

Republican U.S. Senators since 1877. Beginning in January, we will have the achievement of U.S. Senators LINDSEY GRAHAM and JIM DEMINT. With Wesley's congressional experience, his training with Ed Meese at the Heritage Foundation, and his work with the House Committee on Armed Services, Wesley will assist the Senator to best represent the people of South Carolina.

Wesley Denton, one of five sons of Cassy and Dan Denton of Beaufort, South Carolina, and the newlywed husband of the former Kari Brooks, is a credit to the people of South Carolina, and I wish him Godspeed.

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

BIPARTISAN INTELLIGENCE REFORM BILL

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

Mr. Speaker, today I rise to ask for the opportunity to vote on the 9/11 intelligence reform bill, supported both by Republicans and Democrats. Smart, effective intelligence reform, such as this piece of legislation before Congress, will help to strengthen our intelligence agencies and better protect Americans against terrorism.

Unfortunately, extreme conservatives are playing politics with America's security. They have prevented us from making America safer for our families because they continue to insist that the House-passed controversial immigration provisions need to be included. The 9/11 Commission has stated, and I quote, "We believe strongly that this bill is not the right occasion for tackling controversial immigration and law enforcement issues."

I believe with the 9/11 Commission. The legislation before us has the support of the President, the support of congressional leaders in both the House and the Senate, and it is the will of the 9/11 families that Congress pass this legislation.

Let us make America safer and pass this bipartisan compromise.

ONE-YEAR ANNIVERSARY OF MEDICARE MODERNIZATION ACT

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

Mr. BURGESS. Mr. Speaker, we come up on the 1-year anniversary of the President signing the Medicare Modernization Act. This is truly an accomplishment of which this Congress can be proud. We begin the process of the transformation of Medicare.

Mr. Speaker, with the advances in medical science, and those that are to come in fields such as genomics and proteomics, we are going to see improved longevity and improved health outcomes. Medicare, for the first time,

will pay for wellness instead of compensating for disease.

In our bill, we allowed the expansion of health savings accounts. Health savings accounts will change the way the next generation approaches paying for health insurance, giving them far greater power over their own health decisions. Mr. Speaker, today's seniors, next year, will have the missing piece of Medicare when coverage for prescription drugs begins.

Mr. Speaker, this was indeed landmark legislation that passed this House a year ago, and I salute those on the committees of jurisdiction that had a hand in getting this legislation passed. Every Member of this Congress and their staffs can be proud of their accomplishment.

ADMINISTRATION MUST BE HELD ACCOUNTABLE FOR UNJUST WAR IN IRAQ

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

Mr. KUCINICH. Mr. Speaker, nearly 1,300 brave American men and women have sacrificed their lives in Iraq. Yet the central reasons for the U.S. invasion have fallen apart: Iraq had nothing to do with 9/11, Iraq had no weapons of mass destruction, there is no proof that Iraq was instrumental with al Qaeda's role in 9/11, and Iraq was not trying to get nuclear materials from Najir.

This administration misled the Congress, misled the American people, violated international law, directed the bombings of populated areas causing the disruption of water, sewer, and electrical service, ordered house-to-house fighting, and now, the civilian toll, by one account, is over 100,000 Iraqi civilians perished. Why?

Freedom, if it is to be obtained anywhere, must be advanced under the standard of truth. The Iraqis will not be handed freedom based on lies, nor will our own Nation preserve our freedoms if we continue to accept the basis for our occupation of Iraq.

This administration must be held accountable under international law for the disaster it visited upon Iraq. Only the truth can clean the stain on our Nation's conscience.

COMMUNICATION FROM DISTRICT CHIEF OF STAFF OF HONORABLE ILEANA ROS-LEHTINEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Debra Musgrove Zimmerman, District Chief of Staff of the Honorable ILEANA ROS-LEHTINEN, Member of Congress:

HOUSE OF REPRESENTATIVES,
November 24, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules

of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DEBRA MUSGROVE ZIMMERMAN,

*District Chief of Staff
for Ileana Ros-Lehtinen.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6 p.m. today.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 528, and that I may include tabular material on the same.

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

There was no objection.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORREC- TIONS IN ENROLLMENT OF H.R. 4818

Mr. YOUNG of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the concurrent resolution (H. Con. Res. 528) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

The Clerk read as follows:

Senate amendment:

At the end of the resolution, insert the following:

Strike Section 222 of Title II of Division H.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

□ 1415

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, H. Con. Res. 528, directs the Clerk of the House to make technical corrections in the enrollment of the bill H.R. 4818, the Omnibus Appropriations Act for Fiscal Year 2005. Members

may recall that the House passed this resolution, H. Con. Res. 528, along with the omnibus appropriation bill on November 20, 2004. Today we are considering an amendment which was added by the Senate to the concurrent resolution that would make a further correction to the omnibus appropriations bill by deleting section 222 of the bill which deals with IRS oversight.

I think it is important to take just a minute or two to say some things about this provision. I explained why this provision was included, and I included this statement in the CONGRESSIONAL RECORD in part of the debate on the last continuing resolution. I want to be clear, though, that the Committee on Appropriations never had any intention to review or investigate individual tax returns. That is the prerogative of the Committee on Ways and Means in the House and the Committee on Finance in the Senate.

However, it is important to note that the IRS had requested an increase of \$500 million, a half a billion dollars, for their programs and functions in the IRS. The Committee on Appropriations does have an obligation to review and provide oversight of that kind of an expenditure. That was the purpose of the language. It was never intended to have anything to do with individual income tax returns.

I stated this very clearly in a colloquy with the chairman of the Committee on Ways and Means. I will also point out that section 203 of the same division of the bill includes an IRS general provision which has been carried for years. The section reads, "The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information." IRS would have had the authority they needed to protect taxpayer privacy.

It is an unfortunate set of circumstances that have led many to misinterpret the section in question and the intent of that section, section 222, of the appropriations bill. However, in order to eliminate the confusion that has been created around this issue, I ask that the House agree with the amendment by the Senate to this concurrent resolution and ask the Members to support it.

Before the Omnibus Appropriations bill, which has been passed by the House and the Senate, but before it can be sent to the President for his signature, this concurrent resolution has to be passed.

