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House of Representatives

PRIVILEGED REPORT ON RESOLUTION DIRECTING SECRETARY OF STATE TO TRANSMIT DOCUMENTS RELATING TO TREATMENT OF PRISONERS AND DETAINEES IN IRAQ, AFGHANISTAN AND GUANTANAMO BAY

Ms. HARRIS, from the Committee on International Relations, submitted a privileged report (Rept. No. 108–631) on the resolution (H. Res. 699) directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, which was referred to the House Calendar and ordered to be printed.

PRIVILEGED REPORT ON RESOLUTION REQUESTING PRESIDENT TO TRANSMIT DOCUMENTS RELATING TO TREATMENT OF PRISONERS OR DETAINEES IN IRAQ, AFGHANISTAN OR GUANTANAMO BAY

Mr. HUNTER, from the Committee on Armed Services, submitted a privileged report (Rept. No. 108–632) on the resolution (H. Res. 689) of inquiry requesting the President and directing certain other Federal officials to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the treatment of prisoners or detainees in Iraq, Afghanistan, or Guantanamo Bay, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 5 P.M., AUGUST 27, 2004, TO FILE REPORT ON H.R. 3551, SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT ACT OF 2004

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Science may have until August 27, 2004, at 5 p.m. to file the following report: H.R. 3551, Surface Transportation Research and Development Act of 2004.

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

There was no objection.

UNITED STATES-MOROCCO FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 738, I call up the bill (H.R. 4842) to implement the United States-Morocco Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4842 is as follows:

H.R. 4842

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States-Morocco Free Trade Agreement Implementation Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Enforcement relating to trade in textile and apparel goods.
Sec. 205. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Business confidential information.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Morocco entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Morocco for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

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SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States-Morocco Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(3) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Morocco Free Trade Agreement entered into on June 15, 2004, with Morocco and submitted to Congress on July 15, 2004; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on July 15, 2004.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Morocco has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Morocco providing for the entry into force, on or after January 1, 2005, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2004 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.15.1(a)(i)(C) or article 10.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 4.1, 4.3.9, 4.3.10, 4.3.11, 4.3.13, 4.3.14, and 4.3.15, and Annex IV of the Agreement.

(2) EFFECT ON MOROCCAN GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall terminate the designation of Morocco as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date of entry into force of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Morocco regarding the staging of any duty treatment set forth in Annex IV of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Morocco provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Tariff Schedule of the United States

to Annex IV of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL SAFEGUARD GOOD.—The term ''agricultural safeguard good'' means a good—

(A) that qualifies as an originating good under section 203;

(B) that is included in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement; and

(C) for which a claim for preferential treatment under the Agreement has been made.

(2) APPLICABLE NTR (MFN) RATE OF DUTY.—The term ''applicable NTR (MFN) rate of duty'' means, with respect to an agricultural safeguard good, a rate of duty that is the lesser of—

(A) the column 1 general rate of duty that would have been imposed under the HTS on the same agricultural safeguard good entered, without a claim for preferential tariff treatment, on the date on which the additional duty is imposed under subsection (b); or

(B) the column 1 general rate of duty that would have been imposed under the HTS on the same agricultural safeguard good entered, without a claim for preferential tariff treatment, on December 31, 2004.

(3) F.O.B.—The term ''F.O.B.'' means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

(4) SCHEDULE RATE OF DUTY.—The term ''schedule rate of duty'' means, with respect to an agricultural safeguard good, the rate of duty for that good set out in the Tariff Schedule of the United States to Annex IV of the Agreement.

(5) TRIGGER PRICE.—The ''trigger price'' for a good means the trigger price indicated for that good in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement or any amendment thereto.

(6) UNIT IMPORT PRICE.—The ''unit import price'' of a good means the price of the good determined on the basis of the F.O.B. import price of the good, expressed in either dollars per kilogram or dollars per liter, whichever unit of measure is indicated for the good in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement.

(b) ADDITIONAL DUTIES ON AGRICULTURAL SAFEGUARD GOODS.—

(1) ADDITIONAL DUTIES.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to paragraphs (3), (4), (5), and (6) of this subsection, the Secretary of the Treasury shall assess a duty on an agricultural safeguard good, in the amount determined under paragraph (2), if the Secretary determines that the unit import price of the good when it enters the United States is less than the trigger price for that good.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty assessed under this subsection on an agricultural safeguard good shall be an amount determined in accordance with the following table:

If the excess of the trigger price over the unit import price is:.	**The additional duty is an amount equal to:**
Not more than 10 percent of the trigger price.	0.
More than 10 percent but not more than 40 percent of the trigger price.	30 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.
More than 40 percent but not more than 60 percent of the trigger price.	50 percent of such excess.
More than 60 percent but not more than 75 percent of the trigger price.	70 percent of such excess.
More than 75 percent of the trigger price.	100 percent of such excess.

(3) EXCEPTIONS.—No additional duty shall be assessed on a good under this subsection if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(4) TERMINATION.—The assessment of an additional duty on a good under this subsection shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Tariff Schedule of the United States to Annex IV of the Agreement.

(5) TARIFF-RATE QUOTAS.—If an agricultural safeguard good is subject to a tariff-rate quota under the Agreement, any additional duty assessed under this subsection shall be applied only to over-quota imports of the good.

(6) NOTICE.—Not later than 60 days after the date on which the Secretary of the Treasury assesses an additional duty on a good under this subsection, the Secretary shall notify the Government of Morocco in writing of such action and shall provide to the Government of Morocco data supporting the assessment of additional duties.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a heading or sub-heading, such reference shall be a reference to a heading or subheading of the HTS.

(b) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, a good is an originating good if—

(A) the good is imported directly—

(i) from the territory of Morocco into the territory of the United States; or

(ii) from the territory of the United States into the territory of Morocco; and

(B)(i) the good is a good wholly the growth, product, or manufacture of Morocco or the United States, or both;

(ii) the good (other than a good to which clause (iii) applies) is a new or different article of commerce that has been grown, produced, or manufactured in Morocco, the United States, or both, and meets the requirements of paragraph (2); or

(iii)(I) the good is a good covered by Annex 4–A or 5–A of the Agreement;

(II)(aa) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in such Annex as a result of production occurring entirely in the territory of Morocco or the United States, or both; or

(bb) the good otherwise satisfies the requirements specified in such Annex; and

(III) the good satisfies all other applicable requirements of this section.

(2) REQUIREMENTS.—A good described in paragraph (1)(B)(ii) is an originating good only if the sum of—

(A) the value of each material produced in the territory of Morocco or the United States, or both, and

(B) the direct costs of processing operations performed in the territory of Morocco or the United States, or both,

is not less than 35 percent of the appraised value of the good at the time the good is entered into the territory of the United States.

(c) CUMULATION.—

(1) ORIGINATING GOOD OR MATERIAL INCORPORATED INTO GOODS OF OTHER COUNTRY.—An originating good or a material produced in the territory of Morocco or the United States, or both, that is incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PROCEDURES.—A good that is grown, produced, or manufactured in the territory of Morocco or the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the value of a material produced in the territory of Morocco or the United States, or both, includes the following:

(A) The price actually paid or payable for the material by the producer of such good.

(B) The freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant, if such costs are not included in the price referred to in subparagraph (A).

(C) The cost of waste or spoilage resulting from the use of the material in the growth, production, or manufacture of the good, less the value of recoverable scrap.

(D) Taxes or customs duties imposed on the material by Morocco, the United States, or both, if the taxes or customs duties are not remitted upon exportation from the territory of Morocco or the United States, as the case may be.

(2) EXCEPTION.—If the relationship between the producer of a good and the seller of a material influenced the price actually paid or payable for the material, or if there is no price actually paid or payable by the producer for the material, the value of the material produced in the territory of Morocco or the United States, or both, includes the following:

(A) All expenses incurred in the growth, production, or manufacture of the material, including general expenses.

(B) A reasonable amount for profit.

(C) Freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant.

(e) PACKAGING AND PACKING MATERIALS AND CONTAINERS FOR RETAIL SALE AND FOR SHIPMENT.—Packaging and packing materials and containers for retail sale and shipment shall be disregarded in determining whether a good qualifies as an originating good, except to the extent that the value of such packaging and packing materials and containers have been included in meeting the requirements set forth in subsection (b)(2).

(f) INDIRECT MATERIALS.—Indirect materials shall be disregarded in determining whether a good qualifies as an originating good, except that the cost of such indirect materials may be included in meeting the requirements set forth in subsection (b)(2).

(g) TRANSIT AND TRANSSHIPMENT.—A good shall not be considered to meet the requirement of subsection (b)(1)(A) if, after exportation from the territory of Morocco or the United States, the good undergoes production, manufacturing, or any other operation outside the territory of Morocco or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of the United States or Morocco.

(h) TEXTILE AND APPAREL GOODS.—

(1) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 4–A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Morocco or the United States.

(C) YARN, FABRIC, OR GROUP OF FIBERS.—For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the yarn, fabric, or group of fibers.

(2) GOODS PUT UP IN SETS FOR RETAIL SALE.—Notwithstanding the rules set forth in Annex 4–A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(i) DEFINITIONS.—In this section:

(1) DIRECT COSTS OF PROCESSING OPERATIONS.—

(A) IN GENERAL.—The term ''direct costs of processing operations'', with respect to a good, includes, to the extent they are includable in the appraised value of the good when imported into Morocco or the United States, as the case may be, the following:

(i) All actual labor costs involved in the growth, production, or manufacture of the good, including fringe benefits, on-the-job training, and the costs of engineering, supervisory, quality control, and similar personnel.

(ii) Tools, dies, molds, and other indirect materials, and depreciation on machinery and equipment that are allocable to the good.

(iii) Research, development, design, engineering, and blueprint costs, to the extent that they are allocable to the good.

(iv) Costs of inspecting and testing the good.

(v) Costs of packaging the good for export to the territory of the other country.

(B) EXCEPTIONS.—The term ''direct costs of processing operations'' does not include costs that are not directly attributable to a good or are not costs of growth, production, or manufacture of the good, such as—

(i) profit; and

(ii) general expenses of doing business that are either not allocable to the good or are not related to the growth, production, or manufacture of the good, such as administrative salaries, casualty and liability insurance, advertising, and sales staff salaries, commissions, or expenses.

(2) GOOD.—The term ''good'' means any merchandise, product, article, or material.

(3) GOOD WHOLLY THE GROWTH, PRODUCT, OR MANUFACTURE OF MOROCCO, THE UNITED STATES, OR BOTH.—The term ''good wholly the growth, product, or manufacture of Morocco, the United States, or both'' means—

(A) a mineral good extracted in the territory of Morocco or the United States, or both;

(B) a vegetable good, as such a good is provided for in the HTS, harvested in the territory of Morocco or the United States, or both;

(C) a live animal born and raised in the territory of Morocco or the United States, or both;

(D) a good obtained from live animals raised in the territory of Morocco or the United States, or both;

(E) a good obtained from hunting, trapping, or fishing in the territory of Morocco or the United States, or both;

(F) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Morocco or the United States and flying the flag of that country;

(G) a good produced from goods referred to in subparagraph (F) on board factory ships registered or recorded with Morocco or the United States and flying the flag of that country;

(H) a good taken by Morocco or the United States or a person of Morocco or the United States from the seabed or beneath the seabed outside territorial waters, if Morocco or the United States has rights to exploit such seabed;

(I) a good taken from outer space, if such good is obtained by Morocco or the United States or a person of Morocco or the United States and not processed in the territory of a country other than Morocco or the United States;

(J) waste and scrap derived from—

(i) production or manufacture in the territory of Morocco or the United States, or both; or

(ii) used goods collected in the territory of Morocco or the United States, or both, if such goods are fit only for the recovery of raw materials;

(K) a recovered good derived in the territory of Morocco or the United States from used goods and utilized in the territory of that country in the production of remanufactured goods; and

(L) a good produced in the territory of Morocco or the United States, or both, exclusively—

(i) from goods referred to in subparagraphs (A) through (J), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(4) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the growth, production, manufacture, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the growth, production, or manufacture of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment and buildings;

(D) lubricants, greases, compounding materials, and other materials used in the growth, production, or manufacture of a good or used to operate equipment and buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the growth, production, or manufacture of the good can reasonably be demonstrated to be a part of that growth, production, or manufacture.

(5) MATERIAL.—The term ''material'' means a good, including a part or ingredient, that is used in the growth, production, or manufacture of another good that is a new or different article of commerce that has been grown, produced, or manufactured in Morocco, the United States, or both.

(6) MATERIAL PRODUCED IN THE TERRITORY OF MOROCCO OR THE UNITED STATES, OR BOTH.—The term ''material produced in the territory of Morocco or the United States, or both'' means a good that is either wholly the growth, product, or manufacture of Morocco, the United States, or both, or a new or different article of commerce that has been grown, produced, or manufactured in the territory of Morocco or the United States, or both.

(7) NEW OR DIFFERENT ARTICLE OF COMMERCE.—

(A) IN GENERAL.—The term ''new or different article of commerce'' means, except as provided in subparagraph (B), a good that—

(i) has been substantially transformed from a good or material that is not wholly the growth, product, or manufacture of Morocco, the United States, or both; and

(ii) has a new name, character, or use distinct from the good or material from which it was transformed.

(B) EXCEPTION.—A good shall not be considered a new or different article of commerce by virtue of having undergone simple combining or packaging operations, or mere dilution with water or another substance that does not materially alter the characteristics of the good.

(8) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that result from—

(A) the complete disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing of those parts that is necessary for improvement to sound working condition.

(9) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good that is assembled in the territory of Morocco or the United States and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to, and meets similar performance standards as, a like good that is new; and

(C) enjoys a factory warranty similar to that of a like good that is new.

(10) SIMPLE COMBINING OR PACKAGING OPERATIONS.—The term ''simple combining or packaging operations'' means operations such as adding batteries to electronic devices, fitting together a small number of components by bolting, gluing, or soldering, or packing or repacking components together.

(11) SUBSTANTIALLY TRANSFORMED.—The term ''substantially transformed'' means, with respect to a good or material, changed as the result of a manufacturing or processing operation so that—

(A)(i) the good or material is converted from a good that has multiple uses into a good or material that has limited uses;

(ii) the physical properties of the good or material are changed to a significant extent; or

(iii) the operation undergone by the good or material is complex by reason of the number of processes and materials involved and the time and level of skill required to perform those processes; and

(B) the good or material loses its separate identity in the manufacturing or processing operation.

(j) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4–A and Annex 5–A of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Morocco pursuant to article 4.3.6 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

SEC. 204. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Morocco to conduct a verification pursuant to article 4.4 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in Morocco is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203 of this Act, or

(ii) is a good of Morocco,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such goods; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 205. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (i) of section 203;

(2) amendments to existing law made by the subsections referred to in paragraph (1); and

(3) proclamations issued under section 203(j).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) MOROCCAN ARTICLE.—The term ''Moroccan article'' means an article that qualifies as an originating good under section 203(b) of this Act or receives preferential tariff treatment under paragraphs 9 through 15 of article 4.3 of the Agreement.

(2) MOROCCAN TEXTILE OR APPAREL ARTICLE.—The term ''Moroccan textile or apparel article'' means an article that—

(A) is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) is a Moroccan article.

(3) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Moroccan article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Moroccan article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(4) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Moroccan article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Moroccan article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930) (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required

under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief (including provisional relief) that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex IV of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(C) In the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the immediately preceding corresponding season; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization of such relief at regular intervals during the period in which the relief is in effect.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—(i) Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 5 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that—

(1) is subject to an assessment of additional duty under section 202(b); or

(2) has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle with respect to a good after the date that is 5 years after the date on which duty-free treatment must be provided by the United States to that good pursuant to Annex IV of the Agreement.

(b) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of a Moroccan article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Morocco has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Morocco Free Trade Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Moroccan textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this

subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 2 years, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 5 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) the article has been subject to import relief under this subtitle after the date on which the Agreement enters into force; or

(2) the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which is submitted in a proceeding under this subtitle and which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party also shall submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

The SPEAKER pro tempore. Pursuant to House Resolution 738, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 1 hour.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

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

Mr. THOMAS. Mr. Speaker, it is with great pleasure that I rise today in strong support of H.R. 4842, which will implement the United States-Moroccan Free Trade Agreement. This Free Trade Agreement is comprehensive, it is solid, and it will benefit American workers across the spectrum, including farmers, consumers, businesses, and therefore the United States economy.

Morocco has been since the inception of this country and is today an important strategic partner of the United States. This agreement will enhance and in fact solidify our economic relationship. Not only will this agreement advance our relationship with Morocco, but it serves as a cornerstone to assist the President's broader initiative to create a Middle East free trade area by the year 2013.

The United States has entered into additional agreements, Morocco, Bahrain. We have entered into trade and investment framework agreements with Kuwait, Yemen, Qatar, the United Arab Emirates, Oman, and Saudi Arabia. Many of these countries have expressed interest in moving forward and negotiating a free trade agreement similar to the Moroccan agreement.

Mr. Speaker, this is a long overdue day, but it has arrived, and I am pleased to say that the Senate has already acted on this legislation, and when the House concludes its business on this bill it will be sent to the President for his signature, and this is a marvelous way to end this portion of the 108th Congress.

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

Mr. RANGEL. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. BROWN) and ask unanimous consent that he be allowed to yield time as he sees fit.

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

There was no objection.

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

First, I would like the record to remain clear that in my opinion the gentleman from California stole the election in Florida, and I just want to get that out of the way.

But having said that, I think that this agreement that we reach today gives us an opportunity to see what we could be doing, especially as it relates to international treaty agreements, if we attempt to work together.

The government of Morocco has been friendly to the United States for years, and it is a developing country that has strived to have a relationship between organized labor and to work to improve the quality of life for its workers.

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We Democrats truly believe that we should have a bipartisan approach to these types of issues and that there are certain principles we think should be in all trade agreements, and that is that you protect American jobs and that you provide for basic international labor standards in these agreements, and you do no harm.

There are certain provisions here that deal with intellectual rights that we really approve of, but we also believe that we should never allow ourselves to deprive people of medicine that they may need for their health and, indeed, for their life.

The gentleman from Michigan (Mr. LEVIN) has worked very, very hard to make certain that we on the Democratic side do not unilaterally just say out of hand that if we do not find the language we want that we will not be supporting the bill. Indeed, we are more concerned with having language that all civilized and industrialized countries would want to have as a standard that can be reached with the United States on international health.

Mr. Speaker, because of that, I ask unanimous consent to yield the balance of my time to the gentleman from Michigan (Mr. LEVIN), the distinguished senior member of the Subcommittee on Trade, and that he be allowed to yield time as he sees fit.

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

There was no objection.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade.

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

Mr. Speaker, I am quite pleased that the United States and the Kingdom of Morocco have reached agreement on a bilateral free trade agreement. Morocco has long been a key ally in the Middle East. As many have noted, Morocco was the first country to recognize our sovereignty; and in 1786 we signed the U.S.-Morocco treaty of peace and friendship, which remains the longest unbroken treaty in our Nation's history.

Once implemented, this treaty agreement will be the second of its kind between the U.S. and a moderate Muslim ally, following our trade agreement with the Kingdom of Jordan.

This is an important strategic agreement. While we have had a long-standing diplomatic relationship with Morocco, the U.S.-Morocco FTA cements the economic relationship between our countries. Two-way trade between the U.S. and Morocco is significant, at nearly $1 billion per year. The United States exported over $465 million to Morocco last year, with a trade surplus of over $79 million.

This FTA will eliminate trade barriers, lower tariffs, and provide increased market access for U.S. companies. By knocking down trade barriers in Morocco and in the rest of the world, we can help support even more American jobs. In fact, the International Trade Commission estimates that trade between our countries should double once this agreement is implemented.

This is a strong agreement for all sectors of the U.S. economy. Under its terms, over 95 percent of U.S. exports of consumer and industrial goods to Morocco will become duty free immediately. This follows the high standards set by recently passed trade agreements with Singapore, Chile, and Australia. This is important for U.S. manufacturers.

This is also a strong agreement for the services sector of our economy, whether it be telecommunications, e-commerce for digital commerce, or new opportunities for U.S. financial institutions. The agreement also contains state-of-the-art intellectual property provisions, including commitments in trademarks, copyrights and patents, as well as tough penalties for piracy and counterfeiting. Taken together, these provisions continue a trade policy that best helps U.S. business compete in a global marketplace.

Mr. Speaker, the Farm Bureau strongly supports this agreement, which covers all agricultural products, because for every $1 in increased imports from Morocco, U.S. farmers can expect $10 in increased exports to Morocco. In 2003, the United States had a trade surplus in agricultural products with Morocco of about $82 million, with exports of over $152 million. The Farm Bureau estimates that this agreement could increase U.S. agricultural exports to over $450 million by 2015, tripling our current exports. Furthermore, because Morocco's agreement with the European Union does not include agriculture, this FTA should give American farmers a competitive advantage over our EU counterparts.

Some have questioned whether labor laws in Morocco are adequate. To that end, I would like to point out that the U.S.-Morocco FTA, like all of our trade agreements, requires Morocco to enforce domestic labor laws in accordance with the bipartisan guidance provided by the Congress in Trade Promotion Authority.

Furthermore, in anticipation of a U.S.-Morocco FTA, the Moroccan government, business community, and labor force, working together in a tripartite manner, found consensus in passing a comprehensive new labor law earlier this year that is consistent with ILO standards. Accordingly, the agreement language creating an obligation to effectively enforce one's laws is, in essence, the same as an enforceable ILO standard in this agreement. I, for one, applaud Morocco for its efforts in overhauling its labor laws in anticipation of completing this important trade agreement.

Some on the other side, including the Subcommittee on Trade ranking member, the gentleman from Michigan (Mr. LEVIN), and the Committee on Ways and Means ranking member, the gentleman from New York (Mr. RANGEL), have raised thoughtful questions with regard to various provisions contained in this agreement. I think we have worked well together to address these concerns, and I am pleased that we have their support. While we may continue to disagree on certain issues, there is a lot of common ground from which to work, and I look forward to continuing to work with them to pass important trade agreements.

Unfortunately, I am sure that a small group on the other side who do oppose free trade may come to the House floor today and argue that this agreement is inadequate in certain respects.

I would ask my colleagues to not be fooled by this rhetoric, which we hear every time when we contemplate trade agreements. We heard it last week during debate on our Australian Free Trade Agreement, a country with which we have a $9 billion trade surplus; we heard it during debate 1 year ago regarding Chile and Singapore; and I am sure we will hear it today with regard to Morocco, a country with which we have a trade surplus.

Please do not be fooled. This discomfort has less to do with the provisions of this agreement than it does their dislike of free trade generally.

Mr. Speaker, the vast majority of Members on both sides of the aisle think differently. The American people know that millions of American jobs are dependent upon free trade. U.S. products exported to Morocco currently face an average tariff of more than 20 percent. This FTA will give American businesses exporting to Morocco a leg up to compete as they compete with the European Union. That means better, higher-paying jobs here at home. Perhaps that is why the U.S.-Morocco FTA passed the Committee on Ways and Means by a 26 to 0 vote on Tuesday and passed the Senate by an overwhelming vote of 85 to 13 yesterday. I look forward to another strong, bipartisan vote today.

Mr. Speaker, I would like to emphasize my strong support for this agreement and my appreciation to the administration and Members on both sides of the aisle for their efforts in completing it.

Mr. THOMAS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. CRANE) and ask unanimous consent that he control the time.

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

There was no objection.

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

Mr. Speaker, while the Jordan Free Trade Agreement passed in the last year of the Clinton administration represented a step forward in free trade policy, recent free trade agreements provide a template to purposely and purposefully circumvent labor and environmental laws.

To make matters worse, USTR and its pharmaceutical allies are now including language in each trade agreement in front of this body to ban reimportation in all agreements they negotiate. The Morocco Free Trade Agreement is the latest example of this trade, we call it, devolution.

Last week we voted on the U.S.-Australia FTA. While Australian workers, to be sure, enjoy the benefits of good labor laws and the enforcement of those laws, the precedent was the same. Labor and environmental protections were given short shrift in the core text of the agreement, while USTR focused on ensuring the gold standard for the pharmaceutical industry.

It is almost as if the U.S. Government dispatched the USTR again to protect the big drug companies in this country. It is no surprise, with the rest of the record in this body and in this administration in protecting the drug companies on every single issue possible.

But Morocco is not Australia, and I have significant concerns about labor and working conditions there. Like Singapore and Chile, the labor provisions in the Morocco FTA are intentionally unenforceable. Violations of core labor standards cannot be taken to dispute resolution. The commitment to enforce domestic labor laws is subject to remedies weaker than those available for commercial disputes. Again, the commercial part of the agreement is always better, if you will, than the labor part of the agreement, because of this body's and this administration's low regard for worker rights.

This violates the negotiating objective of Fast Track that equivalent remedies should exist for all parts of the agreement.

Further, the ''enforce your own laws'' standard allows countries the opportunity to rewrite and weaken their labor laws to attract investment and seems to be a magnet for corporate interests all over the world to lobby those legislatures and those congresses and parliaments to weaken their own labor law, because they are not international labor organization standards.

Today we will vote on the U.S.-Morocco Free Trade Agreement containing the same flawed policies on labor and on the environment and on reimportation. The same provisions in Morocco are in the Central America Free Trade Agreement. This agreement does not look much different from CAFTA. So for those of you, and I think it is pretty clear a majority of the Bush administration would have brought that agreement up this summer, those of you voting ''no'' on CAFTA, you are really voting for a pretty similar agreement on Morocco.

Every free trade template brought before this House is, as Yogi Berra used to say, like deja vu all over again.

First, the Medicare bill passed this year specifically prohibited the U.S. Government from negotiating lower drug prices for America's seniors and consumers. That was one this Congress and this Bush administration gave to the drug industry. Then the pharmaceutical industry punished American consumers by restricting the volume of drug inventories in Canada to prevent importation to the U.S. Then the U.S. Trade Representative and the administration included language in the Australia Free Trade Agreement that enables pharmaceutical companies to prevent prescription drug reimportation to the detriment of American consumers. Again, another bouquet from this Congress and the Bush administration to the drug industry.

I do not think the connection is anything but obvious when you look at the amount of money the drug industry has given to the Republican Party, given to Republican leadership, and given to President Bush.

Now similar provisions contained in last year's Singapore FTA and in the upcoming CAFTA are in the Morocco FTA bill that will be voted on. Though Morocco is not on the list of countries today covered by pending drug legislation, the importation provisions in this FTA prove this is a precedent, it was in Australia, now it is in this, that the USTR plans to extends this to all future trade agreements.

There is broad support in this House, there is even broader support among seniors and among consumers, because they are not getting campaign contributions from the drug industry, for lowering drug prices and for allowing Americans to purchase safe, affordable drugs from other developed nations.

I urge my colleagues to oppose the administration's back-door effort again to close drug reimportation through trade negotiations. It is important to overcome attempts by free trade proponents to reduce this debate to a choice between free trade and no trade, and frame the discussion around priorities affected by irresponsible trade policy, labor protections, the environment, and affordable pharmaceutical access for all nations.

This is not a debate on whether one supports trade; this is a debate on whether one supports responsible trade. I urge my colleagues to oppose this irresponsible trade agreement.

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

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

Mr. Speaker, concerns about the consistency of any future drug reimportation provisions with this free trade agreement are hypothetical. The agreement has no force under U.S. law except to the extent that Congress passes an implementing bill to change U.S. law.

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Thus, even if Congress changes U.S. law and the new law were somehow inconsistent with the agreement, that new law would trump the agreement. The agreement cannot prevent Congress from allowing drug reimportation.

The drug reimportation debate in Congress has focused on changes to the Federal Food, Drug and Cosmetic Act that would be necessary to allow drug reimportation, such as changing its provision that only the original manufacturer may reimport a drug. There is nothing in the Morocco FTA or the implementing bill that addresses the Federal Food, Drug and Cosmetic Act for this requirement.

Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in strong support of the United States-Morocco Free Trade Agreement pending before us here in this Chamber today.

This agreement will provide 95 percent of consumer and industrial products in bilateral trade become duty-free immediately upon entering into this important, historic agreement.

The chairman has already indicated that the Senate has passed this bill and it will go right from this Chamber to the President's desk for signature.

I strongly concur with Ambassador Bob Zoellick when he stated, ''Our agreement with Morocco is not just a single announcement, but a vital step in creating a mosaic of United States free trade agreements across the Middle East and North Africa.''

This agreement sends a strong message to this particular region of the world. This agreement enables fair and free trade between long-standing allies. In fact, Morocco and the United States signed a Treaty of Peace and Friendship in 1786. The Kingdom has continuously provided military and diplomatic support for United States foreign operations, and this partnership is solid and it is respected.

I congratulate President Bush and his Majesty, King Mohammed VI, on this historic Free Trade Agreement.

I would like to point out to the gentleman on the other side of the aisle that was speaking about prescription drugs and associate myself with the remarks of the chairman concerning this matter, this House has passed now on two occasions a bill that said that if the Food and Drug Administration can certify that drugs from various countries, namely Canada, are what they are and they are pure and they are not counterfeit, that they can be imported. Under the Clinton administration they said they could not certify that. Under the Bush administration they said they cannot certify that. I think clearly we are going in that direction, but that has absolutely nothing to do with the bill that is before us.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, this trade agreement that we are considering today contains provisions that essentially mimic the Digital Millennium Copyright Act, a law that is currently being litigated and whose scope is as yet unclear. The DMCA, while intended to protect the interests of copyright holders, may also endanger the rights and expectations of consumers.

There is substantial reason to believe that the DMCA is having an adverse impact on technological innovation. There are a lot of cases on appeal, and I think ultimately this body is going to have to sort through the DMCA so that we do not kill and stifle technological innovation.

The FCC is now based on the DMCA, asserting the right to preapprove every product that moves data in the United States. It sounds a little bit like the old Stalinist regime. I think we are going to have to revisit that, and I am concerned about the provisions in this act.

However, I have been reassured by the Trade Representative as well as the Secretary of Commerce that the insertion of this provision in these types of trade agreements will not prevent the Congress from doing what ultimately we are going to have to do, which is to stop the technological stranglehold that we have placed on that sector of the economy, such as TiVo that we read about today, which the FCC is now asserting that they get to decide what TiVo gets to innovate.

So based on those representations, I am going to certainly vote for this agreement today. Certainly, my district in the heart of the Silicon Valley needs to export, especially at a time when 35 percent of the households say someone in their home has been out of work for more than 3 months since January of 2001, when Mr. Bush became President.

At the same time, I call on Congress to show some leadership to the rest of the world by amending the DMCA to make sure that we protect the rights of copyright holders, but that we also do not stifle innovation.

Mr. Speaker, I will insert into the RECORD the letters from the Trade Representative, the Secretary of Commerce, and an article I have written on this subject.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, June 17, 2003.

Hon. ZOE LOFGREN,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN LOFGREN: Thank you for your recent letter regarding the Singapore and Chile Free Trade Agreements, specifically the provisions that reflect the U.S. Digital Millennium Copyright Act (DMCA). I am pleased that my staff had the opportunity to brief you on our FTA negotiations, including on the provisions that address copyright protection in the digital age. I would like to address your remaining concerns.

In the Trade Act of 2002, Congress mandated that we seek provisions that reflect a standard of protection similar to that found in U.S. law and that provide strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property. To that end, we have included provisions in our FTAs that reflect the historic and precedent setting standards for intellectual property protection set forth in the DMCA. We firmly believe that this legislation is evidence of Congressional leadership internationally and should be a model for how governments strike the correct balance between copyright holders and the interests of society in the digital age.

Our FTA provisions that reflect the DMCA were developed in close consultation with the same major domestic stakeholders that worked with Congress to forge the balance in the DMCA. As you may be aware, these groups have recently reiterated their support for our FTAs to Members of Congress and to me. While reflecting the balance in the DMCA, our FTA provisions merely distill the key principles of U.S. legislation; they do not replicate every detail. This is the approach we take throughout the text of the Agreement when reflecting U.S. standards. We take this approach, in part, because we recognize and support, as with all provisions of U.S. law, the Congressional prerogative to adopt further amendments as may be deemed appropriate in the future.

I fully understand that the DMCA has stimulated a vigorous debate in America as well as in Congress and that there are legislative proposals to amend the DMCA to address what may be unintended consequences arising from its implementation. Although at this time there does not appear to be widespread support in Congress, or the national community at large, for substantially revising the existing, fundamental balance struck by the DMCA, we are quite confident that our FTA provisions are sufficiently broad to encompass amendments that Congress may adopt in the future that remain within the overall balance struck in the DMCA. Moreover, the DMCA itself provides for a periodic administrative rule-making procedure to review the effect of the DMCA on users' ability to make certain non-infringing uses and to create additional exemptions to allow for such uses—a carve-out echoed in the FTA provisions.

As I believe my staff clarified during their briefing, we have not had the opportunity to examine H.R. 1066 and H.R. 107 in detail and have not opined on the extent to which these proposals are consistent with our FTAs. What my staff did indicate, which I want to reiterate here, is that the Administration has sought to reflect faithfully a standard of protection for intellectual property similar to that contained in U.S. law as instructed by Congress, but in no way to require a change in U.S. law. Legislative proposals that do not fundamentally alter the existing overall balance struck in U.S. law, and that comply with all existing international obligations regarding intellectual property, will also comply with our FTAs.

I hope this information is helpful to you.

Sincerely,

ROBERT B. ZOELLICK.

THE SECRETARY OF COMMERCE,
Washington, DC, June 5, 2003.

Hon. ZOE LOFGREN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LOFGREN: Thank you for your letter expressing your concerns regarding the Singapore and Chile Free Trade Agreements (FTAs). One of the important negotiating objectives of these agreements was to encourage our trading partners to provide for strong protection and enforcement of intellectual property rights, which is especially important in the modern digital trade environment.

Although many of our trading partners already belong to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, the World Intellectual Property Organization (WIPO) Copyright Treaty, and the WIPO Performances and Phonograms Treaty, FTAs build on that foundation. The Singapore and Chile FTAs will ensure that authors and owners of copyrighted works made available in digital form receive commensurate protection, thereby strengthening trade relations with these countries. They also provide a framework of certainty around which companies can begin to build legitimate businesses for the enjoyment of creative works.

I also would like to take the opportunity to respond to specific issues raised in your letter. You expressed concern that the incorporation of provisions based on the Digital Millennium copyright Act (DMCA) in the Singapore and Chile FTAs may have an adverse impact on technological innovation. I believe, however, that strong protection and enforcement of intellectual property rights in FTAs facilitate the expansion of trade and investment in digital technologies and products, thereby advancing the interests of all parties to the FTAs.

You also expressed concern about the balance of interests reflected in both the DMCA and the Singapore and Chile FTAs. As you are aware, in enacting the DMCA, Congress worked hard to achieve a balance among the various groups with interests in the legislation, including copyright owners, users, and Internet service providers, that also met the international obligations set forth in the WIPO treaties. That balance is reflected in the Singapore and Chile FTAs. If the Congress amends the DMCA in the future, the FTAs should then be reviewed for consistency with the amended DMCA.

I believe that the U.S. free trade agreements with Singapore and Chile are milestones in progress toward strong protection and enforcement of intellectual property rights protection for the digital age. I hope that my comments have helped you to decide in favor of supporting the Singapore and Chile FTAs.

If you have any further questions, please feel free to contact me or Brenda Becker, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482–3662.

Sincerely,

DONALD L. EVANS.

[From San Jose Mercury News, Nov. 17, 2003.]

FCC RULE COULD HARM TECH INNOVATION

(By Zoe Lofgren)

The Federal Communications Commission recently gave itself unprecedented powers to keep new television sets, digital video recorders, handheld devices, third-generation cell phones and even computers out of the hands of American consumers.

How? The FCC issued new rules on the so-called ''broadcast flag,'' a proposal first put forth by the Motion Picture Association of America purportedly to encourage broadcasters to offer more digital programming.

The broadcast flag is a single bit of data added to the digital television shows beamed out across the country. By itself, the bit does nothing. Instead, the meat of the new rule requires every future device capable of playing these shows to recognize the flag and include built-in technologies that prevent them from being pirated.

But here's the kicker. Under the new rules, the FCC gets to decide if a particular technology provides sufficient protection. If you're not on the FCC's pre-approved list, you can't sell your product.

So what does this mean to you and me? It could mean that future consumer electronics and computing products will never come to market. In our digital world, the FCC is not only targeting television sets. Computers, DVRs and handheld devices can handle flagged content. Indeed, any future device capable of handling digital content could potentially be covered.

Do we want the FCC wielding veto power over a new Apple computer, Palm handheld or Motorola cell phone? Of course not. This country's technological leadership is rooted in our ability to quickly adapt and innovate, words that are not often used to describe the federal government.

The FCC's plan sounds a little like the old Soviet Union. And we know how well centralized state control worked for them. That's why Congress never gave the FCC the power to dictate the design of new computers or consumer electronics devices.

In fact, in the Digital Millennium Copyright Act, Congress specifically disavowed such mandates. Apparently, the FCC never got the message. Instead, the FCC believes that its ancillary authority over broadcasting extends to every product that brushes up against digital television. To justify their absurd conclusion, the commissioners even argue that they have the authority to regulate these industries because Congress never said they couldn't.

The main problem with this or any other government mandate is that they are rooted in the present. It is impossible to predict where American ingenuity will take us. We should do everything we can to foster this ingenuity, not put up roadblocks that will only place our inventors at a competitive disadvantage.

The FCC's attempt to become the self-anointed gatekeeper to future innovation will undoubtedly benefit the small consortium of companies with approved technologies. But it will also diminish the incentive to bring new technologies to market, hurt consumers who have bought pre-flag devices, and set a dangerous precedent for government mandates on technology.

That's not to say that the broadcast flag proposal should not be discussed. If Congress, not the FCC, decides that the broadcast flag is necessary, then it should examine ways to implement the flag without stifling innovation and competition. For example, voluntary, non-proprietary standards that preserve interoperability could be set by international non-governmental bodies.

The real goal should not be to slow down innovation, but to find ways for broadcasters to get paid when they deserve payment.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), who is cochair of the Morocco Caucus.

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

Mr. Speaker, today we are considering landmark legislation to implement the U.S.-Morocco Free Trade Agreement, and delve deeper into the bonds of friendship with the Kingdom of Morocco. Just 4 days ago, we marked exactly 217 years of official relations with Morocco, the longest unbroken diplomatic relationship in the existence of the United States. While the furthering of our positive ties with Morocco is certainly an important goal, this FTA really stands on its own as a benefit to our economy.

The U.S.-Morocco Free Trade Agreement was negotiated over a period of a year and a half and, once implemented, will be truly a win-win for both of our countries. This is, in my view, an FTA which contains the best market access package of any FTA that has been negotiated with a developing country.

I believe it has the potential to serve as a model for future free trade agreements with developing countries, particularly because of tough provisions to enforce intellectual property rights. The Morocco Free Trade Agreement contains the most advanced intellectual property chapter in any FTA negotiated thus far. It contains language that not only commits Morocco to fight piracy, but to fight piracy on products that are potentially coming through as transshipment.

Morocco is a natural market for many American companies, and a Free Trade Agreement will bring both countries closer together for mutual benefit.

The International Trade Commission has also determined that U.S. exports to Morocco are likely to increase dramatically, by $740 million, while imports from Morocco are likely to increase by nearly $200 million after full implementation of the Free Trade Agreement.

The major reason for the anticipated increase in U.S. exports is due to the fact that on day one of this agreement, 95 percent of tariffs on industrial and consumer goods will be eliminated. Morocco has demonstrated consistently its commitment to being a fair and responsible trading partner. They have taken steps to guarantee the security of foreign investment in Morocco, and have enacted sweeping labor laws to protect their workers and to improve women's rights. These negotiations were a catalyst for Morocco moving forward with a modernizing labor code.

Moreover, workers in Morocco have the right to associate, collectively bargain, and to strike. The new labor law also improved worker safety, raised the minimum wage, and created additional safeguards on child labor, all core obligations of the U.S.-Morocco Free Trade Agreement, including labor and environmental provisions, which are subject to the dispute settlement provisions of the agreement, and the agreement includes strong enforcement mechanisms, including the ability to suspend trade concessions or establish monetary assessments.

This agreement deepens America's dialogue with the Middle East and North Africa, and builds upon the free trade agreements already reached with Israel and Jordan.

The U.S.-Morocco Free Trade Agreement, in my view, is an essential part of the puzzle in moving forward to strengthen our trade relationships with our trading partners, establish stronger, more enforceable trade agreements, and establish over time a level playing field in which American companies and American workers can thrive.

Mr. Speaker, I believe the passage of this FTA will be a significant achievement in moving toward a stronger trade policy for the United States, and on the strength of that, I urge all of my colleagues to join me in supporting this FTA.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank my friend from Ohio for yielding me this time.

Let me begin by saying I am prepared to yield time to any proponent of this bill who can tell me what the minimum wage is in Morocco. I heard that it has gone up. What is it, 20 cents an hour, 30 cents an hour? What is the minimum wage in Morocco?

I am prepared to yield time if anyone who is supporting this bill will tell me if Morocco is a democratic society. We heard about workers' rights. My understanding is that it is an hereditary monarchy where the legislature there could be abolished at any time by the King. Does anybody want to respond to that? I am waiting. I hear no response.

A few minutes ago, Mr. Speaker, we were told that gay marriage was going to destroy the fabric of American society. Well, I will tell my colleagues what is going to destroy the fabric of American society: pieces of legislation like this that are wiping out the middle class of this country, are lowering our standard of living, are making the gap between the rich and the poor grow wider.

I would yield again to my friends who are pushing this bill if they will tell me whether they agree with Thomas Donohue, the President of the U.S. Chamber of Commerce, who several weeks ago urged, urged American companies to outsource, urged American companies to throw our workers out on the street and go to China or Morocco.

Will any proponents of this legislation tell me that they disagree with Mr. Donohue? I yield time to anybody who says they disagree with Mr. Donohue, the chairman of the Chamber of Commerce. I do not hear it.

In other words, the proponents of this bill are telling us that they think it is a good idea that Americans workers are thrown out on the street, lose decent paying jobs, and are forced to compete in a race to the bottom against desperate people all over the world who are working for pennies an hour.

Mr. Speaker, what is happening in our society today is that while productivity increases, while technology expands, the reality is that the middle class is shrinking and the average American worker is working longer hours for lower wages. There are a lot of reasons for that, but certainly one of the reasons is that our working class, our middle class is being asked to compete against desperate people in Morocco, in China, all over this world. And American corporations are saying, why should I pay an American worker $10, $15 an hour, have unions, protect the environment, when I can go to Morocco, I can go to China, and big money interests in this country, with the help of the Republican leadership, is going to make it easier for me to go abroad.

What is happening to this economy is an outrage in terms of the needs of our kids. The U.S. Department of Labor has projected that 7 out of the 10 fastest-growing jobs in the next 10 years are going to pay low wages, require a high school degree, with minimal benefits. We are losing our manufacturing base. In the last 3 years, 2.7 million good-paying manufacturing jobs gone. Now they are taking our information technology jobs to India. Gone. And what is going to be left for our kids? Well, Wal-Mart is doing very well; Burger King is doing very well. Is that what we want for our kids? Why are we selling out the middle class of this country? Why are we allowing corporate America to go abroad?

Well, I would suggest that we should look at the campaign contributions that come in to this institution from corporate America. No, let us have trade that is fair, not this trade agreement.

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

The new Morocco labor law is a significant improvement over existing labor laws and regulations. The law raises the minimum employment age from 12 to 15 to combat child labor, reduces the work week from 48 to 44 hours with overtime rates payable for additional hours, and calls for a periodic review of the Moroccan minimum wage.

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Effective July 1, 2004, the minimum wage in Morocco will increase by 10 percent. Morocco did this to make itself a more attractive FTA partner.

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

Mr. BRADY of Texas. Mr. Speaker, I thank the chairman for yielding me the time and for his leadership on this issue.

I hope the American public was listening carefully to our friend and colleague from Vermont. What he said was what tears apart the fabric of America is to allow our farmers to sell more of their corn to Morocco. He made the point that our farmers who are trying to sell more corn to Morocco, because they buy a lot of it, our farmers who grow wheat and sell more of it will sell more of it to Morocco, that that is bad for America, that companies in Texas, from workers, from petro chemical plants, our computer manufacturing plants, our chemical plants, hard-working workers who are trying to build more products to sell overseas to Morocco, that this will tear apart the fabric of America.

I think it is just the opposite. The problem we have is that there are too many American-need-not-apply signs around this world. We are not able to

sell our products and our goods and our services across the world. American workers are the most productive. Our products are great. We need a chance to sell them to customers throughout the world, and what this agreement does is make sure that we are given a fair chance to sell the great products that we build.

In Texas we are the fourth largest exporting State to Morocco, $23 million of goods and services: ag products, petroleum products, chemical products, processed foods, computers and electronics. All made by Texas workers who want to sell their products overseas, but we are blocked. This agreement opens those markets for all workers, because that is their future, to sell more products to whoever can afford to do that.

And as Americans, we know that unless we open these markets, if we just agree to sell to ourselves, to allow Europe to sell to these markets, Asia to sell to these markets, South America to sell to these markets, our prosperity is in danger. This is a great agreement for American workers, and I strongly support it.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Passage of this agreement stands to greatly benefit the United States of America, which enjoys a consistent yearly trade surplus with Morocco, totaling over $1.5 billion from 1992 to 2003. This agreement is a high-standard, comprehensive one that will eliminate tariff and nontariff barriers to trade.

In fact, the agreement represents the best industrial and consumer goods market access package of any U.S. FTA with a developing nation. The agreement also levels the playing field for U.S. businesses, farmers, and workers vis-a-vis European competitors, who have for far too long enjoyed a competitive advantage over the United States suppliers of goods, services, and agricultural products. The agreement will also serve as a key building block toward the establishment of a broader Middle East free trade area.

Through this FTA, Morocco also sets an important example throughout the developing world of the benefits of trade liberalization and strategic importance of high-standard rules that should govern trade. In this respect, the FTA includes the best of intellectual property rights protections negotiated to date by the United States.

In addition, the Moroccan government has used the FTA negotiating process to strengthen its own laws, particularly with respect to the status of women and labor rights, two measures which distinguish Morocco from many of its Arab neighbors.

Finally, this FTA is historic. It is a historic milestone in the United States and Morocco bilateral relationship, which began well over 200 years ago, where Morocco was the first country to recognize the newly independent United States of America. Morocco today remains one of the United States' closest political allies in the war against terror and a steadfast friend in advancing peace in the Middle East.

And it is for these reasons I urge all of my colleagues to support the U.S.-Morocco Free Trade Agreement. This is a solid agreement that promotes our commercial interests and contains important provisions on agriculture, labor, and intellectual property.

Mr. CRANE. Mr. Speaker, let me first congratulate the former speaker for his presentation and what he had to say.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation. I thank the chairman for yielding me time.

There are a number of economic reasons why this FTA is very much in the national interest of the United States, but I want to focus a few comments on the diplomatic or foreign policy reasons. The FTA with Morocco is in our Nation's interest because it will begin to implement the President's vision for a U.S.-Middle East free trade area. I also believe it is important to support the economic reform that is going on in Morocco, a nation where Islam has deep roots and which occupies a leadership position in the Arab world.

As mentioned frequently here, American friendship in Morocco extends back to the beginning of our Republic. We have the longest-standing friendship treaty with that country of any in the world. The enactment of the FTA legislation with Morocco is a vitally important part of the process of boosting economic reform inside the Kingdom of Morocco. In addition, this FTA helps further link the Middle East into the global economic system and spur economic growth and investment. These closer commercial links with our key allies such as Morocco are critically important to the region of the world. And hear this: this legislation makes it less likely, less likely that jobs and businesses will move to Morocco, not more likely.

It is also vital to point out that Morocco has recently undertaken a diplomatic offensive designed to improve its relations with its neighbors to settle a 3-decade-old Saharan conflict. It is also stepping up its antiterrorism cooperation with the U.S. and with Algeria. And recently, it was designated as a major non-NATO ally. That should enable it to get the requisite assistance and cooperation to strengthen our regional and bilateral relationship.

Mr. Speaker, for economic or export reasons, there are three primary reasons why this is a good step for us. This FTA is in the best agriculture interest of the United States. Number two, the FTA will give us market access for businesses. And, three, it meets the labor and environmental standards set out in the Trade Promotion Act.

In the area of agriculture, it means, for example, that we are going to have an estimated triple increase in our exports to Morocco. In the area of industrial products, it is suggested that our greater market access will be very important. More than 95 percent of the bilateral trade industrial products will become duty-free immediately upon entry into force of this agreement. And in the third area, as I mentioned, it does meet the labor and environmental standards.

Moreover, Morocco recently passed a comprehensive new labor law that meets international labor organizational core labor standards, including right of workers to strike.

In conclusion, this is a very good step for the United States. It is very good for our bilateral relations, and I would say finally that the Mediterranean Group of the NATO Parliamentary Assembly, I happen to be the president, recently visited Morocco, and as a result of that visit, by unanimous action in the standing committee, we decided to upgrade Morocco from observer status to an associate member status because of the significant progress they are making in democracy in their parliament.

For all of these reasons, I urge strong support of the legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, here we go again contemplating the passage of another free trade agreement before we have done the basic reforms that we need to do to protect the American company, the American workers, the American community.

The truth is we need a moratorium on any further trade agreements until we reach a political consensus in this country about what those agreements are going to be like.

For example, there is such inconsistency in the decisions we make in this body. Are people aware that we cannot go visit Cuba as free American citizens? And the administration has just recently decided that those who live in this country with relatives in Cuba can only go there every 10 years to visit their loved ones. Why? Well, because Cuba is a communist country. Fidel Castro is an authoritarian dictator. And, yet, we are encouraging free trade with China. We want our citizens to travel to China. We want our companies to invest in China.

The last time I knew or heard, China was a communist country, it was authoritarian, it was a country that routinely violates human rights, puts those of religious faith in prison. Why the inconsistency? Why the inconsistency?

Now, my friends talk about how we are going to sell all of the wheat, agricultural products to Morocco. Those who like these free trade agreements enjoy talking about all of the products we are going to export. They never talk about all the products that are being flooded, poured into this country. Every day that passes, this country has a $1.5 billion trade deficit, every day, $1.5 billion.

I have here a copy of the economic report of the President. He submitted this and transmitted it to Congress in February of this year. His signature is on this economic report. I think that makes him responsible for what is inside it.

On page 25 of that report under a section titled ''International Trade and Finance'' are these words: ''When a good or a service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically.''

I read it again for those who may have thought they were unable to believe their ears. In the President's economic report to the Nation are these words: ''When a good or a service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically.''

I ask Mr. Don Evans, Secretary of Commerce, reported to be one of the President's closest personal friends, if he would give me a list of the products that cannot be produced at lower cost in another country, a country like China where they use slave labor, where they violate human rights. We need to wake up in this country. The American people need to demand that the President and those of us who serve in this Chamber put their needs first.

Mr. CRANE. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. PITTS) for the purpose of engaging in a colloquy.

Mr. PITTS. Mr. Speaker, I would like to thank the gentleman from California (Chairman THOMAS) as well for his leadership on the U.S.-Morocco Free Trade Agreement. I am a free trader and believe that free trade helps our Nation and the nations of the world. However, I am deeply concerned about the issue of Western Sahara, and I have had concerns that the U.S. needed to make clear that this free trade agreement covers only the internationally- and the U.S.-recognized borders of Morocco and does not include the disputed territory of Western Sahara. It is my understanding that the language in the conference report makes clear that the free trade agreement does not cover resources, goods, services, or any other entity related to trade that originates in Western Sahara.

I would ask the gentleman, does the U.S.-Morocco Free Trade Agreement cover trade with the disputed territory of Western Sahara?

□ 1700

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

Mr. PITTS. I yield to the gentleman from Illinois.

Mr. CRANE. The Committee on Ways and Means' report states the clear coverage of the free trade agreement. ''The committee notes that the FTA will cover trade with and investment in the territory of Morocco as recognized by the United States, which does not include the Western Sahara.''

Mr. PITTS. I thank the chairman for that clarification.

The following is a letter from USTR making clear that we do not support Morocco's claim over the Western Sahara and the FTA does not recognize or include the Western Sahara.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,

Washington, DC, July 20, 2004.

Hon. JOSEPH R. PITTS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN PITTS: Thank you for your letter of July 19, 2004, concerning our Free Trade Agreement (FTA) with Morocco and the status of Western Sahara.

The Administration's position on Western Sahara is clear: sovereignty of Western Sahara is in dispute, and the United States fully supports the United Nations' effort to resolve this issue. The United States and many other countries do not recognize Moroccan sovereignty over Western Sahara and have consistently urged the parties to work with the United Nations to resolve the conflict by peaceful means.

The FTA will cover trade and investment in the territory of Morocco as recognized internationally, and will not include Western Sahara. As our Harmonized Tariff Schedule makes clear, for U.S. Customs purposes, the United States treats imports from Western Sahara and Morocco differently. Nothing in the FTA will require us to change this practice. The Administration will draft the proclamation authorized in the legislation implementing the FTA (H.R. 4842) to provide preferential tariff treatment for goods from the territory of Morocco. Preferential tariff treatment will not be provided to goods from Western Sahara.

I hope this letter addresses your question regarding the FTA and the status of Western Sahara. I encourage you to support the FTA. It will create economic opportunities for U.S. manufacturing and service firms, workers, and farmers, and will support economic reforms and foreign investment in Morocco.

Thank you again for your letter. Please feel free to contact me should you have further questions.

Sincerely,

ROBERT B. ZOELLICK.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, thank you for your leadership.

While trade is a vital component to strengthening with the greater Middle East, promoting the spread of democracy is even more so. The Sahrawi are a peaceful pro-Western, pro-democracy people. They want the international community, including the U.N. Security Council and the United States, to uphold its commitment to a free and transparent referendum for self-determination, and it is unacceptable that Morocco has been allowed to prevent that vote from taking place.

During his tenure the former Secretary of State Baker proposed a plan that both parties accepted at first, and the Moroccans accepted the plan, but as soon as the people of Western Sahara accepted they withdrew their support, and I am deeply concerned that the Moroccan government, as patterned, will use this agreement with help from friends in France and others to attempt to increase its exploitation of the resources.

I just want to clarify the statement about the people of Western Sahara. Earlier today someone said that the Sahrawis are terrorists. I take exception to this remark, as the people of Western Sahara, and like many others in North Africa and the Middle East, have actually tried to peacefully solve the conflict. The State Department does not consider the people of Western Sahara to be terrorists. It is a misstatement. It is wrong. It is unproductive in our fight against terrorism to suggest that they are, and our own State Department does not believe the people of Western Sahara are terrorists.

Secondly, I visited there. I visited the refugee camps. I know the people. They are not terrorists. Members of this House should go to the refugee camps. They should see the terrible malnutrition of the people, the lack of health care, the refugee camps. If they would visit the refugee camps they would know that the information fed to them by supporters is inaccurate.

Mr. Chairman, I am voting for the FTA because there is protection for the people and resources of Western Sahara and because I believe the free trade will help the people of Morocco and those of surrounding countries.

The following is a series of items that would make clear that this agreement should not be abused by Morocco to profit off of land that it has no legitimate claim to.

WESTERN SAHARA—ADVISORY OPINION OF 16 OCTOBER 1975

INTERNATIONAL COURT OF JUSTICE

In its Advisory Opinion which the General Assembly of the United Nations had requested on two questions concerning Western Sahara, the Court,

With regard to Question I, ''Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (terra nullius)?'',

—decided by 13 votes to 3 to comply with the request for an advisory opinion;

—was unanimously of opinion that Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain was not a territory belonging to no one (terra nullius).

With regard to Question II, ''What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?'', the Court

—decided by 14 votes to 2 to comply with the request for an advisory opinion;

—was of opinion, by 14 votes to 2, that there were legal ties between this territory and the Kingdom of Morocco of the kinds indicated in the penultimate paragraph of the Advisory Opinion;

—was of opinion, by 15 votes to 1, that there were legal ties between this territory

and the Mauritanian entity of the kinds indicated in the penultimate paragraph of the Advisory Opinion.

The penultimate paragraph of the Advisory Opinion was to the effect that:

The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights, including some rights relating to the land, which constituted legal ties between the Mauritanian entity, as understood by the Court, and the territory of Western Sahara. On the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.

For these proceedings the Court was composed as follows: President Lachs; Vice-President Ammoun; Judges Forster, Gros, Bengzon, Petrén, Onyeama, Dillard, Ignacio-Pinto, de Castro, Morozov, Jiménez de Aréchaga, Sir Humphrey Waldock, Nagendra Singh and Ruda; Judge ad hoc Boni.

Judges Gros, Ignacio-Pinto and Nagendra Singh appended declarations to the Advisory Opinion; Vice-President Ammoun and Judges Forster, Petrén, Dillard, de Castro and Boni appended separate opinions, and Judge Ruda a dissenting opinion.

In these declarations and opinions the judges concerned make clear and explain their positions.

Course of the Proceedings
(paras. 1–13 of Advisory Opinion)

The Court first recalls that the General Assembly of the United Nations decided to submit two questions for the Court's advisory opinion by resolution 3292 (XXIX) adopted on 13 December 1974 and received in the Registry on 21 December. It retraces the subsequent steps in the proceedings, including the transmission of a dossier of documents by the Secretary-General of the United Nations (Statute, Art. 65, para. 2) and the presentation of written statements or letters and/or oral statements by 14 States, including Algeria, Mauritania, Morocco, Spain and Zaire (Statute, Art. 66).

Mauritania and Morocco each asked to be authorized to choose a judge ad hoc to sit in the proceedings. By an Order of 22 May 1975 (I.C.J. Reports 1975, p. 6), the Court found that Morocco was entitled under Articles 31 and 68 of the Statute and Article 89 of the Rules of Court to choose a person to sit as judge ad hoc, but that, in the case of Mauritania, the conditions for the application of those Articles had not been satisfied. At the same time the Court stated that those conclusions in no way prejudged its views with regard to the questions referred to it or any other question which might fall to be decided, including those of its competence to give an advisory opinion and the propriety of exercising that competence.

Competence of the Court
(paras. 14–22 of Advisory Opinion)

Under Article 65, paragraph 1, of the Statute, the Court may give an advisory opinion on any legal question at the request of any duly authorized body. The Court notes that the General Assembly of the United Nations is suitably authorized by Article 96, paragraph 1, of the Charter and that the two questions submitted are framed in terms of law and raise problems of international law. They are in principle questions of a legal character, even if they also embody questions of fact, and even if they do not call upon the Court to pronounce on existing rights and obligations. The Court is accordingly competent to entertain the request.

Propriety of Giving an Advisory Opinion
(paras. 23–74 of Advisory Opinion)

Spain put forward objections which in its view would render the giving of an opinion incompatible with the Court's judicial character. It referred in the first place to the fact that it had not given its consent to the Court's adjudicating upon the questions submitted. It maintained (a) that the subject of the questions was substantially identical to that of a dispute concerning Western Sahara which Morocco, in September 1974, had invited it to submit jointly to the Court, a proposal which it had refused: the advisory jurisdiction was therefore being used to circumvent the principle that the Court has no jurisdiction to settle a dispute without the consent of the parties; (b) that the case involved a dispute concerning the attribution of territorial sovereignty over Western Sahara and that the consent of States was always necessary for the adjudication of such disputes; (c) that in the circumstances of the case the Court could not fulfill the requirements of good administration of justice with regard to the determination of the facts. The Court considers (a) that the General Assembly, while noting that a legal controversy over the status of Western Sahara had arisen during its discussions, did not have the object of bringing before the Court a dispute or legal controversy with a view to its subsequent peaceful settlement, but sought an advisory opinion which would be of assistance in the exercise of its functions concerning the decolonization of the territory, hence the legal position of Spain could not be compromised by the Court's answers to the questions submitted; (b) that those questions do not call upon the Court to adjudicate on existing territorial rights; (c) that it has been placed in possession of sufficient information and evidence.

Spain suggested in the second place that the questions submitted to the Court were academic and devoid of purpose or practical effect, in that the United Nations had already settled the method to be followed for the decolonization of Western Sahara, namely a consultation of the indigenous population by means of a referendum to be conducted by Spain under United Nations auspices. The Court examines the resolutions adopted by the General Assembly on the subject, from resolution 1514 (XV) of 14 December 1960, the Declaration on the Granting of Independence to Colonial Countries and Peoples, to resolution 3292 (XXIX) on Western Sahara, embodying the request for advisory opinion. It concludes that the decolonization process envisaged by the General Assembly is one which will respect the right of the population of Western Sahara to determine their future political status by their own freely expressed will. This right to self-determination, which is not affected by the request for advisory opinion and constitutes a basic assumption of the questions put to the Court, leaves the General Assembly a measure of discretion with respect to the forms and procedures by which it is to be realized. The Advisory Opinion will thus furnish the Assembly with elements of a legal character relevant to that further discussion of the problem to which resolution 3292 (XXIX) alludes.

Consequently the Court finds no compelling reason for refusing to give a reply to the two questions submitted to it in the request for advisory opinion.

