

This is underhanded, and this is wrong.

I urge our distinguished Speaker of the House, who has a large number of these retirees in his district, and all my colleagues to demonstrate a commitment to our retirees and join in asking the CEO of United Airlines to do the honorable thing and keep his promise to these workers.

**PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 743, SOCIAL SECURITY PROTECTION ACT OF 2003**

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 520 ask for its immediate consideration.

The Clerk read the resolution, as follows:

**H. RES. 520**

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 520 provides for the consideration of a motion offered by the chairman of the Committee on Ways and Means or his designee to concur in the Senate amendment to H.R. 743. The rule provides for 1 hour of debate in the House on the motion, equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means.

H. Res. 520 provides that the Senate amendment and the motion shall be considered as read. It waives all points of order against consideration of the motion to concur in the Senate amendment, and it provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion.

Mr. Speaker, the purpose of H. Res. 520 is to expedite the final consideration of H.R. 743, the Social Security

Protection Act of 2003. Adopting this rule will allow the chairman of the Committee on Ways and Means to offer a motion to concur in the Senate amendment to the House-passed version of H.R. 743, which, if approved by the House today, will clear this bill for the President's signature. I urge my colleagues to join me in supporting this rule.

Last April, the full House of Representatives approved H.R. 743 with a 396 to 28 vote. The overwhelmingly bipartisan vote on House passage was preceded by the House rejecting the Green amendment. The Green amendment sought to maintain the so-called "last day rule," which is a loophole that a small number of workers in certain States have exploited in the past. To its credit, the underlying legislation before us closes down that loophole. Last December, the U.S. Senate approved its amendment to H.R. 743 by unanimous consent.

Let us be clear: H.R. 743 is non-controversial legislation that has wide bipartisan support in both the House and Senate, and promptly adopting the Senate amendment to H.R. 743 will enable the President to sign this legislation into law this month.

The Committee on Rules approved this rule by voice vote yesterday, and I urge my colleagues to support it so we may proceed with debate and consideration of the underlying, bipartisan bill.

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

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

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

Mr. FROST. Mr. Speaker, my fellow Texas Democrats have joined me here today on an issue of fairness. Will this House be fair to those who stand to lose a Social Security pension that has been fairly paid into and is fairly deserved, or will they vote to drive valuable public servants out of a system that desperately needs them?

Some Members believe that the Texas teachers and other public employees want some sort of special treatment. They do not. Their spouse correctly and completely paid into the Social Security system. And if they were just not teachers, policemen or firefighters, then they would receive their spousal benefit. Is this the message that we want to send, that the Social Security system will treat everyone honestly except those who are most valuable to our society?

Every Member here today supports the underlying bill, the Social Security Protection Act. Its main provisions would deny Supplemental Security Income, SSI, to fugitive felons, make it easier for seniors to get a lawyer for the complicated disability process, and reform the representative payee program so that seniors are not defrauded.

In fact, the House considered all of these reforms during the 107th Congress in a bill that passed the House

unanimously. Unfortunately, that bill, H.R. 4070, was not conferenced before the end of the Congress, and it has returned in this much more controversial form.

I support all the reforms in this bill, Mr. Speaker; and if the bill consisted of just these provisions, we would again pass this bill unanimously. But the same bill that helps protect our seniors from Social Security fraud hurts our teachers, firefighters, police officers and other public servants around the country, including in my home State of Texas. Specifically, section 418 of this bill would prevent those hard-working public servants from protecting their retirement benefits from the harsh impact of the Government Pension Offset.

Mr. Speaker, this issue may appear complicated to some, but it is very clear to the thousands and thousands of dedicated teachers and other public servants who are affected by it. So clear, that both the National Education Association and the American Federation of Teachers are opposed to this bill.

Many teachers in this country have pension plans that are not covered under Social Security, but they have spouses who are working in jobs that do pay into Social Security. Under normal circumstances, a surviving spouse, such as a teacher, would be eligible for spousal or survivor's benefits if their spouse, who paid into Social Security, dies. But under current law, the Government Pension Offset reduces or eliminates the spousal or survivor's benefits for teachers and others who pay into pension plans that are not covered by Social Security.

Fortunately, there is a provision in the law right now that helps some people in this situation. It allows you to protect your retirement by switching jobs at the end of your career. This "last day exemption," as it is called, has helped many teachers in Texas and other States protect the Social Security benefits they deserve and that they now need to retire. However, section 418 of the underlying bill would eliminate this exemption. Instead, it would force teachers, police officers, firefighters, and other public servants to work 5 additional years before receiving full spousal benefits.