I would like to read for the RECORD the colloquy I just referenced.

MR. THOMAS said, Mr. Chairman, I understand section 222 of the Transportation, Treasury and Postal title provides the Committee on Appropriations with proper access IRS facilities for oversight purposes but not the ability to examine individual tax returns, data, or information and that it is the intent of the Committee on Appropriations that all access to taxpayer information would remain governed by the disclosure and privacy rules of section 6103 of the Internal Revenue Code. Is that correct?

I responded by saying the gentleman is correct. The Committee on Appropriations needs access to IRS field facilities to do our oversight work. That work does not require the Committee on Appropriations to review individual tax returns under section 6103, but it does require access to the facilities.

This colloquy can be found on page H10191 of the CONGRESSIONAL RECORD of November 20, 2004.

MR. SPEAKER, I reserve the balance of my time.

MR. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Committee on Ways and Means.

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

MR. RANGEL. Mr. Speaker, I do not stand here to get involved in a jurisdictional fight between the Committee on Ways and Means and the Committee on Appropriations, and there is not a Member of this House that I have more respect for than the chairman of the Committee on Appropriations. We have served together over the years, and sometimes even forgot we were Republican and Democrat because he has been such a gentleman even when we disagreed on issues.

I am just surprised there is not more outrage on the process. Whether it is Ways and Means or Appropriations, the whole idea that a staff member can contact the Internal Revenue Service, and the Internal Revenue Service drafts a provision of law and then somehow it finds itself in a conference report is something that takes away the integrity, and not of the tax-writing committee or the appropriation committee, but the United States Congress, the House and the Senate. This is outrageous when we are talking about such a sensitive issue.

The United States is one of the few republics which has a democracy which has a volunteer system for the filing of income tax. True, we have the threat of what happens if a taxpayer is so unlucky that they are audited and found to have done something wrong, but the whole basis of the system is having confidence that what you are telling them is being held private. It is not too unusual to find things coming into conference reports that did not pass the House and did not pass the Senate, but at least the majority has the chutzpah enough to waive points of order. At least they say they are cheating and have already waived the authority of the minority to have any input in what they are doing in the conferences wherever they are held. But to say that the privacy of filing income tax, and some people say they do not know how it got in here, but the IRS certainly knows how it got in here, and the appropriations staff person certainly knows how it got in here, the only people who do not know how this happened are Members of Congress because we have reached a point where we do not read your bills anymore, we just take your word for it.

MR. SPEAKER, I hope as the gentleman from Florida (Mr. YOUNG) leaves the leadership of this committee that we might find more outrage when things like this happen, regardless of which committee it is. We have to find some way that staffs cannot legislate for the House, for the Senate, and for the Congress. We cannot blame staff when we give them the authority to do such a thing. I do not care whether it is the Committee on Ways and Means, Committee on Appropriations or what committee it is, we are losing each and every day a lot of confidence from the voters, and if we start losing them in the taxpayers and, we have a taxpayers' revolt as well as a political revolt, there will be no winners in this House, Republicans or Democrats.

MR. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

MR. SPEAKER, I will say to the gentleman that unlike some committees in this House who do their work in secret, this committee does its work in public, in the open. We may have to work late hours, all night long, weekends, and that is a fact. The fact of the matter is this provision, along with every other provision of that section that we are concerned about here, was read word for word, comma by comma, period by period, by 17 staff members who supposedly reported to their chairmen and their ranking members. These 17 staff members were Republicans, they were Democrats, they were from the House committee, and they were from the Senate committee, and they read the entire section, and they reported to the leadership of their respective committees. It was done in public. We do not do our bills in secret.

MR. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RANGEL).

MR. RANGEL. Mr. Speaker, I would like to say to the gentleman from Florida (Chairman YOUNG), stealing in public to me is no different than stealing in the middle of the night. If this thing is so repugnant that it is on the suspension calendar to take it out, why is the gentleman so proud that you put it in?

What I am talking about is not the gentleman and not this committee, but a process that is repugnant to everything that a House Member or Member of Congress should believe in. I do not mean to take this out on the gentleman from Florida personally. I said Members should not allow staff to do this. If it was read at 3 in the morning or 3 in the afternoon, what difference does it make? We are taking it out now, and that means it was wrong to put it in there, and we are proud to take it out.

MR. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute to respond to the gentleman.

The problem is not in the House. This issue was discussed openly in a colloquy with the chairman of the Committee on Ways and Means. We discussed this issue thoroughly, and we

made it clear what the intent was. Why we are removing the provision today is because the other body amended our resolution and said they wanted it out. We are a bicameral legislature, and we have to work with the other body.

In fact, this whole comedy of errors of an omnibus appropriations bill would not have happened if the other body, and I am not allowed by the House rules to say who or what or why, but the other body did not pass their bills.

I really get offended when I hear the news media reporting the Congress did not get their job done. The House did. The Committee on Appropriations passed all of its bills. By the end of July, we had all of our bills reported, and we had all but one through the House floor, and that one could have gone through the House floor, but we were not given time to do it on the floor. The other body did not do their job, so we had to do this omnibus package rather than doing 13 separate bills. There is the answer to the gentleman's question.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, it is ironic that we have an argument going between two gentlemen, neither of whom had any responsibility for the problem that occurred.

The responsibility for this problem lies squarely on the shoulders of the majority party leadership because they knew that they could not bring their appropriation bills to the floor in the Senate and pass them before the election, so they created the situation in which, after the election, all of these appropriation bills were jammed together. They were then dealt with by the staff night after night. The staff worked with no sleep, and, as a result, language that should have been caught and corrected was not corrected.

That is what happens when Members do not respect the processes of the House. That is what happens when you do not give Members of the majority or minority enough time to actually know what they are doing. The House has egg on its face because the majority party leadership had an agenda on appropriation bills that precluded their ability to get votes for them in the other body until after the election. That is a sad fact as to what happened, and the way to correct this is to see that we have enough time to do our jobs, that we quit suspending the rules around here so Members have enough time to read conference reports, and we make compromises ahead of time so the House can get its appropriations work done in an orderly way. That is what has been sadly lacking over the past year.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to oppose a series

of legislative provisions that were included in the Transportation and Treasury section of the Omnibus Appropriations Act without consulting or even notifying the committee of jurisdiction, the Committee on Government Reform.