Question I: ''Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the Time of Colonization by Spain a Territory Belonging to No One (terra nullius)?''
(paras. 75–83 of Advisory Opinion)

For the purposes of the Advisory Opinion, the ''time of colonization by Spain'' may be considered as the period beginning in 1884, when Spain proclaimed its protectorate over the Rio de Oro. It is therefore by reference to the law in force at that period that the legal concept of terra nullius must be interpreted. In law, ''occupation'' was a means of peaceably acquiring sovereignty over territory otherwise than by cession or succession; it was a cardinal condition of a valid ''occupation'' that the territory should be terra nullius. According to the State practice of that period, territories inhabited by tribes or peoples having a social and political organization were not regarded as terrae nullius: in their case sovereignty was not generally considered as effected through occupation, but through agreements concluded with local rulers. The information furnished to the Court shows (a) that at the time of colonization Western Sahara was inhabited by peoples which, if nomadic, were socially and politically organized in tribes and under chiefs competent to represent them; (b) that Spain did not proceed upon the basis that it was establishing its sovereignty over terrae nullius: thus in his Order of 26 December 1884 the King of Spain proclaimed that he was taking the Rio de Oro under his protection on the basis of agreements entered into with the chiefs of local tribes.

The Court therefore gives a negative answer to Question I. In accordance with the terms of the request for advisory opinion, ''if the answer to the first question is in the negative'', the Court is to reply to Question II.

Question II: ''What Were the Legal Ties of This Territory with the Kingdom of Morocco and the Mauritanian Entity?''
(paras. 84–161 of Advisory Opinion)

The meaning of the words ''legal ties'' has to be sought in the object and purpose of resolution 3292 (XXIX) of the United Nations General Assembly. It appears to the Court that they must be understood as referring to such legal ties as may affect the policy to be followed in the decolonization of Western Sahara. The Court cannot accept the view that the ties in question could be limited to ties established directly with the territory and without reference to the people who may be found in it. At the time of its colonization the territory had a sparse population that for the most part consisted of nomadic tribes the members of which traversed the desert on more or less regular routes, sometimes reaching as far as southern Morocco or regions of present-day Mauritania Algeria or other States. These tribes were of the Islamic faith.

Morocco (paragraphs 90–129 of the Advisory Opinion) presented its claim to legal ties with Western Sahara as a claim to ties of sovereignty on the ground of an alleged immemorial possession of the territory and an uninterrupted exercise of authority. In the view of the Court, however, what must be of decisive importance in determining its answer to Question II must be evidence directly relating to effective display of authority in Western Sahara at the time of its colonization by Spain and in the period immediately preceding. Morocco requests that the Court should take account of the special structure of the Moroccan State. That State was founded on the common religious bond of Islam and on the allegiance of various tribes to the Sultan, through their caids or sheiks, rather than on the notion of territory. It consisted partly of what was called the Bled Makhzen, areas actually subject to the Sultan, and partly of what was called the Bled

Siba, areas in which the tribes were not submissive to him; at the relevant period, the areas immediately to the north of Western Sahara lay within the Bled Siba.

As evidence of its display of sovereignty in Western Sahara, Morocco invoked alleged acts of internal display of Moroccan authority, consisting principally of evidence said to show the allegiance of Saharan caids to the Sultan, including dahirs and other documents concerning the appointment of caids, the alleged imposition of Koranic and other taxes, and acts of military resistance to foreign penetration of the territory. Morocco also relied on certain international acts said to constitute recognition by other States of its sovereignty over the whole or part of Western Sahara, including (a) certain treaties concluded with Spain, the United States and Great Britain and Spain between 1767 and 1861, provisions of which dealt inter alia with the safety of persons shipwrecked on the coast of Wad Noun or its vicinity, (b) certain bilateral treaties of the late nineteenth and early twentieth centuries whereby Great Britain, Spain, France and Germany were said to have recognized that Moroccan sovereignty extended as far south as Cape Bojador or the boundary of the Rio de Oro.

Having considered this evidence and the observations of the other States which took part in the proceedings, the Court finds that neither the internal nor the international acts relied upon by Morocco indicate the existence at the relevant period of either the existence or the international recognition of legal ties of territorial sovereignty between Western Sahara and the Moroccan State. Even taking account of the specific structure of that State, they do not show that Morocco displayed any effective and exclusive State activity in Western Sahara. They do, however, provide indications that a legal tie of allegiance existed at the relevant period between the Sultan and some, but only some, of the nomadic peoples of the territory, through Tekna caids of the Noun region, and they show that the Sultan displayed, and was recognized by other States to possess, some authority or influence with respect to those tribes.

The term ''Mauritanian entity'' (paragraphs 139–152 of the Advisory Opinion) was first employed during the session of the General Assembly in 1974 at which resolution 3292 (XXIX), requesting an advisory opinion of the Court, was adopted. It denotes the cultural, geographical and social entity within which the Islamic Republic of Mauritania was to be created. According to Mauritania, that entity, at the relevant period, was the Bilad Shinguitti or Shinguitti country, a distinct human unit, characterized by a common language, way of life, religion and system of laws, featuring two types of political authority: emirates and tribal groups.

Expressly recognizing that these emirates and tribes did not constitute a State, Mauritania suggested that the concepts of ''nation'' and of ''people'' would be the most appropriate to explain the position of the Shinguitti people at the time of colonization. At that period, according to Mauritania, the Mauritanian entity extended from the Senegal river to the Wad Sakiet El Hamra. The territory at present under Spanish administration and the present territory of the Islamic Republic of Mauritania thus together constituted indissociable parts of a single entity and had legal ties with one another.

The information before the Court discloses that, while there existed among them many ties of a racial, linguistic, religious, cultural and economic nature, the emirates and many of the tribes in the entity were independent in relation to one another; they had no common institutions or organs. The Mauritanian entity therefore did not have the character of a personality or corporate entity distinct from the several emirates or tribes which comprised it. The Court concludes that at the time of colonization by Spain there did not exist between the territory of Western Sahara and the Mauritanian entity any tie of sovereignty, or of allegiance of tribes, or of simple inclusion in the same legal entity. Nevertheless, the General Assembly does not appear to have so framed Question II as to confine the question exclusively to those legal ties which imply territorial sovereignty, which would be to disregard the possible relevance of other legal ties to the decolonization process. The Court considers that, in the relevant period, the nomadic peoples of the Shinguitti country possessed rights, including some rights relating to the lands through which they migrated. These rights constituted legal ties between Western Sahara and the Mauritanian entity. They were ties which knew no frontier between the territories and were vital to the very maintenance of life in the region.

Morocco and Mauritania both laid stress on the overlapping character of the respective legal ties which they claimed Western Sahara to have had with them at the time of colonization (paragraphs 153–160 of the Advisory Opinion). Although their views appeared to have evolved considerably in that respect, the two States both stated at the end of the proceedings that there was a north appertaining to Morocco and a south appertaining to Mauritania without any geographical void in between, but with some overlapping as a result of the intersection of nomadic routes. The Court confines itself to noting that this geographical overlapping indicates the difficulty of disentangling the various relationships existing in the Western Sahara region at the time of colonization.

For these reasons, the Court (paragraphs 162 and 163 of the Advisory Opinion) gives the replies indicated on pages 1 and 2 above.

[From Reuters News Service, Jan. 13, 2004]

SARDINES AND SOVEREIGNTY IN WESTERN SAHARA

(By Eileen Byrne)

LAAYOUNE, WESTERN SAHARA.—On trawlers at the quayside near Laayoune, the main city in Moroccan-controlled Western Sahara, the crew unload sardines in wicker baskets thrown from hand to hand.

The traditional baskets are misleading, because the yield of sardines, octopus and squid from the Western Saharan ports of Laayoune, Boujdour and Dakhla has come to represent more than 60 percent of Morocco's total annual fisheries yield of almost one million tons. With sovereignty over the Western Sahara still in dispute, this is a politically significant catch.

The uncertainty about the future of this vast, mainly desert territory in the northwest corner of Africa puts a dampener, for now, on investment in tourism for winter sun-seekers, officials in Laayoune admit.

But against the backdrop of diplomatic stalemate, as the United Nations strives for a solution to the dispute between Morocco and the Polisario separatist movement, Morocco is keen to show that the regional economy is developing apace.

The fishing sector is one area where the authorities can point to significant growth, always under the firm guiding hand of the central government.

SOUTHERN-MOST SUBJECTS

Claiming Western Sahara as its historic ''southern provinces,'' Morocco controls most of the territory.

The Polisario movement, based across the border in Algeria, sees the future of the area as an independent state, governed by its Saharan Arab inhabitants, known as Sahrawis.

Since a 1991 cease-fire, successive U.N. initiatives aimed at ending a dispute which dates from 1975, and asserting the Sahrawis' right to ''self-determination,'' have failed.

Advocates of independence for Western Sahara stress the territory's mineral wealth, with the phosphate mine at Boukra near Laayoune, and possible offshore oil reserves.

But the Boukra mine is loss-making and subsidized by the Office Cherifien des Phosphates' more important phosphate production near Khouribga, according to officials. It is fishing that generates new jobs and export earnings. Western Sahara fish products now account for up to seven percent of Morocco's total export earnings of 85.6 billion dirhams ($9.80 billion).

Morocco declined to renew a fishing accord with the European Union which until the late 1990s had allowed foreign boats into Moroccan waters. It has instead spent heavily since then on port infrastructure in Western Sahara, as though consolidating its hold on the territory.

Like all other businesses in Western Sahara, the sardine canning businesses, and plants processing octopus for Japanese dinner tables, pay no taxes except for payroll contributions.

They also benefit from the subsidies in the prices of fuel, power and water with which Morocco woos its southern-most subjects, who account for less than two percent of the kingdom's 29.6 million population.

Local investors are often Sahrawi notables who see the territory's future with Rabat rather than the Polisario and who play a prominent role in the local economy. A little over a generation ago, the Sahrawis' lifestyle revolved around camel and goat rearing. Fish did not figure at all in the Sahrawi diet and even today few Sahrawis work directly with fish.

But among new investors, the favorable conditions for businesses can sometimes encourage over-hasty decisions.

OCTOPUS FOR THE JAPANESE

Lining the walls of the conference room in the Laayoune governor's headquarters, photos showed a visit to Western Sahara by Morocco's King Mohammed.

Some 40 men, and one woman wrapped in the colored veil worn in Western Sahara, listened to Morocco's Fisheries Minister Taieb Rhafes. He had flown down from Rabat to explain why he was extending a ban on octopus fishing.

With him were representatives of Moroccan banks whose loans to local investors had encouraged a proliferation of octopus-freezing plants around Dakhla, from a handful in 1997 to 90 in 2003. The octopuses have been almost wiped out by over-fishing, the minister explained. It takes only three months to have an octopus-freezing plant up and running, said an official.

At Laayoune port, the fishermen are not Sahrawis, but come from Moroccan ports further north—Agadir, Essaouira and Safi. A spontaneous movement of sardines southwards, traced by Morocco's fisheries research institute, the INRH, coincided with the development of infrastructure in the Western Sahara. The fishermen followed the fish southwards, bringing their expertise with them.

Moroccan officials have no separate figures for employment among Sahrawis and non-Sahrawis. ''There are no two communities here,'' only Moroccan citizens, Laayoune Governor Mohamed Rharrabi told Reuters.

With the sea-faring culture far-removed from the traditional Sahrawi lifestyle, it seems fishing will provide only some of the jobs needed in the Laayoune region, where unemployment at the last census was 40 percent among 20 to 24 year-olds.

DENMARK DOES NOT RECOGNISE MOROCCAN SOVEREIGNTY ON WESTERN SAHARA

[From Sahara Press Service (SPS), June 22, 2004]

COPENHAGEN—Danish Government, does not ''recognise Moroccan sovereignty on Western Sahara'', declared Danish Minister for Foreign Affairs, Mr. Per Stig Møller, in response to a question he answered before of his Parliament, according to close sources to the Saharawi representation to Denmark.

Answering a question asked by Danish Member of the Parliamentary group Enhedslisten (Union list, in English), Mr. Soern Soendergaard, the Minister for Foreign Affairs asserted that his Government ''does not recognise Moroccan sovereignty on Western Sahara'', considering Moroccan presence on the territory as illegal and unacceptable.

Regarding the peace plan, elaborated by UN Secretary General's former Personal Envoy, James Baker, Mr. Møller affirmed that this plan remains applicable, recalling that it ''is accepted by Polisario Front and the neighbouring countries and is unanimously adopted by Security Council in its resolution 1495''.

Finally, the Head of Danish diplomacy reiterated ''the support of Denmark of the efforts paid by UN's Secretary General and his former Personal Envoy aimed at reaching a just and lasting solution to the conflict'', in Western Sahara conforming to international legality and by implementing UN's resolutions.

[From Sahara Press Service (SPS), June 24, 2004]

GERMAN PDC/CSU CALLS TO IMMEDIATE SETTLEMENT OF WESTERN SAHARA CONFLICT

BERLIN.—The parliamentary group of German Christian Democrat Party (PDC/CSU) in Bundestag (Parliament), called on Thursday to an immediate settlement of Western Sahara's conflict, exhorting international community to pay more efforts in defending Saharawi people's ''right to self-determination''.

In a communiqué publicised on Thursday, of which SPS received a copy, PDC/CSU parliamentary Group's spokesperson, Dr. Christian Ruck, asserted that ''Western Sahara conflict's settlement tolerates no more delays'', calling international community to pay more efforts in defending Saharawi people's ''right to self-determination''.

UN Secretary General's former Personal Envoy, James Baker's resignation ''may push to failure'' the peace plan for self-determination of Saharawi people, though this plan constitutes ''a reasonable compromise to realise peace in this region'', deplored the spokesperson.

Thus, the international community is called to ''prove to the people of this region, who is still suffering this old aging conflict, that its right to self-determination remains a priority for the international community'', which should also defend UN's principles and international law, so as to reach a peaceful settlement to this problem, concluded the communiqué.

[From Upstream Online & Hardcopy, July 2, 2004]

SVITZER FEELS HEAT IN WESTERN SAHARA

(By Barry Morgan)

Fugro affiliate Svitzer has just completed a marine survey on Kerr-McGee's Boujdour acreage off the disputed territory of Western Sahara.

Based in Norfolk in the UK, Svitzer is the latest company to attract brickbats from activists determined to persuade industry players not to sign deals with Morocco, which occupies the territory and claims its resources.

Following a one-year extension, KMG's reconnaissance permit will expire on 29 October. However, its tenure is contested by the Sahrawi independence militia, which has long fought for sovereign control, stirring international controversy over the licencing regime imposed by Rabat.

Fellow UK consultancy Robertson Research International (RRI) is also poised to complete survey work in Western Sahara, despite question marks over the legitimacy of UK corporate involvement in what the UK government calls a ''non-self governing territory'' where it says sovereignty remains to be determined under UN auspices. For its part, RRI said it is not directly contracted to Rabat.

Confirmation of RRI's involvement comes hard on the heels of a campaign launched by Western Sahara support groups across Europe against exploration and production companies doing business at the behest of Rabat.

Kerr-McGee, Total and TGS-Nopec were blasted for jumping the gun on a fragile peace process in which the UN has sought diplomatic consensus ahead of a referendum on self-determination for the Sahrawi people.

Activists' primary target of late has been UK-registered Wessex Exploration, which was recently invited to Rabat to finalise a preliminary but open-ended deal to analyse onshore data ahead of an exploration push outlined by Moroccan state oil company managing director Amina Benkhadra.

Wessex has been warned that ''its reputation would suffer'' if it did not back off or negotiate with the Sahrawi authorities.

In the meantime, several UK parliamentarians have moved to seek clarification of the UK government's position on British companies doing business in Western Sahara. Concerned MPs led by the Labour Party's David Drew, want to pin down Whitehall on its attitude.

Drew will shortly table a parliamentary question seeking greater clarity. Drew now speaks for the Western Sahara Support Group and two Conservative MPs are expected to join existing members before they resurface as a parliamentary force.

The UK Foreign Office insists sovereignty in Western Sahara remains undetermined as long as UN calls to resolve the crisis via the so-called Baker Peace Plan remain unheeded. ''We want to push the UK to promote the Plan so that Morocco withdraws. It should also tell British companies that they should not get involved in Western Sahara at this time while the UN mandate remains unimplemented,'' said Drew.

The Foreign Office currently has no problem with companies winning reconnaissance or E&P licences from Rabat, so long as the practical effect complies with constraints laid down by the UN Legal Office on ''disregarding the rights'' of the Sahrawi people.

This means Kerr-McGee and Total can use TGS-Nopec and Fugro to shoot seismic as long as rigs are not deployed to confirm or produce oil finds.

Meanwhile, the acquisition of strategically important seismic data for Rabat as the licensor remains legal under the ''look but don't touch'' interpretation of both UK and US governments. However, a UK official said that ''we'd have to revisit this opinion if activity got this far. There is no official endorsement''.

''Right now, our view is that UK companies going into Western Sahara are on their own and we cannot link them to the Department of Trade & Industry or offer the support of any other government mechanisms,'' the source added.

Two UK-registered companies presently stand on both sides of the fence. Sterling Resources has inherited an exclusive offshore PSC from AIM-listed Fusion Oil & Gas following a recent take-over, while Wessex is under increasing pressure after retaining its exclusive study licence from Rabat.

After expending $600 million on peacekeeping efforts, the UN system is tiring of the Western Sahara crisis, with UN Special Envoy James Baker resigning in frustration last month.

The UN's new representative, Alvaro de Soto, said this week that he would pursue the same policy as Baker, suggesting no new ideas to break the deadlock were on the table.

[From afrol News, July 12, 2004]

NORWEGIAN INDUSTRY TO EXPLOIT SAHRAWI FISH RESOURCES

Norwegian officials are in the process of promoting Norwegian investments in the booming fisheries industry in Moroccan-occupied Western Sahara, despite protests by Sahrawi officials. The fisheries industry is the dominant economic sector in the territory, promoting new Moroccan settlements here. Norwegian capital and knowledge is to help this development.

According to information made available to afrol News, the Norwegian Ambassador in Morocco, Arne Aasheim last week was on a three-day visit to El Aaiun, the capital of the Western Sahara territory. Here, he had meetings with the Moroccan authorities governing the occupied territory and representatives of the fisheries sector.

Sources wanting to remain anonymous told afrol News that the primary focus in these meetings was on how Norwegian companies could strengthen their foothold in the booming Moroccan fisheries industry, which mainly is based in the occupied territory. Morocco has been singled out as a golden opportunity for Norway's many companies operating in the fisheries sector.

Norway is one of Europe's leading fisheries nations, also regarding the larger definition of the industry, including the construction of fisheries vessels, fishing technology and fish processing and distribution technology.

Morocco, on the other hand, during the last years has singled out the fisheries industry as one of its most promising sectors for economic development. After refusing to renew a fisheries agreement with the European Union in 1999, Moroccan authorities are now promoting the establishment of a large national fleet of fishing vessels, fish processing plants and an export infrastructure. Since 2001, approximately euro 150 million have been invested into the sector annually.

The controversial bit of Morocco's booming fisheries industry is that it is mostly based on the rich fisheries resources off the cost of occupied Western Sahara. According to international law, an occupying state is obliged to manage the renewable resources of the territory it occupies. However, revenues from these resources are to be channelled into the development of the people of the territory.

In the case of Western Sahara, the revenues of the exploitation of the territory's resources however do not go to the internationally recognised representatives of the Sahrawis—the exiled Polisario government—but instead to the strengthening of Morocco's occupation of the territory. Almost the entire work force of the fisheries sector in Western Sahara is of Moroccan origin and the sector's growth is promoting more Moroccan settlements in the occupied territory.

While the Norwegian government generally has defended the case of the Sahrawis in their conflict with Morocco, this has not been the case in the important fisheries sector. Mr Aasheim's predecessor at Norway's

Rabat Embassy, Ole Kristian Holthe, since 2000 has been an active and passionate promoter of Norwegian investments in Morocco's booming fisheries sector, non-regarding the location of these investments.

In February 2002, Ambassador Holthe met with the society for Norwegian Maritime Exporters (NME) in Haugesund, informing about that access to ''the Moroccan market is something that is happening now.'' He especially emphasised on the large number of fishing vessels that Moroccan authorities were ordering in an international tender.

Explaining that Morocco is ''the most stable Arab country oriented towards the West,'' Mr Holthe added that the problems surrounding Western Sahara should not endanger Norwegian investments. ''Norwegian authorities may consider that [official] Norwegian trade promotion devices should not be involved in investments [in Western Sahara], but my opinion is that, as long as one enters as a partner in the fisheries industry—and looks at this geographically—then it should be safe.''

According to research done by the Norway-based international fisheries media 'IntraFish', Norwegian authorities already in 2002 were financially aiding exporters to get a foothold in Morocco; including the occupied territories. This included aid by the Norwegian government's agency guaranteeing export financing and the Scandinavian Investment Bank. At least kroner 30 million (euro 4 million) were available to finance Norwegian exports to Morocco's fisheries sector.

These government efforts have already produced several Norwegian investments in Western Sahara. In October 2002, the Norwegian company Finsam announced it was constructing an ice producing plant in ''Laayoune, Morocco''—which translates into El Aaiun in Western Sahara. This ice plant is mainly producing ice for fish landed in El Aaiun.

Other Norwegian investments in the occupied territory's fishery sector include the company Selfa Arctic, which is ''constructing modern coastal fisheries in Morocco;'' Simrad, which delivers marine electronics to Morocco, including to its ''Moroccan retailer in Laayoune;'' Astia Holdings, which exports fishing vessels and equipment to Morocco; and Furuno, which sells electronic navigation equipment in Morocco.

Ambassador Holthe's indiscrete promotion of Norwegian export opportunities in Western Sahara however became too much for Norwegian authorities. Already in November 2002, Foreign Minister Jan Petersen instructed his Rabat Ambassador to write an official letter to companies investing in Western Sahara and inform them about the political risk and ethical problems.

According to information given to afrol News, however, Ambassador Holthe smoothened the wording in the letter he sent out to Norwegian companies, saying that the Embassy could see no limits in international law regarding investments in Western Sahara. In 2003, Mr Holthe was replaced and sent to the Norwegian Embassy in Iran for reasons unknown to afrol News.

Since that, Ambassador Aasheim has inherited the complex question of Norwegian investments in Western Sahara. As far as afrol News has been able to establish, the Norwegian Embassy in Rabat has not lowered its profile regarding this promotion since Mr Aasheim's appointment. Last week's official promotion trip by the Ambassador to El Aaiun is probably the first ever investment promotion trip to the occupied territories by any Norwegian government official.

It therefore came as a shock to the Polisario exile government. Mouloud Said, the Polisario Representative in Washington told afrol News today that his government considers ''any transaction between the occupying power with any other entity or government as completely illegal at the eyes of international law, and we do condemn any attempt to strengthen the Moroccan occupation.''

We are disappointed because traditionally, the Norwegians government has been in support of the peoples' right to self-determination all over Africa and in particular in Western Sahara, added Mr Said. ''This is uncharacteristic coming from the representative from a government known for its defence of human rights and the right of self-determination.''

Mr Said further said that the Polisario considered a UN legal opinion issued in 2001, regarding oil exploration in Western Sahara to be of relevance in this case. The legal opinion concluded that Morocco had no right to act on behalf of Western Sahara and market its resources, according to Mr Said.

Unfortunately, afrol News was not able to gather reactions from Norwegian authorities. The Norwegian Embassy in Rabat did not answer phone calls from afrol News neither on Friday nor today, while spokesperson Cathrine Andersen at the Norwegian Ministry of Foreign Affairs refused to supply afrol News with a direct phone number to Ambassador Aasheim, claiming the Ministry had ''no other information'' on how to get in contact with its Rabat Embassy.

FRAMEWORK AGREEMENT ON THE STATUS OF WESTERN SAHARA (BAKER PLAN I)

ANNEX I OF SG REPORT S/2001/613 OF 20 JUN 01

The authority in Western Sahara shall be as follows:

1. The population of Western Sahara, through their executive, legislative and judicial bodies shall have exclusive competence over local governmental administration, territorial budget and taxation, law enforcement, internal security, social welfare, culture, education, commerce, transportation, agriculture, mining, fisheries and industry, environmental policy, housing and urban development, water and electricity, roads and other basic infrastructure.

2. The Kingdom of Morocco will have exclusive competence over foreign relations (including international agreements and conventions) national security and external defence (including determination of borders, maritime, aerial or terrestrial and their protection by all appropriate means) all matters relating to the production, sale, ownership or use of weapons or explosives and the preservation of the territorial integrity against secessionist attempts whether from within or without the territory. In addition, the flag, currency, customs, postal and telecommunication systems of the Kingdom shall be the same for Western Sahara. With respect to all functions described in this paragraph (2) the Kingdom may appoint representatives to serve it in Western Sahara.

3. In Western Sahara the executive authority shall be vested in an Executive, who shall be elected by a vote of those individuals who have been identified as qualified to vote by the Identification Commission of the United Nations Mission for the Referendum in Western Sahara, and whose names are on the United Nations provisional voter lists (completed as of 30 December 1999) without giving effect to any appeals or other objections. To qualify as a candidate for Executive, one must be an individual who has been identified as qualified to vote as aforesaid and whose name is on said provisional voter lists. The Executive shall be elected for a term of four years. Thereafter, the Executive shall be elected by majority vote of the Assembly. The Executive shall appoint administrators in charge of executive departments for terms of four years. The legislative authority shall be vested in an Assembly, the members of which shall be directly elected by voters for terms of four years. The judicial authority shall be vested in such courts as may be necessary, the judges of which shall be selected from the National Institute for Judicial Studies but shall be from Western Sahara. Such courts shall be the authority on territorial law. To be qualified to vote for members of the Assembly, a person must be 18 years or older and either (i) a continuous resident of the territory since 31 October 1998, or (ii) a person listed on the repatriation list as of 31 October 2000.

4. All laws passed by the Assembly and all decisions of the courts referred to in paragraph 3 above must respect and comply with the constitution of the Kingdom of Morocco, particularly with respect to the protection of public liberties. All elections or referenda referred to in this agreement shall be conducted with all appropriate guarantees and in keeping with the Code of Conduct agreed to by the parties in 1997, except where to do so would be inconsistent with the terms hereof.

5. Neither the Kingdom nor the executive, legislative, or judicial bodies of the Authority of Western Sahara referred to above may unilaterally change or abolish the status of Western Sahara. Any changes or modifications of this agreement has to be approved by the Executive and the Assembly of Western Sahara. The status of Western Sahara will be submitted to a referendum of qualified voters on such date as the parties hereto shall agree, within the five year period following the initial actions to implement this agreement. To be qualified to vote in such a referendum a voter must have been a full time resident of Western Sahara for the preceding one year.

6. The Secretary-General of the United Nations will offer his mediation and good offices to assist the two parties hereto in the implementation or interpretation of this agreement.

7. The parties agree to implement this agreement promptly and request the assistance of the United Nations to this end.

[From the Christian Science Monitor, Mar. 26, 2004]

SAHARA REFUGEES FORM A PROGRESSIVE SOCIETY

LITERACY AND DEMOCRACY ARE THRIVING IN AN UNLIKELY PLACE

(By John Thorne)

TINDOUF, ALGERIA.—A dozen women recline on the steps of the main girls' school in the Saharawi refugee camps, their pastel robes like blots of water-color on the whitewashed cement. When the door opens and the headmistress emerges, the women suddenly leap up and crowd around her, clamoring. They are mothers seeking places for their daughters in the already-crowded school.

The Saharawi women are among the most liberated of the Muslim world, and their status is characteristic of the well-organized, egalitarian society that has developed in the refugee camps over the past three decades. For all their bleakness, the Saharawi camps boast a representative government, a 95 percent literacy rate, and a constitution that enshrines religious tolerance and gender equality.

The Saharawis are the Arab nomads of Western Sahara, bound together by their Yemeni ancestry and their dialect, Hassaniya, which remains close to classical Arabic. For centuries, they roamed the territory with their camels and goats, sometimes trading with Spanish colonizers, and became known as ''blue men'' for the indigo robes they wear.

When Spain abandoned Western Sahara in 1975, Morocco invaded and drove the Saharawis into neighboring Algeria. Trading their camels for Land Rovers, they fought a guerrilla war under the leadership of the Polisario Front, an independence movement, until the UN brokered a ceasefire in 1991. Since then, the promised vote on independence has been stalled by disagreement over who should be allowed to participate.

EQUALITY

Meanwhile the Saharawi refugees, numbering some 160,000, have clung on in camps amid the flat, stony wastes near the town of Tindouf, in southwest Algeria. Subsisting on foreign aid—chiefly rice, bread, and a few root vegetables—most suffer from chronic malnutrition. Their settlements consist almost wholly of adobe huts and dusty canvas tents, appearing from afar as brown smudges on the slightly lighter brown desert.

''Women built these camps,'' says Menana Mohammed, deputy secretary-general of the Union of Saharawi Women. When the Saharawis arrived at Tindouf, most of the men had stayed behind as soldiers. ''You'll still find women doing all kinds of work, including leading,'' Ms. Mohammed adds.

While most of the top brass are men, the minister of culture is a woman. Women hold one fourth of the seats in the Saharawi parliament, and they make up most of the civil service, including teachers, nurses, and doctors.

''These days our chief concern is education,'' says Mohammed. All young Saharawis learn Spanish as well as Arabic, and some attend universities in Spain, Cuba, and Algeria through the sponsorship of those countries' governments.

''In the camps, we had to be both sexes, because the men were all away fighting,'' says Mohammed. There is an old Saharawi saying, she says, that rings especially true today: ''A tent is raised on two poles: a man and a woman.'' The Saharawis' traditionally tough, wandering lifestyle has always made them regard husband and wife as equal leaders of the household.

INDIVIDUALISM

It has also begotten an individualistic approach to Islam. While most Muslims tend to stress the importance of the Islamic community, ''the Saharawis believe that religion is a very personal issue,'' says Mouloud Said, the Polisario's representative in the United States. ''It's a personal relationship between the human being and his Creator. This is the mentality of the nomadic society.''

Mosques are conspicuously absent from the camps, in large part because the Saharawis ''don't believe that to speak to God, you need a fancy place,'' explains Mr. Said.

Saharawis seldom pray in groups save on important Muslim holidays, and view even these ceremonies as purely optional. For some, this is a welcome escape-hatch from the religion's bloodier rituals.

''Each person has his own Islam,'' says Zorgan Laroussi, a translator in the camps who chose not to attend the mass slaughter of camels for the feast of al-Eid al-Fitr, which marks the end of Ramadan. His brother-in-law Salek did go, and relishes explaining the ritual's finer points while the two men and their families share a dish of grilled hindquarters.

Saharawis are equally welcoming of other religions. ''There is an almost continuous presence of church groups from all over the world—in particular the U.S.—in the camps,'' says Said. ''Every year for the last four years, there has been a joint prayer at Easter.''

''Tolerance is not something new, but it's something [Saharawi leaders] encourage,'' he says. ''In a tolerant society, the center prevails, not the extremes. That means respect for others, whether for the faith or their ideas.''

This credo finds ample use in the Saharawis' recent conversion to a united democratic government. Following their flight from Western Sahara, they quickly saw that overcoming the desert and the Moroccan Army meant forsaking old tribal loyalties. ''What's most important is that we Saharawis hang together, so we highlight stories that promote unity among us,'' says Minister of Culture Miriam Salek, who works with the Ministry of Education and the Saharawi Youth Organization to keep alive Saharawi folklore and history.

DEMOCRACY

In 1976, the Polisario proclaimed, and more or less became, the Saharawi Arab Democratic Republic. Although a government-in-exile, it is recognized by 75 countries, and the UN formally considers Western Sahara an occupied territory.

Tier upon tier of elected officials make up the camp government, from the national parliament down to neighborhood councils. Saharawis are avid voters, and many participate in local civil service—even if it's merely taking a twice-weekly shift on the trash detail, or helping dole out rations.

This could be the blueprint for an independent Western Sahara, and there is a general sense of pride and excitement among the Saharawis for their new society. ''This has worked so far, what we have here,'' says one young daira (district) councilman, ''and it should still work in Western Sahara. We built this on the hope of the people, and I don't think they'll want to change.''

But as the years drag on, many fear they will never have the chance to find out. Their smoothly running camps and refusal to resort to terrorism keep them out of the public consciousness, relieving pressure on the UN to push for a quick settlement to the 29-year-old conflict. ''We have been landless for so long,'' laments Tellib Helli Embarik, an old tribal leader. ''I don't know if the UN is just waiting for us to disappear or what!''

[From the Hill, July 13, 2004]

DESERTING THE BAKER PLAN

(By David Keene)

President Bush likes to talk about nurturing democracy within the Muslim world, but he's doing little for the pro-Western Muslims of the Western Sahara whose future rests in his hands.

If you don't know much about the plight of these people, you aren't alone. They have been languishing in refugee camps in western Algeria for nearly 30 years and will remain there until the United States stops playing chief enabler to Moroccan government that invaded and seized their country when it was freed from colonial rule by Spain in the '70s. I've visited the camps, and to suggest that the people who inhabit them live under harsh conditions is to speak euphemistically.

The Western Saharan or Saharawi peoples tried to resist the Moroccans, but hundreds of thousands of them were forced to flee to Algeria before a U.S.-equipped Moroccan army determined to seize their land. Today more than 300,000 of them survive as best they can, unable to see their relatives or visit their homeland.

Realizing they didn't have the capability to defeat Morocco on the battlefield, the Saharawi faced a choice. They could fall on the asymmetric warfare of the terrorist, surrender or turn to the international community. They perhaps rather naively chose the latter course and went to the United Nations and the World Court seeking justice.

Meanwhile, they've built a functioning democracy that guarantees equal rights to men and women alike, educated their children and let it be known that all they want to do is live in peace with those around them. Their congressional friends in the United States include people such as Sens. Jim Inhofe (R-Okla.) and Edward Kennedy (D-Mass.) and Reps Joe Pitts (R-Pa.), Mark Green (R-Wis.) and Donald Payne (D-N.J.), but so far few of their colleagues and virtually no one in the Bush administration or the media seem to share their concerns.

This is in spite of the fact that virtually everyone agrees the Saharawi are right. The International Court of Justice in 1975 ruled Morocco had no right to the land seized, but the king of Morocco ignored the ruling and the United Nations sought a referendum in which the people of the region could vote on whether they wanted to be ruled by their colonial masters or by leaders of their own choosing.

Meanwhile, the United States stood by silent as our Moroccan ally consolidated control over the region to become the last colonial power on the African continent.

Publicly, of course, the Moroccans declared that they too believed in self-determination, but marched hundreds of thousands of Moroccans into the region and declared that if there was to be a vote, these folks should be allowed to vote too. The Saharawi and the United Nations balked at this baldfaced attempt to stuff the ballot boxes, but finally appointed former U.S. Secretary of State James Baker as a special envoy to work something out. Baker eventually came up with a ''compromise'' plan that would grant the vote to enough Moroccans to give them a majority if they stuck together and suggested a period of autonomy within Morocco followed by a vote to decide whether the region would go its own way.

To everyone's surprise, the Sahrawi accepted the ''Baker Plan.'' They know they can't survive in the camps forever and suspect that more than a few of the Moroccans who will vote might welcome the chance to escape the tender mercies of their king. The Moroccans immediately rejected the plan announcing that they will never accept any scheme that includes the possible loss of the territory they have grabbed.

The United Nations doesn't know what to do, and Baker has thrown up his arms and resigned. The king's only real ally in the United Nations is France, but it's our silent acceptance of whatever he wants do to that has allowed him to thumb his nose at the world. Everyone knows that as long as King Mohammed VI can keep the United States in line, he will remain intransigent.

During the king's visit to Washington last week, President Bush supposedly brought up the Baker Plan, but one wonders if he pressed very hard. He has, after all, said nothing about the Saharawi in public and done everything from declaring Morocco a ''major non-NATO ally'' to leading the charge for a U.S.-Moroccan Free Trade Agreement to give the King the impression that we aren't about to do anything at all about the way he acts in his own neighborhood.

Meanwhile, the Saharawi hang on, praying for the day when an American president who talks about democracy and justice will come to their aid.

[From the Washington Times, July 9, 2004]

BEYOND DIPLOMATIC NICETIES

(By Joseph Pitts and Donald Payne)

This week, His Majesty, King Mohammed of Morocco is in Washington to tout the newly signed US.-Morocco Free Trade Agreement and to bask in his nation's newly christened status as a ''major non-NATO ally''.

While we do not oppose free trade or establishing stronger allies, we would do well to

look past the diplomatic niceties that surround such trips. His Majesty's country illegally occupies a swath of land in West Africa known as Western Sahara. His government has promised the people of Western Sahara, the Sahrawi, a vote to determine their own future. More than a decade later, that vote has yet to occur.

Powerful friends in Europe and here in Washington have helped His Majesty's government postpone this vote and consolidate control over the country The Moroccan government says its colonial rule over Western Sahara ensures its ''territorial integrity'' and preserves stability in the region. But this idea is simply divorced from reality on the ground.

During trips to the country, we have learned the Sahrawis are peaceful, pro-Western and pro-democracy. In short, despite living under an illegitimate colonial power, they have established a deep-rooted culture of democracy, capable of supporting a viable state. They have their own elected leaders, many of them women. They have provided education and equal rights to all their citizens—men and women.

The only stability a sovereign, democratic Western Sahara disrupts is a status quo defined by tyranny. The King will deny this. Official Washington will ignore it. But it is the truth.

From 1884 until 1975, Western Sahara was a Spanish colony. Upon Spain's withdrawal, Morocco invaded. The Sahrawis have fought a lonely battle for liberation ever since, many suffering in the refugee camps that dot Algerian sand dunes. The U.N. International Court of Justice ruled Morocco's claim to Western Sahara was illegitimate. Morocco ignored the ruling.

In 1991, Morocco accepted the U.N.-brokered cease-fire promising the Sahrawis a referendum for national self-determination. Moroccan officials moved tens of thousands of their own citizens to Western Sahara, attempting to stack the vote in its favor. In 1997, the United Nations asked former U.S. Secretary of State James Baker to help implement the referendum. Morocco continued to balk.

The U.N.'s voter identification commission, using agreed-upon criteria, set out to identify the eligible voters. After years of interviews with each, the U.N. in January 2000 published the provisional list of voters, rejecting the majority of Moroccan applicants. Morocco—fearing it would lose the upper hand—reneged on its commitment to the referendum.

To break the impasse, Mr. Baker submitted a compromise plan to the Security Council in July 2003. The plan included a referendum for the Sahrawis and gave Moroccans who settled in Western Sahara through 1999 the right to vote, making them the majority of the electorate. Convinced a peaceful solution was possible, the leading Sahrawi political group—the POLISARIO Front—reluctantly accepted the terms of Mr. Baker's plan. Its gesture was never reciprocated. Morocco, supported by France, rejected the Baker Plan from the outset.

As this battle rages, Sahrawis suffer. The Moroccan government continues to imprison Sahrawi activists, exploit the natural resources of Western Sahara, and prohibit foreign journalists from transmitting the truth to the outside world, as evidenced by the recent expulsion of several Danish reporters.

The U.N. has spent more than $600 million to maintain this dreadful status quo. Successive U.S. administrations, Republican and Democrat, have walked a fine line on this issue. Morocco is a longstanding ally. However, alliance with powerful nations should not provide the cover to ignore international commitments and deny the basic human right of self-determination to a peaceful, democratic people.

When the president meets with King Mohammed this week, he should not ignore His Majesty's opposition to democracy in the Western Sahara. The spread of freedom is central to our mission as a nation. This is ever more important as the administration works to spread democracy in Islamic nations.

Unlike many others in the Middle East and North Africa, the Sahrawis have chosen a peaceful path to democracy. We owe the democratic people of Western Sahara no less than the support we have given others in their fight for independence—the right to have a say in their own future.

When Congress considers the US.-Morocco free trade agreement, it should seriously consider how it will aid His Majesty's attempt to exploit an area to which he has no legitimate claim. Ignoring Western Sahara will put a vote for Sahrawis further out of reach.

The time has come to abandon empty promises and hollow rhetoric in favor of a free, fair, and transparent referendum for the Sahrawis. This is the only way to build a peaceful, democratic future for Western Sahara and the entire region.

LETTER DATED 29 JANUARY 2002 FROM THE UNDER-SECRETARY-GENERAL FOR LEGAL AFFAIRS, THE LEGAL COUNSEL, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

1. In a letter addressed to me on 13 November 2001, the President of the Security Council requested, on behalf of the members of the Security Council, my opinion on ''the legality in the context of international law, including relevant resolutions of the Security Council and the General Assembly of the United Nations, and agreements concerning Western Sahara of actions allegedly taken by the Moroccan authorities consisting in the offering and signing of contracts with foreign companies for the exploration of mineral resources in Western Sahara''.

2. At my request, the Government of Morocco provided information with respect to two contracts, concluded in October 2001, for oil-reconnaissance and evaluation activities in areas off-shore Western Sahara, one between the Moroccan ''Office National de Recherches et d'Exploitations Petrolieres'' (ONAREP) and the United States oil-company Kerr Mc-Gee du Maroc Ltd., and the other between ONAREP and the French oil company TotalFinaElf E&P Maroc. Concluded for an initial period of 12 months, both contracts contain standard options for the relinquishment of the rights under the contract or its continuation, including an option for future oil contracts in the respective areas or parts thereof.

3. The question of the legality of the contracts concluded by Morocco off-shore Western Sahara requires an analysis of the status of the territory of Western Sahara, and the status of Morocco in relation to the Territory. As will be seen, it also requires an analysis of the principles of international law governing mineral resource activities in Non-Self-Governing Territories.

4. The law applicable to the determination of these questions is contained in the United Nations Charter, in General Assembly resolutions, pertaining to decolonization, in general, and economic activities in Non-Self-Governing Territories, in particular, and in agreements concerning the status of Western Sahara. The analysis of the applicable law must also reflect the changes and developments which have occurred as international law has been progressively codified and developed, as well as the jurisprudence of the International Court of Justice and the practice of States in matters of natural resource activities in Non-Self-Governing Territories.

A. THE STATUS OF WESTERN SAHARA UNDER MOROCCAN ADMINISTRATION

5. A Spanish protectorate since 1884, Spanish Sahara was included in 1963 in the list of NonSelf-Governing Territories under Chapter XI of the Charter (A/5514, Annex III). Beginning in 1962, Spain as administering Power transmitted technical and statistical information on the territory under Article 73 (e) of the Charter of the United Nations. This information was examined by the Special Committee with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (''Special Committee''). In a series of General Assembly resolutions on the Question of Spanish/Western Sahara, the applicability to the territory of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV), was reaffirmed.

6. On 14 November 1975, a Declaration of Principles on Western Sahara was concluded in Madrid between Spain, Morocco and Mauritania (the Madrid Agreement), whereby the powers and responsibilities of Spain, as the administering Power of the territory, were transferred to a temporary tripartite administration. The Madrid Agreement did not transfer sovereignty over the territory, nor did it confer upon any of the signatories the status of an administering Power—a status which Spain alone could not have unilaterally transferred. The transfer of administrative authority over the territory to Morocco and Mauritania in 1975, did not affect the international status of Western Sahara as Non-Self-Governing Territory.

7. On 26 February 1976, Spain informed the Secretary-General that as of that it had terminated its presence in Western Sahara and relinquished its responsibilities over the Territory, thus leaving it in fact under the administration of both Morocco and Mauritania in their respective controlled areas. following the withdrawal of Mauritania from the Territory in 1979, upon the conclusion of the Mauritano-Sahraoui agreement of 19 August 1979 (S/13504, Annex I), Morocco has administrated the territory of Western Sahara alone. Morocco however, is not listed as the administering Power of the territory in the United Nations list of Non-Self-Governing Territories, and has, therefore, not transmitted information on the territory in accordance with Articles 73 (e) of the United Nations Charter.

8. Notwithstanding the foregoing, and given the status of Western Sahara as a Non-Self-Governing Territory, it would be appropriate for purposes of the present analysis to have regard to the principles applicable to the powers and responsibilities of an administering Power in matters of mineral resource activities in such a Territory.

B. THE LAW APPLICABLE TO MINERAL RESOURCE ACTIVITIES IN NON-SELF-GOVERNING TERRITORIES

9. Article 73 of the United Nations Charter lays down the fundamental principles applicable to Non-Self-Governing Territories. Members of the United Nations who assumed responsibilities for the administration of these territories have whereby recognized the principle that the interest of the inhabitants of these territories are paramount, and have accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of these territories. Under Article 73 (e) of the Charter, they are required to transmit regularly to the Secretary-General for information purposes statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories under their administration.

10. The legal regime applicable to Non-Self-Governing Territories was further developed in the practice of the United Nations

and, more specifically, in the Special Committee and the General Assembly. Resolutions of the General Assembly adopted under the agenda item ''implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples'', called upon the administering Powers to ensure that all economic activities in the Non-Self-Governing Territories under their administration do not adversely affect the interests of the peoples of such territories, but are instead directed to assist them in the exercise of their right to self-determination. The Assembly also consistently urged the administering Powers to safeguard and guarantee the inalienable rights of the peoples of these territories to their natural resources, and to establish and maintain control over the future development of those resources (GA res 35/118 of 11 December 1980; 52/78 of 10 December 1997; 54/91 of 6 December 1999; 55/147 of 8 December 2000; and 56/74 of 10 December 2001).

11. In the resolutions adopted under the item ''Activities of foreign economic and other interests which impede the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in territories under Colonial Domination'', the General Assembly reiterated that ''the exploitation and plundering of the marine and other natural resources of colonial and Non-Self-Governing Territories by foreign economic interests, in violation of the relevant resolutions of the United Nations, is a threat to the integrity and prosperity of these Territories'' and that ''any administering Power that deprives the colonial people of Non-Self-Governing Territories of the exercise of their legitimate rights over their natural resources . . . violates the solemn obligations it has assumed under the Charter of the United Nations'' (GA res. 48/46 of 10 December 1992 and 49/40 of 9 December 1994).

12. In an important evolution of this doctrine, the General Assembly in resolution 50/33 of 6 December 1995, drew a distinction between economic activities that are detrimental to the peoples of these territories and those directed to benefit them. In paragraph 2 of that resolution, the General Assembly affirmed ''the value of foreign economic investment undertaken in collaboration with the peoples of Non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socio-economic development of the Territories''. This position has been affirmed by the General Assembly in later resolutions (GA res. 52/72 of 10 December 1997; 53/61 of 3 December 1998; 54/84 of 5 December 1999; 55/38 of 8 December 2000; and 56/66 of 10 December 2001).

13. The question of Western Sahara has been dealt with by both the General Assembly, as a question of decolonization, and by the Security Council as a question of peace and security. The Council was first seized of the matter in 1975, and in resolutions 377 (1975) of 22 October 1975 and 379 (1975) of 2 November 1975 it requested the Secretary-General to enter into consultations with the parties. Since 1988, in particular, when Morocco and the Frente Polisaro agreed, in principle, to the settlement proposals of the Secretary-General and the Chairman of the OAU, the political process aiming at a peaceful settlement of the question of Western Sahara has been under the purview of the Council. For the purposes of the present analysis, however, the body of Security Council resolutions pertaining to the political process is not relevant to the legal regime applicable to mineral resource activities in Non-Self-Governing Territories and for this reason is not dealt with in detail in the present letter.

14. The principle of ''permanent sovereignty over natural resources'' as the right of peoples and nations to use and dispose of the natural resources in their territories in the interest of their national development and well-being, was established in General Assembly resolution 1803 (XVII) of 14 December 1962. It has since been reaffirmed in the 1966 International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, as well as in subsequent General Assembly resolutions, most notably, resolution 3201 (S–VI) of 1 May 1974, ''Declaration on the Establishment of a New International Economic Order'', and Resolution 3281 (XXIX) containing the Charter of Economic Rights and Duties of States. While the legal nature of the core principle of ''permanent sovereignty over natural resources'', as a corollary to the principle of territorial sovereignty or the right of self-determination, is indisputably part of customary international law, its exact legal scope and implications are still debatable. In the present context, the question is whether the principle of ''permanent sovereignty'' prohibits any activities related to natural resources undertaken by an administering Power (cf. para. 8 above) in a Non-Self-Governing Territory, or only those which are undertaken in disregard of the needs, interests and benefits of the people of that territory.

C. THE CASE LAW OF THE INTERNATIONAL COURT OF JUSTICE

15. The question of natural resource exploitation by administering Powers in Non-Self-Governing Territories was brought before the International Court of Justice in the Case of East Timor (Portugal v. Australia) and the Case Concerning Certain Phosphate Lands in Nauru (Nauru v. Australia). In neither case, however, was the question of the legality of resource exploitation activities in Non-Self-Governing Territories conclusively determined.

16. In the Case of East Timor, Portugal argued that in negotiating with Indonesia an agreement on the exploration and exploitation of the continental shelf area of the Timor Gap, Australia had failed to respect the right of the people of East Timor to permanent sovereignty over its natural wealth and resources, and the powers and rights of Portugal as administering Power of East Timor. In the absence of Indonesia's participation in the proceedings, the International Court of Justice concluded that it lacked jurisdiction.

17. In the Nauru Phosphate Case, Nauru claimed the rehabilitation of certain phosphate lands worked out before independence in the period of the Trusteeship administration by Australia, New Zealand and the United Kingdom. Nauru argued that the principle of permanent sovereignty over natural resources was breached in circumstances in which a major resource was depleted on grossly inequitable terms and its extraction involved the physical reduction of the land. Following the Judgment on the Preliminary Objections, the parties reached a settlement and a Judgment on the merits was no longer required.

D. THE PRACTICE OF STATES

18. In the recent practice of States, cases of resource exploitation in Non-Self-Governing Territories have, for obvious reasons, been few and far apart. In 1975, the United Nations Visiting Mission to Spanish Sahara reported that at the time of the visit, four companies held prospecting concessions in off-shore Spanish Sahara. In discussing the exploitation of phosphate deposits in the region of Bu Craa with Spanish officials, the Mission was told that the revenues expected to accrue would be used for the benefit of the Territory, that Spain recognized the sovereignty of the Saharan population over the Territory's natural resources and that, apart from the return of its investment, Spain laid no claim to benefit from the proceeds (A/10023/Rev.1, p. 52)

19. The exploitation of uranium and other natural resources in Namibia by South Africa and a number of Western multinational corporations was considered illegal under Decree No. 1 for the Protection of the Natural Resources of Namibia, enacted in 1974 by the United Nations Council for Namibia, and was condemned by the General Assembly (GA res. 36/51 of 24 November 1981, and 39/42 of 5 December 1984). The case of Namibia, however, must be seen in the light of Security Council resolution 276 (1979) of 30 January 1970, which declared that the continued presence of South Africa in Namibia was illegal and that consequently all acts taken by the Government of South Africa were illegal and invalid.

20. The case of East Timor under the United Nations Transitional Administration in East Timor (UNTAET) is unique in that, while UNTAET is not an administering Power within the meaning of Article 73 of the United Nations Charter, East Timor is still technically listed as a Non-Self-Governing Territory. By the time UNTAET was established in October 1999, the Timor Gap Treaty was fully operational and concessions had been granted in the Zone of Cooperation by Indonesia and Australia, respectively. In order to ensure the continuity of the practical arrangements under the Timor Gap Treaty, UNTAET, acting on behalf of East Timor, concluded on 10 February 2000, an Exchange of Letters with Australia for the continued operation of the terms of the Treaty. Two years later, in anticipation of independence, UNTAET, acting on behalf of East Timor, negotiated with Australia a draft ''Timor Sea Arrangement'' which will replace the Timor Gap Treaty upon the independence of East Timor. In concluding the agreement for the exploration and exploitation of oil and natural gas deposits in the continental shelf of East Timor, UNTAET, on both occasions, consulted fully with representatives of the East Timorese people, who participated actively in the negotiations.

E. CONCLUSIONS

21. The question addressed to me by the Security Council namely, ''the legality . . . of actions allegedly taken by the Moroccan authorities consisting in the offering and signing of contracts with foreign companies for the exploration of mineral resources in Western Sahara,'' has been analysed by analogy as part of the more general question of whether mineral resource activities in a Non-Self-Governing Territory by an administering Power is illegal, as such, or only if conducted in disregard of the needs and interests of the people of that territory. An analysis of the relevant provisions of the United Nations Charter, General Assembly resolutions, the case law of the International Court of Justice and the practice of States, supports the latter conclusion.

22. The principle that the interests of the peoples of Non-Self-Governing Territories are paramount, and their well-being and development is the ''sacred trust'' of their respective administering Powers, was established in the Charter of the United Nations and further developed in General Assembly by resolutions on the question of decolonization and economic activities in Non-Self-Governing Territories. In recognizing the inalienable rights of the peoples of Non-Self-Governing Territories to the natural resources in their territories, the General Assembly has consistently condemned the exploitation and plundering of natural resources and any economic activities which are detrimental to the interests of the peoples of these territories and deprive them of

their legitimate rights over their natural resource. It recognized, however, the value of economic activities which are undertaken in accordance with the wishes of the peoples of those territories, and their contribution to the development of such territories.

23. In the Cases of East Timor and Nauru, the International Court of Justice did not pronounce itself on the question of the legality of economic activities in Non-Self-Governing Territories. It should be noted, however, that in neither case was it alleged that mineral resource exploitation in such territories was illegal per se. In the Case of East Timor, the conclusion of an oil exploitation agreement was allegedly illegal because it was not concluded with the administering Power (Portugal); in the Nauru Case, the illegality allegedly arose because the mineral resource exploitation depleted unnecessarily or inequitably the overlaying lands.

24. The recent State practice, though limited, is illustrative of an opinio juris on the part of both administering Powers and third States: where resource exploitation activities are concluded in Non-Self-Governing Territories for the benefit of the peoples of these territories, on their behalf, or in consultation with their representatives, they are considered compatible with the Charter obligations of the administering Power, and in conformity with the General Assembly resolutions and the principle of ''permanent sovereignty over natural resources'' enshrined therein.

25. The foregoing legal principles established in the practice of States and the United Nations pertain to economic activities in Non-Self-Governing Territories, in general, and mineral resource exploitation, in particular. It must be recognized, however, that in the present case, the contracts for oil reconnaissance and evaluation do not entail exploitation or the physical removal of the mineral resources, and no benefits have as of yet accrued. The conclusion is, therefore, that, while the specific contracts which are the subject of the Security Council's request are not in themselves illegal, if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories.

HANS CORELL,
Under-Secretary for legal Affairs,
The Legal Counsel.

KINGDOM OF MOROCCO,
MINISTRY OF INTERIOR, SECRETARIATE,
Rabat, January 22, 1998.

From: The Minister of State for the Interior.
To: All Walis and Governors of the Kingdom's Prefectures and Provinces.
Object: Training workshops for applicants for identification for the referendum to confirm the Moroccanness of the Sahara.

This circular results from examination of the daily activity reports on the ethnic workshops, forwarded by yourselves, and from remarks, suggestions and proposals made by the Moroccan party's Observers in the light of seven weeks of identification, some twenty weeks from the end of this operation.

The results of identification having so far fallen short of the necessary level, owing in part, certainly, to evidence from the Chyoukh representing the other party which is often negative, but also owing to the manifestly insufficient preparation of our applicants, you are invited to pay the closest attention to this briefing and supervise personally, in accordance with my earlier instructions, the strict application of the following measures:

1. Exhaustive pre-identification of the applicants and their sub-fractions:

It emerges from the daily activity reports from the ethnic workshops forwarded by yourself that, unfortunately, only a small number of Walis and Governors (see list attached to this circular) have an exact knowledge of the tribes and sub-fractions relevant to their respective commands, and have consequently been able to provide the Ministry of the Interior with statistical data on the applicants that conforms to the information in the central index.

The others are invited immediately to produce their data on the tribes and sub-fractions and on the number of applicants present in their respective commands and held ready to be summoned at any time to MINURSO's Identification Centres.

It goes without saying that an incomplete knowledge of the sub-fractions and their numbers in a prefecture or province results in underestimation of the real population of applicants, so that an insufficient number of these is being trained and taken to the Identification Centres, contrary to the objective of my earlier instructions.

The Walis and Governors concerned will therefore, on receipt of this circular, require their information technology units to contact the central information technology service to arrange immediate presentation of the province's or prefecture's data on the sub-fractions and their numbers.

2. Preparation of applicants for identification:

As specified in my previous circulars, the basis for the summoning and identification of applicants by MINURSO is the form filled out by them in 1994, on which the computerised data-banks used by this mission and by the Ministry of the Interior itself are both based.

Each applicant is registered and can be sought through his form number. The form contains the applicant's main details and those of his father and mother, in addition to all the elements that specify which identification criterion, out of the five criteria defined by the United Nations Peace Plan, is likely to be fulfilled by the applicant.

The applicant must also have perfect knowledge at least of the contents of the said form. However, when this document does not reflect the applicant's real situation, he should not be imprisoned by it but should seek to make it easy for the Identification Commission to recognise key elements, such as:

the birthplaces of the applicant and his immediate family (father, mother, children).

the seasonal pasture zones frequented in the Sahara by the applicant or his family.

landmark dates in relation to the birth of the applicant and his immediate family (father, mother, children) in the Sahara.

the lineage of the applicant and his immediate family and kinship with a known Sahrawi family.

the history of the applicant's tribe and family.

geography of the region in which they lived and travelled.

Lastly, there is a need to inculcate the applicant with a psychological stance enabling him to:

demystify the identification operation and the MINURSO commission.

be motivated and aware of the stakes in the referendum.

have confidence in himself and be self-assured.

overcome shyness and diffidence and speak loudly and clearly.

learn in advance, from applicants already identified as belonging to the same subfraction, what questions the Identification Commission is asking.

be able to cite one or more family members already counted or identified, and give their numbers.

convince the Moroccan Cheikh who will then convince the Identification Commission.

Full mastery of these elements implies preliminary training of the applicant in his prefecture or province of origin and 2 or 3 days of fine tuning with the Moroccan Cheikh before the identification session.

3. Responsibilities of the Cheikh and the Observer:

As specified in the document attached to this circular, concerning ''verification of eligibility'' of applicants, the Cheikh's main mission with MINURSO is to testify that the applicant fulfils one of the five identification criteria defined by the United Nations Peace Plan.

To this end, it is necessary for the Cheikh to meet at least once with the Observer and the applicants from each sub-fraction to become amply acquainted with the latter in preparation for the identification session. A list, in Arabic, of the applicants from his sub-fraction should be supplied to the Cheikh.

To facilitate contact between the applicants and the Cheikh of their fraction, the Observer teams will be tripled to enable them to follow the identification operation at the same time as preparing the applicants.

In the identification session the Cheikh should appear credible and convincing and should not restrict himself to recognizing the applicant, but seek to support and defend him as well. He should listen closely to the applicant's declaration and give active, reasoned and coherent testimony in support of the applicant's answers.

He should have perfect knowledge of the applicant, his lineage and his links with the sub-fraction and region.

He should relate this in a clear and convincing manner to the Identification Commission to elicit a positive verdict from it.

4. Role of the Instructors

Close contact between the Instructor, the Cheikh and the Observer is essential to train the Cheikh, teach him the identification process and the five eligibility criteria, raise his awareness, motivate him and remove any complexes he may have about the MINURSO Commission.

At least one full-day session involving the Observer, the Instructor, the Cheikh and the applicants from the sub-fraction is necessary to coordinate, evaluate and plan their common action.

For each ethnic sub-fraction, it is proposed that a group of applicants from the Southern Provinces who have already been identified, along with qualified cadres from these provinces, should be formed to help with the training programme of applicants from the Northern Provinces.

These applicants should identify the best-known and most widely distributed parts of their lineage and make them known to the Identification Commission.

In the same context, applicants from the Northern Provinces who are of Sahrawi origin should be integrated with their respective tribes to familiarize themselves with certain details that may help facilitate their identification.

Nevertheless, in cases where applicants in this category are certain of their Sahrawi origin but have acquired the culture of Northern Morocco, those concerned should defend their Moroccan personality while providing convincing proofs of their Sahrawi origin.

Lastly, agents of the authorities, notables, young people and women should be mobilized in support of this operation.

A special unit is to be established for preparing the Chyoukh, and a system set up to

train the Instructors and the Chyoukh in, for example:

the identification process.

the five criteria.

the role of the Chyoukh.

the technical arrangements.

Finally, deserving Chyoukh are to be encouraged and treated with respect.

In conclusion, the next twenty weeks are of determining importance for the outcome of the referendum to confirm the Moroccanness of the Sahara, whose result depends on your immediate action to apply integrally all the instructions you have been given on this subject, which I invite you once again to execute rigorously in liaison with the central Governors concerned, who are required to keep me regularly informed.

DRISS BASRI,

The Minister of State for the Interior.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT), a colleague and friend from the Committee on Ways and Means.

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

Mr. MCDERMOTT. Mr. Speaker, the President and his Trade Representative say that the U.S.-Morocco free trade agreement is a good idea because it will strengthen our economic ties with moderate, I emphasize moderate, Muslim countries.

Well, first of all, two-way trade flow between the United States and Morocco is around a billion dollars a year. Morocco is a tiny economy with little economic significance. The U.S. Commerce Department indicated the trade agreement will have a negligible impact on trade and negligible impact on our economies.

Furthermore, while I recognize that King Mohammed VI has made great strides recently, particularly with regard to the rights of women, we should not forget two very important issues. One, Morocco is a monarchy and the king is deemed the country's religious leader. This FTA is really about strengthening ties with moderate monarchies; Jordan, Bahrain and others have preceded it.

There are dozens of Muslim countries that are vibrant democracies, Egypt, that we should have chosen to pursue trade agreements before we chose Morocco.

But, two, the way in which Morocco has handled the Western Sahara is really a stain on their nation. In 1975, when the Western Sahara went free from Spain, the Moroccans moved in immediately and said this is our country. It is a very, very wealthy country in natural resources. Both oil is being drilled for by Kerr McGee and other American and British companies, and the fishing industry off the coast is very proficient.

So before signing an agreement with them, with a nation that has been occupying a territory to which it has no legal claim for 25 years, a nation that has erected a 2,000-kilometer wall to keep the inhabitants of Western Sahara from fleeing, with a country that has no respect for the right of self-determination, we should have ensured that the area of Western Sahara was justly and peacefully resolved. It would have been a lever we could have used to get them to resolve this.

