

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

brief. I disagree with the gentleman's analysis of what is appropriate here under the rules.

I also want to mention, last night when we discussed the provision that says there shall be no funds made available for negotiating a CAFTA or an FTAA that does not require adoption and enforcement of the basic prohibitions on exploitive child labor, forced labor and discrimination and guarantee of the right to associate and bargain collectively, that the important matter was a job, and not what was in that job, what payment there was for the job or under what conditions the job was carried on.

I think that is terribly wrong. If people are going to have a chance to climb up the ladder, they have to have a chance to be able to associate and to bargain collectively. We should not base a trade agreement on the suppression of the workers of Central America or of any other place in the Americas.

So, I urge that the Chair rule this in order, and we are now prepared to hear the ruling of the Chair.

Mr. KOLBE. Mr. Chairman, before the Chair rules, I would just like to respond to what the gentleman from Michigan said.

The Levin amendment would forbid expenditure of funds that would be used to negotiate free trade agreements that do not contain certain listed provisions. The listed provisions impose duties that are not now required by law and they make the appropriations contingent upon the performance of the new duty and on successful trade negotiations with other countries.

For example, in the area of labor law, the Levin amendment seeks provisions in a trade agreement that would mandate, mandate, adoption in domestic law and enforcement of the basic recognized rights of workers. This sharply contrasts with the Trade Act, which only goes so far as to seek to promote respect for workers' rights, to promote universal ratification and full compliance with the ILO Convention 182.

The differences between the approach of the gentleman from Michigan (Mr. LEVIN) and the current law are manifold. The Trade Act does not call for adoption and enforcement of the labor rights listed in the Jordan Free Trade Agreement. Indeed, the Trade Act seems to uphold the right of other countries to establish domestic labor standards.

Similarly, in investment, Mr. Chairman, the Levin amendment seeks provisions in a trade agreement that would ensure the free trade agreement does not provide for an investor's greater rights than Americans. This also contrasts sharply with the Trade Act, which carefully states that foreign investors are not to be afforded greater substantive rights. The Levin amendment would deny foreign investors greater procedural rights as well as substantive rights, and certainly this would be a duty not present in the U.S. law.

So for that reason, and for others that I could go on, I would urge the Chair to make a ruling that this amendment is not in order.

Mr. LEVIN. Mr. Chairman, I want to respond very briefly. In those respects, the gentleman from Arizona (Mr. KOLBE) is very wrong. This does not change existing law. Our USTR representative is not prohibited by the present Trade Promotion Act, is not prohibited from carrying out the provisions that are spelled out here that there shall be no greater rights for foreign investors than Americans in the U.S. There is nothing in TPA that prohibits his doing just that; and there is nothing in the present TPA, which I opposed, but there is nothing, and we had an alternative, that prohibits the USTR from requiring adoption and enforcement of the basic prohibitions on exploitive child labor, forced labor and discrimination, and the guarantee of the right to associate and bargain collectively.

We are saying in this amendment that that is exactly what the USTR should be doing, and I ask the Chair to rule in our favor.

The CHAIRMAN. Do other Members wish to be heard?

If not, the Chair is prepared to rule.

The gentleman from Arizona makes a point of order that the amendment offered by the gentleman from Michigan is not in order under clause 2 of rule XXI. The amendment would limit funds for negotiating two specific specified trade agreements that fail to achieve specified goals. However, the amendment does not define those goals nor tie them to provisions in existing laws.

Therefore, the amendment imposes new duties on the Trade Representative to determine whether the proposed agreements protect against piracy of copyrights, open markets for United States agriculture products, et cetera, before applying the limitation. As such, the amendment imposes new duties not required by existing law in violation of clause 2, rule XXI.

The Chair sustains the point of order.

Mr. LEVIN. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

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

#### RECORDED VOTE

Mr. LEVIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote on the appeal of the decision of the Chair may be followed by 5-minute votes on the four amendments debated last night on which requests for recorded votes were postponed.

The vote was taken by electronic device, and there were—ayes 231, noes 198, not voting 5, as follows:

[Roll No. 411]

AYES—231

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

NOES—198

Abercrombie	Boswell	Costello
Ackerman	Boucher	Cramer
Alexander	Brady (PA)	Crowley
Allen	Brown (OH)	Cummings
Andrews	Brown, Corrine	Davis (AL)
Baca	Capps	Davis (CA)
Baird	Capuano	Davis (FL)
Baldwin	Cardin	Davis (IL)
Ballance	Cardoza	Davis (TN)
Becerra	Carson (IN)	DeFazio
Bell	Carson (OK)	DeGette
Berman	Case	Delahunt
Berry	Clay	DeLauro
Bishop (GA)	Clyburn	Deutsch
Bishop (NY)	Conyers	Dicks
Blumenauer	Cooper	Dingell

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

NOT VOTING—5

Berkley	Ferguson	Gephardt
Bishop (UT)	Ford	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1127

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. HASTINGS of Washington, 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. 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, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1582

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1582.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2738, UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT, AND H.R. 2739, UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 329 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 329

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours, with one hour and forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours, with one hour and forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 3. During consideration of H.R. 2738 or H.R. 2739 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very able colleague on the Committee on Rules, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. DREIER. Mr. Speaker, at this moment, we begin debate on the first two measures that will propel our Nation's economy into the 21st century

and secure America's economic future. The free trade agreements with Chile and Singapore that we will be debating today are important in and of themselves. But more important, they are the first steps in completing a global economic and trade agenda that seeks to grow our economy by opening up markets overseas and establishing the United States as the leader in the international trade arena.

□ 1130

When Trade Promotion Authority lapsed back in 1994, the executive branch's ability to negotiate meaningful trade agreements was severely impaired. Our efforts to position the United States as the global leader in international trade were stalled. As recently as last year, there were nearly 150 regional free trade and customs agreements put into place worldwide and the United States, the greatest economic power on the face of the Earth, was party to only three of those agreements.

Mr. Speaker, we were losing market share, we were losing tariff battles, and most important, we were losing opportunities for U.S. workers and U.S. producers, opportunity to grow our economy, opportunity to increase the incomes of millions of American families and the opportunity to lead once again in the global marketplace. All of this was being lost as we went through that nearly decade long period, Mr. Speaker, when we did not have that authority in place for the executive branch.

So it was to my great satisfaction last year that we were able to enact into law a renewal of that Trade Promotion Authority. I am also pleased that the Bush administration has responded to Congressional reauthorization of the Trade Promotion Authority with great enthusiasm.

Our terrific Ambassador, U.S. Trade Representative Bob Zoellick, in particular, has been the driving force behind an ambitious and far-reaching trade agenda that will open up markets and raise standards of living both here and abroad, throughout the world. It is very clear that trade is a win-win. We will see benefits on both sides.

So, Mr. Speaker, as I mentioned earlier, the free trade agreements that we consider here today are of great importance. But I am gratified to see that many more trade agreements are on the horizon. Once we get beyond the Singapore and Chile agreements we will have a wide range of other great opportunities for U.S. workers and U.S. producers. We will soon see those benefits come to us and we will see the multilateral agreements as we proceed with Central America, South America, Africa, the Middle East and Australia.

Now, Mr. Speaker, I recognize that many in this body are opposed to some or possibly all of the free trade agreements that I have just mentioned. And I recognize, Mr. Speaker, that Congressional renewal of Trade Promotion Authority last year was very contentious