We strenuously oppose section 522 requiring that each Federal agency have a privacy officer to carry out duties relating to the privacy and protection of personally identifiable information. These Federal information security functions are an intrinsic part of existing Federal information policy.

They are the responsibility of the agency chief information officer in the agencies. Therefore, privacy officers are unnecessary. They are duplicative, and it is confusing.

Further, section 522 attempts to address information security concerns that are already addressed in the Federal Information Security Management Act, the Clinger-Cohen Act, the Electronic Government Act, and the Paperwork Reduction Act. These laws are currently implemented by Federal agencies.

Section 522 merely creates a layer of bureaucracy that contradicts existing Federal information policy currently executed by the CIOs.

The Committee on Government Reform and Federal agencies have worked hard to ensure the Federal Government has coherent information security policies and guidelines in place. Section 522 reverses the progress the Federal Government has made to modernize itself in order to function more efficiently and cost-effectively in a digital age.

In addition, this section is a fine example of legislating on appropriation bills. But worse, there was no attempt to even discuss this provision with our committee, the committee with jurisdiction over Federal information policy. For years we have performed an aggressive legislative and oversight agenda.

We have introduced a bill now to repeal this section, but the disregard for the committee of jurisdiction in this section of the omnibus did not stop there. In July, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Connecticut (Mr. SHAYS) on behalf of the Committee on Government Reform raised and the Chair sustained 12 points of order against legislative provisions in the Transportation and Treasury Appropriations Act. Nine of these were rewritten in the omnibus, in violation of House rules, without consulting our committee, and despite our requests that these provisions not be reinserted including:

1. An amendment that runs contrary to the reauthorization of the Drug Control Policy Act passed by the House last year; and

2. Several legislative provisions that will add unneeded red tape and expense to the Federal procurement process.

What does it say about our institutional integrity, our rules, our state of affairs, when points of order are sustained and subsequently ignored.

My concerns have been overshadowed by a certain tax provision that also appeared in the Omnibus. But they are symptoms of the same disease.

It is the willingness of appropriators and their staff to legislate on appropriations bills without consulting the committees of jurisdiction that caused the mess over the ill-considered tax provision and this trend is the basis of my concern as well.

The authorizing committees are Congress's experts on the law, and the appropriations process should not be used as an end-run around their consideration.

I recognize that politics and process will sometimes require that legislation be included in appropriations; and,

I have always been willing to work with appropriators to include suitable legislation in their bills. Looking forward to next Congress, it is my hope that this episode will inspire a greater willingness on the part of the appropriators and their staffs to consult and cooperate with the authorizers before legislating on appropriations acts.

Finally, I ask for the appropriators support in repealing the badly considered Chief Privacy Officer provision that was surreptitiously included in the Omnibus at the 11th hour.

□ 1430

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank our distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY), for yielding me this time and once again commend him and the gentleman from Florida (Mr. YOUNG), our chairman, for their service and leadership to our country and this Congress.

Mr. Speaker, 16 days have come and gone since this House passed the omnibus appropriations bill. Yet not one Member of Congress is willing to take responsibility for jeopardizing the privacy of more than 180 million American taxpayers. Instead, a Republican staff member came forward late last week stating that he inserted the provision without mentioning it to the Republican Member of Congress who employed him. Success, it is said, has many fathers, but failure is an orphan.

Let us be clear, this assault on the privacy of America's taxpayers has failed because it is an outrage to the American people and to most of the Members of this body. From the Constitution's protections of freedom of association and political expression to its protection against unlawful searches and self-incrimination, our citizens expect and deserve a government that respects their privacy and does not discriminate against them on the basis of political beliefs.

Yet the provision we are repealing today would have granted sweeping authority to the appropriations committee chairmen and their staffs to review individual tax returns without the restrictions in current law that make it a crime to use private tax information improperly. As a result, private

taxpayer information would be vulnerable to unwarranted scrutiny, and taxpayers would have no resource or assurance against the improper use of their private financial information. This sweeping disregard for the protection of taxpayer privacy is deeply troubling and all too familiar.

Just 30 years ago, the Judiciary Committee of this House, on a bipartisan basis, voted to impeach President Nixon for violating the Constitution, including using the Internal Revenue Service to persecute those on his enemies list. Article two of the Articles of Impeachment specifically stated that President Nixon endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns.

This disgraceful episode is a sad part of our history, but it was not all that long ago. Many of us remember. In fact, the distinguished ranking member of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), and the distinguished ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), were both serving on the Judiciary Committee in 1974, and they continue to serve here, obviously, today. We are grateful for their steadfast courage and determination in defending our Constitution. They know that it is our constant duty to protect and defend our civil liberties, our freedoms, and the Constitution of the United States. That is the oath of office that we take, and we must never let our guard down.

Lacking the support of a majority of this body, this assault on taxpayer privacy was possible only because of the Republicans' repeated willingness to abuse their power. My colleagues, as we all know, the rules of this House mandate that Members be given a minimum of 3 days to review legislation. That is a rule of the House. Yet the Republican leadership frequently resorts to the use of martial law to push through legislation by requiring a same-day vote. In the 108th Congress alone, the Republican leadership proposed same-day votes nearly 30 times. This excessive use of martial law rules subverts the will of Congress by denying Members the opportunity to examine critical legislation, thus allowing egregious measures such as the taxpayer privacy persecution provision to pass. It was only caught in the Senate because they had more time to review the legislation.

Mr. Speaker, the Supreme Court noted in an 1886 forfeiture case that illegitimate and unconstitutional practices get their first footing by silent approaches and slight deviations from legal modes of procedure. Before us today is a glaring example of what can happen when slight deviations from legal modes of procedure are allowed to go forward. To prevent future instances of hasty and dangerous decision-making, the House of Representatives must

obey its own current rules that require Members of Congress be given at least 3 days to read legislation before voting on it. That is a rule of the House for all legislation. Why would it not be even more important for a 3,000-page bill containing nine appropriations bills, the omnibus bill, that had other extraneous matter in it as we can see? Before us today is again what can happen when slight deviations from legal modes of procedure are allowed to go forward.