The U.N. has said you should have an election and they just never quite get around to having it for 25 years.

I am really pleased, however, that the chairman of the House Committee on Ways and Means and the ranking member, the gentleman from New York (Mr. RANGEL), have worked with me to insert language into the official committee documents to indicate that in no way does the free trade agreement cover trade investment in the Western Sahara.

The issue is this: If you drill oil in the Western Sahara and the Moroccans take it into Morocco, is it then eligible for tariff-free dealings with the United States? And the answer should be no, and there should really never have been a trade agreement until that legal claim was relinquished or we had some sort of agreement on all of this.

What we do have is a letter which the gentleman from Pennsylvania (Mr. PITTS) inserted in the RECORD. I suspect I have one very similar to his but he will insert it also in the RECORD. I will include a letter from the Trade Representatives saying that in dealing with Morocco we are dealing with Morocco as understood by the United Nations and the United States, and we are not using this as a kind of end-around to go out and get more oil.

One wonders why did we go to Morocco? What is it about Morocco? It is a little tiny country, very little trade with us. What is being done here that really needs to be done?

I think we need to protect the indigenous people of the Sahrawi who live in Western Sahara. They need to have the protection from this United States reaching in and taking their resources by the back door. I thank the chairman for bringing this issue to the floor.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE

Washington, DC, July 20, 2004.

Hon. JIM MCDERMOTT,

House of Representatives,

Washington, DC.

DEAR CONGRESSMAN MCDERMOTT: Thank you for your letter of July 19, 2004, concerning our Free Trade Agreement (FTA) with Morocco and the status of Western Sahara.

The Administration's position on Western Sahara is clear: sovereignty of Western Sahara is in dispute, and the United States fully supports the United Nations' efforts to resolve this issue. The United States and many other countries do not recognize Moroccan sovereignty over Western Sahara and have consistently urged the parties to work with the United Nations to resolve the conflict by peaceful means.

The FTA will cover trade and investment in the territory of Morocco as recognized internationally, and will not include Western Sahara. As our Harmonized Tariff Schedule makes clear, for U.S. Customs purposes, the United States treats imports from Western Sahara and Morocco differently. Nothing in the FTA will require us to change this practice. The Administration will draft the proclamation authorized in the legislation implementing the FTA (H.R. 4842) to provide preferential tariff treatment for goods from the territory of Morocco. Preferential tariff treatment will not be provided to goods from Western Sahara.

I hope this letter addresses your question regarding the FTA and the status of Western Sahara. I encourage you to support the FTA. It will create economic opportunities for U.S. manufacturing and service firms, workers, and farmers, and will support economic reforms and foreign investment in Morocco.

Thank you again for your letter. Please feel free to contact me should you have further questions.

Sincerely,

ROBERT B. ZOELLICK.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

One of the earlier speakers called for a moratorium on trade agreements. There is nothing that we could do that would hurt American workers more than a moratorium.

Over the last few years Europe has consummated about 36 bilateral trade agreements in this part of the world, and we have consummated about three. Now, when they create a trade agreement with a bilateral agreement with one of these countries, what they are doing is socking in product standards that advantage their products and disadvantage our products.

When we write a free trade agreement with one of these countries it is entirely different. That is why countries like to work with us. It is comprehensive. It includes all products and it is fair, transparent and modern, and I commend Morocco for not only its commitment to develop its economy in a way in which everyone benefits and everyone prospers, but to have evidenced that commitment by changing their labor law in preparation for this free trade agreement. I think that is very commendable.

They changed their labor law to raise the minimum employment age, to reduce the number of hours in a workweek, to call for periodic review of the Moroccan minimum wage, to improve health and safety regulations, and I am skipping over a lot of details, to guarantee the right of association and collective bargaining. They looked at the world standards of how you should treat your workforce and they changed their laws to make those standards their standards.

They are moving. They are developing. Europe is trading with them twice as many dollars worth of product as we are in America. This free trade agreement will change that and ensure American jobs, creating new ones as well.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in opposition to this Moroccan so-called free trade agreement and ask the question, why has the United States as a result of these free trade agreements

over the last 20 years amassed the largest trade deficit in the United States history? They have told us when NAFTA was passed we would have a trade balance. We would in fact have hundreds of thousands of new jobs in this country.

What have we got? We have got the largest trade deficit with Mexico we have ever had, the largest trade deficit with Canada we have ever had, and an outwash of jobs from the United States to Mexico, over 900,000 jobs and counting, nearly a million jobs. NAFTA did not work.

Then they said, well, let us sign the China Free Trade Agreement. Boy, that will really be great. We will bring democracy to China. What have we got? We have got the largest growing trade deficit in the history of the United States with China. Every day companies are closing in this country, moving more production to China where wages are what? Ten cents an hour, 20 cents an hour.

The gentleman from Vermont (Mr. SANDERS) asked the opposition here, what is the minimum wage in Morocco? Nobody stood up. Do you know what it is? Eighty cents, 80 cents an hour in Morocco.

What makes you think if we pass another NAFTA-like trade agreement, this time with Morocco, are we going to make it any better? This is no different than what we have had. In fact, it is more of the same and even worse.

Our trade balance with Morocco is going down. Now, I think this agreement with Morocco has nothing to do with trade. It has everything to do with the Sahara and with oil relationships along the western side, and that is a whole other story not for this debate. But why would we want to sign a free trade agreement with a kingdom? Why would we want to empower a monarchy which this will do? You cannot have free trade with a country that is not free. Look at Saudi Arabia, where the majority of terrorists came from. That is a kingdom. Why would we want to empower those who hold assets in undemocratic countries? That is exactly what this agreement will do with Morocco.

This agreement is worse than NAFTA. NAFTA's labor and environmental provisions are a joke anyway. They are just side agreements with no teeth. This agreement has nothing, let me repeat, this has nothing to do with labor or environment. It does not have anything like the Jordanian trade agreement which made a step toward labor and the environment. Further, this agreement blocks the reimportation of prescription drugs as the Australian agreement did.

This agreement provides for the privatization of public services, more outsourcing of our service jobs in this country. There are no adjustment provisions in this agreement for workers who lose their jobs. In fact, in the old NAFTA agreement, they now do not even want to count how many American workers are losing jobs in this country so we can provide them with transitional assistance here at home. This agreement has no adjustment provisions.

One of the interesting provisions in this bill deals with Chapter 11. It guarantees that if investors get in trouble in Morocco—such as, what if terrorists do some things over there we do not like—this agreement protects their private risk through government. Even our own constitution does not do that on investment. Investors get a good deal in this agreement, workers do not.

Let me address one of the other unusual aspects of this agreement. It changes the wording of the provisions that deal with agriculture and food safety from being ''equal to'' to what is called ''equivalency''. Who is going to define equivalency on food safety and how it is different from ''equal to''? Or who is going to define equivalency on prescription drugs? What it does is it puts us on a downward path compared to the high standards we have set in this country for our own food and drug safety.

This is a bad deal. It is a bad deal economically. It is a bad deal politically. In view of our standing in the Muslim and Arab world, this is a bad deal. It does not promote democracy.

I encourage my colleagues in this body to vote no on this NAFTA-like expansion that now aims to include Morocco.

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

Mr. Speaker, I appreciate the gentlewoman's comments, but we are discussing the U.S.-Morocco FTA, which passed the Committee on Ways and Means by a vote of 26 to nothing. In addition, we have a trade surplus with Morocco. Trade with Morocco creates jobs. The projections are right now that over the next decade our exports will triple in the agricultural sector alone, and the Trade Adjustment Assistance Program already provides benefits to anyone adversely effected by trade, and there is no need for a new program.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, just to correct the record, and I am sure the gentlewoman misspoke, the United States does not have a free trade agreement with China. We have normal trade relations but no free trade agreement with China.

□ 1715

Mr. Speaker, I do rise in support of this U.S.-Morocco free trade agreement and thank the gentleman from Illinois for his leadership on this.

Today, I am not going to talk about the merits of the agreement. I think there are plenty of them; but instead, I want to point out what I think this agreement means in the context of U.S. policy for the broader Middle East.

This agreement would be the second free trade agreement that we would have with a country in the Middle East, and it would be another cornerstone of U.S. free trade efforts in this region. Achieving free trade and integrating this region into the global economy is of critical concern to the United States.

Economically, socially, this region faces enormous problems, enormous dilemmas. Inequality in many Middle Eastern countries has grown. It has not diminished in recent decades.

Political, economic, and social systems are intertwined and appear closed to those in the outside world. For those who are not already a part of the system, improvement in their lives is only a distant dream.

In July 2002, the United Nations Development Program released a report with some discouraging statistics. Middle Eastern regional growth over the last 2 decades has been the lowest in the world except for sub-Saharan Africa. Labor productivity has been on the decline since 1960. 65 million people are illiterate. One of every two women can neither read nor write. Ten million children are not in school. Unemployment has reached 15 percent with many areas experiencing much higher rates.

The Middle East cannot be healthy socially or politically so long as its economies are in crisis. The United States has a strong interest in helping to stimulate the economies and promote stability in the region.

Now, the U.S.-Morocco free trade agreement cannot by itself solve the deep and widespread economic and social inequalities which permeate this region, but the U.S.-Morocco free trade agreement is a step in helping one country in this region deepen its integration into the world trading system and reach its aspirations for development.

Passing this agreement will help this North African country develop and practice a system of the rule of law that will have implications far beyond trade and the commercial sector.

I urge my colleagues to support this agreement. It is more than just an agreement. It symbolizes our efforts, the efforts of the United States, to integrate this country and this region in partnership with shared aspirations and expectations.

I thank the gentleman for yielding me time.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), another distinguished member of the Committee on Ways and Means.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I want to commend the gentleman from Michigan (Mr. LEVIN). He does a terrific job with the gentleman from Illinois (Mr. CRANE) on a bipartisan basis to ensure that every opinion is heard on the Subcommittee on Trade over at the Committee on Ways and Means. I think oftentimes that is

why we have the final product that we do.

Let me use this opportunity, Mr. Speaker, to explain why I will be voting in favor of this bilateral free trade agreement between the United States and Morocco, even though there are several aspects of the agreement that trouble me.

My chief disappointment with the agreement is that, once again, the administration refused to specifically require our trading partner to abide by the five most basic internationally recognized labor standards.

The International Labor Organization has identified those principles as the right to associate and bargain collectively, and prohibitions on forced labor, discrimination and child labor.

Instead of assuring these minimal protections for foreign workers, our recent trade agreements have imposed a different standard. They require our partners to enforce whatever labor laws exist in that particular country, regardless of how lax those laws might be.

While I strongly believe that this is the wrong negotiating tack as a general matter, in the specific case of Morocco, the country's labor laws more than surpass international minimum standards; and by all accounts, it appears that the government is making a genuine and conscientious effort to work with unions, workers, and employers to bolster its worker protections even further, including the right to strike. The labor provisions of this agreement are not perfect, but they represent a workable starting point.

Although this agreement is not what I would ideally like to see, it represents an important first step. Fundamentally, I believe that the U.S. can improve its international standing and its national security by expanding trade and strengthening its relationships with moderate Muslim countries. Unfortunately, more and more Muslim voices are calling for boycotts of the United States and its products. That makes it all the more critical for us to reach out to those who are eager to form a partnership with us.

Over the long term, I believe that agreements with nations such as Morocco are mutually beneficial from an economic standpoint. They also represent an opportunity to help mend international relations that have endured a great deal of strain over the last several years.

Mr. Speaker, this agreement could be better. Certainly I would have negotiated it differently, but it will pave the way for progress in a region that is critically important to the United States, and so it does have my support.

Mr. CRANE. Mr. Speaker, can the Chair tell me how much time we have remaining.

The SPEAKER pro tempore (Mr. OSE). The gentleman from Illinois (Mr. CRANE) has 29 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 16 minutes remaining. The gentleman from Ohio (Mr. BROWN) has 14½ minutes remaining.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I want to thank the gentleman from Illinois (Chairman CRANE) and the gentleman from California (Chairman THOMAS) and our ranking members of the Committee on Ways and Means for moving this free trade agreement so effectively through the committee process and onto the floor so that before we break for August recess we can express our support for this agreement.

I do rise in support of the U.S.-Morocco free trade agreement, Mr. Speaker. This is our second trade agreement with an Arab country. With our trade agreement with Morocco, along with those of Israel, Jordan, and Bahrain, we are working to improve economic opportunities in North Africa and in the Middle East.

While the Moroccan economy is much smaller than ours, it remains a key export market for the United States and for my home State. In a State where approximately one in three jobs is now related to trade, it is not surprising that Washington State was the top exporter to Morocco with over $112 million in 2003.

By eliminating 95 percent of the tariffs immediately on United States manufactured goods, we are improving the competitiveness of our businesses in Morocco. Of the $465 million total United States exported from Morocco last year, nearly 29 percent, or $134 million, was due to aerospace products. It is very important to the Northwest, where so many jobs are directly or indirectly affected by our aerospace industry. In fact, Boeing aircraft dominate Royal Air Morac's fleet with a potential of 17 more planes on order.

This agreement will also strengthen intellectual property rights standards for patents, for trademarks and for copyrights so that our high-tech industries are protected in our digital economy. Higher standards, however, are not enough unless there is a commitment for better enforcement of these standards.

For this reason, I am very pleased with Morocco's commitment to better enforcement of intellectual property rights, such as increasing criminal penalties for piracy and for counterfeiting.

This is a very good agreement for our agricultural community. It eliminates duties on our products, and it liberalizes quotas on critical commodities. It also ensures that United States commodities will have equivalent access to any other trade agreements that Morocco negotiates with any other country. If Morocco gives another country better market access on agricultural products, our farmers get the same benefits.

Mr. Speaker, I ask my colleagues to support this trade agreement so that we can build an economic bridge with Morocco and the Middle East.

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

I am a little puzzled by this debate. I heard my friend from Texas talk about all the great promises of free trade and how these trade agreements are going to mean so much to our farmers and to our workers and to our businesses. I have heard the gentleman from Illinois (Mr. CRANE) say some of the same kinds of things, but I guess I am puzzled because I have heard that throughout my entire 12 years in Congress.

I have heard every trade agreement that comes to the floor, so many speakers say over and over and over again that if we pass these trade agreements, we are going to have more jobs, we are going to do more exports, we are going to have our balance in trade; and look what has happened in the last 12 years.

Our trade deficit when I came to this Congress was about one-fourth of what it is today. We import $1.5 billion more every day than we export. George Bush, Senior, said for every $1 billion of trade, either export or import, it was equivalent to somewhere in the vicinity of 14 or 15 or 16,000 jobs. Well, we have almost a $500 billion trade deficit. Do the math. That is an awful lot of lost jobs.

When we pass these trade agreements, we continue to hemorrhage jobs. We continue to have job loss. We continue to lose manufacturing jobs. One out of six manufacturing jobs in my State has been lost since George Bush took office. We have lost 165 jobs every day of the Bush administration.

So the answer to that is let us do more of what we have already been doing, let us do more tax cuts for the wealthiest people in society, hoping that maybe some of it will trickle down to more jobs, and let us do more trade agreements which ship jobs overseas? People in our communities say these trade agreements are not working.

China, entry of China in WTO; NAFTA; Singapore, Chile, Australia, Morocco, these trade agreements are not translating into more jobs, and people at home know that. In spite of what people in this institution say, in spite of how people in this institution vote, the fact is we continue to lose manufacturing jobs in this country. We have lost millions of jobs in this Bush administration, and then we turn around and do the same thing over and over and over. We make the same promises over and over and over and the results are the same. When we will ever learn?

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

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

I think it is important for everyone to understand that we have a trade surplus at the current time with Morocco. The projections are, though, that with

this free trade agreement we will have a very dramatic increase in our exports, especially our exports in the agricultural community with that dramatic drop in tariff barriers that have struck our access there, but we are making progress, dramatic progress.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. RYAN), our distinguished colleague on the committee.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time. I will just briefly pause and say, having a surplus with Morocco actually helps us with our trade deficit surplus figure because it adds to the surplus side of it.

Mr. Speaker, I would like to pause for a moment and thank those who made this possible. I would like to thank those negotiators at the U.S. Trade Representative who worked long and hard hours with the Moroccans to make this agreement possible. I would like to thank our committee chairman, the gentleman from California (Mr. THOMAS); our subcommittee chairman, the gentleman from Illinois (Mr. CRANE); and also I would like to thank the gentlewoman from Washington (Ms. DUNN), who spearheaded this through committee and here in Congress. This is a great product. This is a great thing.

Now, specifically, why is this beneficial to our constituents? Why is this good for America?

Well, number one, manufacturing, a very important sector to our economy especially in my home State of Wisconsin. This is a great deal for manufacturing. This gets rid of the tariffs on our manufacturing goods going to Morocco.

Number two, and even more important, agriculture. For every $1 of imports we take from Morocco in imports, we export $10. This is a great agreement for agriculture, especially since the Europeans, who enjoy a 50 percent higher trade flow advantage with Morocco than we have at the present time, do not have an agreement with Morocco on agriculture. Let me say it another way. Morocco and Europe trade a lot with each other, 50 percent more than we do with Morocco. That is going to change with this agreement, thankfully; but the Europeans do not have an agriculture agreement with Morocco. We will, and that means we will sell even more agricultural products to Morocco. That is a great thing.

We have a trade surplus with Morocco. They are a great trading partner. This is good for jobs. It is good for manufacturing. It is good for agriculture; but Mr. Speaker, there is a broader vision here. There is a broader purpose for all of this.

This is part of the President's MEFTI plan. This is part of the Middle Eastern Free Trade Initiative. What is that initiative? That initiative is to recognize we need to play a constructive role in the Middle East; that in the war on terror, the most important aspect, long-term vision of that war on terror is improving our understanding and our relations with moderate Muslim countries, with the Arab world. This accomplishes this.

We have 10 TIFAs in place, 10 trade and investment framework agreements in place, throughout the Gulf, throughout Northern Africa, to engage in discussion and dialogue with those countries to help bring them up to the rules of democracy, rules of free enterprise, enforceable contracts, the rule of law, women's right to vote, open societies.

□ 1730

This is what these trade agreements produce. So not only do we produce trade agreements like this Moroccan agreement, which is good for jobs in America, we produce political reforms by engaging in a partnership with those in the Middle East who want democracy and want openness. Because of these agreements and because of the role we play in the world, we serve as a catalyst to getting these countries to open their societies.

Here is one example with the Moroccan agreement. Because of this trade agreement, Morocco passed a great piece of legislation in their constitution and their law for labor standards. They have been trying to do this for 20 years. For 20 years labor groups in Morocco have been trying to get the right to collectively bargain, a shorter workweek, better laws to protect against child labor. Those things are the law of the land in Morocco because of this agreement.

So what we are doing with this broad initiative, through trade investment framework agreements, which lead to these free trade agreements like we have with Jordan and Bahrain and now Morocco, what this accomplishes is bringing these nations into a partnership of democracy, of freedom, of openness and prosperity. That is how we end up improving the lives of people in the Middle East, and that at the end of the day, and I am going to make this connection, is how we make sure that young men and women who are susceptible to the likes of al-Qaeda, who grow up in tyrannical countries with lives where they have no hope and no place to put their creative energies and turn to the likes of al-Qaeda, now have hope in the countries where they did not have them before.

Now young people in these countries who are opening up their systems, bringing democracy, bringing open societies, they have hope. They have a place to channel their energies. This will be one if we improve our relationship, our cultural understanding, our dialogue, and, yes, our trade with these countries.

The Moroccan trade agreement is a perfect example of this vision. I urge Members to pass this trade agreement. It is good for jobs, it is good for Americans, it is good for Moroccans, and it is good for our foreign policy in the Middle East. That is a very, very important goal.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

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

I rise in support of this free trade agreement between the United States and Morocco. It has been a pleasure for me to work not only with the gentleman from Michigan (Mr. LEVIN), the gentleman from New York (Mr. RANGEL), the gentleman from New York (Mr. MEEKS), the gentleman from Washington (Mr. SMITH), the gentleman from California (Mr. DOOLEY) and others from our side, but also with Members from the other side of the aisle, the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Missouri (Mr. BLUNT), the gentleman from Virginia (Mr. CANTOR), and the gentleman from California (Chairman THOMAS) in making this bill a reality today on the floor.

As a Member who supports free trade and fair trade, and as a member of the Subcommittee on the Middle East and Central Asia on the Committee on International Relations, I was happy to work with Members to develop this legislation, which goes beyond being just a trade bill and morphing into a foreign policy tool.

Morocco has been a strong ally and friend of the United States since we declared our independence, and this agreement will continue to strengthen our long-standing relationship. This free trade agreement with Morocco will immediately eliminate duties on 95 percent of nontextile industrial imports, which will be the best market access the U.S. enjoys with a developing nation.

Besides the economic benefits from the implementation of this free trade agreement, it also has spurred our friends in Morocco to create a comprehensive new labor law which just went into effect this past June. The Moroccan new labor law raises the minimum employment age, reduces the workweek with overtime rates, improves worker health and safety regulations, addresses gender equity, and promotes employment of the disabled. This labor law also guarantees rights of association and collective bargaining. I believe we can credit this movement in terms of improvement of labor standards in Morocco to hopes by Morocco of agreement on this trade agreement.

Morocco has been a stabilizing force in the Middle East, and this agreement will help Morocco to continue on the path of moderation. In fact, Morocco has been a good friend to one of our strongest allies, Israel. Morocco has the largest population of Jews outside of Israel in the Middle East and has played an important role in trying to stabilize the current situation by continuing to play a role as a critical back channel for communications among

Israel, the Arab world, and the United States.

At the core of this trade initiative is the belief that through economic opportunity and partnership with the United States and Israel the goal of peace in this region can be furthered. I support this free trade agreement between the United States and Morocco, and I urge Members to vote for final passage.

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

Mr. Speaker, I commend the gentleman from New York (Mr. CROWLEY) for his outstanding commitment in this effort to advance our free trade relations and to advance the civilized values that free trade causes. He has done outstanding work in that effort, and I commend him. I thank his colleagues on his side of the aisle for their strong bipartisan support on this important bill.

Mr. Speaker, the administration strongly supports H.R. 4842, which will approve and implement the U.S.-Morocco Free Trade Agreement, as signed by the United States and Morocco on June 15, 2004.

The U.S.-Morocco FTA advances U.S. economic interests and meets the negotiating principles and objectives set out by the Congress in the Trade Act of 2002. The FTA will benefit the people of the United States and Morocco and illustrate to other developing countries the advantages of more open markets for trade and investment.

The FTA provides for increased access for American farmers, workers and businesses to Morocco's markets. Pursuant to the agreement, Morocco will provide strong protection for intellectual property, ensure that rules on electronic commerce are nondiscriminatory, and provide U.S. firms access to covered government procurement opportunities on the same basis that Moroccan firms enjoy.

The U.S.-Morocco FTA provides a significant opportunity to encourage economic reform and development in a moderate Muslim nation and is an important step in implementing the President's plan for a broader U.S.-Middle East Free Trade Area. It also sets a strong example of the benefits of open trade and democracy. Opening markets is part of the President's six-point plan for continuing to strengthen America's economy and to create more opportunities for American farmers, workers and businesses.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

A couple of points I would like to make as we are having this debate. One, we hear that there currently is a trade surplus with Morocco, but we have to look back just a few years and remember that we had a trade surplus with Mexico before we signed NAFTA. I think when we get ourselves into these trade agreements the argument is we have a trade surplus but things are going to change, and we need to look at that here.

What I cannot understand today, not only with this agreement but the legislation that passed out of this House earlier, is what are the priorities? We are trying to strip the Supreme Court of their power that was given to them by the Constitution. We are going off on another trade agreement here. In Ohio, we just lost 14,000 more jobs just in the month of June. The unemployment rate in Ohio went from 5.6 percent to 5.8 percent. What are the priorities of this Congress?

In every single trade agreement that has been passed by this Congress, there has been a promise that has been made along with it. We say we are going to open up markets, we are going to export, and we are going to trade. And as we get rid of those low-paying jobs, we are going to invest in education, we are going to make sure our country is competitive, and we are not living up to that part of the bargain.

We have 59,000 engineers which graduated from this country in 2001, and over 200,000 that graduated from China. If we do not fix the problem we have with our Pell Grants, our student loans, No Child Left Behind in the State of Ohio alone is underfunded for $1.5 billion for one school year, we cannot keep trading and not educating. That is the problem with these trade agreements. If we are going to compete in a global economy, we have to invest in our students or we are going to lose the middle class in the United States of America.

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

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I listened to the debate and I fully agree with Members from States like Ohio that have been devastatingly impacted by trade bills that have not worked.

It is unusual for me to extend myself on trade bills and provide my support, but as I have looked at this particular trade bill let me congratulate the negotiators. They have gone more than the extra mile. I have always said that where we can help developing nations, and particularly those in Africa that I have worked with over the time of my years in Congress, this is an important step we are making.

I cite in this trade bill some very interesting factors. First of all, I am gratified there are no immigration aspects to this bill because I oppose definitively any immigration issues on this bill because the immigration system in this Nation is broken and we must fix it in a way that is fair and balanced to all those who come to this country to seek opportunity.

This bill, however, speaks to the issue of labor concerns. I am delighted in 2003 Morocco undertook a major social dialogue involving the government of Morocco and talked about adopting and did adopt in fact major labor law reforms in July 2003 which reflected a common agreement and was endorsed by all groups. Standards of labor treatment and the elimination of child labor laws has been the result of these negotiations, as well as the recognition of the right to associate and participate in labor unions. Morocco made anti-union and other forms of discrimination illegal, providing strong penalties against such conduct, creating a legal obligation to engage in collective bargaining.

And yes, Mr. Speaker, let me also say that this particular treaty also recognizes in the fight against HIV/AIDS that we have the ability for the government of Morocco to buy generic drugs. I would hope as we look at treaties, as we look at labor agreements that deal in trade, as we look at formulating trade agreements in the future, Morocco as a developing nation is a very good standard by which to answer the Members' questions about the sizable loss of manufacturing jobs and other jobs around America. I too believe that we need job creation, the creation of manufacturing jobs, and we need to invest in the workforce of America.

I believe that this strong trade agreement will allow us to show the people of Morocco how to develop their economic infrastructure, to be the consumers of our products here in the United States as we improve our trade to balance with them. We want to decrease the trade imbalance and increase the amount of exports to Morocco and help it to become an economic engine that will receive our products from the United States. When that occurs, I am prepared to support a trade agreement such as this, and I rise to support the Morocco trade agreement.

Mr. Speaker, I rise today to support H.R. 4842, the "United States-Morocco Free Trade Agreement Implementation Act." Mr. Speaker, having traveled to Africa, I have seen the value when U.S. trade markets are opened to this part of the world. Morocco is an important ally in a region that needs our support. I support the long-term goal of increasing free trade with Africa and its surrounding neighbors. This legislation will build stronger and more effective commercial relationships in a region of the world where economic hope is unfortunately non-existent, developing nations like Morocco need our partnership.

Mr. Speaker, one of my strong issues is the worldwide fight against the deadly pandemic: the HIV/AIDS virus. In August of 2003, the U.S. led the work towards a WTO consensus that allows poor countries without domestic drug production capacity to issue compulsory licenses to import drugs needed to combat diseases such as HIV/AIDS, malaria, tuberculosis and other infectious epidemics. The Morocco FTA will not affect that country's ability to take measures necessary to protect public health or to use the WTO solution to import

drugs. This agreement ensures that government marketing-approval agencies will not grant approval to patent-infringing pharmaceuticals.

As far as the agreement is concerned, Morocco has agreed to establish tariff-rate quotas for beef that grow over time, providing significantly increased access to the important market in high-quality beef. In this respect, the U.S. will have superior access over the European Union, and virtually every one else, as well. This legislation levels the playing field between U.S. wheat producers and the EU, though the transition to parity is longer than I prefer.

We should welcome Morocco into the larger network of U.S. free trade partners. The Agreement provides benefits for businesses wishing to supply services cross-border (for instance, by electronic means) as well as businesses wishing to establish a presence locally in the other country. Strong and detailed disciplines on regulatory transparency supplement the Agreement's cross-cutting transparency provisions.

In this agreement, Morocco will allow U.S.-based firms to supply insurance on a cross-border basis (through electronic means) for key markets including reinsurance, reinsurance brokerage, and, subject to a two-year phase-in, marine, aviation and transport (MAT) insurance and brokerage. Morocco also will allow U.S.-based firms to offer services cross-border to Moroccans in areas such as financial information and data processing, and financial advisory services.

Of further benefit to U.S. insurance suppliers, Morocco will phase-out certain mandatory reinsurance cessions and expedite the introduction of insurance products. Each government commits that users of the telecom network will have reasonable and nondiscriminatory access to the network, thereby preventing local firms from having preferential or "first right" of access to telecom networks.

U.S. phone companies will have the right to interconnect will former monopoly networks in Morocco at non-discriminatory, cost-based rates. U.S. firms seeking to build a physical network in Morocco will have non-discriminatory access to key facilities, such as telephone switches and submarine cable landing stations.

This agreement is important because Morocco is an emerging market at the crossroads of Europe, Africa, and the Middle East. It imports $11 billion in products each year. Currently, U.S. products entering Morocco face an average tariff of more than 20 percent, while Moroccan products are only subject to an average 4 percent duty in the United States.

Each government will prohibit bribery, including bribery of foreign United States officials, and establish appropriate criminal penalties to punish violators. This Agreement establishes a secure, predictable legal framework for U.S. investors operating in Morocco.

All forms of investment will be protected under the Agreement, such as enterprises, debt, concessions, contracts and intellectual property. U.S. investors will enjoy in almost all circumstances the right to establish, acquire and operate investments in Morocco on an equal footing with Moroccan investors, and with investors of other countries.

Pursuant to the Trade Promotion Authority Act of 2002 (TPA), the Agreement draws from U.S. Legal principles and practices to provide U.S. investors in Morocco a basic set of substantive protections that Moroccan investors in the United States currently enjoy under the U.S. legal system.

This agreement fully meets the labor objectives set out by the Congress in TPA. Labor obligations are part of the core text of the Agreement. Each government reaffirms its obligations as members of the International Labor Organization (ILO), and commits to strive to ensure that its domestic laws provide for labor standards consistent with internationally recognized labor principles. The Agreement makes clear that it is inappropriate to weaken or reduce domestic labor protections to encourage trade or investment.

Each government will be required to effectively enforce its own domestic labor laws, and this obligation is enforceable through the Agreement's dispute settlement procedures.

Procedural guarantees in the Agreement require each government to provide access for workers and employers to fair, equitable and transparent labor tribunals or courts.

The Agreement includes a cooperative mechanism to promote respect for the principles embodied in the ILO Declaration on Fundamental Principles and Rights at Work, and compliance with ILO Convention 182 on the Worst Forms of Child Labor.

In closing, I support the Moroccan Free Trade Agreement.

□ 1745

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

Mr. Speaker, one of the things I have noticed in these debates on these trade issues is there is one common thread. There are many, but there is one really thick common thread that is woven through all these trade agreements, in not just these trade agreements but that is perhaps woven through much of what this Congress has done in the last 3 years, during the Bush years, and that is whatever the drug industry wants, whatever the pharmaceutical companies want.

We know the drug industry is the most profitable industry in America by a factor of three or four times in profitability over other Fortune 500 industries. We also know the drug industry has 600-plus lobbyists, more than one per Member. We also know the drug industry has given more money to President Bush, tens of millions of dollars, and to Republican leadership than any other industry. And we know they have gotten their way.

They wrote the Medicare bill, we know that, with the insurance industry. We know they have begun to try to dry up drug supplies in Canada, prescription drugs, so that Americans have more difficulty going to Canada to get drugs. We know that the FDA, once one of the best agencies in the Federal Government, has been co-opted by the drug industry so that on issue after issue they take the drug industry's side rather than the public safety or the consumers' side. And most importantly, I do not know that Members on the other side of the aisle are quite aware of this, but certainly the public is aware at how high drug prices, how much they have skyrocketed in the 3 years since President Bush has, I was going to say turned a blind eye to drug industry abuses but really actually fronted for and assisted in drug industry abuses.

One more example of that is all of these trade agreements, what happened with the Australia Free Trade Agreement, how it would for all intents and purposes block reimportation, that is, our ability, American consumers' ability to buy prescription drugs from another country, to get drugs at half or a third or a fourth of their price. We are now seeing the same in the Morocco bill.

But let us kind of scratch the surface a little and what you will find, Mr. Speaker, is in April, United States Trade Rep, Ambassador Zoellick, gave Assistant U.S. Trade Representative for Southeast Asian public affairs, Ralph Ives, additional responsibilities as the Assistant U.S. Trade Rep for pharmaceutical policy. He was the chief negotiator in the Australia FTA, which included these provisions we talked about which, of course, benefit the pharmaceutical industry.

Now, Mr. Speaker, we hear that this same Mr. Ives, who I said was the chief Australia FTA negotiator on pharmaceutical interests on behalf of the Bush administration, we find out next month he will leave USTR to become vice president of AdvaMed, a medical supply company. We have also learned that Claude Burke, another negotiator for U.S. taxpayers, paid by our government, a Bush appointee for intellectual property rights, has already left and now is working for another drug company, working for Abbott Labs.

So this revolving door of the drug industry where the drug industry gives money to President Bush, President Bush then helps the drug industry, then these people who are working for taxpayers negotiate a good deal for the drug company, then leave and come back and work for the drug industry. Is there no shame with this crowd, with my Republican friends who have fronted for this drug industry that is fleecing the American public and with the administration? That is one issue.

The other, Mr. Speaker, is why do we pass a trade agreement when we see the same story repeated over and over and over? We just turn the calendar back, rewind the clock, and we see it over and over again. We see speaker after speaker come to this floor and make all kinds of promises. We have a trade surplus in Morocco, so we ought to pass a trade agreement. Just like we had a trade surplus with Mexico, we passed NAFTA; and now we have a $25 billion a year, plus-plus-plus, trade deficit.

They promise more agricultural exports. They promise more American jobs. They promise more business for American companies. They promise more exports of American products. But look what happens. In my State in the last 3 years, we have lost one out of

six manufacturing jobs. Does that mean these trade agreements with Mexico, with WTO in China, with Morocco, with Australia, with Chile, with Singapore, does that mean these trade agreements are working? There is no evidence that they are working. We continue to hemorrhage jobs. We now have a $450 billion trade deficit, $1.5 billion trade deficit every day. So our answer is, boy, let's do more of the same because that must be working.

It is clearly not working. We have lost jobs during the Bush administration, the first President since Herbert Hoover to have a net loss of jobs. So what are we going to do? We are going to keep pursuing the same economic policy we have had the last 3 years, more tax cuts for the most privileged people in society, maybe some of it will trickle down into economic growth. Clearly that has not worked. More trade agreements, like Morocco, like Australia, like NAFTA, like China, more trade agreements. That has not worked because we continue to hemorrhage jobs. We continue to ship jobs overseas.

Maybe, just maybe, Mr. Speaker, since none of that seems to have worked, maybe we ought to try something different. Maybe we ought to have a trade agreement that does not sell out to the drug industry. Maybe we ought to have a trade agreement with enforceable labor and environmental standards, international labor organization standards. Maybe we ought to have a trade agreement that puts American workers first, that puts the environment first, that puts food safety first, that puts American consumers of prescription drugs first. Maybe, just maybe, we ought to put a hold on these trade agreements that continue to ship jobs overseas and, instead, pass something that works for American consumers, that works for American workers, that works for our communities, and that works for the United States of America.

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

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

When we discussed the rule, I went over some of the benefits of this agreement, those relating to manufacturing goods, and we have been deeply hurt in the manufacturing area in the United States these last 3 years. This agreement should open up Morocco to more goods made in America. I referred to the agricultural area. This agreement does open up the Moroccan market to agricultural goods produced in the United States of America. It will also liberalize the service areas that are important for our development. And there is reference to intellectual property safeguards.

I want to spend a few minutes now talking about the broader perspective here, the perspective, I think, with which we must look at trade agreements and expanded trade.

First, there has been some reference here to bipartisanship, and it is true that this will pass with bipartisan support. Not complete. But I want it clear that there has been these last 3 years no basic bipartisan consensus on trade. That has been true of the big issues. We fought out TPA here, and it passed narrowly. CAFTA was negotiated on a narrow basis without adequate bipartisan participation. The same has been true today of the FTAA.

The failure of this administration to build a bipartisan consensus, a strong bipartisan foundation, to renew that foundation that once existed here, I think, has handicapped discussions within the WTO. We cannot make the tough decisions relating to negotiations in the WTO that affect American workers, businesses, farmers and others except on the basis of a strong bipartisan foundation. We do not have it.

Secondly, we on the Democratic side together, all of us, reject the use of one agreement as a model for others. For example, we have discussed core labor standards. Where labor laws in a country are essentially adequate, as was true of Jordan, the standard enforce-your-own-laws, which was the basic standard in Jordan, can work; but it will not work in cases where laws are very inadequate. So that is why we Dems essentially in unison reject the CAFTA that was negotiated. We support a Central American Free Trade Agreement, but one that is different than was negotiated.

So the basic issue, therefore, is not, as some in the majority have stated, whether one is for or against free trade, for or against expanded trade. It is whether the terms of expanded trade will be shaped to benefit all and not just a few. We do not assume that expanded trade is automatically positive all around.

That is why when this agreement came up, we raised two issues. One of them related to core labor standards. There was reform. We wanted to know the facts about those reforms. We wanted to know the realities within Morocco. We wanted to know whether it was more or less like Jordan and not more or less like Central America.

And so we dug into the facts. We made it clear to the Moroccan government that we cared, and I must say I think it is because Democrats have been raising these issues perhaps more than any other factor that the Moroccan government undertook some reforms, and we received back a communication from the government of Morocco. I submit for printing in the RECORD the letter that was sent to us and the three other letters referred to during the debate on the rule.

The material referred to is as follows:

EMBASSY OF THE
KINGDOM OF MOROCCO,
Washington, DC, July 19, 2004.

HON. SANDY LEVIN,
Rayburn House Office Building,
House of Representatives.

DEAR REPRESENTATIVE LEVIN: I deeply appreciate the opportunity to work with you on the U.S.-Morocco Free Trade Agreement. In particular, I appreciate the opportunity to talk to you about the pharmaceutical provisions in the Free Trade Agreement, and about how the Government of Morocco is meeting the health needs of its citizens.

The Government of Morocco has a well-developed health system, including a comprehensive public health program. For example, free medical care, including medicines, is available through our hospitals. Morocco's health care policy includes a strong emphasis on generic drugs.

Morocco has not needed to engage in emergency measures such as compulsory licensing or parallel imports. In fact, there is a well-developed domestic pharmaceutical industry in Morocco, producing also generics, and in 2000, well in advance of the Free Trade Agreement and completely independent of it, Morocco decided to bar parallel imports.

In addition, as a separate, but quite important matter, the Government of Morocco is strongly committed to and has agreed to the highest-standard intellectual property rights provisions in the Free Trade Agreement. The Government of Morocco believes that effective intellectual property right protection will play a vital role in the continued economic development of our country.

The pharmaceutical provisions in the Free Trade Agreement were carefully considered in Morocco. They were discussed in detail with all parties. All sectors of our health system were involved, including the pharmaceutical industry. The discussions also included the members of the civil society in Morocco.

The Government of Morocco achieved in this agreement full flexibility to meet our nation's health concerns. In particular, the Government of Morocco believes the agreement fully preserves its right to issue a compulsory license in the event that this should prove necessary.

The Agreement does bar ''parallel imports'' in 1.5.9.4. However, as described above, the Government of Morocco already bans ''parallel imports.'' In addition, the Government of Morocco believes that in the event that it faced a situation where extraordinary action was required, it could meet the needs of its people through a compulsory license.

The Government of Morocco considered carefully the data exclusivity provisions in the agreement. We do not believe that they present any risk to our ability to meet the health needs of our citizens.

Under the Agreement, a compulsory license does not override obligations to provide data exclusivity under 15.10.1 and 2. The Government of Morocco believes it is unlikely that a situation would ever arise where data exclusivity would be a barrier to the issuance of a compulsory license. If such an event did occur, the Government of Morocco believes that an accommodation could be reached with the owner of the data.

The Government of Morocco supports the Paragraph 6 solution of the Doha Declaration. The Free Trade Agreement does not restrict our ability to export under the Paragraph 6 solution of the Doha Declaration. To the specific, 15.9.6 does not create a barrier to exports under the Paragraph 6 solution of the Doha Declaration.

The June 15, 2004 side letter between our two countries addresses the ability to amend the Free Trade Agreement, responsive to amendments to the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. Under the Agreement, the Government of Morocco believes it can consult immediately to amend the Agreement responsive to any WTO amendments. Under the Agreement, it is not required to wait for there to be an application in dispute of the Agreement.

I look forward to keep working with you.

Sincerely,

AZIZ MEKOUAR,
Ambassador.

EMBASSY OF THE
KINGDOM OF MOROCCO,
Washington, DC, July 14, 2004.

Hon. SANDY LEVIN,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN LEVIN: I have deeply appreciated the continuing opportunity to work with you on the U.S. Morocco Free Trade Agreement. In particular, I welcome your interest in our nation's labor law, specifically the comprehensive reforms, passed last year.

I want to address through this letter some of the issues that have been highlighted in conversations with you and your staff. Under Moroccan law, it is illegal to fire an individual because they are a member of a labor organization or have engaged in labor organizing. To fire someone on these grounds would be arbitrary under the 2003 law and would make available the full remedies provided under that law.

Under Moroccan law, it is illegal to refuse to hire an individual because they are a member of a labor organization or have engaged in labor organizing. It is also illegal to refuse to rehire or extend the contract of an individual for these reasons.

Section 473 is a provision in the 2003 Labor Law and the provision's intent is to ensure that labor representatives do not undermine the traditional labor organizations. The government intends to implement this provision to achieve that goal, consistent with the core provisions of the ILO.

The right to strike is protected in the Moroccan constitution. Further clarification of these rights is underway. The government of Morocco is committed to protecting the right to strike in conformance with the International Labor Organization's core principles. In particular, the government of Morocco will not use Article 288 of our penal code against lawful strikers.

Concerning the questions regarding Labor Representatives, employers have the obligation to organize the elections for the labor representatives. Employers cannot vote in these elections and are not able to choose labor representatives. Only employees can vote and elect freely the labor representatives.

Employees can join freely the Union of their own choice. Unions designate their representatives within the companies.

On the ILO involvement, Morocco has always worked with ILO. For instance, ILO assisted Morocco to write the Labor Code of 2003 and the new law on child labor. Morocco, as in the past, will continue to ask the support of ILO and work with this organization in all labor issues such as new laws and will ask its help in providing assistance for the implementation of the current rules.

I look forward to continuing to work with you on these issues and any others of potential concern. Nevertheless, I wanted to get back to you in a timely manner on the key issues addressed in this letter.

Sincerely,

AZIZ MEKOUAR,
Ambassador.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2004.

Hon. ROBERT B. ZOELLICK,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR ZOELLICK: We are writing to express our ongoing concern about sections of recently negotiated U.S. free trade agreements (FTAs) that could affect the availability of affordable drugs in developing countries. In particular, we are concerned about the impact of restrictions on parallel imports and about marketing exclusivity requirements for pharmaceuticals included in the Morocco FTA. Our concern relates to two points.

First, it appears that some of the provisions contradict, both explicitly and in spirit, commitments made by the United States in the World Trade Organization in both the November 2001 Declaration on the TRIPS Agreement and Public Health (the Doha Declaration) and the September 2003 Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (the Paragraph 6 Decision). Section 2101(b)(4)(C) of the Trade Act of 2002 (Trade Promotion Authority or TPA) directs the Administration to respect the Doha Declaration, necessarily including subsequent agreements related to that Declaration.

Second, we are concerned that the FTA's restrictions on obtaining regulatory approval for drugs, including drugs that are already off-patent, are likely to increase prices in the Moroccan market. These restrictions, described below, could undermine the availability of generic versions of drugs to treat serious health problems, including HIV/ADS, that are widespread in many, if not most, developing countries. Moreover, any increase in the price of drugs in a developing country like Morocco will be borne by consumers because most developing countries have large rural, uninsured, and poor populations who pay out-of-pocket for drugs.

In discussions with your staff and in recent testimony before the Committee on Ways and Means, we understand that your office is of the view that the FTA does not interfere with a country's efforts to ensure broader access to medicines. We request that you explain that view to us in writing, and in particular, by responding to the questions outlined below. We have focused on Chapter 15 of the U.S.-Morocco FTA, because it may be considered by Congress in the coming weeks.

RESTRICTIONS ON PARALLEL IMPORTATION

Article 15.9.4 of the U.S.-Morocco FTA requires both countries to recognize the exclusive right of a patent holder to import a patented product, at least where the patent holder has restricted the right to import by contractual means. In practical terms, this provision means that neither Morocco, nor for that matter, the United States, may allow parallel imports of patented pharmaceutical products from the other country, or where a national of the other country owns the patent.

With respect to Morocco, which is a developing country, this provision appears to limit one of the flexibilities identified in the Doha Declaration for increasing access to medicines, and accordingly, it appears to contradict the direction in section 2102(b)(4)(c) of TPA. Specifically, the Doha Declaration reaffirmed that the TRIPS Agreement provides flexibility for WTO Members to take measures to protect public health, including ''promot[ing] access to medicines for all.'' One of the key flexibilities identified in the Doha Declaration is the right of each country to determine for itself whether to allow parallel imports.

Does Article 15.9.4 of the Morocco FTA prevent Morocco from allowing parallel imports of a patented pharmaceutical product?

Given that the Doha Declaration explicitly confirms the right of each country to retain flexibility in allowing parallel imports of drugs as one way of meeting the public health needs of its citizens, please explain why the provision was included given that TPA directs the Administration to respect the Doha Declaration?

Which country sought inclusion of this provision?

If Morocco or the United States eliminated the exclusive right of a patent holder to import a patented product, would either be in violation of Article 15.9.4?

MARKET EXCLUSIVITY AND RELATED PROVISIONS

Article 15.10.1 of the U.S.-Morocco FTA requires that both countries prevent the use of data submitted to support an application for marketing approval (e.g., approval from the Food and Drug Administration (FDA)) for a new pharmaceutical chemical product without the consent of the person submitting such data, for a period of five years from the date of approval. In layman's terms, this means that if a company submits data to meet FDA-type safety and efficacy standards, and obtains marketing approval based on that data, other companies cannot obtain regulatory approval based on those data for five years. Given the cost of generating such data, this provision operates effectively as a grant of market exclusivity in virtually all cases, including in cases where the drug is off patent. Article 15.10.2 appears to allow an additional three years of marketing exclusivity for new uses of an already-approved pharmaceutical product. Article 15.10.3 requires both countries to extend patents where there is a delay in the marketing approval process.

The provisions described above appear to be based on 1984 amendments to U.S. law known as the Hatch-Waxman Act. The objectives of the Hatch-Waxman Act were to accelerate and increase the availability of generic drugs in the United States while balancing the need for continued investment in new drugs. As you are aware, the Hatch-Waxman Act was necessary because prior to 1984, U.S. law made it extremely difficult and expensive to bring a generic version of a pharmaceutical product to market, even after a patent expired. This was because prior to the 1984 changes, a company seeking marketing approval for a copy of an already-approved drug had to generate its own data to support its FDA application. The cost of generating those data effectively precluded second entrants from entering the market. (First entrants were able to offset the cost for generation of the data because they enjoyed patent protection.) The Hatch-Waxman Act allowed second entrants to rely on data submitted by first entrants, thereby reducing costs and speeding introduction of generic versions of drugs to the U.S. market. In exchange for allowing second entrants to ''piggy-back'' off first entrants, first entrants were given a period of market exclusivity, even for drugs that are off-patent.

The Hatch-Waxman Act's provisions on market exclusivity were part of a compromise necessary to ensure that the U.S. regulatory structure was updated to facilitate the entry of generic drugs into the U.S. market. Most developing countries already have robust generic markets, in large part because they already allow producers of generic versions of drugs to obtain regulatory approval based on data submitted by first applicants or based on prior approval. In light of that fact, and given that innovative drug companies largely develop drugs for developed country markets and conduct the necessary tests to get marketing approval in those markets regardless of whether they are given market exclusivity in low-income developing countries, what is the rationale for including these provisions?

Please describe the circumstances under which the three additional years of marketing exclusivity described in Article 15.10.2 would apply.

Neither Article 15.10.1 or 15.10.2 on marketing exclusivity appear to allow for reliance on previously submitted data or prior

approval during the period of market exclusivity absent consent of the first applicant. The Doha Declaration reaffirmed the right of countries to use flexibilities under the TRIPS Agreement, such as compulsory licenses. A compulsory license allows someone other than the patent holder to produce and sell a drug under patent. It is not clear to us why the grant of a compulsory license would override a grant of market exclusivity, as provided in Articles 15.10.1 and 15.10.02. (We note that there is no exception to protect the public.) Please describe how the market exclusivity provisions in Article 15.10.1 and Article 15.10.2 relate to Morocco's ability to issue a compulsory license.

Where a compulsory license has been issued, may a Party automatically deem that the first applicant has consented to reliance on the data or prior approval for the drug produced under the compulsory license?

If the patent and test-data were owned by different entities, does a compulsory license result in legal ''consent'' by both the patent holder and the data owner for use of the patented material and the test data?

When the drug is off patent, and a Party wishes to permit marketing for a second entrant, what mechanism exists in the FTA to allow for an exception to the provisions on market exclusivity?

Is a grant of market exclusivity pursuant to Articles 15.10.1 and 15.10.2 considered an ''investment'' with respect to Chapter 10 of the agreement? If so, would an abridgement of the period of market exclusivity constitute a compensable expropriation under Chapter 10?

Article 10.6.5 of the FTA appears to clarify that any act of patent infringement carried out by a Party in the issuance of a compulsory license in accordance with the TRIPS does not constitute a compensable expropriation. Issuance of a compulsory license, however, is only one aspect of the process of getting a drug to market. Does the clarification in Article 10.6.5 also ensure that other measures taken by a government to ensure that a drug on which a compulsory license has been issued can be lawfully marketed (e.g., a grant of marketing approval to a generic or second producer before the period of marketing exclusivity has expired) will not constitute compensable expropriations? If not, is there another provision in the agreement that would ensure that such measures do not constitute expropriations?

Article 15.10.3 requires that a patent term be extended where there is a delay in the regulatory approval process. The provision does not state whether delays attributable to the applicant (e.g., failure to provide adequate data) mitigate against extension. Article 15.9.8, the comparable provision for extension of a patent term because of a delay in the patent approval process, makes clear that delays attributable to the patent applicant should not be considered in determining whether there is a delay that gives rise to the need for an extension. Why was similar language not included in Article 15.10.3?

Is Morocco, or for that matter the United States, required by the FTA to extend a patent term where there is a delay in the regulatory approval that is attributable to the applicant?

BOLAR-TYPE PROVISIONS THAT LIMIT EXPORT

Article 15.9.6 of the U.S.-Morocco FTA appears to allow a person other than a patent holder to make use of a patent in order to generate data in support of an application for marketing approval of a pharmaceutical product (e.g., approval from the FDA). However, Article 15.9.6 also states that if exportation of the product using the patent is allowed, exportation must be limited to ''purposes of meeting marketing approval requirements.'' This provision appears to preclude Morocco from exporting generic versions of patented pharmaceutical products for any reason other than use in obtaining marketing approval because that is the only exception noted.

If that is the case, the provision would seem to curtail Morocco's ability to act as an exporter of pharmaceutical products to least-developed and other countries under the Paragraph 6 Decision. Specifically, the Paragraph 6 Decision allows countries to export drugs produced under a compulsory license to least-developed countries or to countries that lack pharmaceutical manufacturing capabilities. Were the provisions to constrain Morocco's ability to export under the Paragraph 6 Decision, the United States could be accused of backtracking on commitments that have been made.

Please explain whether this Article prohibits Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than ''meeting market approval requirements.'' If it does not, please explain in detail how you came to that conclusion.

If this provision does in fact limit Morocco's ability to allow the export of generic versions of patented pharmaceutical products, please explain how Morocco could serve as an exporting country to help least-developed and other countries address public health needs under the Paragraph 6 Decision. (Exporters under the Paragraph 6 Decision are exporting to meet the health needs of an importing country, not merely to obtain marketing approval.)

Does Article 15.9.6 allow export of a generic version of a patented drug to get marketing approval in a third country (i.e., other than the United States or Morocco)? (Article 15.9.6 states that ''the Party shall provide that the product shall only be exported outside its territory for purposes of meeting marketing approval requirements of that Party.'')

SIDE LETTER TO THE AGREEMENT

The Morocco FTA includes an exchange of letters dated June 15, 2004, between the Governments of Morocco and the United States. The letters appear intended to clarify the relationship between the intellectual property provisions of the FTA and the ability of Morocco and the United States to take measures to protect the public health.

The letters address two issues. First, the letters state that the intellectual property provisions in the FTA ''do not prevent the effective utilization'' of the Paragraph 6 Decision. Second, the letters state that if the TRIPS Agreement is amended on issues related to promotion of access to medicines, and that either the United States or Morocco takes action in conformity with such amendments, both countries will ''immediately consult in order to adapt [the intellectual property provisions of the FTA] as appropriate in light of the amendment.''

On the Paragraph 6 Decision, please explain how the statement that the FTA does not ''prevent the effective utilization'' is not merely rhetorical. Please be specific as to why you believe the provisions in the FTA do not preclude Morocco from acting as an importer or exporter of drugs under the Paragraph 6 Decision, including how the FTA's provisions related to market exclusivity can be waived if Morocco acts in either capacity.

On the issue of consultation, do the letters mean that both Parties agree to amend the FTA as soon as possible to reflect access to medicines amendments to the TRIPS Agreement? Will the United States refrain from enforcing provisions of the FTA that contravene the TRIPS Agreement amendments while the FTA is being amended? Is USTR willing to engage in an exchange of letters with the Government of Morocco memorializing such an understanding?

We appreciate your prompt response to these questions.

Sincerely,

CHARLES B. RANGEL,
Ranking Democrat, Committee on Ways and Means.
JIM MCDERMOTT,
Member, Committee on Ways and Means.
SANDER LEVIN
Ranking Democrat, Subcommittee on Trade, Committee on Ways and Means.
HENRY A. WAXMAN,
Ranking Democrat, Committee on Government Reform.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, July 19, 2004.

Hon. SANDER M. LEVIN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LEVIN: Thank you for your letter of July 15, 2004, regarding certain provisions of the intellectual property chapter of the U.S.-Morocco Free Trade Agreement (FTA).

I have addressed each of your specific questions below. As a general matter, for the reasons also set forth below, the FTA does not conflict with the Doha Declaration on the TRIPS Agreement and Public Health or otherwise adversely, affect access to medicines in Morocco. The FTA does not require Morocco to change its policies with respect to any of the flexibilities noted in the Doha Declaration. Furthermore, we believe that this FTA can advance Morocco's ability to address public health problems, both by putting in place incentives to develop and bring new medicines to market quickly and by raising standards of living more broadly.

The experience of Jordan under the U.S.-Jordan FTA is illuminating. The United States and Jordan signed the FTA in 2000, during the prior Administration, and we worked with Congress to enact that agreement in 2001. The U.S.-Jordan FTA contains a strong intellectual property chapter that covers, for example, data protection, one of the issues highlighted in your letter. Jordan has witnessed a substantial increase in pharmaceutical investment, creating new jobs and opportunities. In addition, Jordan has approved 32 new innovative medicines since 2000—a substantial increase in the rate of approval of innovative drugs, helping facilitate Jordanian consumers' access to medicines. The Jordanian drug industry has even begun to develop its own innovative medicines. This is an example of how strong intellectual property protection can bring substantial benefits to developing and developed countries together.

Your specific questions with respect to the U.S.-Morocco FTA are addressed below.

PARALLEL IMPORTATION

1. Does Article 15.9.4 of the Morocco FTA prevent Morocco from allowing parallel imports of a patented pharmaceutical product?

Article 15.9.4 of the FTA reflects current Moroccan law and therefore does not require Morocco to do anything it does not already do. The FTA also reflects existing U.S. law. Both Morocco and the United States already provide patent owners with an exclusive right to import patented products, including pharmaceuticals but also all other types of patented products. Many innovative industries and their employees in the United

States—from the high tech and pharmaceuticals sectors to sectors covering chemicals and agricultural inputs, and on to engineering and manufacturing—benefit from this long-standing protection in U.S. patent law.

2. Given that the Doha Declaration explicitly confirms the right of each country to retain flexibility in allowing parallel imports of drugs as one way of meeting the public health needs of its citizens, please explain why the provision was included given that TPA directs the Administration to respect the Doha Declaration?

Providing patent owners with an exclusive import right is consistent with Article 28.1 of the TRIPS Agreement, which states that patent owners have the exclusive right to make, use, sell, offer for sale, and import products covered by their patents. U.S. law, developed through a long line of Supreme Court and lower court cases, has recognized this right for over a hundred years. The TRIPS Agreement more precisely articulated the exclusive import right, and, when implementing TRIPS in the Uruguay Round Agreements Act, Congress amended the patent law by providing for such a right expressly in the statute.

At the same time, however, the TRIPS Agreement also allows countries to choose to permit ''international exhaustion'' without challenge under WTO dispute settlement. International exhaustion would allow parallel imports. The Doha Declaration affirms this approach, and states that ''[t]he effect of the provisions in the TRIPS Agreement that are relevant to the exhaustion of intellectual property rights is to leave each member free to establish its own regime for such exhaustion without challenge, subject to the MFN and national treatment provisions of Articles 3 and 4.''

Importantly, neither the TRIPS Agreement nor the Doha Declaration require WTO members to adopt an international exhaustion rule; they merely recognize that countries may do so without challenge. WTO members are free to exercise their sovereign right to choose an alternative policy. As noted, the United States does not permit parallel imports. Morocco also decided in 2000, well before the FTA negotiations, not to permit parallel imports. The fact that the FTA reflects principles already present in both Parties' laws does not in any way lessen our commitment to the Doha Declaration. In fact, in previous FTA negotiations with developing countries that do not have parallel import restrictions in their domestic law (e.g., Central America, Chile, and Bahrain), the final negotiated texts do not contain provisions on parallel importation.

3. Which country sought inclusion of this provision?

This provision is a standard component of the U.S. draft text, which USTR staff has presented to Congress for review and comment on numerous occasions. Morocco readily accepted the proposal, without objection, and noted during the negotiations that Moroccan patent law, like U.S. law, already provided patentees with an exclusive importation right.

4. If Morocco or the United States eliminated the exclusive right of a patent holder to import a patented product, would either be in violation of Article 15.9.4?

It would depend on the details of the particular legislation. A change in U.S. law would, however, affect many other innovative sectors that rely on patents besides the pharmaceutical sector. Many U.S. technology, manufacturing, and other innovative businesses—as well as Members of Congress—urge us regularly to vigorously safeguard U.S. patents and the jobs they help create.

MARKET EXCLUSIVITY

5. The Hatch-Waxman Act's provisions on market exclusivity were part of a compromise necessary to ensure that the U.S. regulatory structure was updated to facilitate the entry of generic drugs into the U.S. market. Most developing countries already have robust generic markets, in large part because they already allow producers of generic versions of drugs to obtain regulatory approval based on data submitted by first applicants or based on prior approval. In light of that fact, and given that innovative drug companies largely develop drugs for developed country markets and conduct the necessary tests to get marketing approval in those markets regardless of whether they are given market exclusivity in low-income developing countries, what is the rationale for including these provisions?

In negotiating the U.S.-Morocco FTA and other recent FTAs, USTR has been mindful of the guidance provided in the Trade Act of 2002, which directs USTR to seek to ''ensur[e] that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect[s] a standard of protection similar to that found in United States law.'' We understand the rationale of this guidance is to help protect and create high-paying jobs in leading American businesses. As a developed economy, it is understandable that U.S. workers will be increasingly employed in higher value (and better paid) innovative and productive jobs. On the basis of Congress' direction, the United States sought to include provisions that reflect U.S. law, including with respect to the protection of data.

The protection of clinical test data has long been a component of trade agreements negotiated by U.S. Administrations with both developed and developing countries. Data protection provisions were included, for example, in many past trade agreements, including the U.S.-Jordan FTA and the U.S.-Vietnam Bilateral Trade Agreement—both negotiated by the prior Administration after the passage of the law to which you refer. Such provisions were included in NAFTA, too. They are in all recent FTAs, including the U.S.-Singapore FTA and the U.S.-Chile FTA. Data protection provisions have also been included in many bilateral intellectual property agreements.

The TRIPS Agreement itself requires protection of clinical test data against unfair commercial use. While the United States protects data to obtain approval for new chemical entities for five years, other countries provide different terms. The EU, for example, protects such data for 6–10 years.

Implicit in the question, however, appears to be an assumption that data protection is disadvantageous for developing countries like Morocco. Yet, protection of data actually has the potential of facilitating and accelerating access to medicines. As recognized in Chapter 15 of the FTA (footnotes 12 and 13), Morocco does not currently approve generic versions of medicines based on approvals granted in other countries. As a result, today a generic producer wishing to sell pharmaceuticals in Morocco may obtain approval only if an innovative producer first obtains approval in Morocco or if the generic producer invests the significant money and time necessary to recreate the data itself. After an innovative producer obtains approval in Morocco, a generic producer may rely on such data to obtain approval for its generic product.