Mr. Speaker, that is no way to treat hard-working people who have dedicated their entire lives to serving their communities and this Nation. It hurts real people, especially women and lower-income individuals. That is why I will ask Members to defeat the previous question on this bill today. If we do, then I will do something that 285 of our colleagues have asked this Congress to do, and that is to eliminate the Government Pension Offset.

Our colleague, the gentleman from California (Mr. MCKEON), has a bill, H.R. 594, which 285 of us have cosponsored, which calls for the elimination of the GPO. If we defeat the previous question, then I will attach that bill to H.R. 743 without section 418 and then

bring the measure before the House for its immediate passage so that teachers and other public servants can continue to protect their retirement benefits.

Mr. Speaker, there should not be a Texas Member in this House who does not vote to defeat the previous question. I would hope others would join us. I urge my colleagues to support Social Security fairness for teachers, firefighters, and police officers by voting to defeat the previous question.

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

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I want to thank my colleague from Texas for his hard work on this issue and urge my colleagues to oppose this rule and support his amendment.

Mr. Speaker, if cosponsoring a bill is any indication of support for an issue, then the Frost amendment should pass by a minimum of 285 votes to 150. That is because 285 Members of this House have cosponsored H.R. 594, which is the underlying bill that the Frost amendment would add to H.R. 743. But now it is time to put our money where our mouth is. I am afraid that the so-called supporters of the GPO repeal are going to turn their back on the hundreds of thousands of public servants who are affected by the Government Pension Offset.

As we have heard, the Government Pension Offset unfairly reduces an individual's Social Security spousal benefit if he or she receives a government pension from employment not covered by Social Security. This is unfair and arbitrary and affects individuals at the Federal, State, and local level. Most often it hurts teachers, anyone who works for a school district, firefighters, police officers and other public servants.

Our office hears more about the GPO than practically any other issue. Teachers, firefighters, police officers, and civil servants are finding out every day that their Social Security spousal benefits are being reduced by the Government Pension Offset.

These are people who have dedicated their lives to making America better. When it comes time to retire, they lose out. That is because the GPO unfairly reduces Social Security spousal benefits by two-thirds, regardless of how much your government pension is. This is particularly unfair to low-income folks and widows, the very people Social Security was designed to protect. The Frost amendment would give us a chance to correct this serious problem and make sure that public servants receive a fair spousal benefit.

Like I said earlier, this is clearly a good idea, because 285 Members of the House have cosponsored this legislation, and that is why I urge support of the Frost amendment.

It is interesting to note we have someone, for example, in my own dis-

trict who is a teacher for 30 years and has been married for 30 years; and when she retires, when her husband passes away, she is penalized for her spousal benefit under Social Security because she worked at a public school system, not by her choice; but they decided not to pay into Social Security because in 1983 that was one of the groups left out.

□ 1315

They did not pay into it, rightfully so, but under Social Security, under our law, if they are married 10 years to an individual, they have a right to those benefits, a spousal benefit.

It is interesting that our law punishes a group of teachers, for example, in Texas and Georgia who have said, okay, the law says I have to work 1 day; I will go work 1 day somewhere that pays both the teacher retirement and the Social Security. Is that right? Sure, it is not, but neither is the GPO, and that is why the Frost amendment is so important.

We need to reform the Government Pension Offset, and the best time is today, not waiting until the end of this year. We have been waiting for 15 years to reform the Government Pension Offset. So by voting for this legislation today, we are making the Government Pension Offset even worse. That is why the Frost amendment is so important.

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

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, today the House stands to make a choice. We can choose to support our widowed teachers or we can choose to oppose them. The choice is ours. It is as simple as that.

I am appalled that our friends on the other side of the aisle would take a stand against our teachers and claim, as they have, that the teachers are engaged in a gimmick or a trick or a fraud. That is absolutely insulting to America's teachers. Obtaining spousal benefits is not a trick or a fraud. It is a payment for an entire lifetime of work by a spouse. It is a payment for an entire lifetime of a man and woman working together.

Saying that teachers receive Social Security for working 1 day is simply not true, and our friends on the other side of the aisle know it. It is embarrassing for them to say that. The real fraud is that the Republicans have failed to address the GPO.

Here is the way the Republican plan works. If someone works for an insurance company, there is no offset. If someone works for a pharmaceutical company, there is no offset. If someone works for an HMO, there is no offset. But if that person elects to be a teacher and educate our children, there is an offset and their spouse's lifetime of work is absolutely meaningless under the Republican plan.