I urge my colleagues to remove this taxpayer privacy persecution provision and to demand an end to the irresponsible use of martial law rules. Only if we determine to obey the rules of the House can we truly expect the American people to think that we realized what happened in this bill was wrong and we are determined that it will not happen again.

Mr. Speaker, I urge our colleagues to support the provision that is before us today.

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

Mr. Speaker, this is an extremely regrettable incident. The House is gathered here today, long after the session is supposed to be over, because we had language inserted in an appropriation bill which, if read on its face, would create a grave threat to the privacy of individual taxpayers. I am personally confident that that was not what was meant. I do not believe that this language has been placed in this omnibus appropriations bill because of any conspiracy to invade privacy. I do not believe that at all.

I do believe, however, that the House has been operating under a different kind of conspiracy and that has been a conspiracy to, in essence, shut down the congressional consideration of appropriation bills until after the election because of the knowledge on the part of the majority party leadership that the funding levels for a variety of programs were so tight in areas such as education and science and health that the leadership knew that those votes could not pass the Senate before the election. And then after the election, the appropriations committee, its members and its staff, were then given marching orders to produce bills in virtually no time. Those bills were then brought to the floor.

This is the report, the conference report, now some 3,000 pages of original text. Those bills were brought to the floor with no opportunity for any Member, including the gentleman from Florida and myself as the chairman and ranking member of the committee, to actually take the time to review what was in the language of all 3,000 pages and the language was produced by staff that was sleep-deprived, harried and harassed and under orders only to get the job done within a certain time window laid out by the majority party leadership.

The Washington Post contained the following paragraph in an article writ-

ten by Dan Morgan in describing the situation. That paragraph in Mr. Morgan's story reads as follows:

"But a reconstruction of what happened suggests less a sinister conspiracy than problems arising from the legislative practices of the present Congress, in which sleep-deprived staffers often take on much of the burden of writing major bills under deadline pressure, and legislation drafted in secret is rushed through both Chambers before lawmakers, let alone the general public, have a chance for review.

"Senator KENT CONRAD, ranking Democrat on the Budget Committee, warned that 'something really seriously bad is going to happen if we let this continue.' Senator JOHN MCCAIN said, 'This process is broken.'"

So says the story in *The Post*.

I think that story is accurate. And I would point out that when we have legislation that is produced under those conditions and then when that legislation is brought to the floor under conditions in which the rules of the House are suspended so that Members do not have the normal time to look at a bill, what happens is that there are items in the bill that are not only hidden from members of the opposition party; there are items in the bill that are hidden from the majority's own caucus.

I think that rank-and-file Members of both parties are grossly disserved, and I think the appropriations committee is grossly disserved when we are not given sufficient time to review actions taken by staff and to review actions taken by conferees.

This is supposed to be the greatest deliberative body in the world. It is a far cry from that when you are asked to swallow 3,000 pages, when a bill is filed at 1 o'clock in the morning and then brought to a floor vote with no opportunity to really read the fine print.

So I simply think, Mr. Speaker, that the way to gain something out of this experience is to determine that in the future we are not going to suspend the rules on massive appropriation bills; that we are going to allow people to have the time to review the contents.

But even more importantly, there needs to be a determination to begin the process with a realistic budget resolution so that the majority party can bring its bills to the floor and pass them. I am probably not going to like the priorities in those bills. But the House is better served and Members of both parties are better served when there is an orderly process so that we can debate these differences honestly. Right now we are all paying a price and this institution is paying a price because that has not happened in the past year. I have made quite clear where I think the responsibility for that lies.

Mr. Speaker, I would simply ask Members to remember this incident when we vote on rules changes for the coming Congress. I would ask Members to remember that there are reasons why we should not suspend these rules.

If it is important for us to pass something quickly and if there is bipartisan agreement on that necessity, you can get two-thirds to bring up these bills. Many times we have cooperated procedurally to move appropriation bills forward, but we need to have the safety valve of those rules in order to prevent future mistakes like this which embarrass the institution.

And so, Mr. Speaker, I would hope that we remember that when we are asked to vote on rules changes at the beginning of the next Congress.

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

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

Mr. Speaker, we understand the problems that have been created here, mainly confusion. I certainly endorse what the gentleman from Wisconsin has said about how this came about and what the intent was. The intent was to provide the proper oversight of a half-a-billion-dollar request for an increase in an agency's budget. But this is not the best way to do business.

□ 1445

An omnibus appropriations bill is the last thing you want to do to get the appropriations bills passed.

Now, appropriations bills have to pass. You cannot adjourn and not complete the appropriations bills, because then the government shuts down. I am happy and proud to say during my chairmanship, on my watch, we did not have any government shutdowns, we did not have any appropriations bills vetoed, and we had pretty good votes on most all of the appropriations bills. In fact, this year we never got less than 300 votes on an appropriations bill in the House. That is not a bad record.

The reason that the gentleman from Wisconsin (Mr. OBEY) and I both pushed our subcommittees, majority and minority Members, so hard to get our work done on time was to avoid an omnibus appropriations bill, and we did that. The last bill of the 13 bills was reported by the House Committee on Appropriations on July 22, 4½ months ago, the final bill. The last bill that we passed in the House was September 22, 2½ months ago.

The thirteenth bill would have also been passed that same month, except we were not given time to put the bill on the floor. The House would have had its job completed. Then we could have paid attention to 13 bills, each one individually, each one separately, so there would have been time to have a more thorough evaluation of what was in those bills.

But, the other body would not pass their bills. They would not put them on the floor, for whatever reason. So there were nine bills in this omnibus appropriations bill. It was a bad way to do business, but it was the only alternative left to us in order to get the job finished in the time that we had to get it done.

The bill itself has passed. The House passed it with 344 votes. The Senate

passed it with approximately 60 votes. The bill has passed. What we are dealing with now is a technical correction. We have all agreed to it. We just ought to go ahead and do it, get the bill transmitted down to the President, and clear the decks so that the new Congress and the new administration, can start with a clean slate.