Therefore, under existing Moroccan law, generic manufacturers in Morocco cannot obtain marketing approval for a generic drug until an innovator has first obtained approval for the drug in Morocco. Without data protection, innovative producers will be less likely to enter the Moroccan market in the first place because, once they obtain approval, generic producers may capture most of the market. The data exclusivity provisions of the FTA can thus provide an important incentive for innovators to enter the market, which may in turn expand the potential universe of generic drugs in Morocco. As noted above, this is the development we are seeing in Jordan, to the benefit of Jordan consumers.

6. Please describe the circumstances under which the three additional years of marketing exclusivity described in Article 15.10.2 would apply.

The question seems to imply that the basic five year term of protection for data submitted to obtain approval of new chemical entities may be extended to eight years. This is not correct. There is no circumstance in which the FTA requires that an innovator receive a data protection period longer than five years for new chemical entities.

The three year period of protection reflects a provision in U.S. law, which relates to new information that is submitted after a product is already on the market (for example, because the innovator is seeking approval for a new use of an existing product). In that situation, at least in cases where the origination of this new data involves considerable effort, the FTA requires that the person providing the new data gets three years of protection for that new data relating to that new use. This three year period only applies to the new data for the new use; it is not added to the exclusivity period for any data previously submitted.

For example, if a new chemical entity is given marketing approval, the data supporting that approval is protected for five years. After that time, generic producers may rely on the data to obtain approval for a generic version of the drug for the use supported by the original data. If a new use is subsequently discovered for the chemical entity, and the health authority approves the new use based on new data, then the originator of the new data is entitled to three years of protection for that data. During that time, however, generics can continue to produce and market the drug for the original use.

7. Neither Article 15.10.1 or 15.10.2 on marketing exclusivity appear to allow for reliance on previously submitted data or prior approval during the period of market exclusivity absent consent of the first applicant. The Doha Declaration reaffirmed the right of countries to use flexibilities under the TRIPS agreement, such as compulsory licenses. A compulsory license allows someone other than the patent holder to produce and sell a drug under patent. It is not clear to us why the grant of a compulsory license would override a grant of market exclusivity, as provided in Articles 15.10.1 and 15.10.2. (We note that there is no exception to protect the public.) Please describe how the market exclusivity provisions in Article 15.10.1 and Article 15.10.2 relate to Morocco's ability to issue a compulsory license.

The Doha Declaration recognizes that the TRIPS Agreement allows countries to issue compulsory licenses to address public health problems. The U.S.-Morocco FTA is fully consistent with this principle. It contains no provisions with respect to compulsory licensing, leaving the flexibilities available under WTO rules unchanged.

In the negotiation of the U.S.-Morocco FTA, both parties recognized the importance of protecting public health. Your questions pertain to whether provisions of Chapter 15 (which is the Intellectual Property Rights chapter) might affect this common interest.

To address this type of concern, the United States and Morocco agreed to a side letter on public health in which both Parties stated their understanding that ''[t]he obligations of Chapter Fifteen of the Agreement do not affect the ability of either Party to take necessary measures to protect public health by promoting access to medicines for all, in particular concerning cases such as HIV/AIDS, tuberculosis, malaria, and other epidemics as well as circumstances of extreme urgency or national emergency.'' The Parties also stated that ''Chapter Fifteen does not prevent the effective utilization of the TRIPS/health solution'' reached in the WTO last year to ensure that developing countries that lack pharmaceutical manufacturing capacity may import drugs. Therefore, if circumstances ever arise in which a drug is produced under a compulsory license, and it is necessary to approve that drug to protect public health or effectively utilize the TRIPS/health solution, the data protection provisions in the FTA would not stand in the way.

8. Where a compulsory license has been issued, may a Party automatically deem that the first applicant has consented to reliance on the data or prior approval for the drug produced under the compulsory license?

As explained above, if the measure described in the question is necessary to protect public health, then, as explained in the side letter, the FTA would not stand in the way.

9. If the patent and test-data were owned by different entities, does a compulsory license result in legal ''consent'' by both the patent holder and the data owner for use of the patented material and the test data?

See previous response.

10. When the drug is off patent, and a Party wishes to permit marketing for a second entrant, what mechanism exists in the FTA to allow for an exception to the provisions on market exclusivity?

A patent is designed to protect one type of intellectual property work, i.e., an invention. Protection of data is intended to protect a different type of work, i.e., undisclosed test data that required significant time and effort to compile. The fact that one type of intellectual property protection for a product has expired, should not lead as a matter of course to the conclusion that all other intellectual property rights attached to the same product should also expire. The same is true in other areas of intellectual property. For example, a single CD may encompass several intellectual property rights related to the music, the performer and the record company. These rights may expire at different times. The fact that the copyright attached to the sound recording has expired, should not mean that the composer or performer loses the copyright it has. As you know, this principle is important to a broad range of U.S. creative and innovative industries, including the entertainment sector, America's second largest export business.

However, as indicated in the side letter, if a circumstance arose, such as an epidemic or national emergency, that could only be addressed by granting a second entrant marketing approval notwithstanding the data protection rights of the originator of the data, the FTA would not stand in the way.

11. Is a grant of market exclusivity pursuant to Articles 15.10.1 and 15.10.2 considered an ''investment'' with respect to Chapter 10 of the Agreement? If so, would an abridgement of the period of market exclusivity constitute a compensable expropriation under Chapter 10?

The definition of an ''investment'' in the FTA includes, inter alia, ''intellectual property rights.'' Whether an abridgement of the data protection obligation gives rise to a compensable expropriation of an ''investment'' under Chapter Ten is a fact-specific issue that would have to be resolved on the merits of a particular case. It is worth noting, however, that Article 10.6.5 provides that the expropriation provision of Chapter Ten does not apply to the issuance of compulsory licenses or to the limitation of intellectual property rights to the extent that such action is consistent with the intellectual property chapter (Chapter Fifteen). A determination concerning the consistency of an action with Chapter Fifteen would be informed by the side letter.

12. Article 10.6.5 of the FTA appears to clarify that any act of patent infringement carried out by a Party in the issuance of a compulsory license in accordance with the TRIPS does not constitute a compensable expropriation. Issuance of a compulsory license, however, is only one aspect of the process of getting a drug to market. Does the clarification in Article 10.6.5 also ensure that other measures taken by a government to ensure that a drug on which a compulsory license has been issued can be lawfully marketed (e.g., a grant of marketing approval to a generic or second producer before the period of marketing exclusivity has expired) will not constitute compensable expropriations? If not, is there another provision in the agreement that would ensure that such measures do not constitute expropriations?

See response to Question 11.

13. Article 15.10.3 requires that a patent term be extended where there is a delay in the regulatory approval process. The provision does not state whether delays attributable to the applicant (e.g., failure to provide adequate data) mitigate against extension. Article 15.9., the comparable provision for extension of a patent term because of a delay in the patent approval process, makes clear that delays attributable to the patent applicant should not be considered in determining whether there is a delay that gives rise to the need for an extension. Why was similar language not included in Article 15.10.3?

The Parties did not find it necessary to specifically address the issue of how to handle delays attributable to an applicant for marketing approval in the context of data protection. As with numerous other provisions, the Parties retain the flexibility to address such details in their implementation of the FTA, provided that they comply with the basic obligation.

14. Is Morocco, or for that matter the United States, required by the FTA to extend a patent term where there is a delay in the regulatory approval that is attributable to the applicant?

The FTA preserves flexibility for the Parties to address the issue of delays attributable to an applicant for marketing approval through their domestic laws and regulations.

BOLAR PROVISIONS

15. Please explain whether this Article prohibits Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than ''meeting marketing approval requirements.'' If it does not, please explain in detail how you came to that conclusion.

No, it does not. The Article dealing with the ''Bolar'' exception to patent rights only deals with one specific exception. It does not occupy the field of possible exceptions, and thus does not prevent Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than ''meeting marketing approval requirements'' when permitted by other exceptions. For example, Morocco has the right to allow exports where consistent with TRIPS Article 30 and WTO rules on compulsory licensing. Morocco may, for example, allow export of generic versions of patented drugs by issuing a compulsory license in accordance with the TRIPS/health solution agreed last August in the WTO.

16. If this provision does in fact limit Morocco's ability to allow the export of generic versions of patented pharmaceutical products, please explain how Morocco could serve as an exporting country to help least-developed and other countries address public health needs under the Paragraph 6 Decision. (Exporters under the Paragraph 6 Decision are exporting to meet the health needs of an importing country, not merely to obtain marketing approval).

As noted in the response to Question 15, the FTA does not limit Morocco's ability to make use of the TRIPS/health solution agreed last August to export drugs under a compulsory license to developing countries that cannot produce drugs for themselves.

17. Does Article 15.9.6 allow export of a generic version of a patented drug to get marketing approval in a third country (i.e., other than the United States or Morocco)? (Article 15.9.6 states that ''the Party shall provide that the product shall only be exported outside its territory for purposes of meeting marketing approval requirements of that Party.'')

Morocco can get marketing approval in a third country to allow export of a generic version through the issuance of a compulsory license for export, consistent with WTO rules. Article 15.9.6 does not interfere with that result.

SIDE LETTER

18. On the Paragraph 6 Decision, please explain how the statement that the FTA does not ''prevent the effective utilization'' is not merely rhetorical. Please be specific as to why you believe the provisions in the FTA do not preclude Morocco from acting as an importer or exporter of drugs under the Paragraph 6 Decision, including how the FTA's provisions related to market exclusivity can be waived if Morocco acts in either capacity.

There are no provisions in the FTA related to compulsory licensing, which means that it does not limit in any way Morocco's ability to issue compulsory licenses in accordance with WTO rules, including TRIPS Article 31 and the TRIPS/health solution. With respect to other rules included in Chapter 15, including data protection, the side letter states that the FTA does not ''prevent the effective utilization of the TRIPS/health solution.'' As stated in the side letter, the letter constitutes a formal agreement between the Parties. It is, thus, a significant part of the interpretive context for this agreement and not merely rhetorical. According to Article 31 of the Vienna Convention on the Law of Treaties, which reflects customary rules of treaty interpretation in international law, the terms of a treaty must be interpreted ''in their context,'' and that ''context'' includes ''any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty.''

19. On the issue of consultation, do the letters mean that both Parties agree to amend the FTA as soon as possible to reflect access to medicines amendments to the TRIPS Agreement? Will the United States refrain from enforcing provisions of the FTA that contravene the TRIPS Agreement amendments while the FTA is being amended? Is USTR willing to engage in an exchange of letter with the Government of Morocco memorializing such an understanding?

The United States would, of course, work with Morocco to ensure that the FTA is adapted as appropriate if an amendment to

the TRIPS Agreement were adopted to ensure access to medicines. The only amendment currently being contemplated with respect to TRIPS involves translating the TRIPS/health solution from last August into a formal amendment. The United States has no intention of using dispute settlement to challenge any country's actions that are in accordance with that solution. In fact, Canada passed legislation recently that would allow it to export drugs in accordance with the TRIPS/health solution. The United States reached an agreement with Canada just last Friday, July 16, to suspend parts of NAFTA to ensure that Canada could implement the solution without running afoul of NAFTA rules.

In closing, let me emphasize that we appreciate the importance of the U.S. commitment to the Doha Declaration on the TRIPS Agreement and Public Health and the global effort to ensure access to medicines in developing countries to address acute public health problems, such as AIDS, malaria and tuberculosis. The United States played a leading role in developing these provisions, including enabling poor countries without domestic production capacity to import drugs under compulsory licenses. We also successfully called for giving Least Developed Countries an additional ten years, from 2006 until 2016, to implement TRIPS rules related to pharmaceuticals. These accomplishments offer a significant solution to the conflicts we encountered on taking office in 2001.

At the same time, as Congress has directed us, the Administration has worked on multiple fronts to strengthen the value internationally of America's innovation economy. These efforts have included stronger intellectual property protection rules and enforcement so as to assist U.S. businesses and workers, and encourage ongoing innovation that benefits U.S. consumers.

Our FTAs are but one component of the Administration's broader efforts to achieve these objectives, and complement efforts undertaken in other fora. Our FTAs not only do not conflict with the objectives expressed in the Doha Declaration but reinforce those objectives and facilitate efforts to address public health problems.

Sincerely,

JOHN K. VERONEAU,
General Counsel.

This is what was said in this letter: ''The government of Morocco is committed to protecting the right to strike in conformance with the International Labor Organization's core principles. In particular, the government will not use 288 of our penal code against lawful strikers.''

I do think that our inquiry, I do think the responsible discussions that were held with the Moroccan government and their officials indicated that, in practice, the labor standards within Morocco essentially meet the ILO standards.

We next raised the issue of prescription medicines. We did not assume more trade would automatically benefit everybody, including our citizens and also the citizens of Morocco. On reimportation, we do not like the language the way it was inserted there, the general language on patent protection. However, reimportation from Morocco has never been suggested in any of the legislation introduced; and so I think for this purpose, for this bill, it is not an issue.

But there were two provisions that could restrict the access of citizens of Morocco to prescription medicines. We are talking about people whose health is at stake. We are talking about the spread of AIDS. We are talking about the spread of other ailments and other diseases. And the question became whether anything in this FTA would restrict the government of Morocco from having access for their citizens to these prescription medicines. That access was assured in the Doha Declaration. And so there followed a letter from us on the Democratic side to USTR; and here is what was said, their understanding of the provisions including the side letters:

''If circumstances ever arise in which a drug is produced under a compulsory license and it is necessary to approve the drug to protect public health or effectively utilize the TRIPS/health solution, the date of protection provisions in the FTA would not stand in the way.''

They also said, USTR, in interpreting what was in this FTA: ''If the measure described in the question is necessary to protect public health, then, as explained in the side letter, the FTA would not stand in the way.''

They also said: ''This side letter constitutes a formal agreement between the parties. It is thus a significant part of the interpretive context for this agreement and not merely rhetorical.''

In a word, the government of Morocco has the flexibility to assure the health of its citizens under the Doha Declaration.

□ 1800

Because of our efforts to clarify what was going on in terms of core labor standards and conditions in Morocco and because of our efforts in the response of USTR on prescription medicines, we feel that this agreement should be approved.

However, our questions serve notice that we should be very sensitive in the future in how we shape trade agreements. We should not assume there is no need to shape expanded trade. We have made it clear it is essential that we do so, and it is under that kind of structure, it is within that perspective, that I suggest that we approve this agreement between our two nations, with whom there are very significant relationships.

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

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

I want to first commend our colleagues on the other side of the aisle on the Committee on Ways and Means for guaranteeing unanimous commitment to passage of our Free Trade Agreement with Morocco and look forward to working with them in the future.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from California (Chairman THOMAS).

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

Mr. THOMAS. Mr. Speaker, my assumption is that the closing remarks on the part of the ranking member of the Trade Subcommittee was an endorsement. It sounded as though we began with an extremely flawed product and, through their efforts, they were successful in righting the ship so that we could actually have a minimally decent document. I wonder where they were when President Clinton wanted fast track, their President, and three quarters of them voted against providing the President.

So when we listen to the remarks, we really have to put it, one, in context and then appreciate that intensity or outlandishness does not equal votes. And when I close shortly, take a look at the votes in terms of who is for and who is against.

But I do want to spend just 1 minute analyzing the level of the content and the direction of the debate. The ranking member from New York began this discussion by indicating that I stole the election in Florida. That certainly was an appropriate beginning on a debate on a Free Trade Agreement with Morocco. I would probably classify it as silly, but that is the level of debate that we often engage in. And it is just a pleasure to allow the rest of the country to understand the level at which exchanges are made not only in committee but on the floor when we try to engage in a serious discussion.

I heard an indication that people were interested in jobs, and, of course, I will talk about the gentleman from Ohio and his diatribe in a minute.

You missed the boat on the jobs issue. That was the jobs growth tax bill. It has had a major positive effect on jobs. You were ''no'' on that one as well. We have got 46 of the 50 States expanding. Unemployment is down in all regions of the country. This is the fastest growth in the last 20 years. And based upon your debating style, at that point I would pause and parenthetically say even including the Clinton years so that we can understand that the mention of Bush in every other sentence and in a negative way was clearly focused on the Free Trade Agreement and had nothing to do with attempting to influence an election. We have got 1.5 million jobs, continuing to grow, and they will continue to grow right through the election.

But I want to especially focus on the other gentleman from Ohio (Mr. RYAN) because at some point we cannot allow statements made on the floor of the House to stand when they are so outrageously false. The statement referred to legislation that we were considering earlier, and the statement was that what we did denied what the Constitution provides. I would urge everyone at some time, and especially certain Members, to look at the Constitution and turn to Article III, the judicial article, and look at Section 2. And I will just read it briefly, referring to the judicial branch: ''In all cases affecting Ambassadors, other public ministers

and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.''

The Congress was exercising its constitutional function in indicating that areas of appellate jurisdiction were not to be examined by the court, and it absolutely floors me, well, I guess it does not based upon the other statements made by those on the other side of the aisle, that not only apparently they do not know the Constitution, but they actually invoke it in a totally false way on the floor of the House of Representatives.

So what I would really urge Members to do is not pay any attention to what was said necessarily on the other side of the aisle but take a look at the vote for this particular measure. H.R. 4842 certainly deserves the overwhelming majority support of this House. I believe it will be bipartisan. And, please, we will take away from this particular bill on the floor the fact that the vote was bipartisan even if the rhetoric is not and at times not just silly but downright, flat-out wrong.

Mr. KUCINICH. Mr. Speaker, the U.S.-Morocco free trade agreement is bad for America.

The agreement prohibits the importation of lower cost pharmaceuticals, and delays the availability of lower cost generic drugs by creating new patent-like protections for drug regulatory data. Together, these measures will maintain high prescription drug prices in the U.S.

The agreement contains a side letter permitting Morocco to ignore enforcement of its labor laws with no penalty whatsoever. Under this loophole, American employers and workers under U.S. labor law could be at a disadvantage if actual conditions in Morocco are so lax as to create a much cheaper business environment.

The agreement prohibits the preferences for government contracts to be given for: employing U.S. workers, using recycled materials, paying prevailing or living wages. Furthermore, no criminal record of tax evasion, endangering the lives of workers, or pollution can disqualify a company for a government contract.

These flaws are not necessary for trade between nations. They are, however, elements in an anti-consumer, anti-worker, anti-environment and anti-democratic agenda. For these reasons, I oppose the U.S.-Morocco free trade agreement.

Mr. TOWNS. Mr. Speaker, while I intend to vote for the Morocco Free Trade Agreement, I want to stress to the administration how important it is to respect the report language on ''Western Sahara'' which was included in this bill by my colleague, the gentleman from Washington, Mr. MCDERMOTT. This language reflects the sentiment voiced in a recent bipartisan letter to the U.S. Trade Representative, Robert Zoellick.

Under no circumstances should the U.S. proceed with the implementation of a free trade agreement that does not categorically exclude the terrority known as the Western Sahara. The U.S., as well as the international community, does not recognize Morocco's sovereignty over Spain's former colony. Morocco has steadfastly refused any efforts by the United Nations to permit a free and fair referendum on self-determination for the Sahrawi people of Western Sahara. We should not permit Morocco to use the agreement to further its illegal occupation of Western Sahara.

I urge the administration to take these concerns seriously and to implement a free trade agreement that does not violate the sovereignty and rights of the people of Western Sahara.

Mr. CARDIN. Mr. Speaker, I rise today to voice a significant concern with regard to the proposed Free Trade Agreement between the United States and Morocco. While this is a concern specific to Morocco, it highlights a broader issue that I and many of my colleagues share in regard to the pace and ''individuality'' of the many bilateral FTAs being negotiated by the USTR.

Reviewing the February 25, 2004 State Department Country Report on Human Rights for Morocco, I came across several issues. The report highlights a series of human rights abuses in Morocco and I believe these unacceptable practices need to be a priority of the United States as it builds and strengthens its long-standing ties with Morocco.

I was greatly concerned with an issue that comes up several times in the report. To quote one sentence: ''The judiciary lacked independence and was subject to government influence and corruption.'' As I assume we can all agree, the lack of an independent judiciary and corruption are significant, fundamental barriers to the development of a sound, growing trade relationship.

As the Ways and Means Committee considered this agreement I asked representatives of the USTR about this fundamental issue. They had no comment and promised to follow-up with me. I want to thank Chairman THOMAS for for seconding my concerns at the markup and also seeking a response. The USTR has made available to me the American Bar Association report on the state of Morocco's judicial system, citing some hope for reform.

My impression is that the state of the judiciary in the Kingdom of Morocco and corruption in commerce are issues that received little attention as the USTR negotiated this agreement. That should not be the case. Bilateral FTAs are a means to address issues such as these with key trade partners and strengthen the basis for trade relations. An independent judiciary is essential to sound, long-term trade relations. As well, corruption in many foreign nations has long been a concern of the United States; one where we have long set a high standard and required our businesspeople to operate on an ethical basis.

I understand the USTR's current interest in pursuing a large number of bilateral agreements to advance trade around the world—particularly as our more broad based talks and negotiations on global agreements have stalled. That being said, quantity should not supplant quality in agreements. Our goals in each of our trade agreements should remain high and be targeted to the situation in each nation. I am concerned in this agreement we have not met our highest goals and lost an opportunity.

Reluctantly, I intend to support this FTA because I believe the government of Morocco has demonstrated its commitment to working with us and raising its own standards; the new labor rights laws enacted last year are a good example. But I want to strongly urge the USTR to show more care and attention to the individuality of nations as we move forward, particularly as it relates to institutional reforms and the protection of human rights.

Mr. STARK. Mr. Speaker, time sure flies when you're having fun. Just last week I expressed serious misgivings about the U.S.-Australian Free Trade Agreement (FTA), noting, among other problems, that it set a bad precedent for future trade bills. Those concerns are confirmed today by this bill. The U.S.-Morocco FTA is a bad agreement that protects U.S. pharmaceutical manufacturers while ignoring labor standards and the healthcare needs of Moroccan citizens.

I warned you last week that a vote for the Australian FTA was a vote against prescription drug reimportation, and it's true again today. We cannot continue to allow USTR to include intellectual property provisions in FTAs that undermine Congress's ability to provide affordable prescription drugs through reimportation. True, we aren't going to be importing drugs from Morocco any time soon, but what happens in the next FTA, and the one after that? It should be clear by now that the USTR is merely a shill for the pharmaceutical industry, engaged in nothing more than closing the door to drug reimportation at the request of the Administration.

Unfortunately, the Morocco agreement doesn't stop at undermining the debate over reimportation. In fact, it goes much further by limiting access to potentially life saving drugs in Morocco. Because the agreement limits parallel importation, if a pubic health emergency breaks out, Morocco cannot import affordable drugs from neighboring countries if a U.S. country manufacturers the drug.

Once again, the pharmaceutical industry has used the administration and a free trade agreement to protect its profits, without any concern for global health. If Morocco has a public health crisis, it would be forced to purchase drugs from U.S. manufacturers instead of getting immediate access to the same drugs from nearby countries. The U.S. pharmaceutical industry has been gouging prices here in America for years; just think what they can do to prices when a developing country is in crisis.

You would think one provision limiting access to drugs in Morocco would be victory enough for the pharmaceutical manufacturers, but this industry just does not stop. Also included in the FTA are limits on the use of test data and market exclusivity provisions that could raise the price of drugs in Morocco and further limit access.

Because the FTA limits test data usage and creates 5 years of market exclusivity, the introduction of generic drugs in the Moroccan market will be substantially delayed. When generics are not available, prices increase—along with manufacturers' profits—and poorer citizens have less purchasing power to obtain life saving drugs.

There is also the strong possibility that these data and exclusivity provisions will further tie the hands of the Moroccan government during a public health emergency. The FTA and side letter are amazingly vague on whether Morocco can engage in compulsory licensing of otherwise patented drugs during a

health crisis. Here again, the pharmaceutical manufacturers will do anything to make sure they are the monopoly power, even when lives are at stake.

Today we vote on nothing less than the future course of domestic and international pharmaceutical policies. USTR will continue to use trade agreements to limit our ability to import affordable pharmaceuticals from other countries. It is also clear that future negotiations are going to limit drug access in other countries so that U.S. pharmaceutical manufacturers can make even more money abroad. These are bad policies, and we should not let the Administration continue to implement them by slipping them into free trade agreements.

I am also concerned that USTR has once again failed to include core labor standard requirements in a free trade agreement. USTR should not continue to use the ''enforce your own laws'' standard in FTAs without developing countries. I understand Morocco is moving in the right direction in terms of labor rights, but there is no reason this FTA should not have held them to the core labor standards developed by the International Labour Organization (ILO). The ILO standards ensure workers' human rights and their right to organize and strike. We cannot have acceptable free trade without a level playing field, and these standards are the key to ensuring trade between the U.S. and other countries is both free and fair.

This is a bad free trade agreement that sets a bad precedent for all future trade negotiations. We cannot continue to let the administration make health policy without Congressional input, and we surely would not let the pharmaceutical industry have their way just because of their large campaign donor status. We also cannot ignore workers' rights by allowing trade partners to enforce their own laws when those laws do not meet international labor standards.

I urge my colleagues to vote against the U.S.-Morocco Free Trade Agreement.

Mr. JEFFERSON. Mr. Speaker, I strongly support the Morocco Free Trade Agreement and believe it will promote domestic growth in manufacturing and exports. I look forward to seeing this agreement enacted into law. I also support, thank and congratulate the United States Trade Representative and staff in negotiating the inclusion of full duty drawback and duty deferral rights for U.S. manufacturers, exporters and workers in this FTA. Free trade agreements should include no language that eliminates or otherwise restricts the application of duty drawback and duty deferral programs to U.S. manufacturers and exporters. The language in the Singapore, Australia, Israel and Jordan FTAs and in the CAFTA, for example, have no such restrictive language and we should continue to model future agreements after these FTAs. This issue is of significant importance to many U.S. manufacturers and exporters, including those in my home State of Louisiana.

Duty drawback and duty deferral programs reduce production and operating costs by allowing our manufacturers and exporters to recover duties that were paid on imported materials when the same or similar materials are exported either whole or as a component part of a finished product. Duty drawback positively affects nearly $16 billion of U.S. exports each year. Additionally, nearly 300,000 U.S. jobs are directly related to exported goods that benefit from drawback, and these high quality jobs could be adversely affected by eliminating or restricting drawback. In my own home State of Louisiana, drawback and duty deferral programs provide substantial benefits to local industries, allowing them to compete on a level playing field in the global market. Drawback and deferral prevents outsourcing and saves U.S. manufacturing and jobs. As long as the programs provide a competitive advantage in production and sales for U.S. manufacturers and exporters, they will assist in preventing U.S. jobs from moving offshore.

Drawback makes a significant difference to U.S. companies at the margin when exporting to our FTA partners where they compete against foreign producers that either have substantially lower costs of production or enjoy low or zero import duty rates. This export promotion program is one of the last WTO-sanctioned programs that provide a substantial advantage to U.S. companies participating in the export market. The application of these programs to U.S. manufacturers and exporters should not be restricted in future free trade agreements that we negotiate with our trading partners.

We need to work hard to complete free trade agreements that provide as many competitive advantages as we can to U.S. manufacturers competing in the global market, encourage growth in U.S. exports, and create U.S. jobs.

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce my support for H.R. 4842, legislation implementing a free trade agreement with the nation of Morocco.

For more than two centuries, Morocco has been a steadfast friend to the United States. Few Americans would guess that Morocco was the first nation to extend recognition to the new American nation on December 20, 1777. Morocco is also one of only six Muslim nations to be designated as a ''major non-NATO ally.'' So it is only fitting that we establish a free trade agreement with such a longtime friend and supporter.

Under this FTA, more than 95 percent of bilateral trade between our countries will be duty-free from the first day of implementation. North Carolina exports to Morocco are generally small, valued at just more than 8 million dollars. Morocco is my state's 80th biggest export market with tobacco products, chemical manufacturing, and transportation equipment being our top three exports.

However, North Carolina stands to gain much from increased access to this new market, especially in the field of agriculture. Tariffs on key North Carolina products like soybeans and processed poultry products will be cut significantly. One significant provision in this agreement is that Morocco has agreed to accept U.S. inspection standards for poultry. Phony sanitary and phytosanitary restrictions on U.S. exports have long been a hallmark of international trade. Having Morocco accept our inspection regime will go along way to improving access to that market.

According to an analysis by the American Farm Bureau Federation, this agreement is expected to result in a 10 to 1 gain for the U.S. agricultural sector. Within the next 10–11 years, the U.S. should expect to increase agricultural exports to Morocco by $225 million. What's more, the FTA includes a provision giving U.S. agriculture an ''automatic upgrade.'' Should Morocco negotiate another trade agreement providing another nation with more favorable market access for agriculture, our FTA automatically obtains the same level of access as the other nation. This will ensure America's competitiveness against other nations seeking to enter the Moroccan market.

I believe the geopolitical reasons for establishing this free trade agreement with another Muslim nation in a volatile region overcomes the few deficiencies inherent in the agreement, particularly with regard to textiles. Because of the small amount of trade between our two countries, any potential adverse impact should be minimized. However, this administration cannot continue to count on this Member's support for other trade agreements if it is not willing to stand up for even stronger labor and environmental standards and better protections for America's fragile textile industry.

I ask my colleagues to support this agreement.

The SPEAKER pro tempore (Mr. OSE). All time for debate has expired.

Pursuant to House Resolution 738, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. CRANE. 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 the passage of H.R. 4842 will be followed by 5-minute votes, as ordered, on suspending the rules and adopting House Concurrent Resolution 436; and House Concurrent Resolution 418.

The vote was taken by electronic device, and there were—yeas 323, nays 99, not voting 12, as follows:

[Roll No. 413]

YEAS—323

Abercrombie	Boehlert	Chabot
Ackerman	Boehner	Chandler
Akin	Bonilla	Chocola
Allen	Bonner	Clay
Bachus	Bono	Clyburn
Baird	Boozman	Cole
Baker	Boswell	Cooper
Ballenger	Boyd	Cox
Bartlett (MD)	Bradley (NH)	Cramer
Barton (TX)	Brady (TX)	Crane
Bass	Brown (SC)	Crenshaw
Beauprez	Brown-Waite, Ginny	Crowley
Becerra	Burgess	Cubin
Bell	Buyer	Culberson
Bereuter	Calvert	Cummings
Berkley	Camp	Cunningham
Berman	Cantor	Davis (AL)
Biggert	Capito	Davis (CA)
Bilirakis	Capps	Davis (FL)
Bishop (GA)	Cardin	Davis (TN)
Bishop (NY)	Carson (OK)	Davis, Jo Ann
Bishop (UT)	Carter	Davis, Tom
Blackburn	Case	Deal (GA)
Blumenauer	Castle	DeGette
Blunt		DeLay

DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—99

Aderholt
Alexander
Andrews
Baca
Baldwin
Barrett (SC)
Berry
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Burr
Burton (IN)
Butterfield
Capuano
Cardoza
Coble
Conyers
Costello
Davis (IL)
DeFazio
Delahunt
DeLauro
Doggett
Doyle
Emerson
Evans
Farr
Filner
Frank (MA)
Goode
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hayes
Hinchey
Holden
Holt
Hostettler
Hunter
Jackson (IL)
Jones (NC)
Kanjorski
Kaptur
Kildee
Lantos
Larson (CT)
Lee
Lipinski
Markey
Marshall
McGovern
McIntyre
McNulty
Michaud
Miller (NC)
Miller, George
Mollohan
Murtha
Myrick
Nadler
Napolitano
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pombo
Rogers (AL)
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Velázquez
Visclosky
Wamp
Waters
Waxman
Wilson (SC)
Woolsey
Wu

NOT VOTING—12

Cannon
Carson (IN)
Collins
Gephardt
Greenwood
Kirk
Kleczka
Kucinich
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1832

Ms. CORRINE BROWN of Florida, and Messrs. BARRETT of South Carolina, RUSH, BURTON of Indiana and BUTTERFIELD changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

CELEBRATING 10 YEARS OF MAJORITY RULE IN REPUBLIC OF SOUTH AFRICA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 436, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 436, 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 422, nays 0, not voting 12, as follows:

[Roll No. 414]

YEAS—422

Abercrombie
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)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
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
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
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
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
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
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
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 (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Carson (IN)
Collins
Ford
Gephardt
Greenwood
Kirk
Kucinich
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1841

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent 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.

RECOGNIZING IMPORTANCE IN HISTORY OF 150TH ANNIVERSARY OF ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN UNITED STATES AND JAPAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 418.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 418, 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 416, nays 0, not voting 18, as follows:

[Roll No. 415]

YEAS—416

Abercrombie
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)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
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
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
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
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
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)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
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
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
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
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman
Calvert
Carson (IN)
Collins
Conyers
Ford
Gephardt
Greenwood
Hobson
Kirk
Kucinich
Lowey
Meehan
Paul
Quinn
Sabo
Schiff
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1849

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.

FURTHER MESSAGE FROM THE SENATE

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

S. 2724. An act to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 741) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 741

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Mr. Butterfield (to rank immediately after Ms. Herseth).

COMMITTEE ON SMALL BUSINESS: Mr. Butterfield (to rank immediately after Mr. Udall of New Mexico).

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 735, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 735

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

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

The Defense Appropriations Conference Report provides the tools and the resources for our military to wage an aggressive war against terrorism, while defending our Nation against ever-changing military threats.

Each generation of Americans has been called to defend our freedom, and each time our forefathers and -mothers have answered that call. Our generation's time of national trial has come, and we are being called to stop a new kind of enemy, different from any that we have ever fought before. This enemy is patient, building resources and striking where and when we are least prepared.

The enemy uses a different method each time, and this enemy requires a new kind of defense. And this is what the conference report is continuing to build.

I agree with President Bush when he says that our Armed Forces must be ready to confront every threat from any source that can bring sudden terror and suffering to America.

Our forces must be ready to deploy to any point of the globe on short notice, and this bill provides $416.2 billion in new discretionary spending authority for the Department of Defense. It also includes $25 billion in emergency spending, requested by the President for early fiscal year 2005 costs associated with operations in Iraq and Afghanistan.

Our Nation must have, and we will have, ready forces that can bring victory to our country and safety to our people. The world's best soldiers, sailors, airmen and Marines also deserve the world's best weaponry; and to ensure that, we must invest in procurement accounts. And this report contains $77.6 billion for procurement. We need to give our military the weapons that they need for the future threats.

If this war against terror means that we must find it wherever it exists and pull it out by the roots and bring people to justice, our military must have the means to achieve this.

This bill also makes significant improvements in the quality of life for our men and women who serve in the Armed Forces, including a 3.5 percent pay raise and targeted pay raises to mid-grade noncommissioned officers, generous housing allowances that will significantly decrease the out-of-pocket housing expenses of our service personnel, and provide access to high quality health care. We can never pay our men and women in uniform on the scale that matches the magnitude of their sacrifice, but this bill reflects our respect for their selfless service.

I feel strongly that we need a strong national defense, and we need to be prepared. And with this conference report, we will be. The primary responsibility for us as elected officials is to provide for the common defense of our fellow countrymen; and to that end, I urge my colleagues to support the rule and support the underlying bill, because now, more than ever, we must improve our national security.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman for yielding me the customary 30 minutes.

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

Mr. FROST. Mr. Speaker, just yesterday, the gentlewoman from North Carolina and I were here on the floor debating another very important bill for our soldiers, the Military Construction Appropriations bill. Like the Defense appropriations bill, that bill funds vital programs for our troops. Unfortunately, this House's leadership made what I think was a terrible mistake by allowing a provision to improve housing for our troops and their families to potentially be completely stripped from that bill. If that happens, almost 50,000 military families will be affected and continue to live in substandard housing. I think that shows real disregard and disrespect for our soldiers; and frankly, I find it disgraceful.

I understand that we will be continuing debate on the Military Construction bill in just a few minutes, so I suppose we will see shortly how the matter is resolved, but the conference report on the Defense Appropriations bill is a different matter.

I am pleased to join the gentlewoman in support of the conference report and the rule providing for its conversation. Throughout my 26 years in Congress, I have always worked hard to keep our military strong and our troops safe. I believe that providing for our national defense is one of our most important duties as Members of Congress and that providing funding for our troops to ensure their safety and the success of the war on terror is our obligation.

I am proud to say, Mr. Speaker, that the bill before us now does a good job of providing vital support for our troops. The bill gives our troops a much-deserved 3.5 percent pay raise and gives the Department of Defense $25 billion in emergency supplemental funding for the war on terror.

These funds directly and significantly aid our servicemen and -women by providing them with the tools they need to fight the war on terror and return home safely. It will provide every soldier with body armor, provide our troops with more armored Humvees and increase the size of the Army to relieve the burden on our overworked soldiers. It is a good bill, and I support its passage wholeheartedly.

I note also that the conference report provides very substantial funding for the F–22 Raptor, for the V–22 Osprey and for the Joint Strike Fighter. These are fine weapon systems. Much of the work is done in the north Texas area that I represent, and I commend the committee for continuing to support those systems. I am glad we were able to get it right in this bill.

Mr. Speaker, I urge adoption of the rule and adoption of the conference report.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 735, I call up the conference report on the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House on July 20, 2004, Book II at page H 6129.)

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

We will not take a great deal of time of our colleagues in the House. Following the tradition of the ranking member of the full committee and my colleague, the gentleman from Pennsylvania (Mr. MURTHA), we certainly want to extend our great thanks to all of our colleagues and staff.

Mr. Speaker, it is my great privilege to present to the House the conference agreement on fiscal year 2005 Defense appropriations bill.

My colleagues, one month ago—exactly to this day—the House passed its version of this bill, with overwhelming support. The Senate followed suit shortly afterwards, and like the House, the other body showed nearly unanimous support for this bill.

And here we are tonight, with this conference report. We present a bipartisan Defense bill, targeted at supporting our men and women in the Defense Department and intelligence community, at a most critical time in the Nation's history.

It is during a time of war.

It is during a time of challenge for our Nation and freedom-loving people everywhere.

And it is during a time when our country, once again, must take on the mantle of leading the world community.

This is as the United States has done before—as it must do today; and as it must continue to do in the future.

The President, and this Congress, understand this challenge. The President asked us to consider this bill—the largest Defense bill, in terms of dollars, in our Nation's history. In recognition of this, as I mentioned on a bipartisan basis both the House and the Senate moved this bill late last month into conference. And now we will soon be asking the House, and the other body, to send this final product to the President.

Mr. Speaker, I must say this conference agreement is an even better bill than passed the House. I truly believe that. I can say that because of the tremendous work done by the Members of the conference committee on both sides of the Capitol.

Mr. Speaker, we would not be here tonight without the leadership and experience of my colleague from Pennsylvania, Mr. MURTHA.

And we would not be here without the experience, skill, and tenacity of the leaders of the Senate Defense Subcommittee, my friends, the senior Senators from Alaska and Hawaii.

The support and counsel of our chairman, BILL YOUNG, and our ranking Member DAVID OBEY have also been invaluable at every step of the process. As has been the support of all the Members of the Defense subcommittees—both sides of the aisle, on both sides of the Capitol. I personally want to thank, and acknowledge, all of them.

I must pay tribute to our staffs—especially Sid Ashworth and Charlie Houy, who lead the Senate staff, and our subcommittee staff, led by Kevin Roper and David Morrison. Many thanks also to the full committee staff, Jim Dyer, John Blazey, Dale Oak, Therese McAuliffe, and John Scofield.

This bill reflects our best, collective judgment on how to meet those many challenges and demands confronting the Nation.

What does this bill do? We provide over $416 billion to support our Defense and intelligence communities; most importantly it supports the ongoing operations in Iraq and Afghanistan, and the global war on terrorism; it supports our troops who are on the front lines—it fully funds the pay raise, as well as the military pay, benefits, and medical programs; this bill increases funding to support the overall readiness of DoD forces worldwide; and it increases funding for intelligence.

Looking ahead, this bill also supports major equipment and research needs. For example—we provide over $1.6 billion over the budget request—to help restock and accelerate production of those items being used by our Army and Marine Corps in Iraq—ammunition; trucks; helicopters; and armored vehicles.

This bill also fully supports the President's objective of, later this year, initially fielding a missile defense to protect the United States. We also fund missile defenses for our troops in the field.

It continues production of major platforms such as the Virginia class submarine, the C–17, and V–22 transport aircraft, and the F/A–18 and F/A–22 fighters.

And this bill increases funding to support ''military transformation''.

Mr. Speaker, most importantly, this bill puts first and foremost our men and women in uniform, especially those on the front lines. In that regard, as you all know, the President asked that we include in this bill some $25 billion to help defray the ongoing costs of our operations in Iraq and Afghanistan. We have done just that—and shaped these funds in a way to provide our deployed forces with the funds they need to meet their most immediate demands.

Mr. Speaker, in summary, this is a bill that I am very, very proud of. And it is one that each and every Member of the House can take pride in also. It deserves your overwhelming support.

Now, if the House would indulge me, I want to thank a few people. Under the rules of our conference, this is the last Defense appropriations bill that I will have the privilege of bringing before the House as chairman. It has been a remarkable and rewarding experience. I want to thank my subcommittee members—on my side, DAVE HOBSON, HENRY BONILLA, GEORGE NETHERCUTT, DUKE CUNNINGHAM, RODNEY FRELINGHUYSEN, TODD TIAHRT, and ROGER WICKER.

On the other side of the aisle, NORM DICKS, MARTIN SABO, PETER VISCLOSKY, and JIM MORAN.

I want to also accord special thanks to the ranking Member of the full committee, DAVE OBEY, and of course, to my predecessor, our full committee chairman BILL YOUNG, who has set a standard that I try every day to emulate. And of course, I must acknowledge my partner, our former chairman, the gentleman from Pennsylvania, JACK MURTHA. I also must recognize the terrific staff that I've gotten to know pretty well over the past few years.

Chairman YOUNG, and Jim Dyer, the chief clerk of the full committee, you've really done a great job in putting together a great team for us on the subcommittee; Alica Jones, Doug Gregory, Betsy Phillips, Paul Juola, Steve Nixon, Leslie Albright, Greg Lankler, Sarah Young, Paul Terry, Kris Mallard, Sherry Young, Kevin Jones, Callie Michael, and Linda Muir in our computer shop who provides us with so much support.

The same goes for our minority staff, David Morrison and Bill Gnacek. I must thank Carl Kime, of my personal office, who watches this bill for me and does an outstanding job. And, of course, all of the staff in my congressional office for their support and contributions.

I'd be remiss if I didn't mention those committee staff who have moved on to other endeavors, but who made significant contributions while they were with us. They include John Shank, Greg Dahlberg, Dave Kilian, Trish Ryan, Tina Jonas, Dave Norquist, Greg Walters, and Celia Alvarado.

And I cannot let this moment pass without mentioning Letitia White, formerly of my personal staff, who worked so hard on this bill for many years.

Finally, I must mention the clerk of the subcommittee, Kevin Roper, who pulls all this together. And for whom this conference may be the ''last time around'' as well.

Thank you so much. My colleagues, I thank all of you for your help, and for the privilege of serving with you.

At this point, Mr. Speaker, I would like to insert for the record a summary of the conference agreement.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	28,247,667	29,723,472	29,507,672	29,457,797	29,381,422	+1,133,755
Military Personnel, Navy	23,217,298	24,459,957	24,416,157	24,330,171	24,347,807	+1,130,509
Military Personnel, Marine Corps	8,971,897	9,595,902	9,591,102	9,567,768	9,581,102	+609,205
Military Personnel, Air Force	22,910,868	24,510,811	24,291,411	24,165,011	24,155,911	+1,245,043
Reserve Personnel, Army	3,568,725	3,733,590	3,719,990	3,675,390	3,663,890	+95,165
Reserve Personnel, Navy	2,002,727	2,171,632	2,108,232	2,132,432	2,084,032	+81,305
Reserve Personnel, Marine Corps	571,444	654,973	653,073	624,973	623,073	+51,629
Reserve Personnel, Air Force	1,288,088	1,464,050	1,451,950	1,458,650	1,451,950	+163,862
National Guard Personnel, Army	5,500,369	5,950,729	5,915,229	5,913,329	5,901,729	+401,360
National Guard Personnel, Air Force	2,174,598	2,546,442	2,536,742	2,543,892	2,540,242	+365,644
Total, title I, Military Personnel	98,453,681	104,811,558	104,191,558	103,869,413	103,731,158	+5,277,477
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army 2/	25,029,346	26,133,411	25,820,311	25,705,109	25,764,634	+735,288
Operation and Maintenance, Navy	28,146,658	29,789,190	29,570,090	29,591,679	29,687,245	+1,540,587
Operation and Maintenance, Marine Corps	3,440,323	3,632,115	3,605,815	3,617,473	3,629,901	+189,578
Operation and Maintenance, Air Force	26,904,731	28,471,260	27,994,110	28,282,160	28,113,533	+1,208,802
Operation and Maintenance, Defense-Wide	16,226,841	17,494,076	17,346,411	17,552,314	17,449,619	+1,222,778
Operation and Maintenance, Army Reserve	1,998,609	2,008,128	1,976,128	1,979,038	1,991,128	-7,481
Operation and Maintenance, Navy Reserve	1,172,921	1,240,038	1,233,038	1,244,838	1,237,638	+64,717
Operation and Maintenance, Marine Corps Reserve	173,952	188,696	187,196	188,696	187,196	+13,244
Operation and Maintenance, Air Force Reserve	2,179,388	2,239,790	2,227,190	2,200,790	2,242,590	+63,202
Operation and Maintenance, Army National Guard 2/	4,340,581	4,440,686	4,376,886	4,372,436	4,442,386	+101,805
Operation and Maintenance, Air National Guard	4,431,216	4,422,838	4,438,738	4,454,238	4,472,738	+41,522
Overseas Contingency Operations Transfer Account	5,000	30,000	5,000	30,000	10,000	+5,000
United States Court of Appeals for the Armed Forces	10,333	10,825	10,825	10,825	10,825	+492
Environmental Restoration, Army	396,018	400,948	400,948	566,948	400,948	+4,930
Environmental Restoration, Navy	256,153	266,820	266,820	447,820	266,820	+10,667
Environmental Restoration, Air Force	384,307	397,368	397,368	397,368	397,368	+13,061
Environmental Restoration, Defense-Wide	24,081	23,684	26,684	23,684	23,684	-397
Environmental Restoration, Formerly Used Defense Sites	284,619	216,516	216,516	276,516	266,516	-18,103
Overseas Humanitarian, Disaster, and Civic Aid	59,000	59,000	59,000	59,000	59,000	---
Former Soviet Union Threat Reduction Account	450,800	409,200	409,200	409,200	409,200	-41,600
Total, title II, Operation and maintenance	115,914,877	121,874,589	120,568,274	121,410,132	121,062,969	+5,148,092
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army 2/	2,131,741	2,658,241	3,107,941	2,653,241	2,854,541	+722,800
Missile Procurement, Army 2/	1,493,947	1,398,321	1,327,000	1,378,321	1,307,000	-186,947
Procurement of Weapons and Tracked Combat Vehicles, Army	1,853,712	1,639,695	2,773,695	1,698,695	2,467,495	+613,783
Procurement of Ammunition, Army 2/	1,385,225	1,556,902	1,608,302	1,606,502	1,590,952	+205,727
Other Procurement, Army 2/	4,649,702	4,240,896	4,868,371	4,685,846	4,955,296	+305,594
Aircraft Procurement, Navy	9,110,848	8,767,867	8,841,824	8,899,367	8,912,042	-198,806
Weapons Procurement, Navy	2,044,639	2,101,529	1,993,754	2,222,620	2,114,720	+70,081
Procurement of Ammunition, Navy and Marine Corps	934,905	858,640	885,340	881,140	888,340	-46,565
Shipbuilding and Conversion, Navy	10,878,123	9,962,027	10,189,327	10,171,643	10,427,443	-450,680
Other Procurement, Navy	4,931,186	4,834,278	4,980,325	4,797,025	4,875,786	-55,400
Procurement, Marine Corps	1,151,640	1,190,103	1,462,703	1,266,803	1,432,203	+280,563
Aircraft Procurement, Air Force	12,060,371	13,163,174	13,289,984	13,547,524	13,648,304	+1,587,933
Missile Procurement, Air Force	4,007,203	4,718,313	4,425,013	4,609,213	4,458,113	+450,910
Procurement of Ammunition, Air Force	1,262,725	1,396,457	1,346,557	1,353,859	1,327,459	+64,734
Other Procurement, Air Force	11,462,714	13,283,557	13,199,607	13,284,897	13,071,297	+1,608,583
Procurement, Defense-Wide	3,680,242	2,883,302	3,028,033	2,867,303	2,956,047	-724,195
National Guard and Reserve Equipment	400,000	---	---	500,000	350,000	-50,000
Defense Production Act Purchases	78,016	9,015	27,015	42,515	42,765	-35,251
Total, title III, Procurement	73,516,939	74,662,317	77,354,791	76,466,514	77,679,803	+4,162,864

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army 2/...	10,363,941	9,266,258	10,220,123	10,308,804	10,698,989	+335,048
Research, Development, Test and Evaluation, Navy.....	15,146,383	16,346,391	16,532,361	16,748,035	17,043,812	+1,897,429
Research, Development, Test and Evaluation, Air Force.	20,500,984	21,114,667	21,033,622	21,002,308	20,890,922	+389,938
Research, Development, Test and Evaluation, Defense-Wide	18,900,715	20,739,837	20,851,271	20,404,563	20,983,624	+2,082,909
Operational Test and Evaluation, Defense.....	305,861	305,135	309,135	305,135	314,835	+8,974
Total, title IV, Research, Development, Test and Evaluation.....	65,217,884	67,772,288	68,946,512	68,768,845	69,932,182	+4,714,298
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds.....	1,641,507	1,685,886	1,174,210	1,685,886	1,174,210	-467,297
National Defense Sealift Fund: Ready Reserve Force	1,066,462	1,269,252	1,186,626	441,936	1,204,626	+138,164
Total, title V, Revolving and Management Funds..	2,707,969	2,955,138	2,360,836	2,127,822	2,378,836	-329,133
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance.....	14,914,816	17,203,369	17,148,069	17,299,369	17,297,419	+2,382,603
Procurement.....	328,826	364,635	364,635	366,235	367,035	+38,209
Research and development.....	486,371	72,407	446,482	399,207	506,982	+20,611
Total, Defense Health Program.....	15,730,013	17,640,411	17,959,186	18,064,811	18,171,436	+2,441,423
Chemical Agents & Munitions Destruction, Army:						
Operation and maintenance.....	1,169,168	1,138,801	1,138,801	1,088,801	1,088,801	-80,367
Procurement.....	79,212	78,980	78,980	78,980	78,980	-232
Research, development, test and evaluation.....	251,881	154,209	154,209	206,209	205,209	-46,672
Total, Chemical Agents 1/	1,500,261	1,371,990	1,371,990	1,373,990	1,372,990	-127,271
Drug Interdiction and Counter-Drug Activities, Defense	835,616	852,697	876,697	908,797	906,522	+70,906
Office of the Inspector General 3/.....	162,449	244,562	193,562	244,562	204,562	+42,113
Total, title VI, Other Department of Defense Programs.....	18,228,339	20,109,660	20,401,435	20,592,160	20,655,510	+2,427,171
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund.....	226,400	239,400	239,400	239,400	239,400	+13,000
Intelligence Community Management Account.....	175,113	304,355	309,644	319,355	310,466	+135,353
Transfer to Department of Justice.....	(44,300)	(34,911)	(46,100)	(34,911)	(39,422)	(-4,878)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund.....	18,430	---	---	---	---	-18,430
National Security Education Trust Fund.....	8,000	8,000	8,000	8,000	8,000	---
Total, title VII, Related agencies.....	427,943	551,755	557,044	566,755	557,866	+129,923

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	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (Sec. 8005)	(2,100,000)	(4,000,000)	(3,000,000)	(4,000,000)	(3,500,000)	(+1,400,000)
Indian Financing Act incentives (Sec. 8021)	8,000	---	8,000	8,000	8,000	---
Oliktok point acquisition (Sec. 8025)	---	---	---	2,500	---	---
FFRDCs (Sec. 8028)	-74,200	---	-40,000	-74,200	-125,000	-50,800
Disposal & lease of DOD real property (Sec. 8034)	31,000	25,000	25,000	25,000	25,000	-6,000
Overseas Mil Fac Invest Recovery (Sec. 8038)	1,331	1,000	1,000	1,000	1,000	-331
Rescissions (Sec. 8049)	-325,560	---	-399,750	-148,610	-779,637	-454,077
Travel Cards (Sec. 8082)	44,000	44,000	44,000	---	44,000	---
Special needs students (Sec. 8104)	5,500	---	---	5,500	5,500	---
Fisher House (Sec. 8093)	3,800	---	2,000	---	2,000	-1,800
CAAS/Other Contract Growth (Sec. 8094)	-504,500	---	-300,000	---	-300,000	+204,500
Contracted Advisory and Assistance Services (Sec.8095)	---	---	---	-500,000	-500,000	-500,000
Aircraft Procurement, Navy (Sec. 8098)	60,000	---	---	40,000	34,000	-26,000
Operation and Maintenance, Defense-wide (Sec. 8098)	---	---	---	---	40,000	+40,000
IT cost growth reduction (Sec. 8105)	-200,000	---	-270,000	---	-197,500	+2,500
Working Capital Funds Cash Balance (Sec.8107)	-372,000	---	-316,000	---	-316,000	+56,000
Working Capital Funds Excess Carryover	-44,000	---	---	---	---	+44,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8108)	5,500	---	6,000	---	6,000	+500
Various grants (Sec. 8113)	34,950	---	6,600	33,000	51,425	+16,475
Assumed management improvements (Sec. 8122)	-1,662,000	---	-345,000	-835,000	-711,000	+951,000
Transportation Working Capital Fund (Sec. 8123)	-451,000	---	-967,200	-300,000	-967,200	-516,200
Fort Irwin education	17,000	---	---	---	---	-17,000
Iraqi freedom fund (rescission)	-3,490,000	---	---	---	---	+3,490,000
MCAGCC health demonstration program (Sec. 8126)	---	---	3,000	---	2,500	+2,500
Contract offsets (Sec. 8130)	---	---	-100,000	---	-50,000	-50,000
Budget withholds (Sec. 8131)	---	---	-685,000	---	-350,000	-350,000
Tanker replacement transfer fund (Sec. 8132)	---	---	100,000	---	100,000	+100,000
Unobligated balances (Sec. 8140)	---	---	---	-808,100	-768,100	-768,100
Travel costs (Sec. 8141)	---	---	---	-97,331	-100,000	-100,000
Military Personnel reduction	---	---	---	-7,158,000	---	---
Military Personnel (contingent emergency appropriations)	---	---	---	7,158,000	---	---
Shipbuilding and Conversion, Navy	---	---	---	250,900	---	---
Revised Economic Assumptions	---	---	---	-250,900	---	---
Total, Title VIII, General Provisions	-6,912,179	70,000	-3,227,350	-2,648,241	-4,845,012	+2,067,167
TITLE IX - ADDITIONAL WAR-RELATED APPROPRIATIONS						
CHAPTER 1 - DEPARTMENT OF DEFENSE--MILITARY						
Military Personnel						
Military Personnel, Army (contingent operations)	---	---	2,552,200	---	915,700	+915,700
Military Personnel, Navy (contingent operations)	---	---	232,200	---	27,700	+27,700
Military Personnel, Marine Corps (contingent ops)	---	---	273,200	---	241,700	+241,700
Military Personnel, Air Force (contingent operations)	---	---	874,400	---	64,900	+64,900
Total, Military Personnel	---	---	3,932,000	---	1,250,000	+1,250,000
Operation and Maintenance						
Operation & Maintenance, Army (contingent operations)	---	---	11,698,400	---	13,550,000	+13,550,000
Operation & Maintenance, Navy (contingent operations)	---	---	303,000	---	367,000	+367,000
Operation & Maintenance, Marine Corps (contingent ops)	---	---	1,295,000	---	1,665,000	+1,665,000
Operation & Maintenance, Air Force (contingent ops)	---	---	744,000	---	419,000	+419,000
Operation & Maintenance, Defense-Wide (contingent ops)	---	---	295,000	---	404,000	+404,000
Iraq Freedom Fund:						
(Contingent emergency) (incl. transfer authority)	---	25,000,000	---	25,000,000	---	---
(Contingent operations)	---	---	2,978,000	---	3,800,000	+3,800,000
Total, Operation and Maintenance	---	25,000,000	17,313,400	25,000,000	20,205,000	+20,205,000
Procurement						
Missile Procurement, Army (contingent operations)	---	---	42,800	---	---	---
Procurement of Weapons and Tracked Combat Vehicles, Army (contingent operations)	---	---	201,900	---	50,000	+50,000
Procurement of Ammunition, Army (contingent operations	---	---	330,000	---	110,000	+110,000
Other Procurement, Army (contingent operations)	---	---	1,151,400	---	755,000	+755,000
Aircraft Procurement, Navy (contingent operations)	---	---	34,000	---	79,000	+79,000
Procurement of Ammunition, Navy and Marine Corps (contingent operations)	---	---	112,800	---	30,000	+30,000
Procurement, Marine Corps (contingent operations)	---	---	111,400	---	150,000	+150,000
Other Procurement, Air Force (contingent operations)	---	---	35,300	---	110,000	+110,000
Procurement, Defense-Wide (contingent operations)	---	---	80,000	---	50,000	+50,000
National Guard and Reserve Equipment (contingent opera	---	---	100,000	---	50,000	+50,000
Total, Procurement	---	---	2,199,600	---	1,384,000	+1,384,000

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
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	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Defense Working Capital Funds (contingent operations).	---	---	1,250,000	---	1,478,000	+1,478,000
Defense Health Program (contingent operations).....	---	---	305,000	---	683,000	+683,000
Additional transfer authority (contingent operations):						
Fiscal year 2005 (Sec. 9003(a)).....	---	---	(2,000,000)	---	(1,500,000)	(+1,500,000)
Fiscal year 2004 (Sec. 9003(b)).....	---	---	(900,000)	---	(700,000)	(+700,000)
General Provisions						
Office of Justice Programs, State and Local Law Enforcement Assistance (contingent emergency appropriations) (Sec. 9006).....	---	---	---	50,000	---	---
Total, Chapter 1 (contingent operations) 4/ 5/..	---	25,000,000	25,000,000	25,050,000	25,000,000	+25,000,000
CHAPTER 2 - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs (contingent ops).....	---	---	665,300	---	---	---
Embassy security, construction, and maintenance (contingent operations).....	---	---	20,000	---	---	---
Total, Chapter 2 (contingent operations) 5/.....	---	---	685,300	---	---	---
CHAPTER 3 - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
International disaster and famine assistance (Emergency).....	---	---	70,000	---	---	---
Department of State						
Migration and refugee assistance (emergency).....	---	---	25,000	---	---	---
Total, Chapter 3 (emergency). 5/.....	---	---	95,000	---	---	---
Total, Title IX (contingent operations) 4/ 5/...	---	25,000,000	25,780,300	25,050,000	25,000,000	+25,000,000
TITLE X - OTHER MATTERS						
CHAPTER 1 - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs (emergency).....	---	---	---	---	665,300	+665,300
Embassy security, construction, and maintenance (emergency).....	---	---	---	---	20,000	+20,000
General Provisions						
Office of Justice Programs, State and Local Law Enforcement Assistance (emergency) (Sec. 11002).....	---	---	---	---	50,000	+50,000
Courts of Appeals, District Courts, and Other Judicial Services, Defender services (emergency)(Sec. 11003).	---	---	---	---	26,000	+26,000
Total, Chapter 1 (emergency) 5/.....	---	---	---	---	761,300	+761,300
CHAPTER 2 - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
International disaster and famine assistance						
(Emergency).....	---	---	---	---	70,000	+70,000
(Contingent emergency).....	---	---	---	70,000	---	---
Department of State						
Migration and refugee assistance (emergency).....	---	---	---	---	25,000	+25,000
(Contingent emergency)	---	---	---	25,000	---	---
Total, Chapter 2 (emergency) 5/.....	---	---	---	---	95,000	+95,000
(Contingent emergency).....	---	---	---	95,000	---	---

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
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CHAPTER 3 - SUPPLEMENTAL APPROPRIATIONS FOR FY 2004 FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Wildland fire management:						
Fire suppression operations (Sec.312/S.Con.Res.95)	---	---	---	---	100,000	+100,000
DEPARTMENT OF AGRICULTURE						
Forest Service						
Wildland fire management:						
Fire suppression operations (Sec.312/S.Con.Res.95)	---	---	---	---	400,000	+400,000
Total, Chapter 3 (Sec. 312, S.Con.Res.95) 5/....	---	---	---	---	500,000	+500,000
CHAPTER 4 - TITLE X GENERAL PROVISIONS						
Federal-aid to highways (Sec. 14003).....	---	---	---	---	---	---
Federal payment for school improvement (Sec. 14005)...	---	---	---	---	10,600	+10,600
(Rescission).....	---	---	---	---	-10,600	-10,600
Total, Title X 5/.....	---	---	---	95,000	1,356,300	+1,356,300
(Emergency appropriations).....	---	---	---	---	(856,300)	(+856,300)
(Contingent emergency appropriations).....	---	---	---	(95,000)	---	---
(Rescissions).....	---	---	---	---	(-10,600)	(-10,600)
Total for the bill (net) 5/.....	367,555,453	417,807,305	416,933,400	416,298,400	417,509,612	+49,954,159
OTHER APPROPRIATIONS						
Emergency Supplemental, Defense, Iraq and Afghanistan, 2004 (P.L. 108-106).....	64,706,554	---	---	---	---	-64,706,554
Additional transfer authority (sec. 1101) (emerg).	(3,000,000)	---	---	---	---	(-3,000,000)
Consolidated appropriations (by transfer)(P.L.108-199)	(74,600)	---	---	---	---	(-74,600)
Additional transfer authority (Sec. 114).....	(120,000)	---	---	---	---	(-120,000)
Rescissions.....	-1,800,000	---	---	---	---	+1,800,000
Net grand total (including other appropriations)5/	430,462,007	417,807,305	416,933,400	416,298,400	417,509,612	-12,952,395
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Disabled military retiree payments (mandatory)....	302,000	---	---	---	---	-302,000
Military personnel accounts (discretionary)...	-302,000	---	---	---	---	+302,000
Army Venture Capital Funds (Sec. 8105).....	17,000	17,000	17,000	17,000	17,000	---
O&M, Army transfer to National Park Service:						
Defense function.....	-2,500	---	-2,500	---	-1,900	+600
Non-defense function.....	2,500	---	2,500	---	1,900	-600
Less defense emergency appropriations.....	-64,706,554	---	---	---	---	+64,706,554
Less non-defense emergency appropriations.....	---	---	-95,000	---	-121,000	-121,000
Less Title IX defense contingent operations.....	---	-25,000,000	-25,000,000	-25,000,000	-25,000,000	-25,000,000
Less Title IX non-defense contingent operations...	---	---	-685,300	---	-685,300	-685,300
Less defense contingent emergency appropriations..	---	---	---	-7,158,000	---	---
Less non-defense contingency emerg. appropriations	---	---	---	-145,000	-50,000	-50,000
Less amount charged to FY 04(Sec.312/S.Con.Res.95)	---	---	---	---	-500,000	-500,000
Repeal of FY 2004 rescission (contingent ops).....	---	---	1,800,000	---	1,800,000	+1,800,000
Amount charged to fiscal year 2004.....	---	---	-1,800,000	---	-1,800,000	-1,800,000
RDT&E, Navy transfer to NOAA:						
Defense function.....	---	---	---	-18,000	-18,000	-18,000
Non-defense function.....	---	---	---	18,000	18,000	+18,000
O&M, Defense-wide transfer to Forest Service:						
Defense function.....	---	---	---	---	-40,000	-40,000
Non-defense function.....	---	---	---	---	40,000	+40,000
Aircraft procurement,Navy transfer to Coast Guard:						
Defense function.....	-60,000	---	---	---	---	+60,000
Non-defense function.....	60,000	---	---	---	---	-60,000
Total, scorekeeping adjustments.....	-64,689,554	-24,983,000	-25,763,300	-32,286,000	-26,339,300	+38,350,254
Adjusted total (incl scorekeeping adjustments) ..	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859
Appropriations.....	(371,388,013)	(392,824,305)	(391,569,850)	(384,161,010)	(391,960,549)	(+20,572,536)
Rescissions.....	(-5,615,560)	---	(-399,750)	(-148,610)	(-790,237)	(+4,825,323)

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Total (including scorekeeping adjustments)	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859
Amount in this bill	(430,462,007)	(417,807,305)	(416,933,400)	(416,298,400)	(417,509,612)	(-12,952,395)
Scorekeeping adjustments	(-64,689,554)	(-24,983,000)	(-25,763,300)	(-32,286,000)	(-26,339,300)	(+38,350,254)
Total mandatory and discretionary	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859
Mandatory	528,400	239,400	239,400	239,400	239,400	-289,000
Discretionary	365,244,053	392,584,905	390,930,700	383,773,000	390,930,912	+25,686,859
RECAPITULATION						
Title I - Military Personnel	98,453,681	104,811,558	104,191,558	103,869,413	103,731,158	+5,277,477
Title II - Operation and Maintenance	115,914,877	121,874,589	120,568,274	121,410,132	121,062,969	+5,148,092
Title III - Procurement	73,516,939	74,662,317	77,354,791	76,466,514	77,679,803	+4,162,864
Title IV - Research, Development, Test and Evaluation	65,217,884	67,772,288	68,946,512	68,768,845	69,932,182	+4,714,298
Title V - Revolving and Management Funds	2,707,969	2,955,138	2,360,836	2,127,822	2,378,836	-329,133
Title VI - Other Department of Defense Programs	18,228,339	20,109,660	20,401,435	20,592,160	20,655,510	+2,427,171
Title VII - Related Agencies	427,943	551,755	557,044	566,755	557,866	+129,923
Title VIII - General Provisions (net)	-6,912,179	70,000	-3,227,350	-2,648,241	-4,845,012	+2,067,167
Title IX - Additional War-Related Appropriations (net)	---	25,000,000	25,780,300	25,050,000	25,000,000	+25,000,000
Title X - Other Matters (net)	---	---	---	95,000	1,356,300	+1,356,300
Total, Department of Defense and other matters (in this bill)	367,555,453	417,807,305	416,933,400	416,298,400	417,509,612	+49,954,159
Other defense appropriations	62,906,554	---	---	---	---	-62,906,554
Total funding available (net)	430,462,007	417,807,305	416,933,400	416,298,400	417,509,612	-12,952,395
Department of Defense	(430,462,007)	(417,807,305)	(416,153,100)	(416,153,400)	(416,153,312)	(-14,308,695)
Other Matters	---	---	(780,300)	(145,000)	(1,356,300)	(+1,356,300)
Scorekeeping adjustments	-64,689,554	-24,983,000	-25,763,300	-32,286,000	-26,339,300	+38,350,254
Total mandatory and discretionary	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ Includes Budget Amendment (H. Doc. 108-170) which realigns $1,217,538,000 for the termination of the Comanche Helicopter program, of which $30,000,000 was reallocated to Mil. Construction, Army National Guard.
3/ Includes Budget Amendment (H. Doc. 108-183) which adds $10,000 to the Office of the Inspector General request for a technical correction.
4/ Includes Budget Amendment (H. Doc. 108-185) which establishes a $25 billion Contingent Emergency Reserve Fund for operations in Iraq and Afghanistan.
5/ If the Bill is enacted before October 1, 2004, $28,156,300,000 (including repeal of $1,800,000,000 rescission) will be considered FY 2004 budget authority.

