

But what is even more devious about this is if you complain they attack. A Senator, a member of the other body, was attacked because he pointed out that somebody in the White House had the nerve, the nerve to uncover a CIA operative. That is a Federal crime.

Now, if we do not have an investigation and find out who it is in the White House that thinks they can just get on the horn and talk to a newspaper reporter and say, hey, did you know so and so was working for the CIA? That person should be fired immediately and probably charged. But we know they were sent out there to do it by the folks upstairs.

When we will have another, oh, gee, I did not know, I should not have done it?

When do we get the investigation, Mr. Speaker?

PARLIAMENTARY INQUIRY

Ms. PELOSI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentlewoman will state the inquiry.

Ms. PELOSI. Mr. Speaker, my inquiry is as to when the privileged resolution of the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means, will be brought up before the House.

The SPEAKER. It is in order sometime today at the discretion of the Chair.

Ms. PELOSI. Would that be very late at night or would it be during the day when people would have a chance to hear the debate?

The SPEAKER. The Chair will advise the gentlewoman that he will take that under consideration. It is the intent of the Chair to have it during regular business hours today.

Ms. PELOSI. Mr. Speaker, my concern springs from the fact that we have a long legislative day today.

PRIVILEGES OF THE HOUSE—MANNER OF CONDUCTING MARKUP OF LEGISLATION IN COMMITTEE ON WAYS AND MEANS

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 330) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;

Now, therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Thomas summoned the United States Capitol Police to evict minority party members of the Committee on Ways and Means from the committee library, as well as the manner in which he conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House, and calls for the police report to be placed in the CONGRESSIONAL RECORD.

The SPEAKER. The resolution constitutes a question of the privileges of the House under rule IX.

MOTION TO TABLE OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. DELAY moves that the resolution be laid on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Texas (Mr. DELAY).

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

Ms. PELOSI. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 193, not voting 19, as follows:

[Roll No. 410]

YEAS—223

- | | | |
|---------------|-----------------|---------------|
| Aderholt | Capito | Garrett (NJ) |
| Akin | Carter | Gerlach |
| Bachus | Castle | Gibbons |
| Baker | Chabot | Gilchrest |
| Ballenger | Chocola | Gillmor |
| Barrett (SC) | Coble | Gingrey |
| Bartlett (MD) | Collins | Goode |
| Barton (TX) | Cox | Goodlatte |
| Bass | Crane | Goss |
| Beauprez | Crenshaw | Granger |
| Bereuter | Cubin | Graves |
| Biggert | Culberson | Green (WI) |
| Bilirakis | Cunningham | Greenwood |
| Bishop (UT) | Davis, Tom | Gutknecht |
| Blackburn | Deal (GA) | Harris |
| Blunt | DeLay | Hart |
| Boehlert | DeMint | Hastert |
| Boehner | Diaz-Balart, L. | Hastings (WA) |
| Bonilla | Diaz-Balart, M. | Hayes |
| Bonner | Doolittle | Hayworth |
| Bono | Dreier | Hefley |
| Boozman | Duncan | Hensarling |
| Bradley (NH) | Dunn | Herber |
| Brady (TX) | Ehlers | Hobson |
| Brown (SC) | Emerson | Hoekstra |
| Brown-Waite, | English | Hostettler |
| Ginny | Everett | Houghton |
| Burgess | Feeney | Hulshof |
| Burns | Flake | Hunter |
| Burr | Fletcher | Hyde |
| Burton (IN) | Foley | Isakson |
| Buyer | Forbes | Issa |
| Calvert | Fossella | Istook |
| Camp | Franks (AZ) | Janklow |
| Cannon | Frelinghuysen | Jenkins |
| Cantor | Gallegly | Johnson (CT) |