Hopefully there will be decisions made that will allow the appropriations and budget process to work more effectively. There are some who say that the process is broken. I disagree with that. I do not think the process is broken, because the House passed all of our bills. What broke down was the opportunity to go to conference with the other body, because they did not pass their bills.

The budget process might also be a little bent out of shape because we have not had a budget in a couple of years. The gentleman from Iowa (Chairman NUSSLE) deserves credit. He passed a resolution in the House setting a budget, but, again, there was never any conference agreement with the Senate to bring that budget forward and to have the full force of a budget.

So in the House we deemed the budget number to be that as the House passed it, and the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), although we had different approaches, we worked hard to stay within that budget number.

Mr. Speaker, we stayed within the budget. We did not exceed the budget. The omnibus bill does not violate the budget as deemed by the House. But it would be far better if we could have the budget process work to the point that the House would pass it, the Senate would pass it, we would conference it, and then both of us work from the same budget.

We had to end up with the same number on appropriations bills, and the way we did it was to have this omnibus appropriations bill.

Mr. Speaker, as a member of the Committee on Appropriations, you know how hard I pushed to get this work done. And we did our job. I am proud of this House, and I am proud of the Committee on Appropriations, on both sides of the aisle. We did our job. But we are part of a bicameral legislature. The saying is, "It takes two to tango." Well, it takes two Houses to appropriate. That has been one of our problems.

There is a lot more I would like to say about this, but I am not going to. It is time to get rid of this resolution, H. Con. Resolution 528, and allow this appropriations bill to be transmitted to the President.

Mr. UDALL of Colorado. Mr. Speaker, I will support this resolution. But the fact we are considering it should be a source of embarrassment for our Republican colleagues and their leaders.

The resolution would delete from the omnibus appropriations bill a provision that would put at risk the privacy of every American's in-

come-tax return. The Senate passed the resolution after the discovery of that provision led the chairman of their Appropriations Committee to publicly apologize and after it was agreed that the appropriations bill itself would not be sent to the President until the deletion was made.

Certainly this was an embarrassing development. But it should not have come as much of a surprise, because it was the result of a badly flawed process.

Rolling together nine separate appropriations measures—including one that had not been considered by either chamber and several that had been considered only by the House—is not the way Congress should do its work. And, as in previous years, the Republican leadership made things outrageously worse by rushing the massive measure to the floor under a "martial law" rule that prevented Members from having time to carefully review its thousands of pages.

That was the situation that faced us on November 20th, when the House took up the measure, and when each of us had to decide whether to support or oppose its passage.

I finally decided to support it, but the decision was not an easy one and came only after as much review as my staff and I could give to the measure and after giving serious consideration to voting against it.

On the one hand, a review of the measure showed that its enactment would have many benefits for Colorado and the country.

For example, its enactment would assure that the cleanup of the Rocky Flats site would be able to stay on the schedule that aims for completion and closure by the beginning of 2006, and that there would be funds for much-needed work at the NIST laboratories in Boulder.

It also would mean that the Interior Department could complete the purchase of the lands in the San Luis Valley that will become the new Baca National Wildlife Refuge adjoining the newly designated Great Sand Dunes National Park. It would mean that other Colorado lands could be added to the national forests, including more of the lands in the Beaver Brook watershed that the City of Golden is eager to sell for that purpose as well as the Miller tract near Grand Lake and other sensitive lands in other parts of the state. And it would provide other needed funds for ongoing work related to federal lands or other natural resources in our state being done by the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, and the Army Corps of Engineers.

In addition, it would provide funds for important projects for the benefit of many Colorado communities—including Boulder, Eldorado Springs, Idaho Springs, to mention only some in the Second Congressional District—and institutions, including National Jewish and Avista Hospitals, the Bonfils Blood Center, and the National Sports Center for the Disabled.

Further, both our Nation's leadership in science and Colorado firms would benefit from the \$291 million to be used by NASA for servicing the Hubble space telescope—which the statement of managers said "should be one of NASA's highest priorities"—and from the bill's provision of \$28.2 million for the space grant program. And I was encouraged by the amounts the bill would provide for renewable energy research and development—including

\$4.8 million for the National Renewable Energy Laboratory (NREL) as well as an additional \$6.7 for construction of NREL's Science and Technology facility—and for research regarding abrupt climate change.

I wanted to support these provisions, particularly because many of them would not have been included in a long-term continuing resolution that was the most likely substitute if the omnibus bill did not pass.

On the other hand, I was sure that any appropriations bill with such a large number of specifically-earmarked funds must include allocations for low priority projects or questionable purposes—something of particular concern when the federal government is operating in the red.

Further, the conference report retained an objectionable provision that would allow virtually any health care entity to refuse to provide, cover, pay for, or even refer patients for abortion services, even when such actions are otherwise legally mandated by the federal or a state government. The same provision also would allow health care providers who receive public money to refuse to provide women with unintended pregnancies information concerning all their legal options. I thought this provision should not have been included. In another problematic provision, the bill cuts funding for NREL's photovoltaics program, which could mean a loss of as many as 40 jobs at NREL. This would be a devastating loss for the development of PV technology, for NREL overall, and for Colorado.

And I was very concerned that there was a distinct possibility that by voting for the bill I would be supporting other new legislation whose specific details—and possibly objectionable features—I would only be apparent if there were more adequate time to review the bill.

The fact that the bill included the tax-return provision addressed by the resolution before us today shows this concern was well-founded. And I would have been even more apprehensive if I had known that the statement of managers not only failed to fully explain many provisions, but in some instances was completely silent about important parts of the bill.

For example, the statement of managers omitted any mention of the fact that the bill included legislation for a full decade's extension of the recreation-fee demonstration program—legislation that I had opposed when it was considered by the Resources Committee and that in my opinion should not have been a part of any appropriations bill.

Finally, after as careful a review as possible under the circumstances and after weighing the decision carefully, I decided to vote for the omnibus bill despite the defects that I recognized and likelihood that there were others I had not found.

I will stand by that vote. The decision was mine and I recognize that I am accountable to my constituents for it. But I object to the circumstances under which that vote was cast—and my objections have only become stronger in the time between that vote and the one that we will cast on the resolution to remedy one—but hardly all—of the omnibus bill's flaws.