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

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume to put some very laudatory comments about the gentleman from California (Mr. LEWIS) in the record, because this is his last time as a chairman maybe.

Mr. Speaker, I rise to pay tribute to my good friend from California, the Chairman of the Defense Appropriations Committee, Congressman JERRY LEWIS. Since joining the Defense Subcommittee, Congressman LEWIS has been one of the strongest supporters of our men and women in uniform that this Congress has ever known. As Chairman, he has guided the Subcommittee without partisanship or political agenda to ensure that our military remains the best military in the world. The Defense Department and the people of our great Nation owe JERRY LEWIS a debt of gratitude for his unyielding support and hard work. And for that, I salute him.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of the conference agreement on H.R. 4613, the Department of Defense (DoD) Appropriations Act for FY2005. This Member would like to thank the distinguished gentleman from California (Mr. LEWIS), Chairman of the Subcommittee and the distinguished gentleman from Pennsylvania (Mr. MURTHA) for their fine work on this important measure.

This Member is very pleased that several projects important to Nebraska and our nation are included in the conference report. First, the final agreement includes $3.5 million for the University of Nebraska-Lincoln (UNL) for the Fibrinogen Bandages for Battlefield Wounds Project. This is a very innovative research and development initiative which shows great promise.

These funds will be used for biomedical tissue engineering research to develop inexpensive, safe and effective fibrinogen for use in bandages, foam and other medical devices. This source of fibrinogen, developed from recombinant proteins instead of human plasma, will remove the major obstacle to the development of an affordable fibrinogen bandage. This research will build on the Department of Defense's (DoD) $20 million investment to produce fibrinogen from transgenic animals rather than human plasma and will create a safer, less expensive and abundant supply for bandages and medical devices. A cost-effective abundant fibrinogen supply will enable development of state-of-the-art bandages and medical devices, saving the lives of wounded soldiers and other trauma victims.

Second, this Member is pleased that $2.5 million is included for another UNL research initiative on Advanced Materials for Mine Detection and Blast Mitigation. These funds will be used to support research on advanced materials for mine detection and blast mitigation that will help protect U.S. soldiers in all environments. This research, which focuses on remote mine detection and the development of materials for advanced composite armor and lightweight body armor and hardened structures, contributes to programs currently underway or envisioned at the U.S. Army Research Laboratory.

Using nanotechnology research will improve remote mine detection, biological threat detection, and body armor. This effort will increase protection and save lives of our soldiers fighting the war on terrorism. UNL researchers have recently produced some of the most advanced nanofibers in the world, opening the possibility for the development of materials with entirely new characteristics. The University will work closely with the scientific staff at the Army Research Laboratory as they proceed with this research.

Third, this Member is encouraged that $3 million was added for the Satellite Communications for Learning Act (SCOLA)/Defense Language Institute (DLI) Foreign Language Center. Furthermore, this Member very pleased by the successful establishment of a congressionally mandated research and development line within the Army's R&D aggregation. This change is critical for language skills development, maintenance and language learning throughout the DoD.

In closing, Mr. Speaker, this Member urges his colleagues to support H.R. 4613.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report on H.R. 4613, and that I may include tabular material.

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

There was no objection.

□ 1900

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore (Mr. BASS). Pursuant to House Resolution 732 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4837.

□ 1900

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 20, 2004, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

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

The Clerk will read.

The Clerk read as follows:

H.R. 4837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2005, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,862,854,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $140,554,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,081,042,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $93,284,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $797,865,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $165,367,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the

Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $718,837,000, to remain available until September 30, 2009: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $63,482,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $394,100,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $74,982,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $180,533,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $20,433,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $116,521,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $13,413,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $30,955,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $1,653,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $111,725,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $8,612,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $165,800,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $636,099,000, to remain available until September 30, 2009.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $926,507,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $139,107,000, to remain available until September 30, 2009.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $696,304,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $846,959,000, to remain available until September 30, 2009.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $854,666,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $49,000, to remain available until September 30, 2009.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,575,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $81,886,000, to remain available until September 30, 2009: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $246,116,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds made available in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United

States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this Act may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this Act shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this Act shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds made available in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of the House of Representatives and Senate.

SEC. 108. None of the funds made available in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of the House of Representatives and Senate.

SEC. 111. None of the funds made available in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations of the House of Representatives and Senate, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the House of Representatives and Senate with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations of the House of Representatives and Senate, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds made available in this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of the House of Representatives and Senate and the Committees on Armed Services of the House of Representatives and Senate the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(TRANSFER OF FUNDS)

SEC. 124. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds made available in this Act for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more

than $20,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance notification to the Committees on Appropriations of the House of Representatives and Senate and Committees on Armed Services of the House of Representatives and Senate, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of the House of Representatives and Senate all operations and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 126. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 127. None of the funds made available in this Act under the heading ''North Atlantic Treaty Organization Security Investment Program'', and no funds appropriated for any fiscal year before fiscal year 2005 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 128. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the chairman of the Subcommittee on Military Construction of the Committee on Appropriations of the House of Representatives to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 22, line 2 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I would like to bring Members back up to date on what has happened on the legislation which we started considering yesterday.

This bill funds military construction, which includes a lot of quality of life programs for our military men and women and their families. The funding level is $10 billion, and I am disappointed that the actual funding level is only a 1.6 percent increase over military construction last year, which after inflation is actually a real cut in military construction funding during a time of war.

I think that is inexcusable given our war in Afghanistan and Iraq. This bill appropriates $489 million below what we actually spent for military construction 2 years ago before the Iraqi war even began. And even worse, it is $900 million below what President Bush said would be needed this year, just 12 months ago when he made that prediction.

Despite the fact that we are actually increasing military construction, not even enough funds to make up for inflation, we have 39,000 Army families living in inadequate housing, 34,000 Army barracks are inadequate, 70 percent of Army facilities are C–3 or C–4, which means they are mission impaired, 16,000 Navy and Marine Corps families live in inadequate housing, 31,000 Air Force families live in inadequate housing.

Given this inadequate allocation to address the real priority of military housing and construction and quality of life programs, I commend the gentleman from Michigan (Mr. KNOLLENBERG). He has worked in a thorough and fair manner to take what is a wholly inadequate amount of funding for military construction and to spend that money as wisely and fairly and as carefully as possible, and I salute him in that effort.

The best thing about this bill, at least in this moment, is it prevents a looming crisis in military housing construction. That crisis is, if we do not allow an amendment passed by the gentleman from Michigan (Mr. KNOLLENBERG) in this bill to stay in this bill, this November we are going to put a freeze immediately on 24,000 new military homes throughout the United States, and that will delay by another year homes for another 26,000 military families next year.

So we are going to basically either freeze or delay new housing for 50,000 military families across 22 States, even recognizing some of those families have loved ones serving in Iraq and Afghanistan.

To recap further, unfortunately yesterday the House leadership strong-armed an atrocious rule through this House, a rule that I consider to be a slap in the face of every military family in America, a rule that took 20 to 25 minutes of extra arm twisting so it could pass by one vote. That rule, pushed by the Speaker and the majority leader, will allow one Member out of 435 in this House in the next few moments to basically kill our effort to resolve the military housing crisis, and every Member of the House who voted on that rule knew exactly what was going to happen when they voted for it.

I find it unbelievable that the same House leadership that just 2 months ago on the day that the Armed Services bill put a cap on this bill at the same level that will force this crisis, on that very same day the House leadership supported a $69 billion tax cut that will give Members of Congress a tax cut.

So here we are, the leadership is pushing tax cuts for Members of Congress, they can find time to rename dozens of post offices, they can find the money to push the $69 billion tax cut, but when it comes to protecting a promise of better housing for our military men and women and their families, the House leadership sadly and unfairly said, no, we cannot do that.

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

Mr. EDWARDS. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman for his statements and for his effort this year. The gentleman from Texas (Mr. EDWARDS) has gone all out working with the gentleman from Michigan (Mr. KNOLLENBERG) to craft a solution here. I have supported his efforts and I have Fort Lewis, Washington, McChord Air Force Base, in fact, in Fort Lewis we have one of the RCI, the Residential Construction Initiatives. It has worked better than any project for housing in the history of the country. And that is why this is so destructive. And we are not talking about spending additional military construction dollars.

The CHAIRMAN. The time of the gentleman from Texas (Mr. EDWARDS) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. EDWARDS was allowed to proceed for 2 additional minutes.)

Mr. EDWARDS. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. All we are saying is we are going to raise a limit by $500 million so that these transactions can occur in a public-private partnership.

This is what we have always heard from the majority party is the right way to go, these public-private partnerships. Down in Fort Hood this is a great success.

Mr. EDWARDS. Six thousand new Army homes.

Mr. DICKS. I went out with General Soriano, the Commanding Officer at I CORPS. We went out and walked through these brand new houses being built under the Residential Construction Initiative. The wives of the sergeants were telling us this is the greatest thing that has ever happened in the Army.

I have been out there when these deployments occur, and one of the things the spouses say and one of the things the members of the services say when they are deployed is they worry about their family, they worry about the housing, they worry about health care, they worry about what is going to happen to their families while they are gone. I know from my years of experience, 26 years on the Subcommittee on Defense, 18 years on this subcommittee, that quality of life and having this new housing and getting it done in a timely way is crucial.

That is why the objection to this by the majority party to me is so unexplainable, because one thing we have always been good about in this

House is on a bipartisan basis rising above limitations, things of that nature, to get the job done for the men and women who are serving, and especially now when we are in a time of war, especially now when the services are stressed in a most difficult way, and with all these deployments. We are over-deployed.

We saw what the GAO said today. There is not enough money out there to properly deal with the problems we have got. So to pile this last thing on, this poke in the eye of the military families by not raising this limit, to me is one of the worst things that has happened in my 28 years in the House.

The CHAIRMAN. The time of the gentleman from Texas (Mr. EDWARDS) has expired.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Washington (Mr. DICKS) is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for his eloquent comments and his leadership and strong support for better quality housing for our families.

I want to summarize where we are. Basically, the same House leadership that said just 2 months ago on the same day we refused to increase the cap so 50,000 new military families over the next 2 years could get new housing, in the same day they push through a $69 billion tax cut that is going to give me a $2,000 tax break.

We could afford the tax break for Members of Congress but we could not afford to take care of our promise of better housing for military families.

Now, the gentleman talked about a poke in the eye. The final poke in the eye is this is not the only bad news that the servicemen and women and veterans are going to hear today, because the same leadership that could support the tax cuts for Members of Congress could not find a way to improve housing and fund that program for military families, the most important effective housing improvement program for our military in our Nation's history. Guess what, in the Committee on Appropriations today we voted out a veterans' health care appropriations bill that basically, well, let me tell you what the National Commander of Disabled American Veterans says about it.

''To the veterans of this Nation it is incomprehensive that our government cannot afford to fund their medical care and benefits programs at a time it can afford generous tax cuts costing hundreds of billions of dollars more.''

The American Legion, the DAV, the VFW all went on to say that the leadership-pushed veterans' health care bill today is going to cut, after inflation, real veterans' health care services by $1.3 billion.

Now with the action of the leadership yesterday on the rule and one Member of the House today, we will say to 50,000 military families, we will break our promise to you of better housing.

I think that is a terrible message for us to send our military families. While we go on a month long recess and vacation they are sitting there looking at veterans' health care cuts and frozen programs.

Mr. DICKS. Reclaiming my time, I want to say here is a situation where this does not cost extra money. All we are talking about is raising the limit. The Office of Management and Budget is for this. The Secretary of Defense is for this. The service Secretaries are for this. The Chiefs of Staff of each of the services are for this. I mean, the President is for this. And it would seem to me with all of that support and with the chairman of the House Committee on Armed Services, the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), the gentleman from Michigan (Mr. KNOLLENBERG), who has been a tremendous leader on this, why is it that we cannot get this done? Why is it that we cannot take care of these people?

To me this is unexplainable.

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

Mr. DICKS. I yield to the gentleman from Texas.

Mr. EDWARDS. Let me put a face on these people.

We are talking about 1,194 military families at Elmendorf Air Force Base in Alaska will next year have their housing delayed. In New York at Fort Drum, 2,272 military families, many of whom had loved ones that had already served in Iraq, will have their housing program this year frozen. In Florida, Eglin and Hurlburt Air Force Bases 2,739 military families will have their housing promises broken. In Virginia 1,268 families at Langley. In Texas, Sheppard Air Force Base 1,288 families.

This is one more broken promise to our military families at a time when they are making incredible sacrifices to our country.

What it does, we talked about a 1.6 percent increase for military construction in this bill, but the truth is that once this objection is raised then that will not allow us to even spend that meager amount of funding for our housing program. So we could end up with an actual cut not only in veterans' health care during a time of war this year, we could end up with an actual cut in military construction during a time of war. That is unconscionable coming from a leadership that said we could afford to give Members of Congress a tax cut just 2 months ago.

Mr. FARR. Mr. Chairman, I rise to strike the last word.

I want to have a colloquy between myself and the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. Chairman, I would like to invite you to engage in a brief colloquy with me on an issue regarding Fort Hunter Liggett in California.

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

Mr. FARR. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. I would be happy to discuss Fort Hunter Liggett with the gentleman.

Mr. FARR. As the gentleman knows, Fort Hunter Liggett is today surrounded by U.S. Forest Service property.

□ 1915

In fact, prior to becoming a military base, most of the land was in the possession of the Forest Service, and another huge tract of land next door was owned by the famed Hearst family.

During the 1995 BRAC round, Fort Hunter Liggett was realigned and the cantonment area was excessed to the National Park Service. This means virtually all the functional buildings to support troop activities were given away, but all the land was retained by the military and put under the control of the Army Reserve.

The National Park Service, in preparation for accepting the cantonment area, studied its options with regard to management of this new property. In its report just released last month, the National Park Service labeled the land of Fort Hunter Liggett as ''relatively unchanged landscape'' from the time of the California's missionaries; as having ''no equivalent'' in terms of protected, undisturbed habitat; and as a ''rarity'' in its ''representation of cultural and natural history.''

However, because of the type of BRAC action at Fort Hunter Liggett, the land is not available to the Park Service and the Department of the Interior has indicated its reluctance to add such a huge tract of land to its inventory.

I guess, Mr. Chairman, what I am trying to say is that Fort Hunter Liggett, as active a military base as it is, still is a unique natural resource to our country; and it would be a shame to lose that resource should the base ever find itself nonessential to the military mission of our country.

While the Park Service, at this point anyway, seems disinclined to pursue further ownership of lands at Fort Hunter Liggett, the Forest Service is very interested.

Of course, no one is talking about giving anyone any land at Fort Hunter Liggett right now. It is a very active base, and I expect that it will merit strong support within the BRAC process for keeping it open and functioning.

But, Mr. Chairman, I wish to inquire if the gentleman is aware that the version of the Military Construction bill that is working its way through the other body does, in fact, contain the language addressing the issue of future land status at Fort Hunter Liggett.

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

Mr. FARR. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I would reply to the gentleman that,

yes, I am aware of this language and that it tracks with the gentleman's desire to see the land preserved and conserved for future open, natural space by giving the U.S. Forest Service the right of first refusal for Fort Hunter Liggett lands at such time as the Army deems them surplus.

Mr. FARR. Mr. Chairman, I thank the gentleman for his response and his observation that I do desire to keep Fort Hunter Liggett as a natural resource if and when the military finds it is no longer essential to its mission; and I emphasize again to the chairman, only if and when the land is no longer essential to its military mission. I have no desire to close Fort Hunter Liggett as long as the Army finds it critical to its mission.

The chairman knows that I hoped to attach to the House bill we are debating right now language similar to that inserted on the other side, but in the interest of the House rules and jurisdictional matters, I chose not to.

Mr. KNOLLENBERG. Mr. Chairman, if the gentleman would yield again, I am aware of the gentleman's deep interest in this issue and appreciate his flexibility in finding ways to address this issue.

Mr. FARR. Mr. Chairman, I would ask one further question of the chairman. I would ask that the gentleman would work with me during the conference on this issue to retain language we all find agreeable that will keep the Forest Service as first in line to get Fort Hunter Liggett when and if it is excessed.

Mr. KNOLLENBERG. Mr. Chairman, if the gentleman would further yield, I assure the gentleman that I will be more than happy to work with him in conference on this issue.

Mr. FARR. Mr. Chairman, I thank the chairman for his leadership and cooperation and friendship.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it was not my intention to speak on this matter, but I am a little disconcerted about discussions that would suggest that anybody on either side of the aisle is interested in some way or another of placing a limit on the opportunity for our men and women who are serving us across the country by way of their housing or by way of their potential for income.

I did not speak extensively on the earlier bill, but within that bill we had funding, full funding for a pay adjustment for our troops. I believe that everybody here who knows this subject knows that the authorizing committee just the other day moved a separate bill that would lift the lid in terms of the housing challenges we are talking about.

It is not the intention of the Members of this House in any way, shape or form to do anything but support our troops. Indeed, the last bill that passed the House had a $25 billion amendment as a part of its package that reflects our effort to make sure that money upon the time that bill is signed is readily available to fight the war overseas, as well as to make sure that we are doing what is necessary to care for the families, the men and women who make up the strength of this Nation.

I must say that my colleague from the Committee on Appropriations knows full well that on both sides of the aisle we are committed to serving our troops. This is not a partisan question by any matter or means. It is very dangerous to our national security when people try to carry this to partisan levels, and so that is the only reason I am speaking today is because the House has worked beautifully in this connection. It was a bit disconcerting for me at least to hear what I considered to be rhetoric rather than substance.

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

Mr. LEWIS of California. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, let me first say that I worked for 6 months on a bipartisan basis, talking to everyone from the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget; and the chairman of the authorizing committee to try to solve this in a bipartisan manner behind the scenes. At every step of the way for 6 months people said, well, it will get done, it will get done.

The problem is, we are about to take our August recess and it is not done.

Mr. LEWIS of California. Reclaiming my time, the gentleman suggested that we are about to take the August recess; and thereby, I suppose, people are on vacation. I do not know about the gentleman, but I intend to go home and work and communicate to my constituents all of that which we are doing for the men and women who are serving us in this country. I mean, it is very, very important that we not suddenly decide this may be an issue whereby I can impact or give the impression that maybe one side is more holy than the other in terms of what we are trying to do for our troops. It is just the reverse. We have done our work well because we do so in an almost nonpartisan manner.

Mr. Chairman, I would hope as the gentleman is preparing to leave our body as my classmate and my dear friend, I hope that we will have a lot of time in the future to discuss the positive of this kind of discussion. In turn, all of us know that we serve our troops best when we take partisanship out of it.

Indeed, today, I am very proud of my colleague, the gentleman from Michigan (Mr. KNOLLENBERG), for the work he has done here; and I hope we can move forward from this point and discuss his bill in terms of the real values that have been contributed here. So congratulations to my colleague, and I appreciate him giving me this time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply observe that no two people in this House have worked harder to keep partisanship or any other illegitimate consideration out of this issue than have the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS). They have proceeded in tandem to try to produce concrete, as opposed to theoretical, results for the military families in this country who are deserving of a decent place to live.

But what we are being faced with is this: my mentor in this House, when I first came, was Dick Bolling from Missouri who for many years served this House in spectacular fashion on the Committee on Rules, and he often told me that the greatest enemy to true legislative progress was what he called ''dung hill politics.'' By that he meant Members being more interested in preserving the jurisdiction of their committee or the narrow interest that was associated with a committee or subcommittee, rather than focusing on the broader interests of the American people who we are supposed to serve.

It seems to me that this discussion tonight is an example of what Dick Bolling was worried about because what we have going here, as I said yesterday, is a charade.

The gentleman from Michigan and the gentleman from Texas have brought to the floor a bill which provides concrete assurances that at least 24,000 more military families will receive decent housing; but apparently the Committee on the Budget is unhappy, at least the chairman of the Committee on the Budget is unhappy, with the way the committee has gone about this; and so he intends, as I understand it, shortly to exercise a point of order which will strike from this bill the Congress' ability to deliver that housing to those military families.

In order to create an impression that these families are not being hurt, it appears that what the House will now hide behind is a motion taken yesterday to try to increase the authorization for this program, which would have the result, if the bill was enacted into law, of accomplishing the very same thing that is being accomplished by this bill. The problem is the way this Congress works, there is absolutely no assurance that a free-standing, independent authorization bill will go anywhere in the other body; and that is why, if you want to preserve that housing for those members, it is essential to keep this language in this bill.

That is what the gentleman from Michigan has been trying to do. That is what the gentleman from Texas has been trying to do on a bipartisan basis, and we ought to be supporting that effort rather than finding technicalities as reasons to deep-six the very fine work that they have attempted to do.

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

Mr. OBEY. I yield to the gentleman from Texas.

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

First, let me respond to the gentleman from California's (Mr. LEWIS) comments that both parties, every Member cares about our troops. I absolutely agree with that. In fact, let me repeat the statement I made on the floor yesterday on this subject, and I quote myself, ''Every one of us, Democrat and Republican alike, genuinely respects the service and sacrifice of our troops and their families. No one should doubt that fact, but I strongly believe our budget priorities should better reflect that respect.''

Those were my comments. Let me talk about partisanship.

It was the Republican leadership that shoved through a rule last night or on the floor yesterday that was done on a partisan basis. In fact, it was so partisan they had to leave the vote open an extra 20, 25 minutes to, on a partisan basis, force Republicans or convince Republicans to vote against their own interests in their own districts to support a rule that is allowing 50,000 military family housing to be put at risk.

Secondly, the Committee on the Budget, as I last recall, and I am a member of that committee, put together its budget on a partisan basis. That is where the partisanship came in, if it came in at all.

But to totally put to bed any idea that this is a partisan issue, I have letters.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. EDWARDS, and by unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, the Air Force Association sent a letter to the chairman of the Committee on Rules asking them to not pass the rule that they did.

The Association of the U.S. Army, a letter signed by General Gordon Sullivan, former chief of staff for the Army, put in there that ''RCI,'' the Army's housing program, ''has a tremendous positive impact on quality of life for our soldiers.

''I would ask that you work to ensure the amendment'' to protect housing ''is protected by the Rules Committee and reaches the House floor.''

The Military Officers Association of America asks that the House leadership not shove through a partisan rule that would be unfair to military families.

So did the National Military Family Association.

I do not think any of our colleagues would suggest that the Association of the U.S. Army and the Military Officers Association of America and these other military organizations are acting out of a partisan basis. This does not have anything to do with partisanship. It has to do with standing up for fairness for military families who are making an incredible sacrifice for the American family during a time of war; and in doing so, I will not hesitate to stand up to the Republican leadership of this House which shoved through a rule that is going to allow this housing to be put at risk, and I will not hesitate to stand up to any Democrats who would hesitate in fully supporting military housing.

□ 1930

We all support our troops, but we have an opportunity by passing this bill without a point of order to do something tangible about it. Good intentions, goodwill do not provide better housing for 50,000 military families. Passing this bill, as we passed it out of committee in a bipartisan fashion, that is the way to make a difference for military families who are so deserving of this support.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had a couple of amendments at the desk that I will not offer in favor of engaging in a colloquy with the gentleman from Michigan (Mr. KNOLLENBERG). The reason I offered those amendments is the Pentagon has a day care facility located on its campus that has capacity for over 200 children. After September 11, 2001, parents of those children were assured they would not have to be relocated. Now they are told without any real warning that they have 60 days to vacate. This is nearly 3 years after the attack on the Pentagon.

In Northern Virginia, there is a waiting list of 12 to 18 months at most of the day care facilities, so we offered an amendment to try to speed up the process of building a new day care facility at nearby Fort Myer. That is what this colloquy concerns because it is beyond me why the Pentagon would tell the parents that they have only 60 days to vacate.

They say they have information that the Pentagon might be more likely to be a target between now and Election Day. If that is the case, they need to evacuate them immediately. There is some suspicion as to the purpose, but I do not want to engage in that speculation. I want to do what we can as a legislative body to ensure there is an alternative site because I think most parents would agree that if they had an opportunity to sit down and talk with the decisionmakers at the Pentagon that it makes sense to begin to relocate the children.

Mr. Chairman, let me ask the gentleman from Michigan (Mr. KNOLLENBERG), I understand that the Pentagon, in response to the recent decision to close the day care facility at the Pentagon, has offered to expand and accelerate the planning and construction of the new day care facility at Fort Myer, but at the earliest will be able to start construction in October 2005; is that correct?

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

Mr. MORAN of Virginia. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, the gentleman is correct. It is my understanding that the Army has accelerated this project and will be in a position to award a contract in October 2005.

Mr. MORAN of Virginia. Mr. Chairman, does the Army have an updated estimate on how much this project will cost and when this project will be completed?

Mr. KNOLLENBERG. The Army estimates the project will cost approximately $17 million. I do not know how long it will take to complete the facility, but the actions taken so far suggest to me that they will move it forward in an expeditious fashion.

Mr. MORAN of Virginia. Mr. Chairman, my concern is there may be a lack of coordination between the Army and the Washington Headquarters Services at the Department on how to proceed with the design, planning and construction of the new day care facility. To the gentleman's knowledge, is the Army working with the Washington Headquarters Service on moving forward with this timetable of October 2005?

Mr. KNOLLENBERG. Mr. Chairman, it is my understanding that the Washington Headquarters Service is working with the Army to move this project forward and is prepared to provide the additional funding needed to expand the original project scope at Fort Myer to accommodate the children the gentleman speaks of from the Pentagon facility.

Mr. MORAN of Virginia. Mr. Chairman, it is my hope I can work closely with the gentleman from Michigan on ensuring that the Pentagon work quickly toward providing a completed alternative day care facility at Fort Myer as soon as possible. I would hope that in the meantime the Department dedicates all means necessary to find immediate interim solutions for the parents of the more than 100 children at the Pentagon today who are still without adequate child care options.

Mr. KNOLLENBERG. Mr. Chairman, I will be happy to work with the gentleman to ensure the Department proceeds with this project as soon as possible. I just want to say I appreciate the discussions we have had and the gentleman's interest in bringing a resolution to this that will satisfy all of us. I commend the gentleman for this.

Mr. MORAN of Virginia. Mr. Chairman, I appreciate the gentleman's assistance on this matter. My present concern remains how best to encourage the Pentagon to focus on providing interim day care service. I look forward to working with you to see if there is any assistance we could provide for interim solutions.

I want to recognize the fact that the gentleman from Northern Virginia (Mr. TOM DAVIS) and the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Commerce,

State, Justice, both of whom have constituents in this situation, as I do, and they have also worked very diligently on this. We appreciate the opportunity to work with the gentleman from Michigan.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 129. Section 2883(g)(1) of title 10, United States Code, is amended by striking ''$850,000,000'' and inserting ''$1,350,000,000''. The amendment made by this section shall not be subject to scoring for purposes of the Congressional Budget and Impoundment Control Act of 1974.

POINT OF ORDER

Mr. NUSSLE. Mr. Chairman, I reserve a point of order against section 129 of the bill because it violates clause 2 of rule XXI, which prohibits legislative language that directly amends existing law.

The CHAIRMAN. The Chair understands that the gentleman makes the point of order. Does any other Member wish to be heard on the point of order?

Mr. KNOLLENBERG. Mr. Chairman, I would like to be heard on this point of order.

I understand the gentleman is reserving a point of order because the provision in question is legislation, and therefore prohibited on an appropriations bill under clause 2 of rule XXI of the rules of the House. However, I would like to point out to the gentleman the reason why this provision is in the bill.

As the chairman of the Committee on Armed Services stated earlier, this provision is supported by the authorizing committee and it is not in a defense authorization bill because of an objection by the Committee on the Budget. So with the support of the authorizing committee, the Committee on Appropriations voted to include this provision in the military construction bill, and thus made a value judgment to address military families' lives and welfare.

Now I believe the gentleman agrees with this policy because yesterday he introduced a bill and it passed almost unanimously. However, that bill may not go anywhere and I do not think that we should be playing with people's livelihoods with promises that we cannot keep.

I would also point out that under the Armey protocol, A-R-M-E-Y, this provision should not have been left exposed if the chairman of the authorizing committee does not object to the inclusion of this legislative provision in an appropriations bill. Only a piece of the language, which is directed at scorekeeping, is within the purview of the Committee on the Budget.

It is further regrettable that this provision is going to be stricken even though it is strongly supported by the administration and the House. It does not break the bank, as the chairman of the Committee on the Budget purports, or he would not have introduced a bill that does exactly the same thing yesterday.

I concede it is legislation and I concede it is subject to a point of order, but I also concede it is the right thing to do for our military families, and I believe the majority of the American people will agree with me.

Mr. Chairman, I would ask the chairman of the Committee on the Budget to think about all of this before he insists on his point of order.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. EDWARDS. Mr. Chairman, I do.

Mr. Chairman, what a difference 1 hour makes. Less than 1 hour ago on this floor the House of Representatives passed a rule for the defense appropriations bill which waives all points of order against that bill, and yet because the House leadership instructed the Committee on Rules and twisted arms to force many Republican House members to vote on a bill that does not protect a point of order on this, because of that decision, inconsistent with a rule we just passed in this House by unanimous vote less than 60 minutes ago, because of that we are basically going to put at risk the most important military housing improvement program in American history, a program that does not only improve housing and show respect in a tangible way to men and women and families, to children who are making incredible sacrifices for our country, but a measure that is saving taxpayers billions of dollars by building these houses more efficiently.

In a House that ignores technicalities every single day to carry out priorities much less important than quality military housing for our families during a time of war, we are going to put this incredibly important program at risk.

Finally, I want to say this. Let us be clear, this is not today just an action of one person, the gentleman from Iowa (Mr. NUSSLE). I respect the gentleman. He is a person of principle. I might disagree with the debate on fiscal responsibility when we voted 2 months ago for a $69 billion tax cut that helps Members of Congress and today we cannot afford to take care of a few thousand military families' housing, but I do respect him. He is a person of deep principle.

This is not just an action of the gentleman from Iowa (Mr. NUSSLE). This was an action which was allowed and encouraged by the House leadership by forcing an unfair rule through this House, a rule that was opposed by the Military Officers Association of America, the Association of the U.S. Army, the Air Force Association, and the National Military Family Association.

This action is also something that was allowed by 212 votes, a passage of that rule by one vote, 212 to 211. One Member changing his or her vote, and we could have prevented this tragedy from happening today.

Mr. Chairman, I would urge the gentleman to consider not recognizing the technicality raised here that will harm tens of thousands of military families during a time of war.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. NUSSLE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. NUSSLE. Mr. Chairman, there have been a lot of speeches already, and I understand it is permissible to speak to the point of order, but many of these speeches are just repeats of what has been done and can be done in regular order in consideration of the bill.

Mr. Chairman, I would insist on my point of order.

The CHAIRMAN. The gentleman raises a valid point. Members are to limit their remarks to relevant arguments on the point of order; the Chair has exercised some tolerance in that respect.

Mr. OBEY. Mr. Chairman, I rise to be heard on the point of order.

Mr. Chairman, it is important for us to respect the rules of the House, but sometimes the rules give Members powers to do things that they ought not do. Just because we have the power to do something does not necessarily mean that it is the right thing to do it. Sometimes it is important to exercise restraint. I think this is one of those cases.

The gentleman from Texas (Mr. EDWARDS) correctly points out that an hour ago we waived all points of order on a huge spending bill, many times more dollars than we have in this bill. There were many points of order that could have been lodged against this bill when it came from the Committee on Rules, but the House leadership chose to expose only one item in the bill to a point of order, and that is the item that would have delivered decent housing to 24,000 military families.

What the House did or what the majority did by adopting that rule is to say in effect that peace in the family was more important than the sure delivery of decent housing to 24,000 military families.

Mr. Chairman, I think it is unfortunate that the majority leadership has dictated to the House that it must allow this one provision to be eliminated, but there is not much we can do about it and I also unfortunately have to concede the point of order.

The CHAIRMAN. The Chair has heard from the chairman of the subcommittee, the ranking member of the subcommittee, and the ranking member of the full committee, and is prepared to rule on the point of order raised by the gentleman from Iowa (Mr. NUSSLE).

The Chair finds that this provision directly amends existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 130. The fitness center at Homestead Air Reserve Base, Florida, shall be known and designated as the ''Sam Johnson Fitness Center''. Any reference to such facility in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Sam Johnson Fitness Center.

□ 1945

Mr. DICKS. Mr. Chairman, I move to strike the last word.

I would just like to announce to my colleagues today that there was a decision made by the Pentagon to move 3,900 troops to Fort Lewis, Washington, from Fort Polk, Louisiana, for a third Stryker Brigade. The reason I bring this up in the context of military construction is we have done a lot of military construction work at Fort Lewis, but we are going to have to do more. That is why the consequences of the decision just made here to me are so serious, because this RCI program that we have discussed which was started by this committee, the gentleman from Ohio (Mr. HOBSON) when he was chairman worked with all of us to try to further this program, and I believe that this is one of the most constructive programs that we have ever enacted.

I hope that, working together, the leadership of this Congress, we can figure out, if we cannot do it in the military construction bill, maybe we can figure out another way to do it. Maybe the gentleman from California (Mr. HUNTER) can do it, as he mentioned yesterday, that he would take care of this in the conference on the authorization bill between the House and the Senate and help us find a way to work through this.

The reason I am so passionate about this program is because I have seen what it does out at Fort Lewis. In fact, with the help of the chairman, I am trying to get Fort Lewis and McChord Air Force Base, which are right adjacent to each other on I–5 in Tacoma, Washington, in my congressional district, along with ADAM SMITH, these two major bases, McChord has the C–17, and those two bases can cooperate in a joint RCI project. I am working with Assistant Secretary Gibbs, Assistant Secretary Prosch to try to get them to cooperate and work together as was done at Fort Dix with an Air Force base and an Army base there and worked out in a terrific joint venture.

I would just say to all of my colleagues, this is one of the best programs we have ever enacted because we use the housing allowance of the troops, that housing allowance goes to the company, and then the company goes out and does the financing and builds this new military housing. It is terribly popular with the troops. That is why as I see the distinguished chairman of the Committee on Appropriations and the gentleman from Michigan (Mr. KNOLLENBERG) on the floor, who have all worked on this, I just hope that we can continue to work together until the end of this Congress to figure out some way, maybe working with the gentleman from California (Mr. HUNTER) in the authorization bill, to find a solution to this.

I think the overwhelming will here is to keep this program moving forward. We hope that by 2007 we can get rid of all of the backlog of housing that is substandard in all of the services. This is one of the goals of Secretary Rumsfeld and the service chiefs and the Secretaries of each of the services.

I want to compliment the chairman again. This year the chairman did something quite unique. He got the chief of staff of each of the services to come and testify before the committee because he wanted to drive home the point of how important military construction is. I commend the chairman for doing that. This is something that had not been done and there was some resistance, but I think once all the chiefs got there, they realized that this was a friendly committee, a committee that is trying to improve military housing, military construction, and that we would have a chance then to talk directly to the service chiefs on this important subject.

As mentioned by the gentleman from Texas (Mr. EDWARDS), all of the outside groups that support military families have written letters in favor of this initiative. I hope even with the unfortunate decision of the Committee on Rules not to protect this provision which was crafted in a bipartisan basis, there has not been any partisanship here, but it is the duty of the minority to point out when the majority is not living up to its responsibilities.

In this case, I believe not protecting that amendment was a mistake on the part of the leadership in the majority party. It is our responsibility in the minority and in the highest standards of this House to point out when the majority makes a mistake. That is our duty in this legislative process. I hope again that we can pull together after this unfortunate incident and try to find a solution before this Congress is over. If we do, it will be one of the most important things accomplished in this Congress. I want to say again, this is supported by the President, OMB, the Secretary of Defense, and all the service chiefs.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the hour is late and I am not going to take much time, but I think we would all be remiss if we did not acknowledge that this fitness center is going to be named after one of our dear colleagues who was a real war hero, in my opinion. SAM JOHNSON was shot down in Vietnam and spent 7½ years in a Vietnamese prison camp, the Hanoi Hilton; and he suffered tremendously during that 7½-year period. I think it is very, very fitting that he be honored by naming this fitness center after him. In fact, if I had my way and I think my colleagues, we would probably name a couple of air bases in total after him because he is a wonderful guy and a great Congressman.

SAM, if you are listening, we sure love you, buddy.

Mr. HAYES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me add my thoughts to those of my friend from Indiana (Mr. BURTON). What a great American SAM JOHNSON is. We cannot do enough to recognize his service. I appreciate that being included.

Just briefly, let me say that on the issue of military housing, I have got a plaque on my wall from the National Military Family Association for working with the families of our military. One of the great joys this year and the year before has been how all of the people in this body, men and women, Republicans and Democrats, have worked together so well with our chairman and the chairman of the full committee to address the issues of housing for our soldiers.

So as I have got that plaque on my wall, as I think about Fort Bragg and the epicenter of the universe and all those fine soldiers at Pope Air Force Base and around our country, I am just proud of our chairman and our Congress for working together across every imaginable line to do everything that we can to provide the best possible housing. We have done that. It is under way. I am extremely confident that we will find a way to make sure that that happens. I appreciate that. I appreciate our soldiers.

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

Mr. HAYES. I yield to the gentleman from Georgia.

Mr. KINGSTON. I just want to say that my friend from North Carolina who so capably represents Fort Bragg, I, as he knows, have five military installations in my district that I am proud to represent. Tomorrow night, in fact, I am going to be at Fort Stewart talking to some of the soldiers. This is a program that does enjoy wide bipartisan support. We are going to keep working on this and find a way to make it happen.

We had lots of discussion in the appropriations committee. We could not quite come to a consensus of where to offset some money. I think there are a lot of programs out there that we should cut, reduce, eliminate, in order to provide adequate housing for our troops and the quality of life for our soldiers in general.

But the one thing to remember is we are in this position because of a technical change in the way the Congressional Budget Office has decided to score military housing. What they are doing is they charge all the money upfront, even though the private sector is paying for it. It is a paper entry. It is not a real dollar entry. I certainly respect what the Committee on the Budget is doing in trying to keep the integrity of the budget process going. I think it is very, very important that we all try to work through this thing. But if we are faced with this change in the scoring from the Congressional

Budget Office, I would like to see us find some waste, some duplication, and just some fat in the budget and come up with the money for our soldiers because I think it is so important.

I thank the gentleman for yielding. I have enjoyed working with him on various installation issues.

Mr. HAYES. Reclaiming my time, I could not agree more. We will find a way. It will be done. I thank our soldiers, sailors, airmen, Marines and Coasties.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to read into the RECORD the States and the specific military installations that have just had a guarantee of new housing for their military families taken away from them. Perhaps we will solve this another day. I have been trying to work for 6 months on a bipartisan basis to get this resolved. I am not sure this late in the Congress I have tremendous confidence that it will get resolved, but the real pity is that we could have resolved it today if the leadership had let go through the Committee on Rules the exact same rule we unanimously approved on the military appropriations bill just an hour ago.

The States that have just lost a chance because of this technicality that were allowed by the rule pushed by the leadership that will lose a guarantee to have new military housing for their service men and women are Alabama, Alaska, California, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia and Wyoming.

To add to the military installations I had already mentioned a few moments ago that will either have their housing frozen this year and, in fact, a promise broken to those military families or have their housing expected in 2006 to be delayed a year would include Fort Knox, Kentucky, 3,380 military families affected by this technical ruling. Fort Rucker in Alabama, 1,516 military families. Fort Leavenworth, Kansas, 1,580 military families. Keesler Air Force Base in Mississippi, 1,682 military families. New Mexico, Holloman Air Force Base, 1,440. Fort Gordon, Georgia, 872 families. Scott Air Force Base in Illinois, 475. MCB in Hawaii, Phase 1, 1,377 families will have their hopes for better housing dashed or delayed for a year or more. Camp Lejeune, an important Marine Corps installation in North Carolina, 838 families. In addition to an additional 3,516 families at Camp Lejeune that this year will have their new housing put on hold.

These are not just numbers and names, these are real men and women, real military families making unbelievable sacrifices in behalf of every family in this House and in our Nation that have just lost the opportunity because of an unfair rule opposed by numerous military organizations exercised, as the gentleman had the right to exercise, just a moment ago a technicality to kill that dream of a new home.

It is a shame that dream has been killed today. I certainly urge those who perhaps did not want it to be taken care of today to work together, and I will pledge to work together in good faith with them to try to solve it in the months ahead, but there was no reason not to give this promise today to our military people. They do not ask to be delayed when they are asked to serve their country. When they are asked to go to combat, they go. When we had an opportunity to stand up for them, we should not have been AWOL. We should not have delayed. We should have taken action. That is what is the most shameful thing about what has happened today on this bill.

Mr. NUSSLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to have the opportunity to respond very briefly to the gentleman from Texas. First and foremost, he is a member of the Committee on the Budget. He has been working on this a long time, as many Members have. There are some challenges we are going to have to overcome, there is no question. I understand that there is some skepticism about the bill that was passed yesterday, but I would hope that the other body would recognize the fact that a bill that was passed with the unanimous support of the House of Representatives could be expedited and that we could send a very clear signal to our men and women in uniform as well as their families that are looking for housing, that are having to deal with in many instances, as the gentleman knows far better than I, substandard housing, that we could deal with this in a very expeditious manner, the way we did yesterday, in an appropriate way, in a legislative way, not in an extraordinary way.

I would hope that the other body would take this up as quickly and as expeditiously as the House of Representatives did. We can accomplish that. We can do it in a bipartisan way as it was done yesterday. And it can be on the President's desk in moments, without further action, without further ado, without having to make them wait or wonder.

The military construction bill that we are considering right now, its future, we could argue, is also uncertain, given the fact that just about every prognosticator of the appropriations process suggests that we will not be completing the appropriations process on time this year, either as 13 individual appropriation bills or even as an omnibus bill but that, in fact, we may have to live under a continuing resolution for some time.

So while there is uncertainty about military construction and other appropriation matters, there should not have to be concern or question about our military families and what needs to be done as quickly as possible. It can be done expeditiously. It can be done using the vehicle that was passed yesterday by an overwhelming margin.

□ 2000

I would hope that other Members will not try any further delaying tactics for our men and women in uniform. I would hope that we can pass that bill as quickly as possible in the other body, that it will not be delayed, that it would enjoy the same kind of bipartisan support that we have here.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Military Construction Appropriations Act, 2005''.

Mr. ADERHOLT. Mr. Chairman, I want to commend Chairman KNOLLENBERG and the Military Construction Appropriations Subcommittee Staff once again for their hard work and efforts to produce an excellent bill for us to consider here today.

The importance of our willingness here in Congress to immediately and effectively take care of the needs of our men and women in the Armed Services, and to look after their families, certainly goes without saying. It does not matter whether they are located here at home protecting our homeland security, or whether they are directly in harm's way while serving abroad to serve their country. We must support them in every way that we possibly can.

This legislation represents a vital and immediate need for our troops and their families—to provide adequate and improved facilities for training and equipment; to provide better housing for these brave men and women, and their families, who unselfishly protect our national interests on a daily basis; to provide quality of life improvements such as chapels, child development centers, schools, and fitness centers; to better equip our hospitals and medical and dental facilities; for public safety and security here in our local communities; and to ensure the continued strength, construction and development of our overseas bases and our weapons systems that protect American interests.

The sacrifice that these men and women have made to this Nation demands our attention and steadfast support to help them do the job that they have chosen to do, and to better their lives in any way that we can find. Many of you are concerned that this bill contains an increase on the cap on Federal contributions to the Military Housing Privatization program from $850 Million to $1.3 Billion in this Fiscal Year. This money is urgently needed to fully fund family housing construction and maintenance, and to eliminate inadequate housing that our troops must live in. This funding directly supports two bases in my home State of Alabama, at Redstone and at Fort Rucker, and I want to rise in support of the men and women serving there.

Mr. Chairman, I rise today to thank the Chairman for an excellent bill, and to urge its passage to fully support these men and women in our Armed Services.

Mr. GREEN of Texas. Mr. Chairman, I rise today in support of this bill to provide for military construction in Fiscal Year 2005.

At a time when our Armed Forces are attempting to streamline and transform their operations, this bill provides crucial funding to

upgrade, maintain and construct the facilities necessary for this process.

One project of particular interest to me, and which I requested funds for, is a Houston Armed Forces Reserve Center, however, this project was not earmarked in the House bill.

The proposed facility will be designed for both Texas Army National Guard units and Marine Corps Reserve units.

Several existing National Guard facilities will either be vacated by this relocation, or remaining units will be closer to their required space authorizations.

The vacated facilities will reduce the average age of existing facilities and lessen maintenance backlogs.

This facility will have a direct impact on soldier readiness by providing proper authorized space to conduct indoor training, reduce driving distances for a majority of the soldiers residing in Houston, and provide modern facilities support for soldiers.

Additionally, this facility is in line with the military's goal of creating joint-use bases.

While the House bill did not provide an earmark for funding this project, I am hopeful that our appropriators will see fit to include this request in the conference report.

Mr. KNOLLENBERG. Mr. Chairman, I submit the following for the RECORD:

MILITARY CONSTRUCTION APPROPRIATIONS BILL, FY 2005 (H.R. 4837)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Military construction, Army	1,448,239	1,771,285	1,862,854	+414,615	+91,569
Rescissions	-183,615	---	---	+183,615	---
Emergency appropriations (P.L. 108-106)	162,100	---	---	-162,100	---
Total	1,426,724	1,771,285	1,862,854	+436,130	+91,569
Military construction, Navy	1,238,458	1,060,455	1,081,042	-157,416	+20,587
Rescissions	-45,622	---	---	+45,622	---
Emergency appropriations (P.L. 108-106)	45,530	---	---	-45,530	---
Total	1,238,366	1,060,455	1,081,042	-157,324	+20,587
Military construction, Air Force	1,067,751	663,964	797,865	-269,886	+133,901
Rescission	-23,000	---	---	+23,000	---
Emergency appropriations (P.L. 108-106)	292,550	---	---	-292,550	---
Total	1,337,301	663,964	797,865	-539,436	+133,901
Military construction, Defense-wide	653,656	709,337	718,837	+65,181	+9,500
Rescission	-72,309	---	---	+72,309	---
Total	581,347	709,337	718,837	+137,490	+9,500
Total, Active components	4,583,738	4,205,041	4,460,598	-123,140	+255,557
Military construction, Army National Guard	311,592	295,657	394,100	+82,508	+98,443
Military construction, Air National Guard	222,908	127,368	180,533	-42,375	+53,165
Military construction, Army Reserve	88,451	87,070	116,521	+28,070	+29,451
Military construction, Naval Reserve	45,498	25,285	30,955	-14,543	+5,670
Military construction, Air Force Reserve	62,032	84,556	111,725	+49,693	+27,169
Total, Reserve components	730,481	619,936	833,834	+103,353	+213,898
Total, Military construction	5,314,219	4,824,977	5,294,432	-19,787	+469,455
Appropriations	(5,138,585)	(4,824,977)	(5,294,432)	(+155,847)	(+469,455)
Rescissions	(-324,546)	---	---	(+324,546)	---
North Atlantic Treaty Organization Security Investment Program	169,300	165,800	165,800	-3,500	---
Rescission	-8,000	---	---	+8,000	---
Total	161,300	165,800	165,800	+4,500	---
Family housing construction, Army	383,591	636,099	636,099	+252,508	---
Rescission	-94,151	---	---	+94,151	---
Total	289,440	636,099	636,099	+346,659	---
Family housing operation and maintenance, Army	1,033,026	928,907	926,507	-106,519	-2,400
Emergency appropriations (P.L. 108-106)	11,420	---	---	-11,420	---
Total	1,044,446	928,907	926,507	-117,939	-2,400
Family housing construction, Navy and Marine Corps	184,193	139,107	139,107	-45,086	---
Rescission	-40,508	---	---	+40,508	---
Total	143,685	139,107	139,107	-4,578	---
Family housing operation and maintenance, Navy and Marine Corps	835,078	704,504	696,304	-138,774	-8,200
Emergency appropriations (P.L. 108-106)	6,280	---	---	-6,280	---
Total	841,358	704,504	696,304	-145,054	-8,200
Family housing construction, Air Force	657,065	846,959	846,959	+189,894	---
Rescission	-19,347	---	---	+19,347	---
Total	637,718	846,959	846,959	+209,241	---

MILITARY CONSTRUCTION APPROPRIATIONS BILL, FY 2005 (H.R. 4837)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Family housing operation and maintenance, Air Force	816,074	863,896	854,666	+38,592	-9,230
Emergency appropriations (P.L. 108-106)	6,981	---	---	-6,981	---
Total	823,055	863,896	854,666	+31,611	-9,230
Family housing construction, Defense-wide	350	49	49	-301	---
Family housing operation and maintenance, Defense-wide	49,440	49,575	49,575	+135	---
Department of Defense Family Housing Improvement Fund	300	2,500	2,500	+2,200	---
Rescission	-9,692	---	---	+9,692	---
Total	-9,392	2,500	2,500	+11,892	---
Total, Family housing	3,820,100	4,171,596	4,151,766	+331,666	-19,830
Chemical demilitarization construction, Defense	119,815	81,886	81,886	-37,929	---
Base realignment and closure account	370,427	246,116	246,116	-124,311	---
General provision (sec. 118)	55,000	63,000	63,000	+8,000	---
Grand total:					
New budget (obligational) authority	9,840,861	9,553,375	10,003,000	+162,139	+449,625
Appropriations	(9,812,244)	(9,553,375)	(10,003,000)	(+190,756)	(+449,625)
Emergency appropriations	(524,861)	---	---	(-524,861)	---
Rescissions	(-496,244)	---	---	(+496,244)	---

1/ The amount provided in this bill is $1,205 million above the 302(b) suballocation due to a Congressional Budget Office (CBO) interpretation of the scoring of section 129. This section does not actually appropriate funds; appropriated amounts in this bill are within the 302(b) suballocation. The Committee is working with concerned parties to address CBO's scoring interpretation.

The CHAIRMAN. Having reached the end of the legislation, if there are no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 732, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. Unless the motion is adopted, Mr. Speaker, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Obey moves to recommit the bill, H.R. 4837, to the Committee on Appropriations with instructions to report the bill forthwith with the following amendment:

''SEC. 129. Section 2883(g)(1) of title 10, United States Code, is amended by striking ''$850,000,000'' and inserting ''$1,300,000,000''.''

POINT OF ORDER

Mr. NUSSLE. Mr. Speaker, I make a point of order against the motion to recommit because it violates Section 302(f) of the Congressional Budget Act.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. OBEY. Mr. Speaker, what this amendment attempts to do is to restore the language just stricken by the gentleman. If the gentleman insists on his point of order, then obviously once again the House will have missed an opportunity to provide housing for these 24,000 military families.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that the instructions contained in the motion to recommit offered by the gentleman from Wisconsin (Mr. OBEY) propose to amend existing law. The instructions, therefore, constitute legislation in violation of clause 2 of rule XXI. The Chair also finds that the amendment contemplated by the motion to recommit proposes pending in excess of the pertinent allocation therefore under Section 302(b) of the Budget Act, as asserted by the point of order of the gentleman from Iowa.

The point of order is sustained, and the motion to recommit is not in order.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a subsequent motion to recommit.

The SPEAKER pro tempore. Does the gentleman remain opposed to the bill?

Mr. OBEY. Unless the motion is adopted, Mr. Speaker, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Obey moves to recommit the bill, H.R. 4837, to the Committee on Appropriations with instructions to report the bill promptly with an amendment increasing from $850,000,000 to $1,300,000,000 the limitation on military family housing privatization programs in 10 U.S.C. 2883(g)(1).

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes on his motion.

Mr. OBEY. Mr. Speaker, this is the last opportunity the House will have to do the right thing for 24,000 military families.

This motion to recommit instructs the Committee on Appropriations to report the bill back with the cap lifted by $500 million for a total of $1.35 billion. This does not incur any additional costs. It simply allows existing funds and other assets to be used for privatization.

The problem seems to be, as Members have pointed out, that CBO wants to charge these privately raised funds against the budget allocation, which does not make any sense to anyone who lives in the real world. Any Member who has visited a military base and seen family housing knows this is a real need. Raising the cap enjoys broad support on both sides of the aisle and the White House.

I urge Members to join in support of this motion to recommit and give military families the decent housing they deserve.

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

Mr. EDWARDS. Mr. Speaker, I thank the gentleman for yielding to me.

Just a few minutes ago my colleagues on the other side of the aisle said we should work together in the days and months ahead to try to ensure the promise to our military families of better housing. I suggest we start right now, and it would be very simple, and we can send a clear message out to our families who have loved ones in harm's way that right now we are going to guarantee them the quality housing they are expecting.

All we need to do is take basically the exact same language that the gentleman from Iowa (Mr. NUSSLE) put together in the bill he wrote yesterday and passed yesterday, which, by the way, was an example of what the leadership in this House can do when it wants to do something. Let us just adopt that same language in the gentleman from Wisconsin's (Mr. OBEY) motion to recommit. It is the same language. What is the difference?

I tell the Members what the difference would be. If we would work together on a bipartisan basis right now not to object to this, we can send an important message to our troops out there and their loved ones that we are going to support them with better housing, especially during this time of war.

The language is the same. The gentleman's bill, H.R. 4879, that we passed yesterday that he talked about says we strike the number $850 million and insert $1.350 billion. The gentleman from Wisconsin's (Mr. OBEY) motion to recommit that is now before the floor says let us go from $850 million to $1.3 billion on the limitation of military housing privatization programs. What is the difference?

Let us work together right now. Let us do the right thing. Let us not let a technicality prevent us from doing the right thing for tens of thousands of military families. We can do it together. We do not have to wait a week, a month, and the possibilities of what might or might not happen then. We can doing it right now. I urge this House to do so.

Mr. OBEY. Mr. Speaker, to those who would cite the action taken by the House yesterday on the authorization bill, I would simply say that was not a substantive fix. That was a political fix, which is going nowhere because there is no assurance whatsoever that that bill will pass. This bill is a must-pass vehicle. That is why this provision ought to be attached to this bill.

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

The SPEAKER pro tempore. The Chair wishes to clarify that the first motion to recommit, which was ruled out of order, violated section 302(f) of the Budget Act, as asserted by the gentleman from Iowa (Mr. NUSSLE).

Mr. KNOLLENBERG. Mr. Speaker, I rise in opposition to the motion to recommit, very reluctantly.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I agree wholeheartedly with the substance of what he is saying because we have been down that road so many times and had those discussions. The problem is I do not want to stop this bill from moving forward, and that is exactly what we would be doing as much as taking on a risk that we are not clear about what the resolution will be.

This motion would require the bill to go back to committee and would slow down the many important programs that we are trying to help. For this reason alone I must oppose this motion.

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

Mr. KNOLLENBERG. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, obviously I support the gentleman's opposition to the motion. Let me just point out as

well in support of his opposition that not only would it delay the military construction bill by sending it back to committee, because of the fact that we are going on recess as an example, it would postpone a decision about this because the gentleman, interestingly enough, complained about a technicality earlier. There is a technicality in this motion that Members need to be aware about. It is the words ''promptly,'' and ''promptly'' means when we get around to it a little bit later, not forthwith, which means right away.

What we did yesterday is more than promptly. It happened yesterday. It is over in the Senate. They can take advantage of that opportunity and pass that bill immediately, not in some form later on.

So I appreciate the gentleman's opposing this method even though I know his heart may not be in it as much as mine has to be in this instance.

Mr. KNOLLENBERG. Mr. Speaker, reclaiming my time, I appreciate what the gentleman said. I also take it from what he just said that he is going to be a player in this process as we go forward.

Mr. NUSSLE. Mr. Speaker, if the gentleman would continue to yield, I have been a player in this process from the very beginning. And as I did yesterday, I intend to be do whatever I can to help move this issue along in its proper form and in the proper manner.

Mr. KNOLLENBERG. Mr. Speaker, could we come to the conclusion that it would resolve the problem and also eliminate the cap?

Mr. NUSSLE. Mr. Speaker, I guess the gentleman could take that from the fact that I wrote the bill yesterday even though I know there were some who may have been surprised by that. I do not think there is a Member in this body that opposes housing for military families. We just need to do it in the right way.