At least our friends on the other side of the aisle are consistent. They believe that neither veterans nor teachers should receive benefits they have earned. Teachers work hard. They follow the rules. They deserve their earned benefits.

Section 418 was not included in the version of this legislation that the House passed with my support during the 107th Congress. I support other provisions of this legislation but cannot support H.R. 743 as introduced. Allowing section 418 to remain will strike at the very heart of public schoolteachers in Texas and at the very heart of our children.

The greater issue of this bill is the failure of Congress to address the Government Pension Offset. Our Republican leadership stood on this very floor during consideration of H.R. 743 last April and testified to their commitment towards ending the GPO. The gentleman from Texas (Mr. DOGGETT), a representative of Congress and a supporter and champion of Texas teachers, read an excerpt from a letter of the Majority Leader to a constituent stating, "I strongly believe that the GPO is an unfair and misguided piece of legislation. It undercuts the people who have spent their entire working life paying into the Social Security system by denying them their fair share of the hard-earned money they contributed. Married couples should be able to share those benefits with their spouses."

The chairman of the Committee on Ways and Means: "Is there a problem with the offset? Of course there is. We just had a colloquy on the floor with the chairman of the Subcommittee on Social Security and the ranking member of the Subcommittee on Social Security, and there was an agreement we will seriously address the pension offset."

The chairman of the Subcommittee on Social Security of the Committee on Ways and Means: "We absolutely need a full discussion of all Social Security provisions affecting public employees, which is why the Subcommittee on Social Security will have a hearing on these issues and legislative opportunities."

Well, enough is enough, Mr. Speaker. Talk is talk. Enough hearings. This is an example of actions speaking louder than words. Surely the leadership, who only scheduled four suspension bills and H.R. 743 for this entire week, can find the time to vote to repeal the GPO and the windfall elimination provision. All they have to do is call up a vote on H.R. 594, a piece of legislation that has 285 bipartisan cosponsors.

Here is the deal. Either we support the teachers, we support first responders, we support firefighters, we support police, we support public employees, or we do not. That is it. It is that simple. Put up or shut up. That is the deal.

Until we vote on H.R. 594 to repeal the GPO, we cannot allow H.R. 743 to pass. We cannot be involved in changing the rules of the game right in the

middle of the game. And truthfully, Mr. Speaker, this is no game. This is our retired teachers' livelihood. Our teachers should be rewarded, not punished. Let us stand up for teachers today. Let us vote for the Frost amendment and let us vote "no" on H.R. 743.

Mr. LINDER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, let me commend the Committee on Rules and certainly the gentleman from Florida (Mr. SHAW) for initiating these kinds of needed changes.

My suggestion is, let us start dealing with some of the real problems of Social Security and move this, allow this bill to proceed, because what is in this bill is fair and it is needed.

I just want to take a couple of seconds to say how important I think it is to deal with the huge problem that we are going to be facing in Social Security.

We have an unfunded liability now of \$12 trillion in today's dollars. If we look at the dollars in future years that is going to be required to keep our promises in Social Security, then it is going to be over \$25 trillion. It is something that is terribly disrespectful of current and future retirees to continue to put off the solution to Social Security. I would hope that we would continue this debate and discussion and look for ways that we can keep Social Security solvent.

It has been a good program. Putting off the problem that we are facing and demagoguing in elections is not the solution.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, there is something ironic when we have 17,000 soldiers from my district in Fort Hood, Texas, fighting for democracy in Iraq, yet right here on the floor of the House with this bill the House leadership is denying democracy in the people's House of Representatives in America.

Basically, what is happening is that we are being denied, 435 Members are being denied the right to even vote on an amendment to this bill. Regardless of the substance of amendments, that is wrong. We cannot be preaching democracy in Iraq and fighting for it there while denying democracy here in America.

Secondly, for this bill to be called the Social Security Protection Act, I think it needs a large asterisk, Mr. Speaker, because the same people pushing this legislation are the ones who are the architects of the largest fiscal deficit disaster in American history. The greatest threat to the solvency of Social Security, its trust fund and benefits for seniors is the massive \$7 trillion national debt that is stealing money away from the Social Security Trust Fund, money that should be saved to provide benefits for Social Security recipients.

So let us point out that, despite some of the good things in this bill, the fact

is that this is not going to truly protect Social Security unless the leadership and the administration are willing to change their fiscal policies and stop the largest deficits in American history that are stealing \$200 billion in just the last years from the Social Security Trust Fund.