Mr. DEFAZIO. Mr. Speaker, I want to comment on the extraordinary situation in which we find ourselves today. We're debating a resolution to belatedly strike a provision from the fiscal year 2005 omnibus appropriations act because there was a provision in the bill in-

serted with the knowledge of only a handful of individuals in this body that would have seriously undermined the privacy rights of all American taxpayers.

We find ourselves in this situation because of the mismanagement of the Congress and the federal budget process by the majority in the House. The Congress never passed a budget this year. That led to the total implosion of the annual appropriations process. Only two bills were approved by Congress and signed into law by the start of the 2005 fiscal year on October 1, 2004. Two additional bills were approved in mid-October.

The remaining nine bills totaling hundreds of billions of dollars and running more than 3,000 pages in length were cobbled together behind closed doors by just a few staff members with oversight by just a couple of Republican leaders in Congress. The text of this monstrosity was brought to the House floor only a few hours prior to the vote on Saturday, November 20th. That is clearly not enough time for any of us to read the bill, understand it, and ensure tax dollars are being spent wisely.

Despite this ridiculous process, I voted in favor of the bill because the alternative would have hurt the people I represent in Oregon. The alternative to the omnibus was to fund virtually the entire Federal Government on autopilot for the next year via a continuing resolution. This would have negated the increased funding in the omnibus for veterans at a time when thousands of troops are returning home from Iraq and Afghanistan, threatening to overwhelm the VA health care system.

It also would have meant Oregon would lose millions of dollars I secured in the omnibus for critical infrastructure projects, including projects at the North Bend Airport; the Port of Brookings; transportation improvements like the Coburg/I-5 Interchange; and water infrastructure projects for Sweet Home, Coburg, and Coquille.

So, while I supported the omnibus because it is beneficial for Oregon, I would urge the House Republican leadership to never again bring a bill to the House floor under these circumstances. Never again should the federal budget process be allowed to implode as it did this year. Never again should the House leadership bring a bill to the floor that is drafted behind closed doors by only a few Members and staff. Never again should the House leadership bring a bill to the floor with no time for Members to actually read what they will be voting on.

Finally, while I am pleased we have the opportunity to belatedly remove the provision from the omnibus that undermines taxpayer privacy, I am disappointed that two other provisions I asked the House leadership to schedule separate votes on will be allowed to remain in the bill without any further consideration. These controversial provisions—one of which will expand the number of immigrants allowed into the United States under H-1B visas, the other which imposes a recreation tax on citizens using public lands—should be considered on their own merits rather than rolling them into a must-pass measure.

With respect to the immigration provision, under current law, businesses are limited to hiring no more than 65,000 workers annually through the H-1B visa program. A provision in the omnibus will allow multinational corporations to make an end run around this cap to hire up to 20,000 additional foreign workers for employment in the United States.

An expansion of H-1Bs is not necessary. There is no evidence of a shortage of qualified American workers. Even Bureau of Labor Statistics data compiled by the Bush administration show rising unemployment among American engineers and computer scientists. In fact, for the first time in more than 30 years, the unemployment rate for tech workers is higher than the overall jobless rate. This pool of American workers should be tapped first before even considering an expansion of the H-1B program.

Further, there is growing evidence that the importation of foreign workers is driving down the wages of American workers.

Given all of these obvious negatives, there are a significant number of members on both sides of the aisle who are concerned about expanding the H-1B program and feel strongly that this is an issue of protecting American jobs and American workers' standard of living.

I am also disappointed that the House leadership included in this omnibus a 10-year authorization for new and more expansive recreation fee taxes for use of public land. The original Recreation Fee Demonstration program was established by a rider to the 1996 Interior appropriations bill. Since its establishment, fee demonstration has been amended or extended numerous times, but has never gone through the proper authorizing process. Now, Congress is prepared to adopt a 10-year authorization through back channels, even though it has never been taken up by the full House, and is opposed by the committees of jurisdiction in the Senate. There is also strong opposition in the House from Members of both parties who serve on the committees of jurisdiction.

Fees for dispersed recreation on public lands amounts to nothing more than a stealth double tax for hikers, hunters, picnickers, or anyone wishing to spend a day at the beach or in the forest with their family. An omnibus appropriations bill is not the place to impose increased taxes on Americans.

Besides, the land management agencies have utterly failed to demonstrate that they deserve an expanded fee program. Within the Forest Service, for example, only 50 cents of every dollar collected actually goes toward maintaining or improving our public lands, the purpose for which Congress originally designated the fees. The rest is eaten up by administrative and collection costs. Losing 50 percent of funds to overhead signals that this is not an effective government program. In addition, the Forest Service doesn't know if these taxes are helping to relieve the maintenance backlog, or even to what extent it has a maintenance program.

This body should be ashamed of the process under which this legislation was drafted and brought to the floor. The American people deserve better from this Congress.

Ms. WOOLSEY. Mr. Speaker, today we are removing language that allows Appropriations Committee members and their staff to look at citizen's tax returns. This language was in a 3,500 page spending bill, which Members only had hours to review before voting. Privacy was at stake here and it is right to correct this wrong.

But another provision in this bill also threatens privacy. The privacy of women and their conversations with their doctors. The Federal Refusal Clause language inserted in this bill robs women of their right to access comprehensive health care. No matter how you

look at it, this provision goes one step further by making it impossible for women to exercise their reproductive choices and once again subjects them to the wrath of the anti-choice movement. This was a misguided measure that has dangerous implications for women's reproductive health and for our health care system as a whole. If we were truly correcting the bad policy inserted in this bill we would be removing this language as well.

Mr. Speaker, our constituents want us to get it right the first time around. Let's not make a mistake now that we have a second chance. I urge my colleagues to support the removal of this anti-choice, anti-privacy language.

Mr. GREEN of Wisconsin. Mr. Speaker, I support this provision to strike the insertion in the omnibus appropriations bill, which allows Appropriations Committee Congressional staff to review individual tax returns.