Mr. KNOLLENBERG. Mr. Speaker, let us make every effort to do just that.

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

Mr. KNOLLENBERG. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me.

Let me simply point out to the gentleman from Iowa that the bill that the gentleman from Iowa is suggesting that we focus on is the bill that is going nowhere for the next 6 weeks either. The only difference between this bill and the bill that the gentleman is now purportedly supporting is that this bill will after the summer recess go somewhere. The bill the gentleman supported yesterday is going nowhere. That is a big difference to military families.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit H.R. 4837 will be followed by 5-minute votes on passage of H.R. 4837; adoption of the conference report to accompany H.R. 4613; motion to suspend the rules and agree to H. Con. Res. 469; motion to suspend the rules and agree to H. Con. Res. 467; motion to instruct on H.R. 1308.

The vote was taken by electronic device, and there were—yeas 201, nays 217, not voting 16, as follows:

[Roll No. 416]

YEAS—201

Abercrombie
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
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
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
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
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
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
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
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
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
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
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
Tauzin
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—16

Ackerman
Carson (IN)
Clay
Collins
Culberson
Gephardt
Greenwood
Hart
Kirk
Kucinich
Lowey
Meehan
Meeks (NY)
Paul
Quinn
Rohrabacher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2038

Messrs. YOUNG of Alaska, BURGESS, TURNER of Ohio, TAUZIN, BURNS, COLE, and Mrs. MYRICK changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 13, as follows:

[Roll No. 417]

YEAS—420

Abercrombie
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)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
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)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
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
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
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
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
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
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 (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Obey

NOT VOTING—13

Ackerman
Carson (IN)
Clay
Collins
Conyers
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn
Rohrabacher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2046

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 4613.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 12, not voting 12, as follows:

[Roll No. 418]

YEAS—410

Abercrombie
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)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
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
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren

Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
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
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
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
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
Tauzin
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
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Conyers
Grijalva
Kucinich
Lee
Lewis (GA)
McDermott
Owens
Payne
Schakowsky
Stark
Watt
Woolsey

NOT VOTING—12

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2057

Mr. CONYERS changes his vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING ATTACK ON AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA, IN JULY 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 469.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 469, 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 422, nays 0, not voting 12, as follows:

[Roll No. 419]

YEAS—422

Abercrombie
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)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
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
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
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
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
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
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
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
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 (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2105

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.

DECLARING GENOCIDE IN DARFUR, SUDAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 467, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 467, 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 422, nays 0, not voting 12, as follows:

[Roll No. 420]

YEAS—422

Abercrombie
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)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
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
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
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
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
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
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
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
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 (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2112

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent 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.

FAREWELL TO DOUG BEREUTER

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

Mr. TERRY. Mr. Speaker, tonight I join with my colleague, the gentleman from Nebraska (Mr. OSBORNE), in a bittersweet evening for us. The dean of our delegation, the gentleman from Nebraska (Mr. BEREUTER), who has served this House faithfully now into his 26th year, as we are here tonight, these are his last votes as a Member of this august body, and I ask all of my colleagues here tonight to join me in bidding our colleague, the gentleman from Nebraska (Mr. BEREUTER) farewell and Godspeed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Texas (Mr. STENHOLM).

Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 14, as follows:

[Roll No. 421]

YEAS—198

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George

Moore
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 (MI)
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

NAYS—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
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
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
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
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
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 (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Moran (VA)
Paul
Petri
Quinn

□ 2123

Mr. ENGLISH and Mrs. JOHNSON of Connecticut changed their vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, today I missed a series of votes due to the visit of the President to my district. Had I been present, I would have voted in the following way:

''Yes'' on rollcall No. 407, H. Res. 738, the rule providing for the Morocco Free Trade Agreement.

''Yes'' on rollcall No. 408, H.R. 4175, Veteran's Compensation COLA Act of 2004.

''Yes'' on rollcall No. 409, H. Res. 728, sense of Congress on Presidential election postponement.

''No'' on rollcall No. 410, H.R. 3313, Marriage Protection Act of 2003.

''Yes'' on rollcall No. 411, H.R. 4056, Commercial Aviation MANPADS Defense Act.

''Yes'' on rollcall No. 412, H. Res. 652, urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004.

''Yes'' on rollcall No. 413, H.R. 4842, United States-Morocco Free Trade Implementation Act.

''Yes'' on rollcall No. 414, H. Con. Res. 436, celebrating 10 years of majority rule in the Republic of South Africa.

''Yes'' on rollcall No. 415, H. Con. Res. 418, recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan.

''No'' on rollcall No. 416, motion to recommit H.R. 4837, Military Construction Appropriations Act for fiscal year 2005.

''Yes'' on rollcall No. 417, H.R. 4837, Military Construction Appropriations Act for fiscal year 2005.

''Yes'' on rollcall No. 418, conference report on H.R. 4613, Department of Defense Appropriations Act for fiscal year 2005.

''Yes'' on rollcall No. 419, H. Con. Res. 469, condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

''Yes'' on rollcall No. 420, H. Con. Res. 467, declaring genocide in Darfur, Sudan.

''No'' on rollcall No. 421, motion to instruct conferees on H.R. 1308.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, pursuant to section 2 of House Resolution 683, I offer a concurrent resolution (H. Con. Res. 479) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 479

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Thursday, July 22, 2004, or Friday, July 23, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 7, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, July 22, 2004, Friday, July 23, 2004, or Saturday, July 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 7, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES OF THE HOUSE OF REPRESENTATIVES TO FAMILY AND FRIENDS OF MATTIE STEPANEK ON HIS PASSING

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 695) expressing the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing, and honoring the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. CARDIN. Mr. Speaker, reserving the right to object, and I do not intend to object, first I want to thank the gentleman from Pennsylvania (Mr. MURPHY) for bringing forward this unanimous consent request.

Under my reservation, I would be pleased to yield to the gentleman to explain the resolution.

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

Mr. CARDIN. I yield to the gentleman from Pennsylvania.

Mr. MURPHY. Mr. Speaker, on behalf of the Committee on Government Reform, I want to offer strong support for H. Res. 695. This resolution expresses the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing on June 22. Thirteen-year-old Mattie Stepanek was a writer and a national figure who suffered from a rare form of muscular dystrophy, called dysautonomic mitochondrial myopathy.

Mattie, who lived in nearby Rockville, Maryland, was an incredibly articulate and optimistic spokesman for muscular dystrophy. He was perhaps best known for writing five volumes of poetry. Incredibly, three of his books reached the New York Times best seller list. I will briefly read one here. It is called, ''On Being a Champion.''

Mattie wrote: ''A champion is a winner, a hero, someone who never gives up even when the going gets rough. A champion is a member of a winning team, someone who overcomes challenges even when it requires creative solutions. A champion is an optimist, a hopeful spirit, someone who plays the game even when the game is called life, especially when the game is called life. There can be a champion in each of us, if we live as a winner, if we live as a member of the team, if we live with a hopeful spirit, for life.''

Mattie Stepanek passed away just a few weeks before his 14th birthday, which was last Saturday, July 17. His life was a singular credit to the strength of the human spirit. He contributed so much during a life that was so short. He has given faith to those in need and hope to those who have lost direction. He has touched so many lives that he has never met, and I know he has touched mine. Mattie will continue to reach down from heaven and touch so many more.

Tonight, I stand in strong support of this resolution that honors Mattie Stepanek, and I highly commend the gentleman from Maryland for moving ahead with H. Res. 695. I thank the gentleman for yielding to me and offer blessings to Mattie.

Mr. CARDIN. Mr. Speaker, further reserving the right to object, I first, again, thank the gentleman from Pennsylvania for moving this resolution.

I filed it on behalf of the entire Maryland congressional delegation. Mattie was a resident of our State. Jimmy Carter said that he was the most extraordinary person that he had ever met. Although only 13 years of age when he died, he had the courage that really led all of us. He captured love in the entire Nation when on Oprah's show, Oprah asked, what can I do for you, and he said just pray for me.

As the gentleman from Pennsylvania pointed out, Mattie published five books of poetry, an extraordinary accomplishment for a person his age. Of course, he is best known as a national poster child for muscular dystrophy and along with Jerry Lewis appeared on national television on behalf of raising money to cure that disease.

He was a national figure, a person who touched all of our lives, any person who met him.

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

Mr. CARDIN. I yield to the gentleman from Maryland.

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

For those of us who met this extraordinary young man, it was really in many ways a life-enriching experience. It is hard to believe that someone as young as Mattie had such a depth of understanding of life. His mother is a wonderful lady who transferred to Mattie her own courage, and he had that in great abundance.

□ 2130

But it was his wisdom far beyond his years that impressed everyone who met with him.

When you listened to Mattie, he spoke as a child; but when you listened to what he said, he spoke as a very wise man.

Mr. Speaker, Mattie Stepanek was someone who enriched the lives of all with whom he came in contact. I had an opportunity to see him every year for a number of years at the softball tournament that the International Association of Firefighters conducted in Prince George's County on behalf of Jerry Lewis' telethon on muscular dystrophy. Mattie would attend and he would speak, and everyone there came to hear Mattie. The rest of us were simply surplus.

I want to thank the gentleman from Maryland (Mr. CARDIN) for introducing this resolution and thank everyone who has been involved in making sure that this resolution comes to the floor and that we observe the passing of an extraordinary American, an extraordinary young man, an extraordinary child of God.

Mr. CARDIN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 695

Whereas Mattie Stepanek was born on July 17, 1990, and was raised in Rockville, Maryland;

Whereas Mattie Stepanek had mitochondrial myopathy, a rare form of muscular dystrophy that affects heart rate, breathing, and digestion;

Whereas in 2002, 2003, and 2004, Mattie Stepanek served as the National Goodwill Ambassador for the Muscular Dystrophy Association (MDA), appearing with MDA National Chairman Jerry Lewis on the MDA Labor Day Telethon;

Whereas Mattie Stepanek was able to fulfill three of his dreams by publishing a book of poetry, meeting his hero, former President Jimmy Carter, and meeting Oprah Winfrey;

Whereas Mattie Stepanek has written five books of poetry, including Heartsongs, Journey Through Heartsongs, Hope Through Heartsongs, Celebrate Through Heartsongs, and Loving Through Heartsongs;

Whereas the poetry books written by Mattie Stepanek have sold more than 500,000 copies;

Whereas by the age of 13, Mattie Stepanek reached an 11th grade education level through home schooling; and

Whereas on June 22, 2004, Mattie Stepanek lost his fight with muscular dystrophy at Children's National Medical Center in Washington, District of Columbia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its condolences to the family and friends of Mattie Stepanek on his passing; and

(2) honors the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 20, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House Of Representatives, Room H–232, The Capitol, Washington, DC.

DEAR MR. SPEAKER: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life, Therefore, Mr. Speaker, the purpose of this letter is to communicate to you and the House, that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Governor of Nebraska to advise him of my decision.

Best wishes,

DOUG BEREUTER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 20, 2004.

Hon. MIKE JOHANNS,
Governor, State of Nebraska, State Capitol, P.O. Box 94848, Lincoln, Nebraska.

DEAR GOVERNOR JOHANNS: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I

have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life. Therefore, the purpose of this letter is to communicate to you that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Speaker of the U.S. House of Representatives to advise him of my decision.

Best wishes,

DOUG BEREUTER,
Member of Congress.

REMEMBERING AUNITA TRIDORIS HUDSON-EDWARDS

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

Ms. WATSON. Mr. Speaker, I want to read words of reflection about one who believed who just passed away, and read this scripture, ''God had the power to work within her and to accomplish abundantly far more than all she could ask or imagine.''

Aunita T. Hudson-Edwards was born to Levi Hudson and Elnora Davis Hudson on September 20, 1915 in Carthage, Texas. She was the first of three children, and she just recently passed away. When she married Frank Edwards, she enjoyed parenting four children. Many of you might know Willis Edwards, Brenda Joe Edwards and Edward Earl and Frank. In California she worked as a teacher in Palm Springs Unified School District for 15 years and found herself taking in children who had no one else to claim them. She was active in the community, and as a quiet force demonstrated her trailblazing tendency by founding the Palm Springs Chapter of the NAACP and joining as a founding member of the First Baptist Church. She was a life member of the NAACP.

Mr. Speaker, she was a stateswoman, this woman that we pay tribute as she passes on. She enjoyed coming here to the White House during the Clinton and Bush administrations and tended two Congressional Gold Medal ceremonies, one for Rosa Parks and the recent ceremony for Dorothy Height. She loved going to the NAACP national conventions. She was a great soul we will always remember, and wish that her legacy would produce more like Aunita T. Hudson-Edwards.

MRS. AUNITA TRIDORIS HUDSON-EDWARDS

Words of Reflection about one who believed—

''God had the power to work within (her) and to accomplish abundantly far more than all (she) could ask or imagine . . .'' Ephesians 3:20 (NRSV)

Aunita T. Hudson-Edwards was born to Levi Hudson and Elnora Davis Hudson on Sept. 20, 1915 in Carthage, Texas. She was the first of three children. She attended public school in Carthage, Texas and graduated from Bishop College, Marshall, Texas. She taught in the Texas public school system for many years. At an early age she united with Bethlehem Baptist Church of Carthage and remained active until she relocated to California.

She married Frank Edwards and enjoyed parenting four children, Willis, Brenda Jo, Edward Earl, and Frank. In California she worked as a teacher in the Palm Springs Unified School System for 15 years and found herself ''taking in'' children who had no one to claim them. She was active in the community, and as a quiet force demonstrated her trailblazing tendencies by founding the Palm Springs chapter of the NAACP and joining as a founding member of the First Baptist Church. She was a life member of the NAACP.

As an elder stateswoman she enjoyed accompanying Willis to the White House during the Clinton and Bush Administrations, and attended two Congressional Gold Medal ceremonies (Rosa Parks and Dorothy Height), NAACP national conventions, Congressional Black Caucus weekends, NAACP Image Awards, and numerous awards and community service events.

Aunita T. Hudson-Edwards departed this life July 19, 2004. She is preceded in death by her husband, Frank, her sister, Nelva J. Thomas and brother, Hodges Hudson, both of Kansas City, MO and her son Edward Earl. She leaves to cherish her memory, a son, Willis Edwards of Los Angeles, CA; a daughter, Brenda Joe Pine of Palm Springs, CA; a son Frank Edwards of Northridge, CA; grandchildren: Kisha Dixon, Zachary Clayton, Renita Pine, Natalie Edwards, Antoinette Pine, Charlotte Pine, Derrick Pine, Teresa (Kent) Taylor, Tanya (Kenneth) Molinelli, Karon (Lennard) Lehman, and Sharon Edwards; great-grandchildren: Devian, Fanasha, David, Demaria, Kadisha, Eric, Sierra, Alonzo, Jr, Demitra, Tony, Alonzo, Jason, Jr., Jordan, Deshaun, Delawn, Derrian, Armani, Sherlita, Juan, Vivianna, Derrick Jordan, DeMond, Jade, Arika, Eleana, Suamana (Bright), Mattias, Christian, Michelle, Heather, and Thomas; a nephew, Perry C. Daniels of Longview, TX; a niece, Gwendolyn C. Moore of Miami, FL; niece, Jacquetta J. West of Kansas City, MO; brother-in-law, Dr. Jackson Thomas of Kansas City, MO. She also leaves a host of nieces and nephews in addition to the many relatives and friends in California and Texas.

Aunita TriDoris Hudson-Edwards made herself available to be used by God. Because of her, young people were rescued, communities were activated, churches fulfilled their ministries, and her family was blessed.

Thank you, Mother Aunita, for giving us so much—We pledge to honor your legacy of humble service with the establishment of a computer lab for senior citizens at the First Baptist Church of Palm Springs sponsored by the Tavis Smiley Foundation and the Aunita TriDoris Hudson-Edwards Scholarship Fund in your name. Until we meet again!

JULY 21, 2004.

HOMEGOING SERVICES FOR WILLIS EDWARDS' MOM

We mourn not because she is lost, for God has taken her home, but because we will miss her. Yet, we are assured that if we are faithful, that parting will be only for a short while. We thank God that Mother Edwards came our way and loved us. Willis Edwards has asked that you, his extended family and friends know of the Homegoing Services for his Mom—

AUNITA TRIDORIS HUDSON-EDWARDS

Service in Los Angeles, Saturday, July 24, 2004, 11:00 AM, Ward AME Church, 1177 W. 25th Street, Los Angeles, CA.

Rev. Norman D. Copeland, Pastor and Officiant, Bishop Carolyn Tyler-Guidry, Eulogist.

Service in Palm Springs, Tuesday, July 27, 2004, 11:00 AM, First Baptist Church, 588 Las Vegas Road, Palm Springs, CA.

Rev. Rodney S. Croom, Officiant/Pastor.

Services conducted by: Agape Funeral Home—4250 South Central Avenue—Los Angeles, CA.

For those who have inquired, in lieu of flowers you may want to make a contribution to the Aunita Tridoris Hudson-Edwards Scholarship Fund to provide assistance to young people pursuing college and/or graduate degrees.

RECESS

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

Accordingly (at 9 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2225

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 o'clock and 25 minutes p.m.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART IV

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Science, and the Committee on Resources be discharged from further consideration of the bill (H.R. 4916) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I regret that, for a record fifth time, we are again on this floor to extend the highway transit and highway safety programs. Our last extension was 2 months ago, amidst high hopes that we would be able to conclude a conference on the TEA–LU bill that the House passed and the companion bill passed in the other body.

The committee of conference, as we quaintly say in the language of the House, has come to no resolution

thereon, but there were signs of progress today. Members of both parties and both Houses have worked diligently and in great earnest to reach an agreement with the White House, but we have not been able to reach a meeting of the minds.

We have agreed to extend current law to continue the vitally important work of our highway transit and highway safety programs. Tonight we move forward with that effort.

To explain the measure pending before us, I yield to the chairman of our committee, the distinguished gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, it is my understanding that this is a resolution continuing present law until September 24 for highways and until the end of the month of September for transit and other activities under present law. That is my understanding.

We must do this, as the gentleman is well aware, because, if we do not, then the ongoing activities of States across this Nation will be brought to a halt. We have high hopes that by the 24th of September, as the gentleman mentioned, we will have a meeting of the minds on what we call the total bill and there will be no longer any need for a continuing resolution. That is the hope of this chairman, and I am sure it is the hope of the gentleman also.

Basically, that is what this resolution does.

Mr. OBERSTAR. Mr. Speaker, continuing my reservation, I thank the distinguished chairman for his explanation. He has worked diligently on this, put his heart and soul into this initiative. We are very hopeful. I join the chairman in the hope that over the ensuing weeks of August there will be a prayerful resolution to the matters and prayerful successful outcome to our negotiations.

Mr. Speaker, I yield to the distinguished gentleman from Wisconsin (Mr. PETRI), the chairman of the subcommittee.

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

Mr. PETRI. Mr. Speaker, we are here once again to extend funding for our nation's highway, transit and safety programs. This bill will complete funding for the fiscal year and ensure that state transportation programs continue to receive the necessary federal funds to maintain and build our Nation's critical infrastructure.

We are here today because we still are unable to reach an agreement on a level of spending that will meet the various demands that have been placed on us: Provide growth in funding for all states; improve the rate of return for donor states; ensure that donee states do not take too much of a hit; provide significant funding to build new corridors to meet emerging trade traffic; provide help to states that are overwhelmed by massive but critical projects that each can reach up to $1 billion in costs; and produce a conference report that will be signed by the President.

This seems to be an impossible situation, but I believe House and Senate conferees have been making a good faith effort to resolve this impasse—but we are not there yet.

I know that there is strong support in the Congress for a good, robust transportation program.

We know that transportation spending from the Highway Trust Fund is a good investment that is necessary in order to maintain and build a first-class transportation network. This is investment that leads to economic growth and prosperity, that provides needed jobs, that assists in the development of transit projects that moves millions of people each day, and that improves unsafe conditions on our highways—thereby saving thousands of lives.

So I urge passage of this bill so that States will continue to receive funds as we here in Washington press on in our efforts to ensure that we have a long-term program that meets our Nation's transportation needs.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I earnestly support the extension of the current law as embodied in the pending legislation.

Mr. Speaker, I rise in support of H.R. 4916, the Surface Transportation Extension Act of 2004, Part IV, but I regret that we are forced, for the fifth time, to temporarily extend the highway, transit, and highway safety programs.

Since our last extension two months ago, there has been some progress on the TEA 21 reauthorization. Nevertheless, the Committee on Conference has come to no resolution on the appropriate funding level for successor legislation to TEA 21. Members of both parties of both Houses have worked diligently and in great earnest with each other and the White House, but have been unable to reach a meeting of the minds.

We agreed to extend current law to continue the vitally important work of our highway, transit, and highway safety programs. Tonight, we move forward with that effort.

However, I regret that, because of certain objections from Members of the other side of the aisle and the Other Body, this extension bill does not continue two critical elements of TEA 21. First, the bill does not ensure that every State receive a 90.5 percent minimum guarantee return. Second, the bill does not continue TEA 21's High Priority Projects program.

With regard to minimum guarantee, the Committee, under the leadership of Chairman YOUNG and on a bipartisan basis, introduced a bill (H.R. 4864) earlier this week that would have ensured that each State received a 90.5 percent return. Regrettably, I understand that the Budget Committee Chairman and others objected to H.R. 4864 because it would have increased the bill's highway allocation by one percent. As a result, this bill does not ensure that each State receives 90.5 percent and, as a result, some States lose an enormous amount of highway construction funding. California loses $34 million; Florida $36 million; Ohio $30 million; Oklahoma $13 million; and Texas loses $115 million; to name just a few. I don't think that outcome is fair. If we are truly extending TEA 21, we should ensure that each state receives the guaranteed 90.5 percent minimum set forth in that legislation. I am hopeful that we will remedy this situation when we return in September, but I realize that the same objections we face to remedying this problem tonight will still be there in September.

Mr. Speaker, I support passage of this fifth extension. Our Nation's highway, transit, and highway safety programs are simply too important to shut down. I believe this bill could be better, and I urge this Body to do better when we are back in September.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, every day, our Nation's transportation system carries goods and products to stores, brings children to school, delivers employees to work and provides access to health care, education and entertainment.

Simply put, our Nation's transportation system is the backbone of our economy and way of life and we can not afford to shortchange either.

I have heard from local, state, and industry representatives, and they all concur that our transportation needs will only be met by passing a fully-funded, long-term bill at no less than a three hundred eighteen billion dollar level.

The continued stalling does nothing to address our Nation's crumbling infrastructure, and jeopardizes 1.7 million new jobs in our country.

Reports of bridges collapsing are increasing in news reports. In my district alone, there are seventeen structurally deficient bridges.

In the State of Texas, construction employment fell by two thousand one-hundred jobs in the month of June alone.

When I return home, the unemployed don't want to here about bureaucratic infighting.

They want to hear about a jobs bill that's going to put them back to work on family-wage jobs.

Mr. Speaker, the eyes of the Nation are upon us. Our constituents are counting on us to do what we know is the right thing. We can not let them down.

We must reject the notion of continuous, short-term extensions.

There is no better economic stimulus package than a fully funded public works bill—plain and simple.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4916

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Surface Transportation Extension Act of 2004, Part IV''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110; 118 Stat. 478; 118 Stat. 627; 118 Stat. 698) is amended by striking ''and the Surface Transportation Extension Act of 2004, Part III'' and inserting ''the Surface Transportation Extension Act of 2004, Part III, and the Surface Transportation Extension Act of 2004, Part IV''.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amended by striking ''$2,333,333,333'' and inserting ''$2,800,000,000''.

(2) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United

States Code, is amended by striking ''2003 and in the period of October 1, 2003, through July 31, 2004,'' and inserting ''2004''.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111; 118 Stat. 478; 118 Stat. 627; 118 Stat. 698) is amended by striking ''$26,998,288,667 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$30,469,806,615 for the period of October 1, 2003, through September 24, 2004''.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111; 118 Stat. 478; 118 Stat. 627) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking ''July 31'' and inserting ''September 24'';

(2) in paragraph (1)(A)—

(A) by striking ''Part II, and'' and inserting ''Part II,''; and

(B) by inserting after ''Part III'' the following: '', and the Surface Transportation Extension Act of 2004, Part IV'';

(3) in paragraph (1)(B) by striking ''10/12'' and inserting ''49/52'';

(4) in paragraph (2)—

(A) by striking ''July 31'' and inserting ''September 24'';

(B) by striking ''$28,202,500,000'' and inserting ''$31,890,519,230''; and

(C) by striking ''$532,500,000'' and inserting ''$602,134,615'';

(5) in paragraph (3) by striking ''July 31'' and inserting ''September 24''; and

(6) by adding at the end the following:

''(5) CALCULATION OF RATIO.—For purposes of the calculation of the ratio under section 110(a)(3) of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199; 118 Stat. 291; 23 U.S.C. 104 note)—

''(A) the obligation limitation for Federal-aid Highways referred to in section 110(a)(3)(A) of such Act shall be deemed to be the obligation limitation for Federal-aid highways and highway safety construction programs for fiscal year 2004 identified under the heading 'FEDERAL-AID HIGHWAYS' in such Act (118 Stat. 290); and

''(B) the total of sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of section 110(b) of such Act and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection 110(b)(8) of such Act) for such fiscal year, referred to in section 110(a)(3)(B) of such Act, shall be deemed to be $34,606,000,000, less the aggregate of the amounts not distributed under section 110(a)(1) of such Act.''.

SEC. 3. REPAYMENT FROM FUTURE APPORTIONMENTS.

Section 2(c) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111) is amended—

(1) in paragraph (1) by striking ''a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act'' and inserting ''the Surface Transportation Extension Act of 2004, Part IV''; and

(2) in paragraph (2) by striking ''a law described in paragraph (1)'' and inserting ''the Surface Transportation Extension Act of 2004, Part IV''.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 117 Stat. 1113; 118 Stat. 479; 118 Stat. 628; 118 Stat. 699) is amended—

(i) in the first sentence by striking ''2003 and $229,166,667 for the period of October 1, 2003, through July 31,''; and

(ii) by striking the second sentence.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking ''2003 and $205,000,000 for the period of October 1, 2003, through July 31,''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking ''2003 and $137,500,000 for the period of October 1, 2003, through July 31,'' .

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking ''2003 and $16,666,667 for the period of October 1, 2003, through July 31,''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking ''$2003 and $116,666,667 for the period of October 1, 2003, through July 31,''.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking ''2003 and $31,666,667 for the period of October 1, 2003, through July 31,''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2003 (117 Stat. 1114; 118 Stat. 480; 118 Stat. 628; 118 Stat. 700) is amended—

(i) in clause (i) by striking ''$8,333,333'' and inserting ''$10,000,000'';

(ii) in clause (ii) by striking ''$4,166,667'' and inserting ''$5,000,000''; and

(iii) in clause (iii) by striking ''$4,166,667'' and inserting ''$5,000,000''.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629; 118 Stat. 700) is amended by striking ''fiscal year 2003, and $22,916,667 for the period of October 1, 2003, through July 31, 2004'' and inserting ''fiscal years 2003 and 2004'' .

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629; 118 Stat. 700) is amended by striking ''2003 and $9,166,667 for the period of October 1, 2003, through July 31,''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629; 118 Stat. 700) is amended by striking ''2003 and $4,166,667 for the period of October 1, 2003, through July 31,''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629; 118 Stat. 700) is amended by striking ''2003 and $91,666,667 for the period of October 1, 2003, through July 31,''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629; 118 Stat. 700) is amended by striking ''2003 and $416,667 for the period of October 1, 2003, through July 31,''.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629; 118 Stat. 700) is amended by striking ''2003 and $20,833,333 for the period of October 1, 2003, through July 31,''.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(F) and inserting the following:

''(F) $130,000,000 for fiscal year 2004.'';

(B) in subsection (a)(2) by striking ''2003 and $1,666,667 for the period of October 1, 2003, through July 31,''; and

(C) in the item relating to fiscal year 2004 in the table contained in subsection (c) by striking ''$2,166,666,667'' and inserting ''$2,600,000,000''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$87,500,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$103,000,000 for fiscal year 2004''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$45,833,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$50,000,000 for fiscal year 2004''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$17,500,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$20,000,000 for fiscal year 2004''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking ''2003 and $25,833,333 for the period of October 1, 2003, through July 31,''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$95,833,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$110,000,000 for fiscal year 2004''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$103,333,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$122,000,000 for fiscal year 2004''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$22,500,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$26,500,000 for fiscal year 2004''.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$200,000,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$240,000,000 for fiscal year 2004''.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 702) is amended by striking ''$30,333,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$36,400,000 for fiscal year 2004''.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 702) is amended by striking ''$15,666,667 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$18,800,000 for fiscal year 2004''.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117; 118 Stat.

482; 118 Stat. 631; 118 Stat. 702) is amended by striking ''$416,667 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$500,000 for fiscal year 2004''.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631; 108 Stat. 702) is amended—

(1) by striking ''$83,333,333'' and inserting ''$100,000,000''; and

(2) by striking ''the period of October 1, 2003 through July 31,'' and inserting ''fiscal year''.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended—

(1) by striking ''$83,333,333'' and inserting ''$100,000,000''; and

(2) by striking ''the period of October 1, 2003, through July 31,'' and inserting ''fiscal year''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended by striking ''$625,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$750,000 for fiscal year 2004''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended—

(1) by striking ''$4,375,000'' and inserting ''$5,250,000'';

(2) by striking ''$208,833 instead of''; and

(3) by striking ''the period of October 1, 2003, through July 31, 2004'' each place it appears and inserting ''fiscal year 2004''; and

(4) by striking the comma preceding ''for eligible''.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended—

(1) in paragraph (1) by striking ''$8,333,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$10,000,000 for fiscal year 2004''; and

(2) in paragraph (2) by striking ''$8,333,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$10,000,000 for fiscal year 2004''.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2003 (117 Stat. 1118; 118 Stat. 483; 118 Stat. 631; 118 Stat. 702) is amended—

(1) by striking ''and section 4 of the Surface Transportation Extension Act of 2004, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV'';

(2) by striking ''the amendment made by section 4(a)(1) of the Surface Transportation Extension Act, Part II'' and all that follows before the period at the end and inserting ''the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part II, the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part III, or the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part IV''.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (117 Stat. 1119; 118 Stat. 483; 118 Stat. 632; 118 Stat. 703) is amended—

(1) by striking ''and section 4 of the Surface Transportation Extension Act of 2004, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV'';

(2) by striking ''and by section 4 of the Surface Transportation Extension Act of 2004, Part III'' each place it appears and inserting ''by section 4 of the Surface Transportation Extension Act of 2004, Part III, and by section 4 of the Surface Transportation Extension Act of 2004, Part IV''.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (117 Stat. 1119; 118 Stat. 483; 118 Stat. 632; 118 Stat. 703) is amended by striking ''and section 4 of the Surface Transportation Extension Act of 2004, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV''.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking ''$93,333,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$112,000,000 for fiscal year 2004''.

(b) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking ''$100,000,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$110,000,000 for fiscal year 2004''.

SEC. 6. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(6) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

''(6) $10,000,000 for fiscal year 2004;''.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended—

(1) in the paragraph heading by striking ''FIRST 9 MONTHS OF'';

(2) in the matter preceding subparagraph (A)—

(A) by striking ''the period of October 1, 2003, through July 31, 2004'' and inserting ''fiscal year 2004''; and

(B) by striking ''$68,333,332'' and inserting ''$82,000,000'';

(3) in subparagraph (A) by striking ''$8,333,332'' and inserting ''$10,000,000''; and

(4) in subparagraph (B) by striking ''$6,666,668'' and inserting ''$8,000,000''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''$4,166,668'' and inserting ''$5,000,000''; and

(2) by striking ''$1,666,668'' and inserting ''$2,000,000''.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking ''2003 and for the period of October 1, 2003, through July 31,'';

(B) in subparagraph (A) by striking '', except'' and all that follows before the semicolon and inserting '', except for fiscal year 2004 during which $1,206,506,000 will be available'';

(C) in subparagraph (B) by striking '', except'' and all that follows before the semicolon and inserting '', except for fiscal year 2004 during which $1,323,794,000 will be available''; and

(D) in subparagraph (C) by striking '', except'' and all that follows before the period and inserting '', except for fiscal year 2004 during which $607,200,000 will be available'';

(2) in paragraph (2)(B)—

(A) in clause (i) by striking ''2003'' and inserting ''2004''; and

(B) by striking clause (iii);

(3) in paragraph (3)(B) by striking ''2003 (and $2,485,250 shall be available for the period October 1, 2003, through July 31, 2004)'' and inserting ''2004''; and

(4) in paragraph (3)(C)—

(A) by striking ''1999 through 2003'' and inserting ''1999 through 2004'';

(B) by striking ''$41,420,833'' and inserting ''$50,000,000''; and

(C) by striking ''the period October 1, 2003, through July 31, 2004'' and inserting ''fiscal year 2004''.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 8(b)(1) of the Surface Transportation Extension Act of 2003 (49 U.S.C. 5337 note) is repealed.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) by striking subparagraph (A)(vi) and inserting the following:

''(vi) $3,071,200,000 for fiscal year 2004.'';

(3) by striking subparagraph (B)(vi) and inserting the following:

''(vi) $767,800,000 for fiscal year 2004.''; and

(4) in subparagraph (C) by striking ''a fiscal year (other than for the period of October 1, 2003, through July 31, 2004)'' and inserting ''each of fiscal years 1999 through 2003''.

(d) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2003 (118 Stat. 633; 118 Stat. 705) is amended to read as follows:

''(d) ALLOCATION OF FORMULA GRANT FUNDS FOR FISCAL YEAR 2004.—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for fiscal year 2004—

''(1) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

''(2) $50,000,000 shall be available for bus and bus facilities grants under section 5309 of such title;

''(3) $90,652,801 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

''(4) $240,607,643 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

''(5) $6,950,000 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

''(6) $3,445,939,606 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.''.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) by striking subparagraph (A)(vi) and inserting the following:

''(vi) $2,510,000,000 for fiscal year 2004.''; and

(3) by striking subparagraph (B)(vi) and inserting the following:

''(vi) $627,500,000 for fiscal year 2004.''.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of such title is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) by striking subparagraph (A)(vi) and inserting the following:

''(vi) $58,600,000 for fiscal year 2004.'';

(3) by striking subparagraph (B)(vi) and inserting the following:

''(vi) $14,400,000 for fiscal year 2004.''; and

(4) in subparagraph (C) by striking ''or any portion of a fiscal year''.

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of such title is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) by striking subparagraph (A)(vi) and inserting the following:

''(vi) $42,200,000 for fiscal year 2004.'';

(3) by striking subparagraph (B)(vi) and inserting the following:

''(vi) $10,800,000 for fiscal year 2004.''; and

(4) in subparagraph (C) by striking ''(other than for the period of October 1, 2003, through July 31, 2004)''.

(h) RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2003 (118 Stat. 635; 118 Stat. 706) is repealed.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) in subparagraph (A) by striking '2003 and $3,976,400 for the period of October 1, 2003, through July 31,'';

(3) in subparagraph (B) by striking ''2003 and $994,100 for the period of October 1, 2003, through July 31,''; and

(4) in each of subparagraphs (C)(i) and (C)(iii) by striking ''(other than for the period of October 1, 2003, through July 31, 2004)''.

(j) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2003 (118 Stat. 635; 118 Stat. 706) is repealed.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 487; 118 Stat. 636; 118 Stat. 707) is amended by striking ''or 2003 and in the period October 31, 2003, through July 31, 2004'' and inserting '', 2003, or 2004''.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) by striking subparagraph (A)(vi) and inserting the following:

''(vi) $60,400,000 for fiscal year 2004.''; and

(3) by striking subparagraph (B)(vi) and inserting the following:

(vi) $15,100,000 for fiscal year 2004.''.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note) is amended—

(1) by striking paragraph (1)(A)(vi) and inserting the following:

''(vi) $100,000,000 for fiscal year 2004.'';

(2) by striking paragraph (1)(B)(vi) and inserting the following:

''(vi) $25,000,000 for fiscal year 2004.'';

(3) in paragraph (2) by striking ''; except that'' and all that follows before the period at the end; and

(4) in paragraph (4) by striking ''$16,568,333'' and inserting ''$20,000,000''.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note) is amended—

(1) by striking paragraph (1)(F) and inserting after paragraph (1)(E) the following:

''(F) $5,250,000 for fiscal year 2004.''; and

(2) in paragraph (2) by striking ''$6,800,000'' and all that follows through ''July 31, 2004)'' and inserting ''$1,700,000 shall be available for each of fiscal years 2000 through 2004''.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''FISCAL YEAR 2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31, 2004'' and inserting ''FISCAL YEARS 2003 AND 2004''; and

(2) in subparagraph (A) by striking ''fiscal year 2003, and for the period of October 1, 2003, through July 31, 2004'' and inserting ''fiscal years 2003 and 2004''.

(o) OBLIGATION CEILING.—Section 3040 of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 637; 118 Stat. 708) is amended by striking paragraph (6) and inserting the following:

''(6) $7,309,000,000 in fiscal year 2004.''.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 637; 118 Stat. 708) is amended by striking ''(or, in the case of the period of October 1, 2003, through July 31, 2004 $4,017,821)''.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 118 Stat. 637; 118 Stat. 708) is amended by striking ''2003, and for the period of October 1, 2003, through July 31, 2004 $5,000,000 per fiscal year and $4,142,083 for such period'' and inserting ''2004, $5,000,000 per fiscal year''.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 637; 118 Stat. 708) is amended—

(1) by striking ''2003 and for the period of October 1, 2003, through July 31, 2004,'' each place it appears and inserting ''2004''; and

(2) in subsection (d)(3) by redesignating the second subparagraph (D), relating to the Memphis-Shelby International Airport intermodal facility, as subparagraph (H) and aligning the margin of such subparagraph with subparagraph (G).

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379; 117 Stat. 1126; 118 Stat. 489; 118 Stat. 637; 118 Stat. 708) is amended by striking ''2003, and for the period of October 1, 2003, through July 31,'' each place it appears.

(t) TREATMENT OF FUNDS.—Section 8(t) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 101 note; 118 Stat. 637; 118 Stat. 708) is amended—

(1) in paragraph (1) by striking '', and by section 7 of the Surface Transportation Extension Act of 2004, Part III'' and inserting ''by section 7 of the Surface Transportation Extension Act of 2004, Part III, and by section 7 of the Surface Transportation Extension Act of 2004, Part IV''; and

(2) in paragraph (2) by striking '', except that'' and all that follows before the period at the end.

(u) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 637; 118 Stat. 708) is amended by striking ''2003, and for the period of October 1, 2003 through July 31,''.

SEC. 8. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637; 118 Stat. 709) is amended by striking ''$136,688,750 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$165,000,000 for fiscal year 2004''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637; 118 Stat. 709) is amended by striking ''2003 and $59,646,000 for the period of October 1, 2003, through July 31,''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS-.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638; 118 Stat. 709) is amended by striking ''$16,568,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$20,000,000 for fiscal year 2004''.

(d) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638; 118 Stat. 709) is amended by striking ''$33,136,667 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$40,000,000 for fiscal year 2004''.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120; 118 Stat. 638; 118 Stat. 709) is amended by striking ''$2,982,300 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$3,600,000 for fiscal year 2004''.

SEC. 9. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120; 118 Stat. 490; 118 Stat. 638; 118 Stat. 709) is amended by striking ''$146,725,000 for the period October 1, 2003, through July 31, 2004'' and inserting ''$176,070,000 for fiscal year 2004''.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

''(7) Not more than $169,000,000 for fiscal year 2004.''.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(5) of such title is amended to read as follows:

''(5) $20,000,000 for the fiscal year 2004.''.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121; 118 Stat. 490; 118 Stat. 638; 118 Stat. 709) is amended—

(A) by striking ''the period of October 1, 2003 through June 30,'' and inserting ''fiscal year''; and

(B) by striking ''$833,333'' and inserting ''$1,000,000''.

(d) CRASH CAUSATION STUDY.— Section 7(d) of such Act (117 Stat. 1121; 118 Stat. 490; 118 Stat. 638) is amended—

(1) by striking ''$833,333'' and inserting ''$1,000,000''; and

(2) by striking ''the period of October 1, 2003 through July 31,'' and inserting ''fiscal year''.

SEC. 10. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''August 1, 2004'' and inserting ''October 1, 2004'',

(B) by striking ''or'' at the end of subparagraph (H),

(C) by striking the period at the end of subparagraph (I) and inserting '', or'',

(D) by inserting after subparagraph (I) the following new subparagraph:

''(J) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004, Part IV.'', and

(E) in the matter after subparagraph (J), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2004, Part III'' and inserting ''Surface Transportation Extension Act of 2004, Part IV''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''August 1, 2004'' and inserting ''October 1, 2004'',

(B) in subparagraph (F), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (G), by inserting ''or'' at the end of such subparagraph,

(D) by inserting after subparagraph (G) the following new subparagraph:

''(H) the Surface Transportation Extension Act of 2004, Part IV,'', and

(E) in the matter after subparagraph (H), as added by this paragraph, by striking

''Surface Transportation Extension Act of 2004, Part III'' and inserting ''Surface Transportation Extension Act of 2004, Part IV''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking ''August 1, 2004'' and inserting ''October 1, 2004''.

(4) SPECIAL RULE FOR CORE HIGHWAY PROGRAMS.—

(A) IN GENERAL.—In the case of a core highway program, subsections (b)(5) and (c)(1) of section 9503 of such Code shall be applied by substituting ''September 25, 2004'' for ''October 1, 2004''.

(B) CORE HIGHWAY PROGRAM.—For purposes of subparagraph (A), the term ''core highway program'' means any program (other than any program carried out by the National Highway Traffic Safety Administration and any program carried out by the Federal Motor Carrier Administration) funded from the Highway Trust Fund (other than the Mass Transit Account).

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2004, Part III'' each place it appears and inserting ''Surface Transportation Extension Act of 2004, Part IV''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''August 1, 2004'' and inserting ''October 1, 2004'', and

(B) by striking ''Surface Transportation Extension Act of 2004, Part III'' and inserting ''Surface Transportation Extension Act of 2004, Part IV''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''August 1, 2004'' and inserting ''October 1, 2004''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on September 30, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

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

EXPRESSING DISMAY OVER ALLEGED CRIMINAL ACTIVITIES OF FORMER NATIONAL SECURITY ADVISOR SANDY BERGER

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

Mr. GIBBONS. Mr. Speaker, I rise today to express my profound dismay over the allegedly criminal activities of former National Security Adviser Sandy Berger and his apparent theft of classified terrorism-related documents from the National Archives.

As a former Air Force officer and current subcommittee chairman on the Permanent Select Committee on Intelligence, I am used to dealing with and protecting highly classified materials. I would have presumed that Mr. Berger was also.

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Yet, it appears that Mr. Berger smuggled his stolen documents out of a secure area in his socks and down his pants. That is correct, in his socks and down his pants, Mr. Speaker. If it was not so serious, it would be comical.

Are we expected to believe that this was all some sort of innocent mistake? The Wall Street Journal likened such a pitiful excuse to the old ''the dog ate my homework'' routine.

Mr. Speaker, there are two critical concerns here. First is the apparent premeditated theft of highly classified material, presumably to be withheld from the 9/11 Commission and; second, what was in these stolen documents that would cause a former National Security Adviser to risk his reputation and potential jail time to cover up. I want to know the answers to these questions, and I want Mr. Berger to be held accountable for his actions. I suspect the American people do as well.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 8, 2004

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 8, 2004.

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

There was no objection.

CONDITIONAL ADJOURNMENT TO MONDAY, JULY 26, 2004

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 7, 2004

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

HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2004.

I hereby appoint the Honorable FRANK R. WOLF or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 7, 2004.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

POLYGAMY IN ELDORADO, TEXAS

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

Mr. BURGESS. Mr. Speaker, I would just point out in the gentleman from Washington's comments, Sandy Berger is not the issue. Why was he fired by the Kerry campaign?

I am really here this morning to talk about H.R. 3313, the Marriage Protection Act, and I wanted to bring to the House's attention an article that appeared in one of my hometown papers, the Fort Worth-Star Telegram earlier this month.

This article dealt with a polygamy sect that is taking over the town of Eldorado, Texas, and their lawyer Rodney Parker disputes the allegation of abuse, saying that detractors had taken beliefs out of context. He went on to say marriages of 16-year-olds and occasionally younger happen, but they are not commonplace, his words. None of these girls is being held prisoner.

He went on to say, I think polygamy is constitutionally permitted. He said all manner of sexual relationships are now permitted. To somehow single this one out and say it is illegal does not make sense.

Mr. Speaker, I would submit that our efforts today to protect the Defense of Marriage Act that was passed in 1996 are right on target and worthy of the support of everyone in this House.

I will include the article I referred to earlier for the RECORD at this point.

[From the Fort Worth Star-Telegram, July 6, 2004]

ELDORADO.—First it was going to be a hunting lodge.

Then a retreat.

But as each new dormitory-style building goes up, residents here become a little more apprehensive as a secretive polygamist sect prepares to occupy a ranch four miles outside Eldorado.

Locals say they have good reasons for feeling uneasy about their new neighbors.

The Fundamentalist Church of Jesus Christ of Latter Day Saints, based in Arizona and Utah, is believed to be the largest polygamist group in the country. The 10,000-member church openly promotes plural marriage and has been subject to allegations of forced marriages, abusing the welfare system and wife swapping. If large numbers of the polygamist church's followers do end up in Eldorado, residents fear the group could dominate the town of 1,955 about 45 miles south of San Angelo. ''They could easily come in here, bring in several thousand followers and take over the hospital board and other elected positions if they wanted to,'' said Randy Matkin, editor of the Eldorado Success and head of the Schleicher County Hospital District board. ''That is what concerns us.''

Locals note that the Fundamentalist Church of Latter Day Saints initially tried to hide its purchase of the 1,691-acre ranch last year. And the scale of the construction there leads many to question whether church elders were truthful when they said the ranch will be used as a retreat for 200 members. As part of their beliefs, church members interact with the outside world as little as possible. Followers could not be reached for comment for this article, but their lawyer, Rodney Parker, said the allegations are nothing more than religious persecution.

Polygamist towns—The twin cities of Colorado City, Ariz., and Hildale, Utah, where the church is based, are dominated by the polygamist group. The church owns the houses and controls the police and the schools, even though most children of its members are home-schooled. The group believes that the mainstream Church of Jesus Christ of Latter-day Saints strayed from its true beliefs when it renounced plural marriage in 1890. The fundamentalists broke away from the church and have defiantly practiced polygamy ever since.

Eldorado residents became upset in March when they learned that the group had bought the property. One City Council member even suggested the devil had come to town. The Alarm has largely subsided, replaced by apprehension. Residents still grab copies of the Success as soon as they're placed in the racks and call the sheriff when they see large trucks headed to the church compound. From Country Road 300, a two-lane road that surrounds the ranch, the construction is largely out of view. The only evidence of the budding community is a no-trespassing sign and guard shack. The top of a cement batch plant tower is the only visible structure.

But it's a different picture from the air. Five buildings, including three large structures, that appear to be living quarters, have been erected in a matter of months. Workers laid another large foundation in mid-June. Getting a clear picture of what this activity means is difficult.

Warren Jeffs took over leadership of the church after his father, Rulon Jeffs, died in 2002. This year Jeffs purged about 20 church elders, including several rivals, leading some observers to think that the move to Texas is a search for greener pastures.

The church already has a community in Bountiful, British Columbia, and there are rumors of another outpost in Mexico.

One author and former member says the group has changed since Warren Jeffs became the leader.

''The biggest thing I've noticed since Warren Jeffs took over is the wife swapping—taking wives from one man and giving them to another,'' said Benjamin Bistline, who wrote The Polygamists: A History of Colorado City, Arizona, a nonfiction account of the church's history published by Scottsdale, Ariz.-based Agreka Books.

Under Jeffs, the group has changed some of its beliefs, said Bistline, who left the church in 1980.

''I've always defended the polygamists,'' Bistline said. ''They're very moral people. But now, since he has taken over, there is more corruption, more abuse of women.''

Bistline, who lives just outside Colorado City, said he believes that some young women are forced into marriage to keep them in the fold. Moving to Texas may increase the hold on them, he said.

''I think as isolated as it is down there, it will be much harder for the young people to escape,'' Bistline said.

Religious persecution. Rodney Parker, the church's lawyer, disputes allegations of abuse and forced marriages, saying that detractors take the group's beliefs out of context.

''With regard to the marriage issue, it's very messy, very complicated,'' Parker said. ''There are marriages between the ages of 16 and 18, and occasionally younger, but they're not commonplace. They're being used by critics to imply that's what the church is about and nothing else. It's grossly inaccurate, a deliberate falsehood. None of these girls are being held prisoner.''

Parker also argues that attempts to prosecute polygamists will not withstand legal challenges.

''I think polygamy is constitutionally permitted,'' he said. ''All manner of sexual relationships are now being permitted. To somehow single out this one and say it's illegal doesn't make any sense.''

Schleicher County Sheriff David Doran, who has visited Colorado City and the Eldorado property, has been trying to learn about the group and calm locals' concerns.

''They have very different beliefs, but they have a nice town up there in Colorado City, and they let me see everything,'' Doran said. ''I talked to women and young children, and everyone was open and polite. I'm trying to do everything in my power to keep a line of communication open to them.''

Yet Doran agrees that the group will do whatever Jeff asks.

''If he gives them an order, whatever it is, I'm sure they'll follow it,'' Doran said.

Flora Jessup, a Phoenix woman who grew up in the fundamentalist church, has been a vocal critic of the sect. It was she who alerted Eldorado residents that the church had bought the ranch.

''They're very good at putting on a face to the public,'' said Jessup. ''They're told to 'keep sweet.' It is a mask that is portrayed by the community. If you do not portray it right, there is punishment.''

She said Eldorado residents shouldn't let their guard down.

''You never get a clear picture of what is going on in these communities,'' Jessup said. ''What you see in public and what is happening in private are two totally different things.''

A closed society. In Colorado City, the incorporated town is run as a closed society, said Buster Johnson, a Mohave County, Ariz., supervisor from Lake Havasu City.

''They won't be coming into town and kidnapping children or causing any problems,'' Johnson said. ''But they will try and get every bit of government assistance that they can.''

Johnson noted that 66 percent of Hildale residents receive Medicaid. The average in Utah is 6.5 percent, he said.

Some critics have referred to the tactic as ''bleeding the beast,'' a method by which the sect siphons financial resources from nonbelievers.

Parker, the group's attorney, said that's false.

''That doesn't mean, however, that they don't take advantage of what they're legally entitled to,'' he said.

Parker said the ranch will be ''a new place to get away from the pressure here in Utah. In that sense, it's a place of refuge, but I think that's about as specific as I can get.''

The group is already at odds with the state of Texas over environmental permits. The Texas Commission on Environmental Quality issued cease and desist orders to the group in May for failure to obtain permits for a rock crusher, concrete plant and sewage treatment facilities, and for lacking a storm water runoff plan.

When a Star-Telegram reporter and photographer flew over the compound in June, the concrete plant appeared to be in operation.

''I think we'll be out there within a week,'' John Steib, the commission's deputy director of the office of compliance and enforcement, said Thursday. If there are violations, the agency could impose fines of $10,000 a day. As for local residents, many say they will tolerate the church as long as no one is harmed. ''The only time we're ever going to know is if someone comes in and swears up a complaint,'' said Justice of the Peace Jimmy Doyle. ''If they keep it locked up, I don't know if anyone can get out of an 8-foot, deerproof fence.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). 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.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my special order at this time.

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

There was no objection.

SMART SECURITY AND WASTED RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday the Government Accountability Office issued a report stating that the Pentagon will need an estimated $12.3 billion to pay for military operations in Iraq and Afghanistan through September.

The extraordinary amount of money needed to pay for our major military operations is not surprising. What greatly troubles me, once again, is the sheer unwillingness of the Bush administration to adequately plan and prepare for those military operations. The additional $12.3 billion is triple, triple the amount that General Richard Myers, Chairman of the Joint Chiefs of

Staff, projected in April would be needed to make it through September. President Bush and the top brass at the Pentagon have, once again, underestimated the resources needed to sustain our military halfway across the world.

The sad part is that many of us have actually come to expect President Bush to shortchange our troops. Military operations are costing more than the Pentagon estimated, in part because top officials expected that Iraq would be a peaceful democracy by now and we could start bringing our troops home. But it does not take a genius to realize that rebuilding a country from the ground up, an entire country that has been decimated by a brutal dictator, takes years, possibly decades.

The costs of these failures are adding up, Mr. Speaker, both in human and in financial terms. Two days ago the United States reached another disheartening milestone when the 900th American soldier was killed in Iraq. Moreover, due to a shortage of qualified soldiers, the Pentagon has shamefully reenlisted the Ready Reserve, a group of retired soldiers who have moved on to civilian life.

Congress has already appropriated nearly $200 billion in supplemental funds to pay for the wars in Iraq and Afghanistan. That number could easily reach $1 trillion before the end of this decade. We cannot possibly fund the war in Iraq at the rate we are going, especially if we want to truly address the threat of terrorism, that threat which, by the way, was never in Iraq, where weapons of mass destruction have yet to be found. Instead of rooting out terrorist networks in Afghanistan, the Bush administration chose to focus on Saddam Hussein, who had no connection to al-Qaeda.

In the process, we have not only failed to adequately address the growing terrorist threat; we have actually added to that threat by incurring the wrath of thousands of Muslims who think we are fighting a war against Islam.

We need to be much smarter about how we address America's national security, Mr. Speaker. That is why 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. In crafting this legislation, my staff and I received the help and support of the Physicians for Social Responsibility, the Friends Committee on National Legislation, and Women's Action for New Directions. Without the counsel of these organizations, SMART security would not have happened as it did.

SMART security is more vigilant than President Bush claims to be in fighting terror. Instead of emphasizing military force, SMART focuses on multilateral partnerships and stronger intelligence capabilities to track and detain terrorists, and it does so while respecting human and civil rights.

Terrorism is an international problem, and so it makes sense that the fight against terrorism should involve the international community. That is why SMART security calls for working closely with the U.N. and with NATO to achieve our goals. Only by actively involving other nations in this fight can we hope to prevent future acts of terrorism.

It is time America got smart about its national security. I urge all of my colleagues to cosponsor this vitally important resolution, H. Con. Res. 392, because SMART security is tough, pragmatic, and patriotic, and it will keep America safe.

ILLEGAL OCCUPATION OF ISLAND OF CYPRUS BY TURKISH TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, as I have done every year, I rise again today to reiterate my fierce objection to the illegal occupation of the island of Cyprus by Turkish troops and declare my grave concern for the future of the area. The island's three decades of internal division make the status quo absolutely unacceptable.

In July 1974, Turkish troops captured the northern part of Cyprus, seizing more than a third of the island. The Turkish troops expelled 200,000 Greek-Cypriots from their homes and killed 5,000 citizens of the once-peaceful island. The Turkish invasion was a conscious and deliberate attempt at ethnic cleansing. Turkey proceeded to install 40,000 military personnel on Cyprus. Today, these troops, in conjunction with United Nations (U.N.) peacekeeping forces, make the small island of Cyprus one of the most militarized areas in the world. Over a quarter of a century later, approximately 1,500 Greek-Cypriots remain missing, including four Americans.

The Green Line, a 113-mile barbed wire fence, separates the Greek-Cypriot community from its Turkish-Cypriot counterpart. For thirty years, the Turkish Northern Republic of Cyprus (TNRC), recognized by no nation in the world except for Turkey, has prohibited Greek-Cypriots, until recently, from freely crossing the Green Line to visit the towns and communities of their families. With control of about 37 percent of the island, Turkey's military occupation has had severe consequences, most notably the dislocation of the Greek-Cypriot population and the resulting refugees.

Thirty years later, the forced separation of these two communities still exist despite efforts by the U.N. and G–8 leadership to mend this rift between north and south. The U.N., with the explicit support of the United States, has sponsored several rounds of proximity talks between the former President of the Republic of Cyprus, Mr. Glafcos Clerides, and Mr. Rauf Denktash, the self-proclaimed leader of the occupied northern part of the island.

In March 2003, the United Nations-sponsored Cyprus peace talks at the Hague between the President of Cyprus, Tassos Papadopoulos, and Mr. Denktash came to an abrupt halt. Responsibility for this unfortunate setback in the peace process rested largely with Mr. Denktash, who rejected U.N. Secretary General Kofi Annan's plan to end the 29-year division of Cyprus. It was shameful that the Secretary General's personal diplomacy was met by this kind of flat-out rejection. A large share of the blame also rested with the Turkish military and hard-line nationalists in Ankara, who have maintained the illegal Turkish military occupation of Cyprus since Turkish forces invaded the island in 1974. If the Government of Turkey was sincere about settling the Cyprus problem, it could have put the necessary pressure on Mr. Denktash to say "yes" to the U.N. Plan at that time.

Nearly a year later, the Turkish government finally expressed interest in renewing negotiations using the Annan plan as a basis. However, the clock was ticking toward Cyprus becoming a full member of the European Union (EU) on May 1, 2004. The goal was to have a completed and agreed-to settlement plan by the week before so Cyprus could enter the EU as a united island. Even though both sides knew they were not going to get everything they wanted, each side was guaranteed a fair plan and one that would be immediately functional. Unfortunately, the final version of the Annan plan which was submitted for a referenda vote to both communities was unbalanced and biased against the Greek-Cypriots.

On several occasions, my colleagues and I strongly voiced our serious concerns with the Annan plan through letters, meetings and floor statements. We wanted to make sure that all those involved in the negotiation process were well aware that unless these issues were addressed and resolved, the Greek-Cypriots would not agree to the plan. Greater efforts should have been made to address these legitimate concerns which could have secured a positive vote from the Greek-Cypriots.

On April 24, 2004, the people of Cyprus had the opportunity to speak for themselves and vote on a United Nations settlement plan. The Greek-Cypriots' rejection of the suggested settlement plan should not be interpreted as a vote against reunification, but rather, as an important statement about the fundamental principles that must be addressed in any viable and workable settlement.

The Greek-Cypriot voters have made clear that the suggested settlement plan failed because it did not provide for guarantees to ensure the complete implementation of commitments under the plan. Security was a major concern for the Greek-Cypriots.

The Annan plan did not thoroughly satisfy the condition of the removal of foreign troops from Cyprus and the elimination of the right of the guarantor powers to interview in Cyprus. Although previous versions of the Annan plan called for the complete withdrawal of Greek and Turkish forces once Turkey joint the E.U., the final version of the Annan plan provided for an indefinite presence of Turkish troops in Cyprus. According to the plan, the number of troops would gradually decrease to 650 over a period of 14 years. However, their continuing presence and intervention rights would make a full and genuine independence of Cyprus impossible.

The plan also provided for the continuation of the Treaty of guarantee. This treaty gives the guarantor powers (Turkey, Greece, United Kingdom (UK)) the right to unilaterally intervene in order to preserve the "constitutional order" of the United Cyprus Republic and its constituent states. However, the Annan plan failed to specifically clarify that this treaty does not authorize military intervention. This was a critical point because Turkey insisted that it

would continue to have the right to intervene militarily in Cyprus. This Turkish arrogance increased the Greek-Cypriot fear of a repetition of the 1974 invasion and its tragic consequences.

The Annan plan also did not provide for a property recovery system that would recognize the rights and interests of displaced Greek-Cypriots, and a property compensation system that would not force Greek-Cypriots to pay for their own restitution. The plan allowed for one-third restitution and two-thirds compensation for property owned in the north by Greek-Cypriots who would be losing the use of their properties. The funds for the restitution would be guaranteed by the Federal State. However, nine-tenths of the Federal State's resources would derive from Greek-Cypriots and the remainder from Turkish-Cypriots. Essentially, the Greek-Cypriots, to a large extent, would be paying for their own loss of property.

In addition, compensation for the property would have been required to be paid by the constituent states. This meant that Greek-Cypriot refugees would have to request compensation from the Greek-Cypriot Constituent State. Again, Greek-Cypriot taxpayers, who were the victims of the invasion, would be paying for their own loss of use of property.

Lastly, the Annan plan ignored the right of all Cypriots to buy property and to live wherever they choose without being limited by ethnic quotas and failed to provide a viable, functional government free of built-in deadlocks and voting restrictions based on ethnicity. It set complicated and restrictive provisions regarding the right of Greek-Cypriot refugees to return to their homes in the north. More specifically, a restrictive moratorium of 6 years would be implemented for those Greek-Cypriots who wished to return and permanently live in the Turkish-Cypriot Constituent State (TCCS). For the first 19 years or until Turkey's accession to the EU, the number of Greek-Cypriots who wished to permanently live in the TCCS would not be able to exceed 18 percent of its total population. After that time period, they would not be able to exceed 33.3 percent of the total population of the TCCS. This restriction would have been permanent.

The Annan plan established a system based on permanent ethnic division, while denying fundamental democratic rights to a segment of the population. Under the plan, Greek-Cypriots permanently living in the TCCS and possessing its internal citizenship status would not have the right to participate in the elections for its 24 representatives in the federal Senate.

Since the vote on the referenda, Greek-Cypriots have been criticized for allegedly rejecting peace and the "only chance" for reunification. Many people—including the Greek-Cypriots themselves—regret that the plan presented to them did not allow both communities to respond positively. Criticism and anger, however, will only further divide the island precisely when the Cypriot people need the support of the international community to continue on the path toward lasting peace.

Greek-Cypriots should not be blamed for voting against a plan that they believed did not meet the interests of their country and their futures. It is one thing for others to comment on the terms and conditions for settlement, but it is the Cypriots who must live with whatever plan is adopted.

