Virginia, Mr. CANTOR, Mr. GILCHREST, Mr. TAYLOR of North Carolina, Mr. HOUGHTON, Mr. SMITH of Texas, Mr. HUNTER, and Mr. THOMPSON of California.
H.R. 4126: Mr. HERGER.
H.R. 4131: Mr. HOSTETTLER.
H.R. 4132: Mr. HOSTETTLER.
H.R. 4133: Mr. HOSTETTLER.
H.R. 4147: Mr. UDALL of Colorado.
H.R. 4149: Mr. FILNER.
H.R. 4152: Mr. KILDEE, Mr. UPTON, Mr. RANGEL, Mr. ROGERS of Michigan, Mr. STARK, Mr. KNOLLENBERG, and Mr. TAYLOR of North Carolina.
H.R. 4156: Mr. HINOJOSA.
H.R. 4203: Ms. GRANGER and Mr. BLUMENAUER.
H.R. 4232: Mr. GREEN of Texas, Mr. HENSARLING, and Mr. CARTER.
H.R. 4233: Mr. ABERCROMBIE.
H.R. 4242: Mr. RENZI.
H.R. 4250: Mr. ETHERIDGE, Ms. WOOLSEY, Mr. FROST, Mr. JACKSON of Illinois, Mr. DOGGETT, and Mr. LANTOS.
H.R. 4257: Mr. STUPAK, Mr. CHANDLER, and Mr. HASTINGS of Washington.
H.R. 4284: Mr. BRADLEY of New Hampshire.
H.R. 4288: Mrs. LOWEY.
H.R. 4290: Mr. SERRANO.
H.R. 4305: Mr. FOLEY, Mr. LUCAS of Kentucky, and Mr. MEEKS of New York.
H.R. 4306: Mr. SMITH of Texas.
H.R. 4307: Mr. KINGSTON and Mr. PITTS.
H.R. 4345: Mr. BRADLEY of New Hampshire.
H.R. 4347: Mr. WEXLER, Mr. COSTELLO, Ms. MCCARTHY of Missouri, Mr. WELLER, and Mr. CRANE.
H.R. 4348: Mr. HASTINGS of Florida and Mr. FARR.
H.R. 4354: Mr. GUTIERREZ.
H.R. 4363: Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. GILLMOR, Mr. GONZALEZ, Mr. COOPER, Mr. GREENWOOD, Mr. OSBORNE, Mr. WALDEN of Oregon, and Mr. NUNES.
H.R. 4367: Ms. BALDWIN and Mr. MCGOVERN.
H.R. 4376: Mrs. BIGGERT, Ms. GRANGER, and Ms. MILLENDER-MCDONALD.
H.R. 4377: Mr. ANDREWS.
H.R. 4379: Mr. OWENS.
H.R. 4383: Mr. BASS.
H.R. 4391: Mr. HOLT and Mr. FARR.
H.R. 4406: Mr. SMITH of Texas and Mr. DEAL of Georgia.
H.R. 4411: Mr. BRADY of Texas and Ms. ROS-LEHTINEN.
H.R. 4417: Mr. CASE.
H.R. 4437: Mr. KLECZKA, Mr. MCDERMOTT, Mr. BOUCHER, Ms. ESHOO, and Mr. GREEN of Texas.
H.R. 4440: Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. NORWOOD, Mr. MICA, Mr. GOODE, and Mr. FORBES.
H.R. 4445: Mr. MCDERMOTT, Mr. FARR, Mr. RODRIGUEZ, Ms. WATSON, Ms. CORRINE BROWN of Florida, and Mr. MEEK of Florida.
H.R. 4449: Ms. MILLENDER-MCDONALD, Mr. DOGGETT, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Mr. CONYERS, and Ms. JACKSON-LEE of Texas.
H.R. 4457: Ms. LEE.
H.R. 4469: Mr. SOUDER and Mr. OWENS.
H.R. 4471: Ms. WATERS.
H. Con. Res. 111: Mr. PRICE of North Carolina.
H. Con. Res. 314: Mr. VAN HOLLEN.
H. Con. Res. 371: Mr. LUCAS of Kentucky.
H. Con. Res. 405: Mr. GORDON, Mr. SIMMONS, and Mr. CARTER.
H. Con. Res. 413: Ms. DEGETTE, Mr. DEUTSCH, Mrs. JO ANN DAVIS of Virginia, and Mrs. EMERSON.
H. Con. Res. 425: Mr. GERLACH, Mr. WEXLER, Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Florida, Mr. SHIMKUS, Mr. ACKERMAN, Mr. VAN HOLLEN, and Mr. GARRETT of New Jersey.
H. Con. Res. 427: Mr. SNYDER.
H. Con. Res. 435: Mr. LARSEN of Washington and Mr. ISRAEL.
H. Res. 21: Mr. ISRAEL and Mr. GONZALEZ.
H. Res. 466: Mrs. MCCARTHY of New York and Mr. CUMMINGS.
H. Res. 556: Mr. CARDIN.
H. Res. 632: Mr. FRANK of Massachusetts.
H. Res. 647: Mr. ISAKSON.
H. Res. 655: Mr. GEPHARDT, Mr. DEUTSCH, and Mr. MCCOTTER.

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. 3113: Mr. JACKSON of Illinois.