However, I strongly protest the insertion into the omnibus-spending bill of a provisions that essentially eliminates the Federal Prison Industries Program. This provision was inserted into the 3,000-plus page spending bill without the knowledge of most Members and without an opportunity for the House to remove or modify it. This provision was stricken from the House to remove or modify it. This provision was stricken from the House Transportation, Treasury and Independent Agencies appropriations bill because it was found to violate House rules of legislating on an appropriations bill. This provision should not have been inserted into the omnibus bill when neither the House nor Senate passed this measure. The opponents of FPI are trying to achieve through the back door what they could not achieve in the normal legislative process. It is wrong and certainly anti-democratic.

Mr. ISTOOK. Mr. Speaker, I support this resolution. The mistake it corrects was actually caught before the appropriations bill left the House, and a commitment to correct it was made before the House ever voted on that bill.

It wasn't necessary for House Members to return to Washington for this vote; the mistake could have and would have been corrected almost 2 weeks ago under a unanimous consent request. That would have been simpler and better, and would have involved less political posturing than we've heard.

I'm satisfied it was an honest error, although a significant one. Those who claim this is part of some sinister plot to snoop into tax returns are just wrong; they're pushing one of those "black helicopter" conspiracy theories.

Of course, we never should have had this problem. We can and should take these three steps to avoid any recurrence:

(1) Get the other body to help us to move the spending bills on-schedule, so we can avoid the big omnibus bills that generate problems.

(2) Avoid the late-session rush to get out-of-town, which also pushes decision-making into the wee hours when people are weary, and more prone to make mistakes.

(3) We should always be able to trace clearly the authorship of every provision in every bill. Every committee should enforce a requirement that no congressional staffer should take it on themselves to insert any language—even supposedly minor language—that has not been cleared by the appropriate members of the House. Certainly that violates the standing orders that I have always given to staff; I've always directed that each and every provision must be brought to my personal attention.

Things like this should not be blamed on one person. Multiple congressional staff, in both parties and both houses of Congress, had the opportunity to catch this and to fix it. But when haste and weariness set in, the error wasn't caught until after the bill had been filed with the House clerk.

Yes, this was a sad and embarrassing event. But the problem was caught and it's being fixed before that provision could ever become law. What would be sadder and more embarrassing is if we failed to learn lessons, to make sure that something like this never happens again.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today with great delight to announce the FY2005 omnibus appropriations package that is scheduled to be approved by Congress today includes the text of legislation I authored, H.R. 2792, that reauthorizes refugee eligibility for children of Vietnamese re-education camp survivors.

The Communist government of Vietnam, by its actions in imprisoning Catholic priests, Buddhist monks, and ordinary citizens whose only crime is to speak out for freedom and democracy, is saying loudly and clearly and consistently to the United States: We want your investment dollars, and we are willing to learn from your economic system; but your values of religious and political freedom are not welcome.

We need to do more to respond to this message of oppression with our own message of freedom. Human rights need to be central to our foreign policy toward Vietnam. One small step we can take is to save as many as possible of the people who are still being persecuted by the Communist authorities because of their wartime associations with the United States or simply because they share our values.

Until April 1, 1995, former Vietnamese prisoners of war who were accepted for resettlement by the United States as refugees could bring their sons and daughters, even those above the age of 21, so long as they had never married and were members of the refugee parent's household. On April 1, 1995, the Immigration and Naturalization Service (INS) changed its interpretation of the law, to exclude children who were over 21, even if they were unmarried and living with their parents. This change in policy forced a brutal choice on ex-political prisoners: either decline the opportunity to find freedom in the United States, or abandon their children in a country that has persecuted them.

For South Vietnamese combat veterans and others who had suffered with their children long terms in re-education camps because of their wartime associations with the United States, this imposed a particularly harsh burden. These children had already been without their fathers while they were in re-education camps, in some cases for 10 or 15 years. Then the refugees were given a choice between living forever under a Communist dictatorship or leaving their children behind when they immigrated to the United States. These children are marked as members of a "counterrevolutionary family" and denied educational and employment opportunities by the government of Vietnam. They would certainly go on suffering in Vietnam because of their family's participation in the war.

Recognizing these realities, Congress on three occasions has adopted the "McCain

amendment," which changed the INS interpretation of the law, so that refugees who are survivors of re-education camps can once again be accompanied by the unmarried sons and daughters.

The latest extension of the McCain amendment expired on September 20, 2001. Hence, I introduced and Congress passed H.R. 1840 in the 107th Congress to reauthorize the McCain amendment through September 30, 2003. The original language did not apply to children who were mistakenly rejected before April 1, 1995, for reasons other than age. Even if new evidence surfaced that showed someone rejected before 1995 was actually the child of a refugee, families had no recourse to challenge the decision. The original language also excluded refugee sons and daughters who were denied access to an INS interview by corrupt and/or vindictive Communist officials who often serve as gatekeepers for the U.S. refugee program. My bill fixed these problems. In addition, the legislation permitted unmarried children over the age of 21 to immigrate to the United States even if the surviving parent is currently living in the United States.

Mr. Speaker, today I stand here before you as this important provision has once again expired. Fortunately, with the help of Senator JOHN MCCAIN (R-AZ), the text of H.R. 2792, which extends this provision until September 30, 2005, was added to the FY2005 omnibus appropriations package that we are set to approve today.

H.R. 2792 is a fair and equitable bill that provides family reunification and allows us to keep our promise to the people who fought alongside U.S. troops during the Vietnam war. Their courage and valor must never be forgotten.

I want to thank Senator MCCAIN for his leadership and his staff for their assistance in passing the H.R. 2792 language. Furthermore, I would like to thank the co sponsors of my bill Representatives ZOE LOFGREN, CHRIS SMITH, JIM MORAN, and LORETTA SANCHEZ who have given this issue their steadfast support.

Mr. BACA. Mr. Speaker, I respectfully request to be excused from the floor, on Monday, December 6, 2004, on legislative and personal business. I will be present on Tuesday, and the balance of the week, and I will be able to participate in the key votes that are expected during that time.

The reason for my absence on Monday is that I have been invited—as a proud parent, and Congressman from the Inland Empire—to attend the swearing in of my son, Joe Jr., as a member of the California State Assembly. This moment is very significant, because this is the same seat I held when I represented the Inland Empire in the state Assembly. I am sure you will join in my immense pride and joy I have as a father, on this historic occasion—one that reflects the continued ascendancy of Hispanics into leadership ranks, as well as the political coming of age of the next generation.