The Government of Cyprus continues to emphasize that it remains committed to persevering in its efforts to reunify Cyprus as a bizonal, bicommunal federation with democratic and human rights for all Cypriots. Earlier this year, the Cypriot Government announced a series of measures aimed at assisting those Turkish-Cypriots residing under the control of the Turkish occupation army. This package includes a wide range of political, social, humanitarian, educational and economic measures that will enhance the ability of the Turkish-Cypriots to enjoy many of the benefits that the Republic of Cyprus offers to its citizens—as well as to share in the benefits of European Union membership. Far beyond a merely symbolic gesture, the package is a substantive program to integrate the Turkish-Cypriot community into the larger Cypriot society.

At the same time, the Turkish occupation regime partially lifted restrictions on freedom across the artificial line of division created by Turkey's military occupation. Since then, hundreds of thousands of Greek-Cypriots and Turkish-Cypriots have crossed the line to visit homes and areas of their own country that were inaccessible to them for nearly 30 years. It isn't clear whether opening the border was just a tactic to ease the frustrations, or a sign of a fundamental change of heart. But it has produced rare displays of human kinship, exchanges of flowers and pastries, and emotional visits to homes abandoned in the mid-1970s.

However, neither the Government's measures for the Turkish-Cypriots nor the partial lifting of restrictions by the occupation regime should be seen as a substitute for a comprehensive resolution to end the division of Cyprus.

I urge this Administration, the United Nations and the European Union to respect the democratic decision of the Cypriot people, to remain engaged in efforts to resolve the Cyprus problem, and to work toward a fair and lasting reunification of Cyprus.

ORDER OF BUSINESS

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent to take my special order at this time.

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

There was no objection. Without objection.

9/11 COMMISSION REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, today we received the long awaited report from the 9/11 Commission, and the 9/11 report I think had some constructive ideas that we in Washington are going to listen to. It was a bipartisan group and they had a lot of good thoughts and some good discussion, and it was a unanimous report.

Three of the things that they said were our problems going into 9/11 was one, we did ignore a lot of red flags. Number two, the capacity that we had to fight terrorism, we were somewhat in the Cold War model and not using all of the technology or on-the-ground intelligence that we really need for this century. Number three, the management of information, the FBI not talking to the CIA, other agencies not sharing information led to lots of things going on and the right arm not knowing what the left arm was doing.

Finally, just our imagination, unable to really conceive of people who hated us so much that we did not know what they were plotting against us, that they were willing to kill themselves, they were instructed to kill Americans in order to get revenge on a country that had done them no harm.

Yet, indeed, if we look at some of the terrorist attacks leading into 9/11, as outlined by our colleague, the gentleman from Pennsylvania (Mr. MURPHY), and I will submit this for the RECORD, it is unbelievable. November 1979, terror in Iran, American embassy attacked, hostages taken. April 1983, Beirut, 63 people killed from a truck filled with explosives driven into the United States embassy. October 1983, Beirut, 241 U.S. servicemen killed from a truck filled with explosives, driven through the main gate of a U.S. Marine Corps headquarters. September 1984, Beirut, a truck filled with explosives crashed through the gate of the U.S. embassy compound. October 1995, the Achille Lauro cruise ship hijacked, one American killed. November 1985, hijackers on an Egyptian plane kill U.S. passengers. December 1985, Rome and Vienna, 20 killed from suicide bombers at U.S. and Israeli international airports. April 1988, 259 killed in bombing of the Pan Am Flight 103 over Lockerbie, Scotland. December 1992, Yemen, 2 killed from a bomb at Gold Mohur Hotel immediately after 100 U.S. servicemen departed. February 1993, World Trade Center, New York City, 6 deaths and more than 1,000 injuries. October 1993, 18 U.S. servicemen killed, Osama bin Laden claims he supplied weapons and fighters to the Somalians. 1994, New York City, investigators thwart the attempt to blow up Holland and Lincoln Tunnels and other New York City landmarks. 1995 Manila, Philippines investigators discover plots to assassinate the Pope and President Clinton during his visit to the Philippines.

This list, Mr. Speaker, goes on and on, and I am going to submit this for the RECORD. But again, one of the things the 9/11 Commission said is we could not imagine the whole concept of the war on terror. I think that what really happened on 9/11, we changed our views that terrorism is not a crime, but an act of war, and that these events, some isolated, are yet still linked together.

I think with some of the recommendations that they have come up with we will be able to avoid this in the future. In the meantime, we need to complete our job and our duty in Iraq. Iraq has harbored terrorists, and that was also in the 9/11 Commission Report. And we have a report that has come in; one year after being in Iraq,

U.S. Agency for International Development talking about restoring the services there. This book, Mr. Speaker, which is available to the public, I do have a web page: www.usaid.gov, that is the U.S. Agency for International Development, it talks about reopening the schools there, building the democracy, vaccinating children, helping small businesses and newspapers to reopen. Lots of work is being done.

Iraq is an independent country at this point. It is on its own. We need to support them. We do not need to pull the rug out from under them. We need to help them complete their journey to democracy, and it is not time for Congress to pull the rug out from under them in the name of November politics.

MEMORANDUM

To: Members.
From: Tim Murphy (PA–18).
Date: July 21, 2004.
Subject: Timeline of major terrorist activities.

As we head home for the August recess and face questions from our constituents regarding the War on Terror, I thought you might find helpful this timeline of actual and attempted terrorist attacks.

November 1979—Tehran, Iran: American Embassy attacked and seized, hostages taken—released 1981.

April 1983—Beirut: 63 people killed from truck filled with explosives driven into U.S. Embassy.

October 1983—Beirut: 241 U.S. servicemen killed from truck filled with explosives driven through main gate at U.S. Marine Corps headquarters.

September 1984—Beirut: Truck filled with explosives crashes through gate into U.S. Embassy compound in Beirut, no deaths.

August 1985—Rhein-Main, Germany: 22 killed from car filled with explosives driven into main gate at U.S. Air Force Base.

October 1985: *Achille Lauro* cruise ship hijacked, one American killed.

November 1985: Hijackers on Egyptian plane kill U.S. passengers.

December 1985—Rome and Vienna: 20 killed from suicide bombers at U.S. and Israeli international airports.

April 1988: 259 killed in bombing of Pan Am Flight 103 over Lockerbie, Scotland.

December 1992—Aden, Yemen: Two killed from bomb at Gold Mohur Hotel immediately after one hundred U.S. servicemen departed on their way to duty in Somalia.

February 1993—World Trade Center, New York City: Six deaths and more than 1,000 injuries from bombing.

October 1993—Mogadishu, Somalia: 18 U.S. servicemen killed, Bin Laden claims he supplied weapons and fighters to Somalis involved in the battle.

1994—New York City: Investigators thwarted attempt to blow up Holland and Lincoln tunnels and other New York City landmarks.

Late 1994 early 1995—Manila, Philippines: Investigators discovered plots to assassinate the Pope and President Clinton during visits to the Philippines.

1995: Investigators discovered plans to explode a dozen commercial jets over the Pacific.

June 1995—Addis Ababa, Ethiopia: Unsuccessful attempt to assassinate Egyptian President Hosni Mubarak.

November 1995—Riyadh, Saudi Arabia: Five Americans killed by car bomb at a U.S.-run training facility for the Saudi National Guard.

June 1996—Dhahran, Saudi Arabia: 19 U.S. airmen killed by truck bomb at the Khobar Towers apartment compound where hundreds of U.S. Air Force personnel were stationed.

August 1998—Dar-es-Salaam, Tanzania & Nairobi, Kenya: 224 killed, including 12 Americans, and more than 5,000 wounded by truck bombs at U.S. embassies in both cities.

December 1999—Port Angeles, Washington: U.S. Customs agents stopped Ahmed Ressam from crossing out of Canada into the U.S. with a truck full of explosives headed to Los Angeles airport.

December 1999—Amman, Jordan: Intelligence officials reveal plot to kill U.S. and Israeli citizens by bombing a fully booked hotel and prominent Christian sites over millennium celebrations.

October 2000—Aden, Yemen: 17 sailors killed and 30 wounded when terrorists on boat rigged with explosives attack the U.S.S. *Cole*.

September 2001—New York City; Washington, DC; Shanksville, Pennsylvania: Thousands killed from four hijacked passenger airliners crashed into New York City's two tallest buildings, the Pentagon and a field in rural Pennsylvania.

September 2001—Paris and Brussels: Intelligence officials uncover evidence of plots to bomb the U.S. embassy in Paris, and possibly also NATO headquarters in Brussels.

October 2001—Sarajevo, Bosnia: NATO officials break up an al-Qaeda cell planning to attack the U.S. embassy and Eagle Base airfield, home base to 3,000 U.S. peacekeepers.

December 2001: Richard Reid attempts to blow up a commercial flight from United Kingdom en route to United States using bombs hidden in his shoes.

March 2004—Madrid, Spain: 198 killed and more than 1,400 wounded from 10 coordinated bomb detonations on Madrid subway during commuter rush hour.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. HERSETH. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

SOCIAL SECURITY COST OF LIVING ADJUSTMENT PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, today I am introducing the Social Security Cost of Living Adjustment Protection Act of 2004. As my colleagues know, I am a new Member of Congress. This legislation, which will protect the retirement incomes of millions of Americans, marks the first bill that I have introduced.

□ 2245

To me, this bill represents the partial fulfillment of a pledge I made to thousands of seniors in South Dakota that if they sent me to Washington, I would fight for them, stand by them and make their voice heard. This bill meets that goal by helping to ensure retirement security for every senior who depends upon his or her monthly social security check to make ends meet.

I am joined today in introducing this bill by our Democratic leader, the gentlewoman from California (Ms. PELOSI), and by two senior members of the Committee on Ways and Means, the gentleman from California (Mr. STARK), the ranking member of the Committee on Ways and Means Subcommittee on Health; and the gentleman from California (Mr. MATSUI), the ranking member of the Committee on Ways and Means Subcommittee on Social Security.

In addition, I deeply appreciate the support of the many additional Members who are joining us in sponsoring this legislation today. Our bill will protect senior citizens from seeing the modest annual increase they receive in their social security benefits absorbed by the rising cost of health care. For retirees who depend on social security benefits to live, the only defense against increasing prices for food, clothing, and energy is the annual cost-of-living adjustment. However, rising Medicare premiums are threatening to severely diminish the purchasing power of this yearly increase in benefits.

In fact, this fall retirees are projected to face the largest premium increase in the history of the program. This means that next year a widow with a $600 monthly social security check will use 59 percent of her COLA just to pay the increase in her Medicare premium.

Every dollar that goes toward rising Medicare premiums is one less she can use to pay for groceries or her utility bill. We are not wealthy in South Dakota. Retirees in my State clip coupons. They put off buying the things they need. They live modestly, because that is what they have to do to get by. So it is no exaggeration to say that retirees in South Dakota need every penny of their COLA, not just so they can maintain a basic standard of living, but so they can maintain their dignity.

This legislation protects retirees by ensuring that no more than 25 percent of their COLA can be absorbed by the increase in Medicare premiums. Next year, it will protect more than 27 million retirees who otherwise would see their scarce dollars taken from food, clothing and other essential purchases.

I hope that Congress will take up and pass this legislation quickly, because the need for it is real and immediate. This fall, just as Medicare premiums go up, temperatures in South Dakota will be going down. Seniors will sit at their kitchen tables reading through their bills, and they may wonder yet again how they are going to make it through the month. We owe them to do better, and I hope that we will.

The SPEAKER pro tempore (Mr. HENSARLING). 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. SCHIFF. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

THE LIBERTY LIST ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, when he presented the 2003 State Department human rights report, Secretary of State Colin Powell declared, ''We join in solidarity with courageous men and women all over the world who strive to advance human rights and democratic values within their own countries and throughout the international community.''

Today, joined by the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Michigan (Mr. CONYERS), I am introducing legislation that will build upon the foundation of the State Department's annual human rights report and the annual report on religious freedom. The Liberty List Act will reinforce the special significance of the central pillars of American foreign policy: freedom, democracy, and human rights.

The Liberty List will be an independent annual report issued by the State Department. It will highlight the work of individuals and organizations, including the media, that promote the development of liberty, democracy, and respect for human rights.

In addition to honoring these individuals and organizations for their important contributions to society, the Liberty List will draw attention to the conditions against which these honorees struggle and will offer some protection for honorees by identifying them to the national community.

A few individuals and groups, such as Aung San Suu Kyi and her National League for Democracy, are known around the world for their struggle. Yet for every individual who is known to the international community, there are many other heroes who deserve recognition and support as they risk their lives for the improvement of others.

How many of us in this body have heard of Shirin Ebedi before she was awarded the Nobel Peace Prize in 2003 for her work on behalf of Iran's women and children? There are Aung San Suu Kyis and Shirin Ebedis working in countless places around the world. Their struggle is our struggle; and they deserve our attention, our admiration, and support.

The Liberty List is fundamentally different from the existing State Department report on international religious freedom and the annual country reports on human rights practices. Current reports focus on the human rights records of national governments. They deal with the imposition of State power. The Liberty List in contrast will spotlight individuals and organizations who are working against that power to build freedom, democracy, and respect for human rights.

For example, a group of courageous women called Women of Zimbabwe Arise have been struggling against the cruelty of the dictatorship of Zimbabwe's President Robert Mugabe. Despite facing arrest, rape and force, these brave women have continued a peaceful struggle for a better life for all Zimbabaweans.

In Uzbekistan, Ruslan Sharipov, an independent human rights activist and journalist, was sentenced to 5½ years in prison last summer. Sharipov has been a fearless critic of police corruption and human rights abuses in Uzbekistan, a nation whose human rights record has been so dismal, the United States cut off aid earlier this month.

These leaders and others like them who struggle for freedom and democracy around the world deserve recognition for their sacrifices and their struggles. It is too easy to forget that the advancement of human rights, democracy, and religious liberty is the product of individuals and small groups of people who fight to improve the lives of their family, friends, and neighbors.

The Liberty List Act will allow the United States to honor these men and women as they strive to make the world a better, safer place for themselves, their children, and ultimately for all of us.

I urge my colleagues to join as cosponsors of the Liberty List Act.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina 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 Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Washington (Mr. MCDERMOTT).

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

There was no objection.

NATIVE AMERICAN HEALTH

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. Mr. Speaker, I rise tonight to talk about the health care crisis that continues to affect Native Americans in this country. For far too long, Native Americans have suffered from a lack of access to quality health services, resulting in increasing amounts of Native Americans that suffer from a wide range of diseases and illnesses.

Mr. Speaker, language from a report commissioned by the Federal Government in 1928, 75 years ago, to study the health status of Native Americans is just as true today as it was then. And the language states, ''The health of the Indians as compared with that of the general population is bad. The existing evidence warrants the statement that both the general death rates and the infant mortality rates are high. The prevailing living conditions among the great majority of the Indians are conducive to the development and spread of disease. With comparatively few exceptions, the diet of the Indians is bad. The housing conditions are likewise conducive to bad health. The inadequacy of appropriations has prevented the development of an adequate system of public health administration and medical relief work for the Indians.''

Mr. Speaker, this excerpt is from a report commissioned by the Federal Government in 1928, over 75 years ago; but to my disbelief and to the disbelief of millions of Native Americans, not much has changed. Indeed, the U.S. Commission on Civil Rights just came out with a draft report studying the current status of the Native American health care system that cites similar trends from a 1928 report. The main reason why there has been such limited success in improving the health status of Native Americans is that the Federal Government has failed miserably to live up to its trust obligation to provide quality health services to American Indians.

Mr. Speaker, the United States Government has a moral and legal obligation to provide for the health of Native Americans. This Federal obligation is the result of Native Americans ceding over 400 million acres of tribal land to

the United States. In return, the Federal Government entered into a number of agreements that promised to provide health care services among many other benefits to Native Americans.

The U.S. Commission on Civil Rights report notes that specifically Native Americans are 770 percent more likely to die from alcoholism, 650 percent more likely to die from tuberculosis, 427 percent more likely to die from diabetes, 280 percent more likely to die from accidents, and 52 percent more likely to die from pneumonia or influenza than the rest of the United States, including white and other minority populations. These statistics are appalling, and I think they are just plain heart breaking.

There are many reasons why this health status of Native Americans continues to be poor, such as social and cultural and structural barriers, but the number one reason why American Indians and Alaska natives suffer disproportionately from a poor health status is because the United States Government refuses to invest the funding needed to improve the health status for Native Americans.

Mr. Speaker, the Federal Government is willing to expend nearly twice the amount of Federal dollars to fund health care services for Federal criminals than it spends on health care services for Native Americans. How does that seem fair?

Mr. Speaker, the U.S. Government can and must do better by American Indians and Alaska natives. The first step towards achieving that goal is reauthorizing the Indian Health Care Improvement Act. This legislation is designed to provide parity between Native American health care and the rest of America. The bill enjoys the support of Indian country and bipartisan support in the House and Senate. Yet it languishes in this Congress, awaiting the administration to submit its views.

Accordingly, I urge my colleagues on both sides of the aisle to press upon the Bush administration to send its statement of administration policy to the Congress so we can pass this important piece of legislation. The longer we take, the longer Native Americans will continue to suffer.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REPUBLICANS GRILL BERGER

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, well, today we finally have the 9/11 Commission report; but unfortunately on the other side of the aisle, they want to focus on Sandy Berger, a former high-ranking official in the Clinton administration and his transgressions, whatever they might be. Whatever they might be, they did not kill 3,000 people. They did not destroy the World Trade Center. They did not attack the Pentagon, the United States of America, attempted to attack the Capitol and the White House, and he is not planning another attack on the United States of America, unlike al Qaeda, who is still out there planning another attack.

In fact, we have heard from the head of homeland security. It is an imminent threat of attack that will happen sometime between now and the election. And this report points to the fact that we have not taken the steps necessary to utilize and better utilize the resources of the Government of the United States of America to forestall that attack.

Now, remember, a number of us on this side of the aisle called for a Cabinet-level position to coordinate intelligence on the head of the homeland security. The President said no; but after public opinion moved against him, finally they threw out a proposal, just about 2 years ago today.

And 2 years ago today they threw out this proposal, full-blown from the basement of the White House, to create a 270,000-person bureaucracy that would be the Department of Homeland Security; but curiously enough, it did not go to the issues raised in this report, which is it did not touch the intelligence agencies, the CIA, all the intelligence agencies at the Defense Department. They were excluded from Homeland Security. It did not go to the FBI, who failed to coordinate and get the information and share information with the CIA and let people into the country who were on a terrorist watch list, but we let them into the country with visas who were some of the perpetrators of this attack.

They say we need to make major structural changes to address those deficiencies. We have not made them. The Department of Homeland Security did not do it. We created this little weeny thing called the TTIC, Terrorist Threat Information Center, where the various agencies sent over short-term detailees who have no authority, who are supposed to share; but they still do not share. They do not like to share. We have multibillion dollar intelligence agencies, and they are like 3-year-olds. It is mine; it is mine. They do not want to share. Unfortunately, people die when they do not share, and we need to break down that culture.

Now they want to go back and blame Berger and the Clinton administration. This report says both the Clinton administration, the Clinton administration and the Bush administration are to blame, but that is history. What are we going to do today to adopt the recommendations of this report? Because they say the problems are ongoing. They are ongoing. They are still not sharing. We are still not coordinating. We are not defending ourselves to the best of our ability. They make two recommendations, a national counterterrorism center. Great idea, seems like to me. And a national intelligence director, who would be appointed by the President, based in the White House, with a large staff and would have the authority to make the intelligence agencies and the FBI share. No more 3-year-olds saying mine, mine, you cannot have it, but make them share in a meaningful way.

Put together the pieces of the puzzle. They point out here we had 10 pieces of the puzzle, but we failed to put it together. We cannot fail again, but they are saying we will. This is a nonpartisan report, unanimous by Republicans and Democrats alike. Most former elected officials, Governors, Senators, Members of Congress. This should not be politicized.

□ 2300

Let us not waste time down here talking about Sandy Berger. Maybe he committed a crime, maybe. Maybe he did not. Fine. They are investigating, put him in jail if he committed the crime. That is not the point. The point is there is someone out there planning an attack on the United States today which has nothing to do with what that guy might have done or not done, but it has a lot to do with what we have not done here with the inadequacies of the Homeland Security Department that we adopted 2 years ago that are ongoing.

It is all in this report. I urge people to get a copy, to read it and to demand that their Members of Congress, their Senators take meaningful action in the near future.

CELEBRATING INDIA'S INDEPENDENCE DAY

(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, I offer my warmest congratulation, to the people of India and the Indian Diaspora as we approach India's Independence Day on August 15.

On that day in 1947, India marched forward into a future of uncertainty. With a struggling economy and high illiteracy and poverty rates, many challenges lay in India's path. Now many of these challenges have been overcome and greater economic opportunities have been created every day for the people of India.

More importantly, India is our ally and a democratic friend. America is

the world's oldest democracy and India is the world's largest democracy. We are increasing bilateral trade and increasing military ties through military exercises. We face the same threat from joint terrorists who are targeting innocent civilians unable to defend themselves. Terrorists attacked an Indian airlines plane in 1999 and stabbed an Indian passenger to death, and this same network of terrorists have beheaded innocent people who have tried to help the people of the Middle East. This shows we are allies in the global war on terror and we must work together to eradicate this menace to civilization.

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

9/11 COMMISSION REPORT FINDINGS

The SPEAKER pro tempore (Mr. HENSARLING). Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, let me just note that I do not believe that anyone has had a chance, including my colleague that was just down on the floor, to read the entire testimony or the entire 9/11 Commission's report. I have just read the executive summary and not the entire book, as I find it almost impossible that anyone has, considering the fact that it was just distributed today at 11:30 in the morning.

But let me note that there is every reason in the world to be concerned about Sandy Berger, and for my colleague to cast any type of aspersions on anyone in this body for serious concerns that Mr. Berger, who was the National Security Adviser to President Clinton, has in some ways been guilty of a crime that goes right to the heart of the investigation of 9/11.

Mr. Berger is accused, now he may be innocent, and I am not saying that he is guilty, but he is being accused of taking documents out of the archives of the United States that go directly to the issues that my colleague was just addressing on the floor.

The fact that our colleague would be downplaying the importance of the accusation against Mr. Berger is mind boggling, and I hope that the public looks very carefully at who is really serious about the security of the United States of America. Anyone who downplays the potential damage that Mr. Berger was doing by taking documents out of the Archives, which we do not know which documents, and perhaps inadvertently losing some of them supposedly, this is a very serious charge.

Let me note, my colleague over and over again was talking about the lack of cooperation among the intelligence agencies both domestic and foreign. It was during the Clinton administration under Mr. Berger that the directives were written and the orders were given that the intelligence agencies that investigate overseas, the CIA, et cetera, would not talk to those agencies. Those law enforcement agencies in the United States, FBI, it was there where that policy was made, and Mr. Berger was well aware of that policy. It came into being under his watch during the Clinton administration, and perhaps those documents that are now missing because what Mr. Berger has done could shed some light on this whole issue.

No, this is very serious. It goes to the heart of the matter. Those people are downplaying the potential of what this, the potential atrocity that has been committed against the public's right to know by Mr. Berger's alleged actions. This is really not something that should be just discarded and not looked at as a very serious issue.

Let me note that what I have seen in the 9/11 Commission report, there are some good suggestions in here; but by and large this has been an attempt to whitewash those specific individuals and the specific policies that caused 9/11. What we have got here are people on both sides of the aisle, and that is correct, working together to make sure we do not hold people specifically accountable. That is one of the problems in this town, why problems never get solved. That is why we never seem to make things better because we do not hold people accountable and we do not go back and say the policies, like I just mentioned, the policy during the Clinton administration, which was by the way written and put into practice by Ms. Gorelick, who is on the 9/11 Commission.

Republicans suggest that Ms. Gorelick, who was the one who wrote down this directive, that there should not be cooperation that my colleague was just talking about, Republicans suggested maybe she is a little biased and should not be on the 9/11 Commission. No, we were called partisan by suggesting that she was biased and this should be a very responsible account rather than an account that is being drafted by someone who is guilty of the very charges that my colleague has just made.

So I would think there is a lot more discussion we need on the issue of 9/11, why it happened. I would suggest that we need to go back at least to the Clinton administration, although I will have to admit that some of the things done during the Reagan years during the war against the Soviet's occupation of Afghanistan made some contribution, but it was the Clinton's administration support for the Taliban and their agreement with the Saudis and the Pakistanis and all along their unwillingness to call the Taliban to task and to join with those against the Taliban that that led to 9/11 and this horrible attack and this war that we are in today.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

(Mr. BEREUTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

(Mr. BOEHLERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. MONAHAN, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2712. An act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

9/11 COMMISSION REPORT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for half the time remaining until midnight as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, first of all, I would like to kind of catch up on some of the comments that were made earlier this evening by my friends on the other side of the aisle.

One of our friends suggested that we should involve the international community here in the Iraq situation. I would remind her that the international community, the U.N., the United Nations is involved in the largest scandal, the oil-for-food scandal that this world has seen, almost $10 billion, and it looks like our friends in France and Russia were involved in taking payoffs and taking oil vouchers at the very time they were taking U.N. Security votes, and even in the press accusing the United States of involving themselves in Iraq for the oil.

That is the international community that we would like to involve. I would remind my friends also that the United Nations cannot even have a definition, they do not have an established definition for terrorism because Syria sits on the Security Council, and Syria will not let our neighbors be characterized in any way as terrorists, and yet our friends call for the involvement of the international community, meaning the United Nations.

I would note that we pointed out last week in a similar venue that the media somehow has seemed to overlook this scandal. They go smelling around and looking for scandals any time the Bush administration makes a decision, but when the facts come to light in the United Nations' largest scandal ever, they simply ignore it.

They also have overlooked the 400,000 mass graves that have been found in Iraq and seem to be fixated on other problems overlooking the damages that were done during 35 years of Saddam Hussein.

□ 2310

I would like to associate myself with the comments by my other colleague from the other side of the aisle who said put Sandy Berger in jail. If it would help, I would second that and call for a vote immediately on the floor of the House.

It looks like Mr. Berger rolled up documents, stuck them in his underwear and stuck them in his socks and carried them out. These were documents that related to his service during the Clinton years and as it dealt with terrorism.

I suspect then that we begin to put some of the facts in place as we consider Richard Clarke's testimony where he began to tell the American people that there is absolutely no evidence that Iraq was ever supporting al Qaeda ever. This is Richard Clark who was the head terrorism expert under President Clinton.

If one looks back to his initial memos, immediately after 9/11, while the Nation is still sorting through the grief, Mr. Clarke is beginning to e-mail and memo his colleagues that we should begin to cover our trails. It looks like Mr. Berger may have been doing the same thing there in taking documents from the archives, continuing to cover trails that they felt like were damaging.

But the 9/11 Commission came out today with their final report today, Mr. Speaker, and we found several significant findings.

First of all, they declared that there was no smoking gun. The 9/11 Commission's report is very clear in its finding that the terrible events of September 11 could not reasonably have been prevented. The findings produce no smoking gun and place blame at the feet of no single individual or institution.

Furthermore, they go on to quote that since we believe that both President Clinton and President Bush were genuinely concerned about the danger posed by al Qaeda, approaches involving more direct intervention against the sanctuary in Afghanistan apparently must have seen, if they were considered at all, to be disproportionate to the threat. That is on page 349 of the document.

Furthermore, they commented that we do not believe, this is the 9/11 Commission quoting, that we do not believe it is possible to defeat all terrorist attacks against Americans every time and everywhere. A President should tell the American people no President can promise that a catastrophic attack like that of 9/11 will not happen. Again, history has shown us that even the most vigilant and expert agencies cannot always prevent determined, suicidal attackers from reaching a target. That is quoted on page 365.

The report goes on, Mr. Speaker, to establish a very clear link to al Qaeda, and I would remind this body about former Vice President Al Gore's quote. You will recall that in the height of his emotion about 60-days ago, former Vice President Al Gore quoted, the President convinced the country with a mixture of documents that turned out to be forged and blatantly false assertions that Saddam was in league with al Qaeda. I suspect that we should see Mr. Gore coming out now to say that the 9/11 Commission was subjected to those same forged and blatantly false documents because the 9/11 Commission says that there is a clear link between Iraq and al Qaeda. The Commission's report provides ample evidence that there was a strong and real link between al Qaeda and Saddam Hussein's Iraq.

Quoting from the report, page 66, it describes similar meetings between Iraqi officials and bin Laden or his aids may have occurred in 1999 during a period of some reported strings with the Taliban. According to the reporting, Iraqi officials offered bin Laden a safe haven in Iraq. The reports describe friendly contacts and indicate some common themes in both sides hatred of the United States.

Again, on page 61, the 9/11 Commission finds that bin Laden himself met with senior Iraqi intelligence officers in Khartoum in late 1994 or 1995.

On page 66, again, the 9/11 Commission report quotes, in March 1998, after bin Laden's public plot against the United States, two al Qaeda members reportedly went to Iraq to meet with Iraqi intelligence. In July, an Iraqi delegation traveled to Afghanistan to meet first with the Taliban and then with bin Laden.

Mr. Speaker, I suspect that Mr. Gore should apologize to the American people for blatant, false comments or he should provide the documentation for his rhetoric.

The 9/11 Commission, Mr. Speaker, also comments on the fixation on Iraq. Over the past year, there have been numerous reports from people in the media and from our friends on the other side of the aisle that the Bush administration was fixated on attacking Iraq in the wake of 9/11. However, the Commission's finding strongly refutes such a claim.

On page 335, the Commission quotes, Secretary Powell recalled that Wolfowitz, not Rumsfeld, argued that Iraq was ultimately the source of terrorist problems and should, therefore, be attacked. Powell said the President did not give Wolfowitz's argument much weight. Though continuing to worry about Iraq in the following week, Powell said President Bush saw Afghanistan as the priority.

It goes on on page 336 to quote that, on September 20, President Bush met with British prime minister Tony Blair and the two leaders discussed the global conflict ahead. When Blair asked about Iraq, the President replied that Iraq was not the immediate problem. Some members of his administration, he commented, had expressed a different view, but he was the one responsible for making the decision. Again, the September 11 Commission finds no fixation on Iraq.

Page 336, they continue speaking about General Franks, in quotes, Franks told that he was pushing independently to do more robust planning on military responses in Iraq during the summer before 9/11, a request President Bush denied, arguing that the time was not right. The CENTCOM commander told us he renewed his appeal for further military planning to respond to Iraqi moves shortly after 9/11. Franks said that President Bush again turned down the request.

So our friends on the other side of the aisle would like to characterize the attacks on 9/11 as being easy to contemplate, easy to forecast, and yet, the 9/11 Commission says it is not possible at all.

There is also great testimony on the other side that there was absolutely no link between Iraq and al Qaeda, and the 9/11 Commission report says blatantly that there was connection between the two. They also comment that President Bush did not have a fixation on Iraq, that actually he felt like the problems were elsewhere, Afghanistan or other places.

Finally, the 9/11 report, Mr. Speaker, comments about our urgent need in this country. It comments that perhaps the most powerful finding of the 9/11 Commission is that fighting the global war on terror is a total call to arms.

The Commission goes on to say that one of the key structural failures that the Commission identifies, referred to as a lack of imagination, that was the lack of the imagination of anyone in America to conceive that any persons could hate America so much as to do the attacks on 9/11. In failing to connect the isolated pieces of intelligence in the past, leaders did not understand the urgency because they underestimated the terrorists' singular goal of destroying every American.

Therefore, the September 11 report continues, one of the larger points that the Commission makes is that the war on terror is about killing terrorists before they kill us.

The report said that bin Laden and Islamic terrorists mean exactly what they say. To them, that is, to bin Laden and the terrorists, America is the font of all evil, the head of the snake, and it must be converted or destroyed. It is not in a position with which Americans can bargain or negotiate.

With it, there is no common ground, not even respect for life on which to begin a dialogue. It can only be destroyed or utterly isolated.

The report goes on to say that bin Laden said we do not differentiate between those dressed in military uniforms and civilians. They are all targets in the spotlight. That is, bin

Laden is saying that if you are dressed in a uniform, you are no more of a military target than people walking on the streets in any town in Iowa, Michigan or New Mexico.

Furthermore, the report goes on to clarify that the 1993 World Trade Center bombing signaled a new terrorist challenge, one whose rage and malice had no limit. Again, this is the 1993 attack on the World Trade Center, following on 10 years later with the more brutal attack.

□ 2320

But considering the 1993 attack Ramzi Yousef, the Sunni extremist who planted the bomb, said later that he had hoped to kill 250,000 people, all of those being Americans.

The recommendation on page 367 of this 9/11 report, this bipartisan report that just came out today, this month's long study of the 9/11 catastrophe, the recommendation is that the U.S. Government must identify and prioritize actual or potential terrorist sanctuaries. For each it should have a realistic strategy to keep possible terrorists insecure and on the run using all elements of national power.

Mr. Speaker, after 9/11, the President came on TV and said we must do three things. We must first of all uproot the Taliban to where they cannot continue to train and turn out terrorists onto the streets. We must uproot the Taliban from Afghanistan and its training camps. Secondly, we need to choke off the funding for the Taliban for the terrorists. Thirdly, we need to take the fight to them.

Mr. Speaker, in Afghanistan we did uproot the Taliban and put them on the run. They are not able to sit and take shots at us because they are in a defensive mode moving constantly. So the President followed through on the first of his objectives.

On the second objective, that is squeezing off funding to the terrorist groups worldwide, the President and members of the international community have done a very good job. Just recently, Secretary Powell reported that even in Saudi Arabia that the leaders there acknowledged within the last 30 days that they have a tremendous problem with terrorism and they committed to seek to end the funding that Saudi nationals have given to terrorists.

Finally, Mr. Speaker, in response to the third mantra that he laid out, the President did take the fight to the terrorists. Liberating Iraq is the right thing to do. He has taken the fight to them. He has uprooted them, and we have begun squeezing off their funding sources. Mr. Speaker, the only thing that could cause us to lose this war on terror is for us to lose our resolve.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. MCCOTTER) at this time for observations that he has in dealing and talking with Iraqis here in this city this week.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman from New Mexico (Mr. PEARCE). As a member of the Committee on International Relations, Subcommittee on the Middle East, I would like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for bringing into the committee some victims who had survived Saddam Hussein's brutality so we could personally hear from them. They also had with them a documentary filmmaker, Mr. Janos, who showed excerpts of his film interviewing survivors, the grieving mothers and widows of Saddam Hussein's executioners.

It is not often that we truly get a chance to plumb the unfathomable depths of human pain, but I believe we experienced that in committee yesterday. We had a chance to see a grieving mother whose husband was killed, whose children were killed, saying she would never laugh again in her lifetime, and praying to God for a short life and a merciful death so she could forget.

We saw a mother break down because she remembered the cries of her child in a cell, a 6 year old, crying out that he had no milk, he was hungry. Well, he is gone and she remains to grief. We had a Mr. Ibraham and a Mr. Taimor. They were both testaments to the evil of the Iraqi dictator. Mr. Ibraham, a Shiite, had been chased through that country, arrested several times, housed in Abu Ghraib prison, and was so shocked by what he experienced there he could not speak about it, especially about what happened to the women.

We also saw Mr. Taimor who had been shot by Iraqi executioners in front of a mass grave and while bleeding had to crawl out.

We in this country hear much from many that Iraq was a mistake. I ask one thing of those people, I ask them to say it to those victim's faces. We hear the hippocrits in this country say that Saddam was a bad man, but the United States should not have taken him from power. I ask them to say that to the Iraqi victims' faces. For those people who believe America is the greatest threat to peace in the world, I ask them never to show their faces in public again.

Whether we like it or not, what we are seeing internationally is a clash of revolutions. It is a clash of revolutions that is fought not upon maps but upon minds. It is the American revolution of freedom for the individual and republican forms of democracy and private enterprise that chased every king from Europe or put them on the dole, that has chased imperial Japanese forces and put a democracy in place, and the world is better. We have seen the Philippines that we once annexed and helped bring into a stable democracy, and throughout the globe we see people trying to emulate the freedom and opportunity we have here.

Yet the second revolution, which is lot upon many, is the Iranian revolution, a revolution of extremism and totalitarianism perverting the peaceful tenets of Islam to accomplish political objectives. Right now our revolutions meet in Iraq. That is why those in this country who do not think deeply about this believe we can retreat from Iraq and that the only consequence will be the United States will have to act multilaterally. The reality is we cannot retreat because unless freedom and democracy are established on the borders of the Iranian revolution, the Iranian revolution will continue to be exported through means both traditional and terrorist. The stakes have never been greater.

I know it is very difficult for many to remember that we are and remain the seminal revolutionary country, and that in many ways it is hard to admit we are a moral force for good in this world, and that absent the United States, what would the world be like.

Well, we might have trouble remembering that, but when I had the chance to ask the victims of Saddam if they thought any other country on the face of the earth could or would save them from his butchery, their answer was no, only the United States could do that. Only the United States would do that. I asked them if they thought it was a mistake, and they said no, that they believe we were a great and a good country for helping to save them.

So as we engage in the debate through now and the election and perhaps throughout the remainder of our lives, let us remember what is at stake, the clash of revolutions. Either we will prevail or we will be defeated, and if we are defeated, as President Lincoln said, we will lose the last best hope of earth.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, in the last year I have had the opportunity to meet a man in New Mexico and I have become friends with him. In looking at things he has in his story, I told him you have been in China for a very long time.

He said yes, since the late sixties.

I commented to him you had to be one of the only Americans there during that period of time. I said how did you go there?

He very truthfully and straightforwardly responded, and his comment was, ''To my internal shame, I was invited to mainland China in the late sixties because of my campus radicalism. I went there with the greatest hope to help fight the war for communism and to spread it.'' He said, ''I was not in China more than 30 minutes before I realized it was one of the deepest and biggest scams I had ever seen.''

□ 2330

He continued to live in China, eventually marrying a Chinese woman. They watched as her father was carried to the edge of town and summarily shot.

Mr. Speaker, we defeated communism for the most part in this world because of the efforts of Ronald Reagan. But I feel like there is as much lack of truth in this argument about al Qaeda and Iraq and the dangers that

terrorism presents to the United States and to the world today as there was back in the 1960s and 1970s about the Communist regimes throughout the world.

There is much work to be done if we are to find freedom and liberty for more people. Freedom and liberty cannot live together in the same world as terrorism. We are finding that out. What the world is going through right now is a decision process: Are we going to accept terrorism, or are we going to root terrorism out? Are we going to have liberty, or are we going to have tyranny? This is one of the most important discussions in our history because at this point terrorism has the potential to be spread worldwide.

Terrorism has as its main focus instability. The terrorists understand they could not militarily defeat the United States. Their attempt was to destabilize us financially. On 9/11, the high estimates are that over $2 trillion worth of losses occurred in the U.S. economy. $2 trillion represents almost 20 percent, Mr. Speaker, of our total economy. How many countries could have suffered that kind of loss and still bounced back with an economy where we could be concerned about the production of jobs? $2 trillion and over 3,000 lives in one split second. That is what happened on 9/11.

If the terrorists are not defeated at every turn, they have stated their intent to get vials of disease, to unleash chemical weapons, to unleash nuclear weapons. Whatever it takes to defeat freedom, they are willing to do. Those attacks on freedom are going to continue to be targeted at the United States first because they realize that this country is the heart and soul of freedom worldwide, that this country is a shining light of liberty to those countries that would aspire to it.

Mr. Speaker, we can make no mistake. We must choose sides in this. We cannot appease terrorists. We cannot act like it will get better. We have read into the RECORD earlier tonight an entire list, two pages, double-spaced, of attacks into the United States or to United States troops by terrorists. Mostly those went unresponded to, but President Bush made a bold decision that we will take the fight to the terrorists. He should be commended for his activities, Mr. Speaker, because it is that boldness that has forestalled any future attacks.

The investments in homeland security, the investments in our defense have been somewhat successful. I agree with the 9/11 report, though, that says that any President should promise the American people that we cannot fight a defensive battle all of the time. That is the reason I favor taking the fight to the terrorists. We must take the heart out of the fight for them. We must take the will to damage this country away from the heart of terrorism.

Mr. Speaker, the 9/11 Commission report gives us valuable information about this Nation's lack of preparedness, the lack of preparedness that extended across more than one administration. I would recommend that Members of this body on both sides of the aisle begin to discuss the findings of the 9/11 Commission, that commission which stated that there is a link between al Qaeda and Iraq, that there was no preoccupation with Iraq as far as President Bush is concerned, and, finally, that we must either kill the terrorists or accept that they are going to kill us.

The SPEAKER pro tempore (Mr. HENSARLING). The gentleman from New Mexico will suspend.

PRESERVING ABILITY OF FEDERAL HOUSING ADMINISTRATION TO INSURE MORTGAGES

Mr. NEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2712) to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2712

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

SECTION 1. AMENDMENT TO GENERAL AND SPECIAL RISK PROGRAM ACCOUNT.

Under the heading ''FEDERAL HOUSING ADMINISTRATION—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT'' in title II of Division G of the Consolidated Appropriations Act, 2004 (Public Law 108–199), in the first proviso, strike ''$25,000,000,000'' and insert ''$29,000,000,000''.

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

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the Senate bill just passed.

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

There was no objection.

9/11 COMMISSION REPORT

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. PEARCE) may continue not beyond midnight.

Mr. PEARCE. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. MCCOTTER. Mr. Speaker, I would just like to touch upon a couple of points that the gentleman from New Mexico brought up. One of them I think that is fascinating is the fixation in this country to try to split hairs between what is a collaborative tie between Iraq and al Qaeda or what is, I suppose, called a casual tie between Iraq and al Qaeda. Or whether or not because al Qaeda may or may not have been involved in Iraq to a great extent but other terrorists were, it still was unjustified.

It seems to me, and I can only speak for myself on this, if a terrorist kills me, it is not really going to matter to me whether he was al Qaeda or whether he was some other group that was housed in Iraq or anything else. It is going to seem to me that, assuming I am looking down as opposed to looking up, I would ask the question why nothing was done. Have we become that legalistic in this country, that formalistic, that blind to the reality around us that we do not understand that if a dictator hates you and a terrorist hates you and they have ties, it does not bode well for you?

I think that is just something that has grated on me for quite some time, how we tend to intellectualize things without seeing the reality, behind the sophistry of the arguments. It is much like the approach that many wish to take towards terrorism. Many in this country believe that you can cleanse the criminal by deeming it political. A murder is a murder. Kidnapping is kidnapping. Extortion is extortion. It is an inherently, intrinsically evil act. The goal for which one engages in the intrinsically evil act does not change its nature, does not justify it.

So when we hear many in the international community trying to justify the actions of the terrorists based upon years of colonial occupation by European powers, I reiterate European powers, or we hear that there are underlying root causes, many of which are valid root causes but no justification for the act of terrorism, we have to be clear in our minds, because as I said before, every single American today is under attack from the terrorists. The act of killing our fellow citizens or kidnapping and killing our fellow citizens or kidnapping and killing other citizens of this world is designed to prey upon our minds, so that we believe that we cannot prevail, that we tend to doubt that people wish to breathe free, that they wish to love their children, that they wish to grow old, that they wish to savor the gift of life from our Creator.

Some would have you believe that there are people in this world that are unfit for democracy, that they would say they can never take to this forum, that it cannot be imposed from above. I believe that the thirst for democracy, the thirst for freedom, comes from within, and that what we as a Nation have done is created the conditions in which their own yearnings can be expressed and their own futures be determined, and then can they live in freedom. I think that if you come from

that perspective, it is easy. It is difficult to miss the reality in Iraq which proves my point about the terrorists trying to prey upon your mind. There are 25 million people in Iraq.

The reason the terrorists are engaging in individual suicide bombings, in individual kidnappings, is because you do not have millions of Iraqis fighting with their new government to return to the days of Saddam Hussein.

□ 2340

We do not see organized armies of Iraqis out in the field en masse trying to overthrow the transitional government and replace it with a terrorist regime. What we see every day in Iraq is what we try to do here: Iraqi citizens trying very desperately to live normal, happy lives. They want to take their children to school.

Let me just stress this. In this country when people take their child to school, they generally feel safe that their child will be in a stable environment, will be educated, will return to their loving arms. Put oneself in a position of an Iraqi parent today, and the gentleman from New Mexico (Mr. PEARCE) and I were there at the time of the so-called days of national resistance when the first place they put the fliers threatening to kill people were around the schools so the parents would not take their children to school. We see an Iraqi parent, they have to take their child to school with the threat of terrorism around them every day in a magnitude we have yet to experience. We see them dropping them at the schools, under threat of death for doing so, and then praying that their child comes home to them.

And yet many in this world will say that these are people unfit for freedom. They are no different than we are. I think it was President Kennedy that put it best: We all inhabit this small planet. We all breath the same air. We all cherish our children's future, and we are all mortal.

To our fellow human beings in Iraq, we cannot offer condescension. We cannot offer derision. We must continue to offer assistance so that they can breath free, so that their internal thirst can commence upon a quest for freedom in their lifetimes.

And probably one of the things I will always remember from Iraq, as we were leaving, we were getting on the Black Hawk helicopters to leave the Green Zone for the final time. It was Halloween, and there was an American soldier with a small Iraqi child, maybe 8 or 10, and he had little Dracula fangs he was playing with and smiling at the American soldier. That to me expressed the hope for Iraq, that that child who has been inoculated, who has been given an opportunity to go to school, whose parents have a chance to seize his freedom, that child is the future of Iraq, and we cannot turn our back on that child.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for his comments again.

And, Mr. Speaker, I would note that during this week we were allowed and privileged to hear the Deputy National Security Adviser. He commented that much of Iraq is still very stable. Always when the gentleman from Michigan (Mr. MCCOTTER) and I were in Iraq at the end of October and the first of November, it appeared that about 75 percent of the country was very stable, that there were areas of difficulty in Fallujah, Mosul, that there were areas of problems but that most of the country was doing exactly what the gentleman from Michigan (Mr. MCCOTTER) said. People were trying to live normal lives.

As we drove up and down the highways, it was obvious that we were Americans. We had American flags on the convoy. We had armored vehicles. We were in armored vehicles, and yet there were no signs of obvious dislike or distrust of the Americans. People just seemed to be living their lives. Occasionally we would give waves. No overtly aggressive actions were taken toward us. Small kids sometimes waved and gave us the thumbs up. But that is the picture now of Iraq now under the transitional government, that people are trying to get out and live their lives, and the gentleman from Michigan (Mr. MCCOTTER) pointed out very well that while we were there they brought in fliers and showed us that these days of national resistance, if they take their child to school, they will either kill them or blow the school up. People still were selecting to send their kids to schools. About 50 percent of the school kids went that day with those difficult threats about them. Different fliers announced, Do not go shopping, Do not go into the business district today or we will kill you there. And yet the Iraqis, in trying to live normal lives, normal lives where they could expect to come and go, normal lives of freedom, the things that we take for granted and have somewhat become complacent about in this country that they are doing under the threat of death day in and day out.

So to find this transitional government operating actually quite well, we were actually able to hand the power over to them a couple of days early, and in fact many of the ministries were operating even before the handover date. By a couple of weeks they had already been operating. So we find the stability of the transition to be remarkable, and what we are finding also, according to this Deputy National Security Adviser, is that the Iraqis are buying more into the need for them to be out on the frontlines, and as they provide security in their neighborhoods, as they provide border security, they are able to do it better because the United States is not under the tremendous pressure that the international community would bring, and the Iraqis do not face that same pressure either. The Iraqis can act more decisively. They can act with more abruptness. They can act with far more retribution than what the Americans could do, and there is an acceptance in the international community when the Iraqis act in that fashion.

So, Mr. Speaker, if this country will maintain its resolve, if both sides of the debate will begin to discuss the actual truth instead of what they would like to be true, then, Mr. Speaker, we can win this war on terror.

One of the things that I think is very critical is for the media to begin to discuss it truthfully. The media has had it correct back as far as 1999. Many in the news media were publicly reporting the ties between Iraq and al Qaeda. It was only under President Bush, when they decided that they wanted to be against him, that they wanted to discredit him at any cost, that the media began to change their story. Mr. Speaker, I would hope that the media would take a look at the 9/11 Commission, that they would put that beside the Senate Select Committee, which had many of the same findings. I would hope that the news media would compare it to the Butler report on British intelligence and begin to report the truth, that this is indeed a war on terror, that this is indeed the war on terror that is going to determine the outcome of world history.

Mr. Speaker, the media had it right back in 1999. Newsweek Magazine ran an article on January 11, 1999, entitled Saddam + bin Laden? It read in part: ''Saddam Hussein, who has a long record of supporting terrorism, is trying to rebuild his intelligence network overseas, assets that would allow him to establish a terrorism network. U.S. sources say he is reaching out to Islamic terrorists, including some who may be linked to Osama bin Laden, the wealthy Saudi exile accused of masterminding the bombing of two U.S. embassies in Africa last summer.''

Mr. Speaker, ABC News on January 15, 1999, also had a report in which they acknowledged the links between Iraq and al Qaeda, and yet now they are claiming that there is no link. But on January 15, 1999, ABC News said: ''Intelligence sources say bin Laden's long relationship with the Iraqis began as he helped Sudan's fundamentalist government in their efforts to acquire weapons of mass destruction.'' This according to ABC news. It goes on to say that ''ABC News has learned that in December an Iraqi intelligence chief named Faruq Hijazi, now Iraq's Ambassador to Turkey, made a secret trip to Afghanistan to meet with bin Laden. Three intelligence agencies tell ABC News they cannot be certain what was discussed, but almost certainly, they say, bin Laden had been told he would be welcome in Baghdad.''

Those findings are similar to the findings of the 9/11 Commission that I reported on earlier in this discussion tonight.

Another well-reported article and news source, NPR reporter Mike Shuster reported in an interview with Vincent Cannistraro, who was the former

head of the CIA's counterterrorism center.

□ 2350

Mike Shuster reports on NPR that Iraq's contacts with bin Laden go back some years to at least 1994 when, according to one U.S. Government source, Hijazi met with him when bin Laden lived in Sudan. According to Cannistraro, Iraq invited bin Laden to live in Baghdad to be nearer to potential targets of terrorist attack in Saudi Arabia and Kuwait. Some experts believed bin Laden might be tempted to live in Iraq because of his reported desire to obtain chemical or biological weapons. CIA Director George Tenet referred to that in recent testimony before the Senate Committee on Armed Services, when he said bin Laden was planning additional attacks on American targets.

Mr. Speaker, the news media has had it correct in the past. I earnestly hope that they will return to the truthful reporting of the past and give this 9/11 report the hearing in front of the American people that it deserves. The American people need to know the truth, and the news media needs to be certain that the American people should and will know the truth, whether or not it comes from them.

Mr. Speaker, again, I would begin my wrap up comments by saying that Mr. Berger's removing of documents from the archives absolutely appears to have been criminal contact. I would recommend that this body and all other bodies responsible look into these sorts of illegal activities, to bring this to the highest level of examination.

Mr. Speaker, it is obvious that Mr. Berger wanted to take documents, some of which he has not returned, some of which supposedly have been destroyed. Mr. Berger needs to be held accountable for the illegal activities that he conducted while he was working with the Kerry campaign. I think, Mr. Speaker, that the Kerry campaign needs to also be very straightforward with the American people about their association with Mr. Berger.

Mr. Speaker, I would offer one last time to yield to the gentleman from Michigan.

Mr. McCOTTER. Mr. Speaker, I thank the gentleman from New Mexico for yielding.

I would just like to conclude with an observation and a question. When we last participated in special orders, I asked the question about where is the opposition's plan for dealing with terrorism? Where is their plan for reconstructing Iraq? Where is their plan essentially to protect the national security of the United States, whether they would delegate it to the United Nations or keep it where it remains, here in the bosom of the sovereign people?

Well, I got kind of an answer, and I guess maybe this is what passes for planning these days, it seems to me more a statement of the obvious, that part of the opposition's plan was that they would, with sufficient evidence, preemptively take out terrorists.

Well, I am glad that they concur with part of the President's plan. But that is not necessarily the in-depth approach that we need at the present time. Maybe the forthcoming week will show us more.

My observation along those lines is perhaps more of a frustration, that many people today are saying that America needs international support if we are to stand with the Iraqi people. We all know we would enjoy international support. But what I find galling is they will then turn around and say they are most capable of building the international support for the coalition to help reshape Iraq and help defend the United States. But, in the process of doing that, they have done something very interesting, is that they have denigrated as coerced, as distorted, as bribed, quote-unquote, the allies we have abroad as part of our coalition whose children, whose young men and women, are fighting beside our soldiers in Iraq and who are dying.

Now, I am a liberal arts guy, I was not a math guy, but it seems to me that if you attack and denigrate your own allies, it is very difficult through subtraction to build a larger coalition, especially when one is going to rely on people who have adversarially tried to undermine the United States' effort and our coalition partners' efforts in Iraq. I am thinking of many people in the United Nations who during the Oil For Food scandal were not necessarily in the best position to tell Saddam Hussein, who they were in league with and making money off of, to try to follow the resolutions they passed regarding weapons of mass destruction.

So I would just ask people to consider whether someone may or may not hypothetically be fit to be the Commander-in-Chief of the United States who, during a time of war, denigrates our allies and courts our adversaries. There is no simpler way to put that, because that is absolutely true. Ask yourself that question.

Mr. PEARCE. Mr. Speaker, reclaiming my time, I thank you for your tolerance in allowing us to speak tonight about this very important subject, that of understanding the tie between Iraq, al Qaeda and the international war on terror. It is the most significant thing that this generation faces. We are either going to leave the world more safe, or we can leave the world without freedom.

Mr. Speaker, it is up to this body, it is up to this government, it is up to this President, and it is up to the American people. We must decide. We are going to decide this year which way we are going to pursue this particular war on terror.

Mr. Speaker, I would request humbly that all of the citizens, all of the people throughout this country, and especially the people in this body, would give that discussion their fullest attention and arrive at decisions, so we can explain to the next generation that we took the responsibility and handled that responsibility wisely.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIRK (at the request of Mr. DELAY) for today after 12:00 p.m. on account of traveling with the President to his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2249. An act to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter; to the Committee on Financial Services.

S. 2724. An act to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity; to the Committee on Small Business.

S. Con. Res. 130. Concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 1572. An act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse''.

H.R. 2768. An act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. An act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, Pursuant to House Concurrent Resolution 479, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. HENSARLING). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 11 o'clock and 57 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONERS, AND DELEGATES

Under clause 13 of Rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy ''Duke'' Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. ''Buck'' McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. ''Butch'' Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C. W. Bill Young, Don Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9313. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Milk in the Pacific Northwest Marketing Area: Order Amending the Order [Docket No. AO-368-A29; DA-01-06] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9314. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [No. 2004-28] (RIN: 1550-AB91); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04- 17] (RIN: 1557-AC86); Federal Reserve System [Regulations BB; Docket No. R-1205]; Federal Deposit Insurance Corporation (RIN: 3064-AC82) received

July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9315. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Commuity Development Block Grant Program; Small Cities and Insular Areas Programs [Docket No. FR-4919-1-01] (RIN: 2506-AC17) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9316. A letter from the Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9317. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

9318. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a report regarding calendar year 2003 sales to designated Tier III countries of computers capable of operating at a speed in excess of a specified number of million theoretical operations per second (MTOPS) by companies that participated in the Advanced Simulation & Computing (ASC) Program of the Department, pursuant to Public Law 105–85, section 3157; to the Committee on International Relations.

9319. A letter from the Co-Chairs, Abraham Lincoln Bicentennial Commission, transmitting the Commission's interim report, pursuant to Public Law 106–173, section 8(b) (114 Stat. 17); to the Committee on Government Reform.

9320. 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.

9321. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9322. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9323. A letter from the Director, Information Security Oversight Office, transmitting a copy of the Information Security Oversight Office's (ISOO) ''Report to the President'' for 2003; to the Committee on Government Reform.

9324. A letter from the Executive Associate Director, Office of Management and Budget, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Office's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9325. A letter from the Chairman, Postal Rate Commission, transmitting the FY 2003 annual report on International Mail Volumes, Costs, and Revenues, pursuant to 39 U.S.C. 3663(a) Public Law 105–277; to the Committee on Government Reform.

9326. A letter from the Regional Director, National Park Service, Department of the Interior, transmitting a report entitled ''Lincoln Highway Special Resource Study and Environmental Assessment,'' pursuant to Public Law 106–583; to the Committee on Resources.

9327. A letter from the General Counsel, Architectural and Transportation Barriers Compliance Board, transmitting the Boards's ''Major'' final rule — Americans with Disabilities (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines [Docket No. 99-1] (RIN: 3014-AA20) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9328. A letter from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting the Department's final rule — U.S. Treasury Securities — State and Local Government Series — received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9329. A letter from the Assistant Chief, RPD, TTB, Department of the Treasury, transmitting the Department's final rule — Establishment of Salado Creek Viticultural Area (2003R-025P) [T.D.TTB-13; Notice No. 20] (RIN: 1513-AA69) received received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9330. A letter from the Assistant Chief, RPD, TTB, Department of the Treasury, transmitting the Department's final rule — San Bernabe and San Lucas Viticultural Areas (2001R-170P) [T.D.TTB-14; Re; Notice No. 8] (RIN: 1513-AA28) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9331. A letter from the Chief Counsel, Bureau of Public Debt, Fiscal Service, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series HH — received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9332. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Import Restrictions Imposed on Archaeological Material Originating in Honduras [CBP Dec. 04-08] (RIN: 1505-AB50) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9333. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Port Limits of Memphis, Tennessee [CBP Dec. 04-22] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9334. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Repayment of Non-Federal Loans Used to Pay Unemployment Compensation — received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9335. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Qualified residential rental projects (Rev. Proc. 2004-39) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9336. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Effective Date of Relative Value Regulations (Announcement 2004-58) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9337. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Charitable Contributions and Conservation Easements [Notice 2004-41] received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9338. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Allocation of income and deductions amoung taxpayers (Rev. Proc. 2004-40) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9339. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-74) received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9340. A letter from the Acting Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines: IRC 351 Contingent Liability Capital Loss Transactions — received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9341. A letter from the Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-72) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9342. A letter from the Chief, Publications & Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-73) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9343. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Action on Decision in United States v. Roland Harry Macher (In re Macher) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9344. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Payment Card Agent Determination (Rev. Proc. 2004-42) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9345. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Pre-Filing Agreement Program of the Large and Mid-Size Business Division for the Calendar Year 2003 (Announcement 2004-59) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9346. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Income from sources within the United States (Rev. Rul. 2004-75) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9347. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information Reporting and Backup Withholding for Payment Card Transactions [TD 9136] (RIN: 1545-BA17) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9348. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Request for comments on the use of debit cards to provide qualified transportation

fringes under section 132(f) [Notice 2004-46] received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9349. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rents and Royalties [TD 9135] (RIN: 1545-BB44) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9350. A letter from the Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax Analysts v. Internal Revenue Service — received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9351. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Services's Final Rule- Partnership Transactions Involving Long-Term Contracts [TD 9137] (RIN: 1545-BA81) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9352. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Physicians Referrals to Health Care Entities With Which They Have Financial Relationships: Extension of Partial Delay of Effective Date [CMS-1809-F5] (RIN: 0938-AM99) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE. Committee on International Relations. House Resolution 699. Resolution directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, adversely; (Rept. 108–631). Referred to the House Calendar.

Mr. HUNTER. Committee on Armed Services. House Resolution 689. Resolution of inquiry requesting the President and directing certain other Federal officials to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the treatment of prisoners or detainees in Iraq, Afghanistan, or Guantanamo Bay, adversely; (Rept. 108–632). Referred to the House Calendar.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2005 (Rept. 108–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON: Committee on Energy and Commerce. H.R. 4501. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes (Rept. 108–634). Referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than October 1, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

H.R. 3800. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

H.R. 3925. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK (for himself, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. CULBERSON, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mrs. EMERSON, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. HAYWORTH, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MCCOTTER, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. PENCE, Mr. PITTS, Mr. SESSIONS, Mr. SHUSTER, Mr. SMITH of Michigan, Mr. TANCREDO, Mr. TIAHRT, Mr. WAMP, Mr. WELDON of Florida, Mr. WICKER, Mr. WILSON of South Carolina, Mr. BRADY of Texas, and Mr. COLLINS):

H.R. 4892. A bill to establish that marriage in the United States consists only of the union of a man and a woman; to the Committee on the Judiciary.

By Mr. CALVERT (for himself and Mrs. NAPOLITANO):

H.R. 4893. A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978; to the Committee on Resources.