- | | | |
|--------------|---------------|-------------|
| Johnson (IL) | Northup | Sessions |
| Johnson, Sam | Norwood | Shadegg |
| Jones (NC) | Nunes | Shaw |
| Keller | Nussle | Shays |
| Kelly | Osborne | Shimkus |
| Kennedy (MN) | Ose | Shuster |
| King (IA) | Otter | Simmons |
| King (NY) | Oxley | Simpson |
| Kingston | Paul | Smith (MI) |
| Kirk | Pearce | Smith (NJ) |
| Kline | Pence | Smith (TX) |
| Knollenberg | Peterson (PA) | Stearns |
| Kolbe | Petri | Sullivan |
| LaHood | Pickering | Sweeney |
| Latham | Pitts | Tancredo |
| LaTourette | Platts | Tauzin |
| Leach | Pombo | Taylor (NC) |
| Lewis (CA) | Porter | Terry |
| Lewis (KY) | Portman | Thomas |
| Linder | Pryce (OH) | Thornberry |
| LoBiondo | Putnam | Tiahrt |
| Lucas (OK) | Quinn | Tiberti |
| Manzullo | Radanovich | Toomey |
| McCotter | Ramstad | Turner (OH) |
| McCrery | Regula | Upton |
| McHugh | Rehberg | Vitter |
| McInnis | Renzi | Walden (OR) |
| McKeon | Reynolds | Walsh |
| Mica | Rogers (AL) | Wamp |
| Miller (FL) | Rogers (KY) | Weldon (FL) |
| Miller (MI) | Rogers (MI) | Weldon (PA) |
| Miller, Gary | Rohrabacher | Weller |
| Moran (KS) | Ros-Lehtinen | Whitfield |
| Murphy | Royce | Wicker |
| Musgrave | Ryan (WI) | Wilson (NM) |
| Myrick | Ryun (KS) | Wilson (SC) |
| Nethercutt | Saxton | Wolf |
| Neugebauer | Schrock | Young (FL) |
| Ney | Sensenbrenner | |

NAYS—193

- | | | |
|----------------|----------------|------------------|
| Abercrombie | Green (TX) | Meek (FL) |
| Ackerman | Grijalva | Meeks (NY) |
| Alexander | Gutierrez | Menendez |
| Allen | Hall | Michaud |
| Andrews | Harman | Millender- |
| Baca | Hastings (FL) | McDonald |
| Baird | Hill | Miller (NC) |
| Baldwin | Hinchesy | Miller, George |
| Ballance | Hinojosa | Mollohan |
| Becerra | Hoefel | Moran (VA) |
| Bell | Holden | Murtha |
| Berman | Holt | Nadler |
| Berry | Honda | Napolitano |
| Bishop (NY) | Hoolley (OR) | Neal (MA) |
| Blumenauer | Hoyer | Oberstar |
| Boswell | Inslee | Obey |
| Boyd | Israel | Olver |
| Brady (PA) | Jackson (IL) | Ortiz |
| Brown (OH) | Jackson-Lee | Pallone |
| Brown, Corrine | (TX) | Pascarell |
| Capps | John | Pastor |
| Capuano | Johnson, E. B. | Payne |
| Cardin | Jones (OH) | Pelosi |
| Cardoza | Kanjorski | Peterson (MN) |
| Carson (IN) | Kaptur | Pomeroy |
| Carson (OK) | Kennedy (RI) | Price (NC) |
| Case | Kildee | Rahall |
| Clyburn | Kilpatrick | Rangel |
| Cooper | Kind | Reyes |
| Costello | Kleczka | Rodriguez |
| Cramer | Kucinich | Ross |
| Crowley | Lampson | Rothman |
| Cummings | Langevin | Roybal-Allard |
| Davis (AL) | Lantos | Ruppersberger |
| Davis (CA) | Larsen (WA) | Rush |
| Davis (FL) | Larson (CT) | Ryan (OH) |
| Davis (IL) | Lee | Sabo |
| DeFazio | Levin | Sanchez, Linda |
| DeGette | Lewis (GA) | T. |
| Delahunt | Lipinski | Sanchez, Loretta |
| DeLauro | Lofgren | Sanders |
| Deutsch | Lowey | Sandlin |
| Dicks | Lucas (KY) | Schakowsky |
| Dingell | Lynch | Schiff |
| Doggett | Majette | Scott (GA) |
| Dooley (CA) | Maloney | Scott (VA) |
| Doyle | Markey | Serrano |
| Edwards | Marshall | Sherman |
| Emanuel | Matheson | Skelton |
| Engel | Matsui | Slaughter |
| Eshoo | McCarthy (MO) | Smith (WA) |
| Etheridge | McCarthy (NY) | Snyder |
| Evans | McCollum | Solis |
| Farr | McDermott | Spratt |
| Filner | McGovern | Stark |
| Frost | McIntyre | Stenholm |
| Gonzalez | McNulty | Strickland |
| Gordon | Meehan | Stupak |

Tanner	Udall (CO)	Waxman
Tauscher	Udall (NM)	Weiner
Taylor (MS)	Van Hollen	Wexler
Thompson (CA)	Velazquez	Woolsey
Thompson (MS)	Visclosky	Wu
Tierney	Waters	Wynn
Towns	Watson	
Turner (TX)	Watt	

NOT VOTING—19

Berkley	Davis, Jo Ann	Moore
Bishop (GA)	Fattah	Owens
Boucher	Ferguson	Sherwood
Clay	Ford	Souder
Cole	Frank (MA)	Young (AK)
Conyers	Gephardt	
Davis (TN)	Jefferson	

ANNOUNCEMENT BY THE SPEAKER

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

□ 1050

Mr. BILIRAKIS changed his vote from “nay” to “yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 410, had I been present, I would have voted “nay”.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER. Pursuant to House Resolution 326 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. 2799.