I understand that, at present, leadership has no plans to being up on Monday the 9/11 Implementation Act, and Democrats are not whipping attendance for the suspension items on Monday, but I remain in ongoing communication with, and at the disposal of, the Democratic leadership team, should the situation change.

I also have been informed that he repeal of the Taxpayer Persecution Act will be undertaken through the suspension process this

evening. Like you, I was disturbed that the Republicans gave their staff the power to scrutinize Americans' tax returns, without safeguard, and I was even more outraged that this provision ended up in a bill that no one had read, hastily brought to a vote under martial law rules. If I were present, I would vote to strip this provision out of the appropriations bill, by voting "yes" on H. Con. Res. 528.

Mr. Speaker, I rise in support of H. Con. Res. 528 and to express my deep concern about this Congress undermining our democracy. The taxpayer persecution language in the appropriations omnibus was an abuse of Congressional power. This language would allow members of Congress and their staff to read the tax records of any American and disclose the information.

Unfortunately, this provision is just one more example of an abuse of power by the majority party of this Congress. The process that the Republican majority has resorted to is the reason that such outrageous provisions were approved. The Republican majority has used martial law to speed through legislation without giving members the change to read it over.

Democracy suffers when members of Congress are given only a few short hours to read thousands of pages of law and it is the American citizen who must bear the burden of our actions. Democracy suffers when the minority is denied a seat at the table and the chance to be a part of the process. It is not the Members of Congress who lose out. The American citizens they are here to represent are the ones who lose out.

The taxpayer persecution language is a frightening example of a Republican majority that is willing to oppress the minority, undermine democracy, and cast the shadows of Big Brother. Rule by the majority of the majority is not a democracy.

Mr. Speaker, I speak out in frustration of a Republican party run government that seems to have little regard for the elected representatives of half of this country, and even less regard for the American citizens they represent. When our founding fathers created the United States Congress this was not what they had in mind.

We need to bridge together the widening divisions in our country. We need to begin by bringing comity and bipartisanship back to this chamber, and in so—to the Nation. We must not allow our legislative process to fail us again.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Florida (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendment to H. Con. Res. 528.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LIMITING TRANSFER OF CERTAIN COMMODITY CREDIT CORPORATION FUNDS

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2856) to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs.

The Clerk read as follows:

S. 2856

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

SECTION 1. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

“(b) TECHNICAL ASSISTANCE.—Effective for fiscal year 2005 and each subsequent fiscal year, Commodity Credit Corporation funds made available for each of the programs specified in paragraphs (1) through (7) of subsection (a)—

“(1) shall be available for the provision of technical assistance for the programs for which funds are made available; and

“(2) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I rise in strong support of S. 2856. Conservation was a significant part of the 2002 farm bill. Congress increased the conservation budget by nearly \$2 billion per year, a 75 percent increase. However, there is a current shortfall in the Conservation Technical Service Assistance budget at the Natural Resources Conservation Service. This shortfall represents the costs necessary to administer the Conservation Reserve and Wetlands Reserve programs.

So far, those costs have been taken directly out of the pockets of farmers and ranchers, and, if you permit me, the environment, when fewer conservation benefits are provided by the Environmental Quality Incentives Program and the other so-called donor programs. In other words, the NRCS takes money from EQIP and farmland protection so that CRP and the Conservation Reserve Enhancement Program and WRP can be administered.

The USDA has also been using the Wildlife Habitat Incentives Program, or WHIP, the Farmland Protection Program, FPP, and the Grasslands Reserve Program as donor programs for CRP and WRP.

S. 2856 will help alleviate some of the implementation problems that have oc-

curred during the last 2 years when approximately \$100 million per year was being taken from the four donor programs. When the farm bill was written, it was Congress' intent that each conservation program would pay for its own technical assistance. I have been working with the Committee on the Budget and the Committee on Appropriations committees to ensure S. 2856's passage will prevent funds from being diverted from the donor programs. I have numerous groups supporting the bill, and I will include for the RECORD these letters.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 3, 2004.

DEAR CONGRESSMAN: We write today to ask for your support of S. 2856 on Monday, December 6, 2004. This bill, which has been adopted in the Senate, addresses a misunderstanding that has existed between the U.S. Department of Agriculture and the Congress as to the source of funding for the technical assistance costs for certain Farm Bill conservation programs.

S. 2856 ensures that the original intent of Congress will be used in the implementation of these programs where each of them will be expected to pay for their own technical assistance from their own share of the total funding made available to them. As passed by the Farm Bill, these programs have a significant backlog of requests from farmers and ranchers for conservation assistance.

We wholeheartedly support S. 2856 because without it several of these conservation programs will be significantly hampered from achieving their intended purpose—helping farmers and ranchers improve and conserve soil, air and water quality and restore and improve wildlife habitat. We ask for your strong support of this measure when it comes before the House on December 6, 2004.

Sincerely,
National Soybean Association.
National Pork Producers Council.
National Cattlemen's Beef Association.
National Association of Conservation Districts.
National Association of Wheat Growers.
National Corn Growers Association.
National Cotton Council.
National Farmers Union.
National Milk Producers Federation.
National Turkey Federation.
Southeast Dairy Farmers Association.
Western United Dairymen.

DECEMBER 6, 2004.

DEAR REPRESENTATIVE: We strongly urge that you enact S. 2856 to ensure that USDA stops the practice of diverting funds from the dollar-limited, working lands conservation programs to pay for technical assistance costs associated with land requirement programs.

Since enactment of the 2002 Farm Bill, USDA has diverted more than \$200 million from EQIP, the Farmland and Ranchland Protection Program (FRPP), the Grasslands Reserve Program, and the Wildlife Habitat Incentives Program (WHIP) to pay for technical assistance for the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP). Unless this problem is fixed, farmers and ranchers seeking to improve water and air quality and enhance wildlife habitat stand to lose approximately \$100 million in FY05 and nearly \$300 million in FY06 and FY07.

S. 2856 protects funding for all USDA conservation programs. S. 2856 ensures that funding for CRP and WRP technical assistance flows directly from the Commodity Credit Corporation, not from working lands