By Mr. MCINTYRE:

H.R. 4894. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for entitlement to disability benefits and to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. TOOMEY, Mr. FLAKE, Ms. DUNN, Mr. SHADEGG, Mr. FEENEY, Mr. SMITH of Michigan, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. HOEKSTRA, Mr. OTTER, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mr. PITTS, and Mr. WILSON of South Carolina):

H.R. 4895. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for enhanced retirement security in the form of an Individual Investment Program; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. DEFAZIO, Mr. CUMMINGS, Mr. BLUMENAUER, Mr. LARSEN of Washington, Mr. BISHOP of New York, and Mr. MEEHAN):

H.R. 4896. A bill to provide for the security of the United States railroad system; to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mr. PALLONE, Mr. SAXTON, Mr. WELDON of Pennsylvania, Mr. SHAYS, Mr. FARR, Mr. SANDERS, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. CASE, Mr. HONDA, Mr. DOGGETT, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. WEXLER, Mr. ENGEL, Ms. WOOLSEY, Ms. BORDALLO, Mr. FALEOMAVAEGA, Ms. LORETTA SANCHEZ of California, and Mr. KUCINICH):

H.R. 4897. A bill to protect deep sea corals and sponges, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. DINGELL, Mr. WAXMAN, Mr. RANGEL, Mr. STARK, Mr. STRICKLAND, Mr. ENGEL, and Mr. PALLONE):

H.R. 4898. A bill to amend title XVIII of the Social Security Act to modernize the Medicare Program by ensuring that appropriate preventive services are covered under such program; 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. BROWN of Ohio:

H.R. 4899. A bill to amend the Public Health Service Act and the Internal Revenue Code of 1986 to require agreements regarding the wholesale price of brand-name prescription drugs as a condition of the allowance of certain tax deductions and credits; 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. GREENWOOD (for himself, Mr. FARR, Mr. WELDON of Pennsylvania, Mr. ALLEN, and Mr. GERLACH):

H.R. 4900. A bill to establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a National Oceans Council, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself and Ms. ROS-LEHTINEN):

H.R. 4901. A bill to promote freedom, fairness, and economic opportunity by establishing a National Enterprise Zone system to promote prosperity in economically depressed areas; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. POMEROY, Mr. BISHOP of Georgia, Mr. BURR, Mr. KILDEE, Mr. KIND, Mr. KING of Iowa, Mr. MCHUGH, Mr. MCINTYRE, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. PETERSON of Pennsylvania, Mr. RYUN of Kansas, Mr. SANDERS, Mr. SHUSTER, Mr. TOWNS, Mr. BOUCHER, Mr. LUCAS of Oklahoma, Mr. STENHOLM, Mr. BASS, Mr. SANDLIN, Mr. MANZULLO, Mr. RENZI, Mr. HEFLEY, Mr. UDALL of New Mexico, Mr. ROSS, Mr. NEY, Mrs. EMERSON, and Mr. ALEXANDER):

H.R. 4902. A bill to extend the temporary increase in payments under the Medicare Program for home health services furnished in a rural area; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. DINGELL, Mr. RANGEL, Mr. STARK, and Mr. WAXMAN):

H.R. 4903. A bill to amend title XVIII of the Social Security Act to provide for improved accountability in the Medicare Advantage and prescription drug programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4904. A bill to amend title II of the Social Security Act to provide certain benefits under that Act to individuals who served in the United States Merchant Marine during World War II; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. TOWNS, Mr. PICKERING, Mr. CUMMINGS, Mrs. CAPITO, Ms. DELAURO, Mr. SPRATT, Mr. RUSH, Mr. MARSHALL, and Mr. DAVIS of Illinois):

H.R. 4905. A bill to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Energy and Commerce.

By Mr. HAYWORTH (for himself, Mr. BOEHNER, and Mr. ISSA):

H.R. 4906. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Education and the Workforce.

By Mr. ISSA (for himself and Mr. CALVERT):

H.R. 4907. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects; to the Committee on Resources.

By Mr. ISSA:

H.R. 4908. A bill to transfer certain land in Riverside County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Wisconsin (for himself, Mr. SOUDER, Mr. EHLERS, Mr. RADANOVICH, and Mr. PITTS):

H.R. 4909. A bill to establish the Office of Faith-Based and Community Initiatives; to the Committee on Government Reform.

By Ms. HERSETH (for herself, Ms. PELOSI, Mr. STARK, Mr. MATSUI, Mr. RANGEL, Mr. MARKEY, Mr. LAMPSON, Mr. LANTOS, Mr. COSTELLO, Mr. RYAN of Ohio, Mr. CHANDLER, Mr. SANDLIN, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. MCNULTY, Mr. WAXMAN, Mr. SERRANO, Mr. GEORGE MILLER of California, Mr. DAVIS of Illinois, Mr. NEAL of Massachusetts, Mrs. MCCARTHY of New York, Mr. DOGGETT, Mr. MICHAUD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. BECERRA, Mr. RODRIGUEZ, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. BROWN of Ohio, Mr. COOPER, Mrs. TAUSCHER, Mr. BERMAN, Mr. BOSWELL, Ms. MCCOLLUM, Mr. ALLEN, Mr. DEFAZIO, Mr. SANDERS, Mr. FILNER, Mr. GONZALEZ, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. CLAY, Mr. WEINER, Mr. NADLER, Ms. BERKLEY, Mr. ETHERIDGE, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, Mr. CROWLEY, Mr. DAVIS of Alabama, Ms. SOLIS, Mr. FARR, Mr. HINCHEY, Mr. GREEN of Texas, Mr. OLVER, Mr. KLECZKA, Mr. JOHN, Mr. TOWNS, Mr. ROSS, Mr. EDWARDS, Mr. DAVIS of Tennessee, Mr. MARSHALL, Mr. BISHOP of New York, Mrs. DAVIS of California, Mr. LUCAS of Kentucky, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Ms. WATSON, Mr. CAPUANO, Mr. FROST, Mr. OBEY, Ms. SCHAKOWSKY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. RUPPERSBERGER, Mr. DAVIS of Florida, Mr. CUMMINGS, and Ms. JACKSON-LEE of Texas):

H.R. 4910. A bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA); 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. DOGGETT (for himself, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. REYES, Mr. GONZALEZ, Mr. HINOJOSA, Mr. BELL, Mr. EDWARDS, Mr. FROST, Mr. GREEN of Texas, Mr. HALL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. SANDLIN, Mr. STENHOLM, Mr. THORNBERRY, Mr. TURNER of Texas, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, Ms. VELAZQUEZ, and Mr. MENENDEZ):

H.R. 4911. A bill to designate the facility of the United States Postal Service located at 102 East Alexander Street in Three Rivers, Texas, as the ''Private Felix Z. Longoria Veterans' Memorial Post Office''; to the Committee on Government Reform.

By Mr. ACKERMAN:

H.R. 4912. A bill to amend the Internal Revenue Code of 1986 to expand the Hope Scholarship Credit to allow a credit without limitation for 50 percent of higher education expenses; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 4913. A bill to provide for the protection and preservation of certain rare paleontological resources on the former Union Chapel Mine site in Alabama, and for other purposes; to the Committee on Resources.

By Mr. MICA (for himself, Mr. DEFAZIO, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. HOLDEN, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. EHLERS, Mr. PEARCE, Mr. BAKER, Mr. SHUSTER, Ms. NORTON, Mr. MORAN of Kansas, Mr. MATHESON, Mr. DUNCAN, Mr. RAHALL, Mr. CAPUANO, Mr. LOBIONDO, Mr. CHOCOLA, Mr. PASCRELL, Mr. ISAKSON, Mr. BEAUPREZ, Mr. HAYES, Mr. KENNEDY of Minnesota, Mr. BACHUS, Mr. DOOLITTLE, Mr. REHBERG, Mr. GRAVES, Mr. BOOZMAN, Mr. GERLACH, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 4914. A bill to amend title 49, United States Code, to clarify the importance of utilizing existing, as well as emerging, biometric technology to improve aviation security, including airport perimeter access security; to the Committee on Transportation and Infrastructure.

By Mr. FERGUSON:

H.R. 4915. A bill to amend the Internal Revenue Code of 1986 to encourage investment in small companies; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 4916. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. SENSENBRENNER, Mr. HOYER, Mr. HYDE, Mr. CONYERS, Mr. SMITH of Texas, Mr. BERMAN, Mr. CHABOT, Mr. BOUCHER, Mr. BACHUS, Mr. NADLER, Mr. HOSTETTLER, Mr. CARTER, Mr. WATT, Mr. FEENEY, Ms. JACKSON-LEE of Texas, Mr. DOOLITTLE, Mr. DELAHUNT, Mr. WOLF, Mr. FRANK of Massachusetts, Mr. SCHIFF, Mr. OSE, Mr. COBLE, Ms. LOFGREN, Mr. GALLEGLY, Mr. WEXLER, Mr. KELLER, Mr. WEINER, Ms. HART, Ms. LINDA T. SANCHEZ of California, Mr. PENCE, Ms. ESHOO, and Mr. FORBES):

H.R. 4917. A bill to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007, and for other purposes; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.R. 4918. A bill to provide for the conveyance of certain Federal land administered by the Department of Agriculture in the City of Bastrop, Louisiana, to the City to permit the City to establish and operate a regional emergency services training center for firefighters, police, and EMS personnel serving rural communities in northeast Louisiana, southern Arkansas, and western Mississippi; to the Committee on Agriculture.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 4919. A bill to amend part D of title XVIII of the Social Security Act to provide for the offering of a Federal national prescription drug discount card program; 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. BAIRD:

H.R. 4920. A bill to suspend temporarily the duty on amyl-anthraquinone; to the Committee on Ways and Means.

By Ms. BERKLEY:

H.R. 4921. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the conservation of water; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Mr. SIMMONS, and Mr. PALLONE):

H.R. 4922. A bill to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADLEY of New Hampshire:

H.R. 4923. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CORRINE BROWN of Florida (for herself and Mr. CRENSHAW):

H.R. 4924. A bill to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. BURNS (for himself, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. ROGERS of Alabama, Mr. DUNCAN, Mr. BONNER, Mr. PICKERING, Mr. BARRETT of South Carolina, Mr. MARSHALL, Mr. KINGSTON, and Ms. MAJETTE):

H.R. 4925. A bill to require a study and report regarding the construction and designation of a new Interstate from Augusta, Georgia to Natchez, Mississippi; to the Committee on Transportation and Infrastructure.

By Mr. BURNS (for himself, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. ROGERS of Alabama, Mr. DUNCAN, Mr. BONNER, Mr. PICKERING, Mr. BARRETT of South Carolina, and Ms. MAJETTE):

H.R. 4926. A bill to require a study and report regarding the construction and designation of a new interstate from Savannah, Georgia to Knoxville, Tennessee; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. JEFFERSON, Mr. ENGLISH, Mr. NEAL of Massachusetts, and Mr. POMEROY):

H.R. 4927. A bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare Program for beneficiaries with kidney disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE:

H.R. 4928. A bill to prohibit the import, export, and take of certain coral reef species, and for other purposes; to the Committee on Resources, and in addition to the Committees on Ways and Means, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 4929. A bill to require the Secretary of Homeland Security to establish at least one Border Patrol unit for the Virgin Islands of the United States; to the Committee on the Judiciary.

By Mr. COX (for himself and Mr. GIBBONS):

H.R. 4930. A bill to amend the Homeland Security Act of 2002 to enhance homeland security information sharing and analysis, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Government Reform, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. ROGERS of Michigan, and Mr. LEVIN):

H.R. 4931. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new commercial and consumer motor vehicles with intelligent vehicle technology systems; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 4932. A bill to establish management priorities for Federal forest lands in Oregon and Washington located west of the Cascade Crest that will protect old growth timber while improving the health of young managed stands, increasing the volume of commercial timber available from these lands, and providing economic opportunities in local communities, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself, Mr. MARKEY, Mr. CAPUANO, Mr. FRANK of Massachusetts, Mr. LYNCH, Mr. MCGOVERN, Mr. MEEHAN, Mr. OLVER, and Mr. NEAL of Massachusetts):

H.R. 4933. A bill to require the prompt review by the Secretary of the Interior of the long-standing petition by the Mashpee Wampanoag Tribe for Federal recognition, and for other purposes; to the Committee on Resources.

By Mr. DICKS (for himself, Mr. SMITH of Washington, and Mr. INSLEE):

H.R. 4934. A bill to direct the Secretary of the Interior to take certain tribally-owned reservation land into trust for the Puyallup Tribe; to the Committee on Resources.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, and Mrs. CAPPS):

H.R. 4935. A bill to amend titles XIX and XXI of the Social Security Act to clarify and ensure that the authority granted to the Secretary of Health and Human Services under section 1115 of that Act is used solely to promote the objectives of the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself and Mr. BARTON of Texas):

H.R. 4936. A bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BECERRA, Mr. BELL, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TANNER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 4937. A bill to amend the Lobbying Disclosure Act of 1995 to require certain coalitions and associations to disclose their lobbying activities; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BECERRA, Mr. BELL, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TANNER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 4938. A bill to amend the Internal Revenue Code of 1986 to require disclosure of lobbying activities by certain organizations; to the Committee on Ways and Means.

By Mr. FORD (for himself, Mr. PETRI, Mr. KENNEDY of Rhode Island, and Mr. ENGLISH):

H.R. 4939. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. DINGELL, Mr. GREENWOOD, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. UPTON, Mr. HALL, Mr. STEARNS, Mr. PICKERING, Mr. TAUZIN, Mr. TERRY, Mr. RADANOVICH, Mr. PITTS, Mr. DEAL of Georgia, Mrs. CUBIN, Mrs. MILLER of Michigan, Mr. OXLEY, Mr. BUYER, Mr. BILIRAKIS, Mr. KILDEE, Mr. SULLIVAN, Mr. GREEN of Texas, Mr. BROWN of Ohio, Mr. STRICKLAND, Mr. LEVIN, and Mr. ISSA):

H.R. 4940. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State and foreign municipal solid waste, to direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation of municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GRANGER (for herself and Mr. HOYER):

H.R. 4941. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 4942. A bill to prohibit certain forms of material support for terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself and Mr. KOLBE):

H.R. 4943. A bill to provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona for the purpose of consolidating Federal land ownership within the boundaries of the Ironwood Forest National Monument and the Las Cienegas National Conservation Area, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington (for himself, Mr. OTTER, Ms. DUNN, Ms. HOOLEY of Oregon, Mr. NETHERCUTT, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WALDEN of Oregon, Mr. INSLEE, Mr. SIMPSON, Mr. WU, and Mr. BAIRD):

H.R. 4944. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Resources.

By Mr. HAYES:

H.R. 4945. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding employment in rural areas by allowing employers the work opportunity credit for hiring residents of rural areas; to the Committee on Ways and Means.

By Mr. HEFLEY (for himself, Mr. GARRETT of New Jersey, Mr. UDALL of Colorado, Mr. MILLER of Florida, Mr. GOODE, and Mr. TANCREDO):

H.R. 4946. A bill to provide for the orderly termination of the United States Court of Federal Claims, and for other purposes; to the Committee on the Judiciary.

By Mr. HERGER (for himself and Mr. GEORGE MILLER of California):

H.R. 4947. A bill to suspend the duty on certain educational toys and devices; to the Committee on Ways and Means.

By Ms. HERSETH:

H.R. 4948. A bill to facilitate economic growth and development and to promote Tribal sovereignty, by encouraging a dramatic increase in the number of individuals with higher education degrees working within and for Indian Country; to the Committee on Education and the Workforce.

By Ms. HERSETH:

H.R. 4949. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Resources.

By Ms. HERSETH (for herself and Mr. EVANS):

H.R. 4950. A bill to amend title 38, United States Code, to extend the requirement for biennial reports from the Advisory Committee on Former Prisoners of War; to the Committee on Veterans' Affairs.

By Mr. HOLT:

H.R. 4951. A bill to require the videotaping of interrogations and other pertinent actions between a detainee or prisoner in the custody or under the effective control of the armed forces of the United States pursuant to an interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the armed forces of the United States, an intelligence operative of the United States, or a contractor of the United States; to the Committee on Armed Services.

By Mr. HOLT:

H.R. 4952. A bill to suspend temporarily the duty on methacrylamido etheleneurae monomer; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4953. A bill to suspend temporarily the duty on allyl ureido monomer; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 4954. A bill to amend the Family and Medical Leave Act of 1993 to authorize leave for the immediate family members of a member of the uniformed services who dies in the line of duty to facilitate the attendance of immediate family members at the burial ceremony of the member, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY of Oregon:

H.R. 4955. A bill to regulate interstate commerce by prohibiting the sale of children's personally identifiable information for commercial marketing purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. BARTLETT of Maryland, Mr. FLAKE, and Mr. DELAHUNT):

H.R. 4956. A bill to amend title 18, United States Code, to provide penalties for accessing certain electronic communications in a manner that violates consumer privacy, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHN:

H.R. 4957. A bill to ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

By Mr. JOHN:

H.R. 4958. A bill to direct the Secretary of the Interior to conduct a sale of oil and gas leases on certain submerged lands of the outer Continental Shelf in the Eastern Gulf of Mexico; to the Committee on Resources.

By Mr. JOHN:

H.R. 4959. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land, to protect the public's ability to fish for sport, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4960. A bill to prohibit the anticipated extreme reduction in the national marketing quotas for the 2005 crop of Flue-cured and Burley tobacco, which, if permitted to occur, would mean economic ruin for tobacco farmers and their families; to the Committee on Agriculture.

By Mr. KING of New York (for himself and Mr. BROWN of Ohio):

H.R. 4961. A bill to extend State Medicaid fiscal relief; to the Committee on Energy and Commerce.

By Mr. LAMPSON (for himself and Mr. GRIJALVA):

H.R. 4962. A bill to create a commemorative currency program featuring each of the 50 State capitols or statehouses on the $1 Federal reserve note, and for other purposes; to the Committee on Financial Services.

By Mr. LAMPSON (for himself, Mr. PAYNE, Mr. OWENS, and Mr. KUCINICH):

H.R. 4963. A bill to amend title 5, United States Code, to allow Federal employees to take time off from work, without loss of time or pay, for the purpose of donating blood; to the Committee on Government Reform.

By Mr. LANGEVIN:

H.R. 4964. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. ACKERMAN, and Mr. SHERMAN):

H.R. 4965. A bill to impose sanctions on foreign entities that engage in certain nuclear proliferation activities, and for other purposes; to the Committee on International Relations.

By Mr. LARSON of Connecticut:

H.R. 4966. A bill to amend the Help America Vote Act of 2002 to require the software used in the operation of an electronic voting machine to meet certain requirements as a condition of the use of the machine in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. LARSON of Connecticut:

H.R. 4967. A bill to amend titles XVIII and XIX of the Social Security Act to require automatic fire sprinkler systems in all nursing facilities participating in the Medicare or Medicaid Programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 4968. A bill to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the ''Bill Monroe Post Office''; to the Committee on Government Reform.

By Mrs. MALONEY (for herself and Mr. CLAY):

H.R. 4969. A bill to require the annual poverty estimate and the National Assessment of Educational Progress to be subject to certain guidance on the release of information to the public; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself, Mr. HOLT, Mr. MCDERMOTT, and Mr. OWENS):

H.R. 4970. A bill to amend title 49, United States Code, to repeal the security screening opt-out program for airport operators; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY (for herself, Ms. LEE, Ms. WATSON, Mr. JACKSON of Illinois, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. CHANDLER, Ms. MCCARTHY of Missouri, Mr. GRIJALVA, Mr. SHERMAN, Mr. MCDERMOTT, Mr. CONYERS, Mr. SANDERS, and Mr. MEEKS of New York):

H.R. 4971. A bill to amend the Rules of the House of Representatives to prohibit behavior that threatens that institution, and for other purposes; to the Committee on Rules, 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. MARKEY (for himself, Ms. LINDA T. SANCHEZ of California, Mr. MCNULTY, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. FROST, Mr. OWENS, Mr. HINCHEY, and Mr. DEUTSCH):

H.R. 4972. A bill to amend the National Voter Registration Act of 1993 to permit certain individuals who are under the minimum legal voting age to complete voter registration application forms, and for other purposes; to the Committee on House Administration.

By Mrs. MCCARTHY of New York (for herself, Ms. PRYCE of Ohio, Mr. GREEN of Texas, Mr. PAYNE, Mr. FATTAH, and Mr. BERMAN):

H.R. 4973. A bill to authorize the Project GRAD program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MEEKS of New York:

H.R. 4974. A bill to provide health services for individuals assisting with the response to the terrorist attacks in New York City on September 11, 2001, and for other purposes; 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. MEEKS of New York:

H.R. 4975. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the international transportation of individuals by water, to establish the Caribbean

Ports and Infrastructure Improvement Trust Fund and the Water and Marine Wildlife Protection Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Ms. SLAUGHTER, Ms. DEGETTE, and Mrs. DAVIS of California):

H.R. 4976. A bill to amend title 10, United States Code, to require emergency contraception to be included on the uniform formulary of pharmaceutical agents of the pharmacy benefits program of the Department of Defense; to the Committee on Armed Services.

By Mr. NADLER (for himself, Ms. SCHAKOWSKY, Mr. KUCINICH, and Mrs. MALONEY):

H.R. 4977. A bill to amend title 18, United States Code, to protect the reasonable expectation of privacy of users of e-mail, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 4978. A bill to amend part D of title XVIII of the Social Security Act to condition the payment of employer prescription drug subsidies on the maintenance of current prescription drug benefits; 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. NETHERCUTT (for himself, Mrs. DAVIS of California, Mr. GERLACH, Mr. SESSIONS, and Mr. VITTER):

H.R. 4979. A bill to amend the Public Health Service Act to provide for educational activities and research with respect to women's pelvic floor health through the Centers for Disease Control and Prevention and the National Institutes of Health; to the Committee on Energy and Commerce.

By Mr. OSE (for himself, Mr. DELAY, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. SESSIONS, Mr. HOBSON, Mr. ROHRABACHER, Mr. GIBBONS, Mr. NEUGEBAUER, Mr. BAKER, Mr. SMITH of Texas, Mr. DUNCAN, Mr. MCKEON, Mr. HYDE, Mr. SOUDER, Mr. OSBORNE, Mr. CANNON, and Mr. RADANOVICH):

H.R. 4980. A bill to direct the Secretary of the Interior to arrange for the carving of the figure of former President Ronald Reagan on Mount Rushmore National Memorial, and for other purposes; to the Committee on Resources.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 4981. A bill to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes; to the Committee on Resources.

By Mr. PASCRELL (for himself, Mr. HINCHEY, Mr. WELDON of Pennsylvania, Mr. STENHOLM, Mr. PALLONE, Mr. GREEN of Texas, and Mr. OWENS):

H.R. 4982. A bill to establish a Probation and Parole Officer Safety Task Force within the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mr. HINCHEY, Mr. ENGLISH, Mr. FROST, Mr. UPTON, Mr. REYES, Ms. HARRIS, Mr. JEFFERSON, Ms. ROS-LEHTINEN, Mr. RUPPERSBERGER, Mr. SOUDER, Mr. PAYNE, Mr. GREENWOOD, Mr. PALLONE, Mr. WELDON of Pennsylvania, Ms. LEE, Mr. MCHUGH, Mr. OWENS, Ms. HART, Mr. FATTAH, Mr. VITTER, Mr. ALLEN, and Ms. LORETTA SANCHEZ of California):

H.R. 4983. A bill to amend the Internal Revenue Code of 1986 to provide a credit to businesses whose employees teach at community colleges; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 4984. A bill to provide that the royalty rate on the output from Federal lands of potassium and potassium compounds from the mineral sylvite in the 5-year period beginning on the date of the enactment of this Act shall be reduced to 1.0 percent, and for other purposes; to the Committee on Resources.

By Mr. PRICE of North Carolina (for himself and Mr. CASTLE):

H.R. 4985. A bill to amend the Federal Election Campaign Act of 1971 to clarify the requirements for the disclosure of identifying information within authorized campaign communications which are printed, to apply certain requirements regarding the disclosure of identifying information within communications made through the Internet, to apply certain disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. ROGERS of Michigan:

H.R. 4986. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that measures consistent with the obligations of the United States under the World Trade Organization be taken to offset any disadvantage to United States producers resulting from China's exchange rate policies; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. LOBIONDO, and Mr. ANDREWS):

H.R. 4987. A bill to provide for priority funding of water, waste disposal, and wastewater facility loans and grants and community facilities loans and grants for the communities in Burlington and Camden counties in New Jersey, affected by the flood which occurred on July 12, 2004; to the Committee on Agriculture.

By Ms. SCHAKOWSKY (for herself, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. STRICKLAND, Mr. HINCHEY, Mr. EVANS, Mr. OWENS, Ms. LEE, Mr. OLVER, Mr. MCGOVERN, Ms. WATERS, Mr. DEFAZIO, and Mr. PALLONE):

H.R. 4988. A bill to amend title 36, United States Code, to require the observance of certain labor standards by companies that enter into licensing agreements with the United States Olympic Committee; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. CONYERS, Mrs. JONES of Ohio, and Mr. ROHRABACHER):

H.R. 4989. A bill to require an annual Department of State report on information relating to the promotion of religious freedom, democracy, and human rights in foreign countries by individuals, nongovernmental organizations, and the media in those countries, and for other purposes; to the Committee on International Relations.

By Mr. SESSIONS:

H.R. 4990. A bill to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Dr. Robert E. Price Post Office Building''; to the Committee on Government Reform.

By Mr. SESSIONS:

H.R. 4991. A bill to designate the facility of the United States Postal Service located at 9130 Markville Drive in Dallas, Texas, as the ''Vaughn Gross Post Office Building''; to the Committee on Government Reform.

By Mr. SHADEGG (for himself, Mr. NORWOOD, and Mr. THORNBERRY):

H.R. 4992. A bill to amend the Public Health Service Act to protect certain health care providers against legal liability for providing emergency and related care to uninsured individuals; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. FLAKE, Mr. NORWOOD, and Mr. THORNBERRY):

H.R. 4993. A bill to limit the liability of hospitals and emergency departments for noneconomic and punitive damages when providing uncompensated care, and for other purposes; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Ms. SOLIS, Mrs. BIGGERT, Mr. BOEHLERT, Mr. CASE, Mrs. DAVIS of California, Ms. DELAURO, Mr. DOGGETT, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. INSLEE, Mrs. JONES of Ohio, Mrs. JOHNSON of Connecticut, Mr. KUCINICH, Ms. LEE, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SIMMONS, Mr. STARK, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 4994. A bill to amend the Elementary and Secondary Education Act of 1965 to direct certain coeducational elementary and secondary schools to make available information on equality in school athletic programs, and for other purposes; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER:

H.R. 4995. A bill to require the acquisition of intermittent escalators by Federal agencies; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself and Ms. SCHAKOWSKY):

H.R. 4996. A bill to enhance Federal Trade Commission enforcement against cross-border fraud and deception; to the Committee on Energy and Commerce.

By Mr. STENHOLM (for himself, Mr. ALEXANDER, Mr. BACA, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BOYD, Mr. CARDOZA, Mr. CASE, Mr. CHANDLER, Mr. COOPER, Mr. CRAMER, Mr. DAVIS of Tennessee, Ms. HARMAN, Ms. HERSETH, Mr. HILL, Mr. HOLDEN, Mr. LUCAS of Kentucky, Mr. MICHAUD, Mr. MOORE, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. ROSS, Mr. SANDLIN, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. TURNER of Texas, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. FORD, and Mr. MCINTYRE):

H.R. 4997. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for middle income taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. STRICKLAND:

H.R. 4998. A bill to make funds available to pay the United States prisoners of war that brought suit against the Government of Iraq in the case of Acree v. Republic of Iraq; to the Committee on International Relations.

By Mr. VAN HOLLEN:

H.R. 4999. A bill to repeal the provisions of law making reemployed annuitants ineligible for physicians comparability allowances under title 5, United States Code, and special pay for physicians and dentists under

title 38, United States Code; to the Committee on Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself and Mr. ISSA):

H.R. 5000. A bill to require the Secretaries of Health and Human Services, Defense, and Homeland Security to carry out activities toward bringing to market effective medical countermeasures to radiation from a nuclear or radiological attack; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. ALLEN, and Mr. GREENWOOD):

H.R. 5001. A bill to establish a pilot program to develop a comprehensive system of ocean and coastal observations for the Nation's oceans, coasts, and Great Lakes, including enhanced security at United States ports, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.J. Res. 101. A joint resolution proposing an amendment to the Constitution of the United States regarding presidential election voting rights for residents of all United States territories and commonwealths; to the Committee on the Judiciary.

By Mr. FERGUSON:

H. Con. Res. 477. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the USS New Jersey and all those who served aboard her; to the Committee on Government Reform.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. SCOTT of Virginia, and Mr. CHABOT):

H. Con. Res. 478. Concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes; to the Committee on the Judiciary.

By Mr. DELAY:

H. Con. Res. 479. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. BURR (for himself and Mr. UDALL of Colorado):

H. Con. Res. 480. Concurrent resolution recognizing the spirit of Jacob Mock Doub and his contribution to encouraging youth to be physically active and fit and expressing the sense of Congress that ''National Take a Kid Mountain Biking Day''should be established in Jacob Mock Doub's honor; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself and Mr. BROWN of Ohio):

H. Con. Res. 481. Concurrent resolution expressing the sense of Congress regarding high level visits by democratically elected officials of Taiwan to the United States; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mrs. CHRISTENSEN, Ms. LEE, Mr. RUSH, Mr. RANGEL, and Mr. CUMMINGS):

H. Con. Res. 482. Concurrent resolution recognizing and celebrating the abolition of slavery more than 150 years ago in the Latin American countries of Mexico, Chile, Uruguay, Bolivia, Colombia, Ecuador, Argentina, Peru, and Venezuela, and for other purposes; to the Committee on International Relations.

By Mr. PASCRELL:

H. Con. Res. 483. Concurrent resolution affirming the support of the Congress for preserving the image of Alexander Hamilton on the face of $10 Federal reserve notes because of his standing as one of the United States' most influential founding fathers; to the Committee on Financial Services.

By Mr. RANGEL:

H. Con. Res. 484. Concurrent resolution expressing the sense of Congress that the Honorable Percy Sutton be recognized as primarily responsible for the rebirth of the legendary Apollo Theatre of Harlem and as a trailblazer in business, politics, telecommunications, and law; to the Committee on Government Reform.

By Mr. SIMMONS (for himself and Mr. EVANS):

H. Con. Res. 485. Concurrent resolution extending the thanks of Congress and the Nation to the Defense POW/Missing Personnel Office and the Joint POW/MIA Accounting Command of the Department of Defense and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H. Res. 741. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. FERGUSON (for himself, Mr. CASTLE, and Mrs. MCCARTHY of New York):

H. Res. 742. A resolution providing for the consideration of the bill (H. R. 3831) to extend the sunset on the assault weapons ban for 10 years; to the Committee on Rules.

By Ms. BORDALLO (for herself, Mr. ACEVEDO-VILA, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Ms. NORTON):

H. Res. 743. A resolution amending the Rules of the House of Representatives to allow Delegates and the Resident Commissioner to file, sign, and call up discharge petitions; to the Committee on Rules.

By Mr. BURTON of Indiana (for himself, Mr. WEXLER, and Mr. BEREUTER):

H. Res. 744. A resolution congratulating the people and Government of the Republic of Indonesia on successfully completing elections for national, provincial, and regional parliamentary representatives, and praising the growth of democracy in Indonesia; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. WAXMAN, and Mr. MARKEY):

H. Res. 745. A resolution of inquiry requesting the President of the United States to provide certain information to the House of Representatives respecting the National Energy Policy Development Group; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. WELDON of Pennsylvania, Mr. BASS, Mr. CASTLE, Mr. GREENWOOD, Mr. BOEHLERT, Mr. SHAYS, Mr. GILCHREST, Mr. RAHALL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. UDALL of New Mexico, and Mr. UDALL of Colorado):

H. Res. 746. A resolution honoring the 40th Anniversary of the Wilderness Act; to the Committee on Resources.

By Ms. LEE:

H. Res. 747. A resolution recognizing the anniversary of the ratification of the 13th Amendment and encouraging the American people to educate and instill pride and purpose into their communities and to observe the anniversary annually with appropriate programs and activities; to the Committee on the Judiciary.

By Ms. LEE:

H. Res. 748. A resolution providing for consideration of the bill (H.R. 1102) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the development, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Rules.

By Mrs. MALONEY:

H. Res. 749. A resolution amending the Rules of the House of Representatives to limit the maximum voting time; to the Committee on Rules.

By Mr. MCCOTTER (for himself and Mr. STUPAK):

H. Res. 750. A resolution recognizing the 130th anniversary of the creation of life-saving stations on the Great Lakes, which became part of the United States Life-Saving Service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Res. 751. A resolution commending the people and the Governments of the Hashemite Kingdom of Jordan, the Kingdom of Bahrain, the State of Kuwait, the State of Qatar, and the Sultanate Oman for their progress toward democratization and political and economic liberalization; to the Committee on International Relations.

By Mr. SHIMKUS (for himself, Mr. SOUDER, and Mr. LIPINSKI):

H. Res. 752. A resolution expressing continued support for the construction of the Victims of Communism Memorial; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H. Res. 753. A resolution expressing the sense of the House of Representatives that a portrait of Dilip Singh Saund should be displayed in an appropriate place in the United States Capitol or in a House Office Building; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

413. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 114 memorializing the Congress of the United States to give priority to the passage of the defense appropriations bill; to the Committee on Armed Services.

414. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resoultion No. 753 memorialzing the Centers for Medicare and Medicaid Services (CMS) to approve Pennsylvania's assessment on Medicaid-participating nursing homes and provide the funding necessary to ensure quality care for Pennsylvania's vulnerable seniors; to the Committee on Energy and Commerce.

415. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resoultion No. 744 memorializing the Congress of the United States to support passage of the Men's Health Act; to the Committee on Energy and Commerce.

416. Also, a memorial of the House of Representatives of the State of Delaware, relative to House Resolution No. 86 recognizing the plight of Falun Gong practitioners in China and memorializing the Congress of the United States to take all appropriate actions and to use all appropriate public and private forums to address this issue; to the Committee on International Relations.

417. Also, a memorial of the Senate of the State of Alaska, relative to Senate Resolution No. 4 memorializing the Congress of the United States to amend the federal Wilderness Act to authorize fishery enhancement programs and similar activities in wilderness areas; to the Committee on Resources.

418. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resoultion No. 57 memorialzing the President and the Congress of the United States to protect and uphold the intent and substance of the United States Supreme Court decision in the Roe v. Wade, relating to reproductive rights, and to encourage all Americans to participate in the national celebration, ''The March for Women's Lives,'' in recognition of that decision's historic importance in promoting women's rights; to the Committee on the Judiciary.

419. Also, a memorial of the General Assembly of the State of New York, relative to Assembly Resolution No. 2139 memorializing the President and the Congress of the United States to approve the Agricultural Job Opportunity, Benefits, and Security Act of 2003 (H.R. 3142 and S. 1645), also known as AgJOBS; to the Committee on the Judiciary.

420. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resoultion No. 16 memorializing airline companies in the United States to permanently establish reduced price airfares for active duty military personnel; to the Committee on Transportation and Infrastructure.

421. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 41 memorializing the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar; to the Committee on Transportation and Infrastructure.

422. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resoultion No. 659 memorializing the Congress of the United states to extend and make retroactive the Federal Temporary Extended Unemployment Compensation (TEUC) program; to the Committee on Ways and Means.

423. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2003 memorializing the Congress of the United States to return responsibility for surface transportation policy to the states by allowing the states to retain federal fuel tax revenues; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KENNEDY of Minnesota:

H.R. 5002. A bill for the relief of Jose Manual Guzman-Morales; to the Committee on the Judiciary.

By Mr. ROTHMAN:

H.R. 5003. A bill for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister; to the Committee on the Judiciary.

By Mr. VAN HOLLEN:

H.R. 5004. A bill for the relief of Judith Atuh Tanjoh, Serge Mbah Tikum, Marie Noel Tikum, Emmanuel Ngwa Tikum, and Roger Fon Tikum; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. VITTER.
H.R. 104: Mr. DOGGETT, Mr. STARK, Mr. RANGEL, Mr. SCHIFF, Mrs. CAPPS, and Mr. ORTIZ.
H.R. 107: Mr. PASCRELL.
H.R. 126: Mr. DEUTSCH.
H.R. 434: Mr. CRAMER, Mr. WELDON of Pennsylvania, Mr. PICKERING, and Mr. FLAKE.
H.R. 545: Mr. PORTER.
H.R. 613: Mr. NORWOOD.
H.R. 614: Mr. NORWOOD.
H.R. 623: Mr. GRIJALVA and Mr. SOUDER.
H.R. 648: Mr. VITTER.
H.R. 677: Mrs. CHRISTENSEN.
H.R. 713: Mr. POMEROY.
H.R. 715: Mr. MARKEY and Mr. VITTER.
H.R. 727: Mr. DEFAZIO.
H.R. 729: Mr. PORTER.
H.R. 745: Mr. FATTAH and Mr. BOSWELL.
H.R. 771: Mr. VITTER.
H.R. 782: Mr. PORTER.
H.R. 792: Mr. LARSEN of Washington.
H.R. 814: Mr. PORTER.
H.R. 834: Mr. KENNEDY of Minnesota.
H.R. 839: Mr. STARK and Mr. MCKEON.
H.R. 879: Mr. PICKERING.
H.R. 935: Mr. PASCRELL.
H.R. 1043: Ms. LORETTA SANCHEZ of California.
H.R. 1083: Mr. VITTER and Mr. MATHESON.
H.R. 1101: Mr. PORTER.
H.R. 1157: Mr. TAYLOR of Mississippi.
H.R. 1205: Mr. THOMPSON of Mississippi and Mr. PASCRELL.
H.R. 1212: Mr. WAMP.
H.R. 1231: Mr. CHANDLER.
H.R. 1294: Mrs. JONES of Ohio and Mr. KIND.
H.R. 1305: Mr. GILLMOR.
H.R. 1310: Mr. KENNEDY of Minnesota.
H.R. 1336: Mr. HOSTETTLER and Mr. OXLEY.
H.R. 1381: Mr. SHERMAN.
H.R. 1422: Mr. VITTER.
H.R. 1430: Mr. SHERMAN.
H.R. 1434: Mr. MEEKS of New York.
H.R. 1448: Mr. SHERMAN.
H.R. 1477: Mr. OLVER.
H.R. 1501: Mr. GILCHREST, Mr. HUNTER, Mr. SAXTON, and Mrs. BONO.
H.R. 1508: Ms. HERSETH.
H.R. 1582: Mr. MATHESON.
H.R. 1684: Mr. LEVIN.
H.R. 1734: Mr. LEWIS of California, Mr. ISRAEL, Mr. GONZALEZ, and Mr. MARSHALL.
H.R. 1736: Mr. MCINTYRE.
H.R. 1746: Mr. NORWOOD.
H.R. 1749: Mrs. BIGGERT.
H.R. 1811: Mr. BEAUPREZ, Mr. WALSH, and Mr. ORTIZ.
H.R. 1916: Mr. SHERMAN.
H.R. 1930: Mr. HASTINGS of Florida and Mr. TOWNS.
H.R. 1993: Mr. DEUTSCH and Mrs. CHRISTENSEN.
H.R. 2173: Mr. VITTER and Mr. LARSEN of Washington.
H.R. 2176: Mr. FERGUSON.
H.R. 2203: Mr. BERMAN and Mr. TIERNEY.
H.R. 2237: Mr. MCHUGH.
H.R. 2239: Mr. WU.
H.R. 2295: Mr. BOSWELL.
H.R. 2318: Mr. DAVIS of Florida.
H.R. 2387: Mr. BERMAN.
H.R. 2426: Mr. DEUTSCH.
H.R. 2509: Mr. TERRY.
H.R. 2541: Mr. PASCRELL.
H.R. 2598: Mr. GRIJALVA.
H.R. 2621: Mr. MICHAUD.
H.R. 2735: Mr. RANGEL.
H.R. 2815: Mr. BLUMENAUER.
H.R. 2863: Mr. NEY.
H.R. 2868: Mr. VITTER.
H.R. 2890: Mr. HEFLEY.
H.R. 2950: Mr. HOYER, Mr. ROGERS of Michigan, and Mr. SHAW.
H.R. 2959: Mr. WICKER and Mr. SHAW.
H.R. 2974: Mr. PASCRELL.
H.R. 3022: Mr. KUCINICH.
H.R. 3069: Mr. VITTER.
H.R. 3103: Mr. SHUSTER.
H.R. 3142: Mr. LEVIN.
H.R. 3148: Mr. TOM DAVIS of Virginia, Mr. KLINE, Mrs. JO ANN DAVIS of Virginia, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, and Mr. CAPUANO.
H.R. 3178: Mr. MURPHY.
H.R. 3193: Mr. REGULA and Mr. PORTMAN.
H.R. 3242: Mrs. TAUSCHER.
H.R. 3243: Mr. WAXMAN.
H.R. 3369: Mr. PENCE.
H.R. 3412: Mr. GREENWOOD, Mr. WAXMAN, Mr. BEAUPREZ, and Mr. PASCRELL.
H.R. 3420: Mr. PASTOR.
H.R. 3446: Mr. SHERMAN.
H.R. 3507: Mrs. NAPOLITANO.
H.R. 3582: Mr. OLVER.
H.R. 3619: Mr. GORDON.
H.R. 3656: Mr. SIMMONS, Mr. HINCHEY, and Mr. ANDREWS.
H.R. 3676: Mr. OLVER.
H.R. 3719: Mr. SHERMAN.
H.R. 3729: Mr. MILLER of Florida, Mr. DAVIS of Tennessee, and Mr. PASCRELL.
H.R. 3784: Mr. BISHOP of Utah.
H.R. 3801: Mr. HASTINGS of Washington.
H.R. 3802: Mr. GERLACH.
H.R. 3815: Mr. PORTER.
H.R. 3831: Mr. WAXMAN and Mr. WEXLER.
H.R. 3858: Mr. BARTLETT of Maryland, Mr. FORBES, Mr. ALLEN, Mr. BERMAN, and Mr. STUPAK.
H.R. 3871: Mr. CARDIN, Mr. OWENS, Mr. LEWIS of California, and Mr. PASCRELL.
H.R. 3881: Mr. SANDLIN and Mr. DEUTSCH.
H.R. 3891: Mr. MILLER of Florida.
H.R. 3892: Mr. MILLER of Florida.
H.R. 3901: Mr. GARRETT of New Jersey.
H.R. 3968: Mr. RANGEL and Mr. COSTELLO.
H.R. 3987: Mr. CONYERS.
H.R. 4017: Mr. GRIJALVA and Mr. OWENS.
H.R. 4020: Mr. BOUCHER.
H.R. 4026: Mr. PENCE and Mr. PASCRELL.
H.R. 4064: Mr. SHADEGG.
H.R. 4067: Mr. PASCRELL, Mr. NADLER, and Ms. JACKSON-LEE of Texas.
H.R. 4069: Mr. SANDERS and Mr. UDALL of New Mexico.
H.R. 4102: Mr. PASCRELL.
H.R. 4113: Mr. REHBERG.
H.R. 4126: Mr. KING of New York.
H.R. 4129: Mr. FERGUSON, Mr. SHADEGG, and Mr. SAXTON.
H.R. 4151: Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. TOWNS, Mr. PITTS, and Mr. BURGESS.
H.R. 4155: Mr. DEUTSCH.
H.R. 4225: Mr. MILLER of Florida.
H.R. 4230: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4249: Mr. GONZALEZ, Mr. GORDON, Mr. MOLLOHAN, Mr. HINOJOSA, Mr. BELL, Mr. SESSIONS, Mr. OBEY, Mrs. CHRISTENSEN, Ms. NORTON, Mr. ACEVEDO-VILA, Mr. MORAN of Virginia, Mr. WOLF, Mr. KENNEDY of Rhode Island, Mr. BOSWELL, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. BURTON of Indiana, Mr. MCGOVERN, Mr. STRICKLAND, Mr. SCHIFF, Mr. FORD, Mr. CAPUANO, Mr. HINCHEY, Mr. EDWARDS, Mr. BROWN of Ohio, Mr. OSE, Mr. MCINTYRE, Mr. WATT, and Mr. BAIRD.
H.R. 4256: Mrs. MALONEY.
H.R. 4262: Mr. PAYNE and Mr. PALLONE.
H.R. 4263: Mr. MORAN of Virginia.

H.R. 4283: Mr. ISAKSON, Mr. NUSSLE, and Mr. LATHAM.
H.R. 4306: Mr. BERMAN.
H.R. 4316: Mr. MORAN of Virginia.
H.R. 4346: Mr. HASTINGS of Florida, Mr. OLVER, and Mr. MOORE.
H.R. 4354: Mr. OLVER.
H.R. 4356: Mr. SMITH of Washington.
H.R. 4358: Mr. GERLACH.
H.R. 4366: Ms. DELAURO, Mr. SANDERS, Mr. KUCINICH, and Mr. GRIJALVA.
H.R. 4367: Mr. REYES and Mr. BOUCHER.
H.R. 4377: Mr. MCDERMOTT.
H.R. 4391: Mr. HALL.
H.R. 4392: Mr. GOODLATTE and Mr. MORAN of Virginia.
H.R. 4420: Mr. PETRI, Mr. KINGSTON, and Mr. PICKERING.
H.R. 4433: Mr. CASTLE and Mr. MORAN of Virginia.
H.R. 4440: Mr. ROHRABACHER and Mr. FOLEY.
H.R. 4445: Mr. DAVIS of Alabama and Mr. PAYNE.
H.R. 4474: Mr. BECERRA and Mr. BERMAN.
H.R. 4491: Mr. KANJORSKI, Ms. SLAUGHTER, Mr. PRICE of North Carolina, Mr. LAHOOD, and Mr. DOYLE.
H.R. 4493: Mr. WAXMAN, Mr. BECERRA, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. CHRISTENSEN, Mr. FATTAH, Mr. MCCOTTER, Mrs. LOWEY, Mr. OWENS, and Ms. SOLIS.
H.R. 4496: Mr. MCKEON, Mr. NORWOOD, Mr. UPTON, Mr. EHLERS, Mr. ISAKSON, Mr. BURNS, and Mr. VITTER.
H.R. 4502: Mr. SOUDER, Mr. MCCOTTER, and Mr. VITTER.
H.R. 4530: Mrs. MYRICK.
H.R. 4546: Mr. OWENS and Ms. BORDALLO.
H.R. 4576: Mr. SHIMKUS and Mr. MANZULLO.
H.R. 4578: Mr. TURNER of Ohio, Mr. CRAMER, Mrs. DAVIS of California, Mr. INSLEE, Mr. FILNER, Mr. STRICKLAND, Mr. LARSEN of Washington, Mr. ISSA, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mr. COSTELLO, Mr. TURNER of Texas, and Mr. WELLER.
H.R. 4585: Mr. GORDON, Mr. SERRANO, Mr. GRIJALVA, Mr. PALLONE, Ms. SOLIS, Mr. SANDERS, Mr. MCDERMOTT, Mr. CROWLEY, Mr. FATTAH, and Mr. EMANUEL.
H.R. 4595: Mr. MORAN of Virginia, Mr. LARSON of Connecticut, Ms. SOLIS, Mr. HINOJOSA, Mr. ACEVEDO-VILA, Ms. LINDA T. SANCHEZ of California, Mr. ORTIZ, and Mr. RODRIGUEZ.
H.R. 4605: Mr. OLVER, Mr. RAMSTAD, and Mr. LEWIS of Georgia.
H.R. 4610: Mr. SOUDER.
H.R. 4628: Mr. PASCRELL.
H.R. 4634: Mr. GARY G. MILLER of California, Mr. NETHERCUTT, Mr. RENZI, Mr. LATOURETTE, Mr. ISSA, Mr. OSE, Mr. WELLER, Mr. CALVERT, Mr. HASTINGS of Washington, Mr. KLINE, Mr. SMITH of Washington, Mr. KNOLLENBERG, Mr. ISAKSON, Mr. BISHOP of Utah, Mr. FRELINGHUYSEN, Mr. BASS, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. HUNTER, Mr. BURGESS, Mr. SAM JOHNSON of Texas, Mr. HALL, Mr. THORNBERRY, Ms. GRANGER, Mr. SWEENEY, Mr. BOOZMAN, Mr. PUTNAM, Mr. MILLER of Florida, Mr. FORBES, Mr. CRENSHAW, and Mr. KELLER.
H.R. 4652: Mr. LEACH.
H.R. 4656: Ms. JACKSON-LEE of Texas.
H.R. 4658: Mr. VITTER.
H.R. 4662: Mr. CAMP and Mr. GUTKNECHT.
H.R. 4668: Mr. MILLER of Florida, Mr. TIBERI, Mrs. LOWEY, Mrs. CHRISTENSEN, Mr. ACEVEDO-VILA, Mr. MEEKS of New York, Mr. WAXMAN, Mr. MCNULTY, Mr. CARDOZA, Ms. WATSON, Mr. BERMAN, and Mr. LEWIS of California.
H.R. 4669: Mr. SNYDER, and Mrs. MYRICK.
H.R. 4671: Ms. WOOLSEY.
H.R. 4676: Mr. SHIMKUS, Mrs. CAPITO, Mr. SERRANO, Mr. ACEVEDO-VILA, Ms. ROYBAL-ALLARD, Mr. CUMMINGS, Ms. SOLIS, and Mrs. JOHNSON of Connecticut.
H.R. 4678: Mr. DELAHUNT, Mr. MCGOVERN, Ms. SOLIS, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. OLVER, Mr. CROWLEY, Mr. HONDA, Mr. FRANK of Massachusetts, and Mr. BERMAN.
H.R. 4680: Mr. MILLER of Florida.
H.R. 4682: Mr. GONZALEZ, Ms. LORETTA SANCHEZ of California, Mr. KLECZKA, Mr. MORAN of Virginia, Mr. HONDA, Mr. CARDOZA, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. WEINER, Mr. PORTER, and Mr. SHAW.
H.R. 4687: Mr. ROSS, Mr. KILDEE, Mr. MCHUGH, Mr. TAYLOR of Mississippi, Mr. BEREUTER, Mr. SANDERS, Mr. MARSHALL, Mr. STUPAK, and Mr. JOHN.
H.R. 4701: Mr. WAXMAN.
H.R. 4706: Ms. ESHOO, Mr. LANTOS, and Mr. OWENS.
H.R. 4711: Ms. DELAURO and Mr. FOLEY.
H.R. 4712: Mr. SOUDER and Mr. VITTER.
H.R. 4715: Mr. DUNCAN and Mr. GARRETT of New Jersey.
H.R. 4718: Mr. JENKINS, Mrs. CUBIN, and Mr. MCINTYRE.
H.R. 4736: Mr. CONYERS.
H.R. 4758: Ms. SLAUGHTER.
H.R. 4768: Mr. TURNER of Ohio.
H.R. 4769: Ms. HERSETH.
H.R. 4772: Mrs. TAUSCHER, Ms. MCCOLLUM, Mr. MEEHAN, Mr. PALLONE, Mr. BOSWELL, Mr. OBEY, Mr. KENNEDY of Rhode Island, Mr. OWENS, Mr. LAMPSON, and Mr. MICHAUD.
H.R. 4773: Mr. RYUN of Kansas, Mr. SAM JOHNSON of Texas, Mr. MILLER of Florida, and Mr. SOUDER.
H.R. 4774: Mr. OWENS.
H.R. 4779: Mr. GUTKNECHT.
H.R. 4785: Mr. BOEHNER.
H.R. 4786: Mrs. CHRISTENSEN and Mr. FROST.
H.R. 4792: Mr. ACKERMAN, Mr. LEACH, and Mr. ALLEN.
H.R. 4793: Mr. OWENS, Mr. TOWNS, Mr. RUSH, Mr. KUCINICH, Mr. WEXLER, Mr. MEEKS of New York, and Ms. CORRINE BROWN of Florida.
H.R. 4799: Mr. BERMAN, Mr. CUMMINGS, Mr. KILDEE, Mr. WAXMAN, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. BURR, Mr. LAHOOD, Mr. OWENS, Mr. MCINTYRE, Mr. MARKEY, Mr. MORAN of Virginia, Mr. HALL, and Mr. FRANK of Massachusetts.
H.R. 4802: Mr. HOLDEN, Mr. SANDLIN, Mr. WELDON of Pennsylvania, and Mr. GONZALEZ.
H.R. 4805: Mr. MARIO DIAZ-BALART of Florida and Mr. RYAN of Wisconsin.
H.R. 4807: Ms. HARMAN, Ms. WOOLSEY, Mrs. TAUSCHER, Mr. HUNTER, Mr. CUNNINGHAM, Ms. ROYBAL-ALLARD, Mrs. CAPPS, Mr. BECERRA, Mr. LANTOS, Mr. BACA, Mr. COX, Mr. THOMPSON of California, Mr. STARK, Mr. GALLEGLY, Mr. THOMAS, Ms. WATERS, Mrs. NAPOLITANO, Ms. SOLIS, Mr. GEORGE MILLER of California, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. BERMAN, Mrs. BONO, Mr. RADANOVICH, Ms. LOFGREN, Mr. ISSA, Ms. PELOSI, and Mr. DREIER.
H.R. 4809: Mr. SOUDER.
H.R. 4824: Mrs. MCCARTHY of New York and Mr. HOLT.
H.R. 4826: Mr. HINCHEY, Mr. CUNNINGHAM, Mr. MCDERMOTT, and Mr. GRIJALVA.
H.R. 4828: Mr. OWENS, Mr. LEWIS of Georgia, Mr. KLECZKA, Ms. SCHAKOWSKY, Ms. MAJETTE, Ms. MILLENDER-MCDONALD, Mr. SANDERS, Mr. CONYERS, Ms. KAPTUR, Mr. PAYNE, Ms. ESHOO, Mr. MARKEY, Mr. ABERCROMBIE, Mr. JEFFERSON, and Ms. KILPATRICK.
H.R. 4830: Mr. PASCRELL.
H.R. 4835: Mr. UDALL of New Mexico.
H.R. 4853: Ms. BALDWIN, Mr. HAYES, Mr. LANGEVIN, Mr. GERLACH, and Mr. STARK.
H.R. 4860: Mr. BEREUTER and Ms. SLAUGHTER.
H.R. 4866: Mr. STRICKLAND, Mr. RYAN of Ohio, and Mr. FILNER.
H.R. 4877: Mr. STUPAK.
H.J. Res. 9: Mr. DEMINT.
H.J. Res. 50: Mr. VITTER.
H.J. Res. 56: Mr. RADANOVICH.
H. Con. Res. 111: Mr. CUMMINGS.
H. Con. Res. 213: Mr. EVANS.
H. Con. Res. 298: Mr. SHUSTER.
H. Con. Res. 319: Mr. PRICE of North Carolina.
H. Con. Res. 330: Mr. MILLER of North Carolina.
H. Con. Res. 363: Mr. DEUTSCH.
H. Con. Res. 375: Mr. RANGEL, Mr. ETHERIDGE, Mr. PORTER, Mr. ROTHMAN, and Mr. PALLONE.
H. Con. Res. 425: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 431: Mr. FROST, Mr. GARRETT of New Jersey, and Mr. UPTON.
H. Con. Res. 435: Mr. TURNER of Texas.
H. Con. Res. 441: Mr. TERRY, Mr. SIMPSON, Mr. WAMP, Mr. RENZI, Mr. UPTON, Mr. HASTINGS of Washington, and Mr. SHIMKUS.
H. Con. Res. 443: Mr. JONES of North Carolina.
H. Con. Res. 456: Mr. PASCRELL.
H. Con. Res. 473: Mr. PASCRELL.
H. Con. Res. 475: Mr. HOUGHTON, Mr. SERRANO, Mrs. MALONEY, Mr. TOWNS, Mr. OWENS, Ms. SLAUGHTER, Mrs. LOWEY, Mr. CROWLEY, Mr. SWEENEY, Mr. QUINN, Mr. HINCHEY, Mr. MCNULTY, Mr. MEEKS of New York, Mr. ENGEL, Mr. KING of New York, Mr. WALSH, and Mr. BISHOP of New York.
H. Res. 28: Ms. ROS-LEHTINEN.
H. Res. 485: Mr. RAMSTAD.
H. Res. 556: Mr. CALVERT.
H. Res. 587: Mr. FRANK of Massachusetts.
H. Res. 632: Mr. DEUTSCH.
H. Res. 690: Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. THOMPSON of California, Mr. TURNER of Texas, Mr. GREEN of Texas, Mr. HONDA, Ms. LOFGREN, Mr. DAVIS of Florida, Mr. MEEK of Florida, Ms. HOOLEY of Oregon, Mr. VAN HOLLEN, Ms. DEGETTE, Mr. STUPAK, Mr. LYNCH, Mr. PRICE of North Carolina, Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. UDALL of Colorado, and Mr. DAVIS of Illinois.
H. Res. 716: Mr. WELDON of Pennsylvania.
H. Res. 717: Mr. MEEKS of New York.
H. Res. 720: Mr. WHITFIELD, Mr. PAUL, Mr. GARRETT of New Jersey, Mr. DEFAZIO, Mr. CULBERSON, and Mr. BARRETT of South Carolina.
H. Res. 721: Mr. FROST.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

100. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 261 of 2004 petitioning the Congress of the United States to introduce and pass appropriate legislation allowing persons alleging age discrimination to be held to the same ''disparate impact'' standard of proof as those alleging other forms of discrimination; to the Committee on Education and the Workforce.

101. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution 04-R-1203 supporting pending Federal Legislation that would double reserach spending on Alzheimer's Disease, and for other purposes; to the Committee on Energy and Commerce.

102. Also, a petition of H.R.M. Akahi Nui, a Citizen of Maui, Hawaii, relative to notification of violations and offences with order to answer; to the Committee on Resources.

103. Also, a petition of Members of the General Assembly of California, relative to a letter noting the passage of Proposition 22, which read ''only marriage between a man and a woman is valid or recognized in California,'' and petitioning Congress of the United States to pass an amendment to the United States Constitution that would protect and defend the scanctity of marriage between a man and a woman; to the Committee on the Judiciary.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 10. July 19, 2004, by Mr. BISHOP of New York, on House Resolution 708, was signed by the following Members: Timothy H. Bishop, John D. Dingell, Jim McDermott, Eddie Bernice Johnson, Henry A. Waxman, Sherrod Brown, Charles B. Rangel, Albert Russell Wynn, Linda T. Sanchez, Bill Pascrell, Jr., Bob Filner, Jose E. Serrano, James R. Langevin, Betty McCollum, Stephen F. Lynch, Robert E. Andrews, Rick Larsen, Peter A. DeFazio, Lloyd Doggett, Lois Capps, Bobby L. Rush, Anthony D. Weiner, Dale E. Kildee, Karen McCarthy, Robert A. Brady, Joseph Crowley, John W. Olver, Ruben Hinojosa, James P. Moran, Adam B. Schiff, Nita M. Lowery, Nydia M. Velazquez, Janice D. Schakowsky, John Conyers, Jr., Jane Harman, Rodney Alexander, Carolyn McCarthy, Steny H. Hoyer, Eliot L. Engel, Diane E. Watson, Donald M. Payne, Earl Blumenauer, Micheal R. McNulty, Tom Lantos, Rahm Emanuel, Michael H. Michaud, Nick J. Rahall II, Tom Udall, Grace F. Napolitano, Hilda L. Solis, Raul M. Grijalva, Joe Baca, Rush D. Holt, Artur Davis, Major R. Owens, C.A. Dutch Ruppersberger, Chris Van Hollen, Chris Bell, Fortney Peter Stark, Jim Davis, Martin Frost, Bob Etheridge, Ellen O. Tauscher, Louise McIntosh Slaughter, Brad Miller, Lucille Roybal-Allard, Leonard L. Boswell, Anna G. Eshoo, Darlene Hooley, James P. McGovern, Baron P. Hill, Steven Israel, Dennis Moore, Lynn C. Woolsey, Steven R. Rothman, Susan A. Davis, Jesse L. Jackson, Jr., Frank Pallone, Jr., Carolyn B. Maloney, Tim Ryan, Robert Wexler, Adam Smith, Corrine Brown, Michael F. Doyle, Bart Stupak, Barbara Lee, Ken Lucas, Dennis A. Cardoza, Bart Gordon, Loretta Sanchez, Jim Cooper, David E. Price, Dennis J. Kucinich, Carolyn C. Kilpatrick, Martin T. Meehan, Alcee L. Hastings, Stephanie Tubbs Jones, Bernard Sanders, Earl Pomeroy, John M. Spratt, Jr., Tammy Baldwin, Xavier Becerra, Maurice D. Hinchey, Sander M. Levin, Mark Udall, Mike Thompson, Thomas H. Allen, Sanford D. Bishop, Jr., John Lewis, Shelley Berkley, Barney Frank, Howard L. Berman, Gene Taylor, Mike Ross, David Wu, Danny K. Davis, Gregory W. Meeks, William D. Delahunt, Gary L. Ackerman, Stephanie Herseth, Nancy Pelosi, Melvin L. Watt, Elijah E. Cummings, Brian Baird, Michael M. Honda, Ted Strickland, Edward J. Markey, Jay Inslee, Benjamin L. Cardin, Silvestre Reyes, Diana DeGette, Patrick J. Kennedy, Tm Holden, Lincoln Davis, Ike Skelton, Ed Case, Peter Deutsch, Charles A. Gonzalez, Marcy Kaptur, Robert Menendez, Zoe Lofgren, Lane Evans, Denise L. Majette, Jerrold Nadler, Ben Chandler Vic Snyder, Maxine Waters, Ron Kins, Juanita Millender-McDonald, George Miller, Chaka Fattah, Edolphus Towns, Brad Serman, G.K. Butterfield, James E. Clyburn, Robert T. Matsui, Martin Olav Sabo, Bennie G. Thompson, Ciro D. Rodriguez, Robert E. (Bud) Cramer, Jr., Joseph M. Hoeffel, Harold E. Ford, Jr., Jerry F. Costello, Luis V. Gutierrez, John F. Tierney, Robert C. Scott, Calvin M. Dooley, Paul E. Kanjorski, and Gerald D. Kleczka.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 8, by Mr. EDWARDS on House Resolution 584: G.K. Butterfield.

Petition 9, by Mr. FROST on House Resolution 696: Dennis J. Kucinich, David Wu, Tim Holden, William J. Jefferson, David R. Obey, Xavier Becerra, Lloyd Doggett, Chaka Fattah, Mike Thompson, Neil Abercrombie, Fortney Pete Stark, Adam Smith, Michael M. Honda, Jay Inslee, Denise L. Majette, G.K. Butterfield, Robert E. (Bud) Cramer, Jr., and Richard E. Neal.