□ 1052

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. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, July 22, 2003, the bill had been read through page 103, line 26, and pending was the amendment by the gentleman from Michigan (Mr. LEVIN).

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Arizona (Mr. KOLBE) each have 1 minute remaining in the debate on the amendment. The gentleman from Arizona has the right to close.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the very distinguished and vibrant leader of the minority.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Levin amendment and commend the gentleman from Michigan for his leadership in bringing this important amendment to the floor and his important work on behalf of America’s working families.

As House Democratic leader, I proudly assert the Democratic Party’s commitment to trade and what it does for our economy. That commitment to trade was exemplified in President Kennedy’s 1962 State of the Union Address, which I point to with great pride. At that time President Kennedy said: “For together we face a common challenge: to enlarge the prosperity of free men everywhere, to build in partnership a new trading community in which all free nations may gain from the productive energy of free competitive effort.”

That was his challenge and it was followed up by the Kennedy Round, the most ambitious round of trade negotiations under the aegis of GATT until that time. The Kennedy Round lasted from 1963 to 1967. Its goal was to lift up developing countries of the world, open our markets to their products to help them develop and create markets for U.S. products abroad. The gentleman from Michigan’s (Mr. LEVIN) amendment is in keeping with that proud tradition. I thank the gentleman.

Last night the gentleman from Arizona (Mr. KOLBE), the distinguished representative of the majority party on this debate and chairman of the Foreign Operations, Export Financing and Related Programs Subcommittee said “I want to commend the gentleman from Michigan for the crafting of this particular amendment. With it I think he has shown a great deal of legislative brilliance and some policy ingenuity as well.” Then the gentleman from Arizona (Mr. KOLBE) went on to oppose the amendment by saying “But I have to say the net result is quite mischievous.”

I beg to differ, and I leave it up to my colleagues and am asking them to support the gentleman from Michigan’s (Mr. LEVIN) amendment. Is it mischievous to ask the Trade Representative in negotiating for a Free Trade Area of the Americas with the Central America Freed Trade Amendment to protect against piracy of copyright? Is it mischievous to say that we should not support a treaty that does not open markets for United States agricultural products, high technology, and other manufactured exports that provide greater rights? Is it mischievous to tell him not to support a trade agreement that provides greater rights for foreign investors than Americans in the United States? And is it mischievous to ask that Trade Representative not to acquire adoption and enforcement of the basic prohibitions on exploitative child labor, forced labor, and discrimination and to guarantee the right to associate and bargain collectively?

A vote for the Levin amendment is a vote for America’s workers who see our manufacturing and technological base

fading away. American workers are the most productive workers in the world. Let us let them compete. The gentleman from Michigan’s (Mr. LEVIN) amendment does just that. I urge my colleagues to support the Levin amendment.

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

Just to set the order of how we are doing this, last night we had the debate for the most part on the substance of this, and so at the conclusion of my remarks I will make a point of order that I reserved last night that this amendment is not in order.

□ 1100

I did say, indeed, Mr. Chairman, that the gentleman from Michigan was ingenious in the device of this amendment. He was very clever.

It does not mean I think it is right in policy. Indeed, I think it is very wrong policy, because what it does is say that no funds shall be expended by the U.S. Trade Representative unless the negotiations do exactly the following things. In other words, the USTR is in a straitjacket from the very beginning of negotiations.

The very essence of a negotiation on trade agreement is we give something here, the other side gives something there. But to demand they have exact parity from the very beginning absolutely destroys the essence of a negotiation. That is the substance of what we are talking about here.

It would be very bad policy. It would essentially mean that we could not have a Central American Free Trade Agreement or a Free Trade Agreement of the Americas. We would essentially be saying to the Ecuadorans and the Salvadorans and the Costa Ricans that we will never allow them to trade with us, that we do not care that they are in poverty, we do not want to give them the opportunity to trade with the United States, to have access to our markets. It would be bad policy.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make the point of order that I reserved last evening.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KOLBE. Mr. Chairman, the substance of the remarks that I just made go right to the point of order.

I do make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part, “An amendment to a general appropriation bill shall not be in order if changing existing law the amendment imposes additional duties.”

As I will explain in my appeal, this clearly imposes additional duties, and I would ask for a ruling from the Chair.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

Mr. LEVIN. Mr. Chairman, I spoke last night, and I will be very, very