Thirdly, while I support most of the specific reforms in this bill, I take great exception to the provisions that I think will harm not just firefighters and police officers, those who are protecting our homeland from burglars and problems here at home, as well as threats from abroad, but this is going to hurt soldiers. And let me tell my colleagues how.

The 17,000 soldiers from Fort Hood, Texas, who are in Iraq right now are paying Social Security taxes. When they get home, if they finish 20 years of service in the military and then they decide to continue that public service as a public schoolteacher in Texas, they are basically, under this bill, going to be punished in their retirement benefits, simply because they served our country for 20 years in the military, paid Social Security taxes, and they are going to have those Social Security benefits reduced.

It is wrong to be saluting them with our words, our soldiers in Iraq, while passing legislation today that is going to hurt thousands of Texas soldiers fighting in Iraq from being able to become a public schoolteacher and still receive the Social Security benefits that they have already paid into for 20 years.

The ultimate victim of this bill is going to be the children of States like Texas. Because, right now, teachers are planning on retiring in Texas, experienced teachers in communities that desperately need them to stay in the classroom. But this bill is going to deny those teachers an opportunity to receive their full Social Security benefits within the public school classroom.

Mr. Speaker, this bill should be defeated. This rule should be defeated. It is wrong.

Mr. LINDER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

Anyone watching this debate today must wonder, what in the world is the Congress doing to the schoolteachers? What in the world is going on here? I think a few things need a little bit of explaining.

We have two people, a man and a woman, working and receiving and paying into the Social Security Trust Fund. When one dies, the surviving spouse gets either surviving benefits or their own Social Security, whichever is higher. If we take a situation now and say, well, let us look at people who are not covered under Social Security. If

they work 1 day under Social Security, they get both their survivor benefits and their pension plan. This is not fair.

If we were to allow this to happen for all American workers under Social Security where they could receive both their pension and the survivor's benefits, within 10 years we will have a \$1 trillion deficit in the Social Security Trust Fund and we will be bankrupt.

This bill passed this House with only 28 people in the whole House voting against it. It passed the Senate under unanimous consent. There are some wonderful parts of this bill that we need to address. The problem with the noncovered workers, we are simply putting them on a level playing field with those that are covered. It is the right thing to do. It is the fair thing to do.

This House has already been through this. We have had a vote. The Senate has passed it by unanimous consent, and we should have a similar vote.

So when my colleagues come down to vote, look also at other provisions within the bill which are tremendously important to all of us. Waste, fraud, and abuse, paying in to fraudulent caregivers, all of these things are covered throughout this bill.

The amount that we are talking about, it affects some, and only a few and I might say a minority of the schoolteachers in Texas, but it does affect some of them, there is no question about that, but it in no way discriminates against them. They still are at an advantage, because they can work 5 years under Social Security, pay into for 5 years, and then they will receive the higher of their benefits or survivor benefits. But those people who give up their job and work 1 year in the cafeteria or something of this nature under a job that is not covered under Social Security, then they will collect, for paying 1 year into this, they will collect approximately \$100,000 in Social Security dollars. It is wrong. It is not fair.

Mr. Speaker, let us pass this rule. Let us pass this bill and send it to the President for signature.

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

Mr. GREEN of Texas. Mr. Speaker, I apologize for not being able to ask a question to the chairman of our Subcommittee on Social Security, but all of Texas educators, teachers, administrators, custodial, cafeteria workers, everyone is affected by this bill. It moves it to be qualified to 5 years.

But let me explain the reason. They are not paying into Social Security now. They do not receive anything for what they pay into Social Security. It is for them as being a widow of someone who paid into Social Security.

The best example is that someone in my district works at a machine shop for 40 years and they are married to someone who works in a public school system in Texas, that the vast majority of the Texas school districts are not

participants in Social Security by law from this Congress. That widow, that person dies, the person who paid in their whole work life into Social Security, their widow is penalized by this legislation. So Texas has found a way around it by letting them go to find a school district and work 1 day. Well, it is a loophole, but, in all honesty, it is a loophole that benefits widows.

It is interesting. I want to deal with the big issues in Social Security, but, in all honesty, we need to deal with it without punishing the widows of people who have paid into Social Security their whole work life and may have been married for 40 years and then they get penalized by the Government Pension Offset.

□ 1330

This legislation may have good parts in it, but the GPO part is wrong. We ought to deal with the Frost amendment so we can have reform of GPO on this House of Representatives floor without waiting for the Committee on Ways and Means to deal with it.

Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I take offense to the words that were used by the chairman when he talked about fraud and abuse when you talk about the widows of these individuals. Their husbands have worked 30, 40 years of their life.

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

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Texas (Mr. GREEN) controls the time.

Mr. GREEN of Texas. Mr. Speaker, I have yielded my time to the gentleman from Texas (Mr. RODRIGUEZ). I would have gladly asked a question, and we would not have had to have this debate if we could have asked the question earlier.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW) for more illumination on this exciting subject which will be covered at great length in the next hour.

Mr. SHAW. Mr. Speaker, I would just speak to the gentleman who just spoke when he referred to what I talked about in taking offense of fraud and abuse. If the gentleman would read the bill, he would see what I am talking about is a completely different section.

This is the area where caregivers are receiving checks and misappropriating them. It has nothing to do with spouses.

This is a very large bill, and I would suggest that the gentleman read it and understand it, and then he would not misinterpret what I have just said.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I rise today to discuss my disappointment with the provisions of this bill that affect many of the public service employ-

ees in Texas. Although the legislation has a number of good provisions, and I agree there are some good provisions in it, it does not correct the injustice that is hurting many of the firefighters, the policemen, officers and our teachers.

This act fails to correct the unjust Government Pension Offset, the windfall elimination provisions in the Social Security Act. These two sections of the Federal law take billions of dollars in earned Social Security benefits away from public service employees that have dedicated their lives to our communities; and often it is not until retirement age that these employees find out that their Social Security benefits will be cut, in some cases even eliminated.

Currently, the Government Pension Offsets can completely wipe out the amount these public service employees expect to receive based on Social Security contributions made by their spouses. In addition, the windfall elimination provision can dock their retirement benefits and their Social Security by as much as \$303 dollars a month.

The original intent, Mr. Speaker, of the GPO was not to hurt public service employees. Rather, its purpose was to prevent higher paid workers from reaping extra benefits, and it was not the intent to have such a drastic effect on low-paid workers. Health insurance premiums and other out-of-pocket health costs alone can easily eat up more than half of a retiree's State retirement annuity. In some circumstances, it is sufficient to throw the worker into poverty. So we have got to look at this issue. It is critical.

By targeting the pensions of teachers and other school employees, the offset discourages qualified individuals from serving in our public schools, precisely at a time when our Nation faces a severe shortage in teachers. This is going to discourage someone who has worked out there for 20, 30 years in one job and chooses to go into education on the off-set because they know that they are going to lose money because they have earned that Social Security. This is not the way to go about it.

Mr. Speaker, I am not alone in expressing my opposition to the Government Pension Offset; and my Republican friends know this. In fact, 285 House Members on both sides of the aisle have added their support to the legislation which would repeal their unjust provisions. So they know that if it is allowed most people will support it and vote for it. The thing is that they are not allowing this to occur, which is unfortunate.

If you agree that this provision is unfair, which 285 people have indicated that it is, then I would strongly urge you to vote in favor of the amendment that will be brought forth.

In addition, let me say we have an opportunity to take care of this. Let us take care of it. We are only working with the Republican leadership two days out of the week. My God, we can at least take care of this issue.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ORTIZ).

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

Mr. ORTIZ. Mr. Speaker, as we take up H.R. 743, the Social Security Protection Act, for a third time in the 108th Congress, I cannot help but feel we still find ourselves with a flawed piece of legislation.

Mr. Speaker, the original intent of this bill was a worthy one, to reimburse Social Security benefits if people representing the recipient misuse them. That is not controversial. But the provision reducing the spousal Social Security benefits for countless teachers, school support personnel, police officers, firefighters and other public servants is most certainly controversial; and I intend to oppose the entire bill since it contains this provision and will adversely affect teachers and others across our State.

Let me say one thing, when teachers work one day, that does not mean that they are going to qualify to get a Social Security benefit for 30 years. What it means is that their spouses who have paid in 30 or 40 or 50 years into the Social Security system and then they die, that is money that they have earned, the family has put into Social Security. That is the money that you will get.

Now we need to understand that targeting pensions of teachers and other school employees will discourage qualified individuals from entering the classroom at exactly the same time the Nation is experiencing a shortage of teachers.

We say we are committed to education, yet in this bill we are profoundly uncommitted to educators.

I am also a co-sponsor of H.R. 594, a bill introduced in the 108th Congress that will eliminate the Government Pension Offset and windfall elimination provisions that target our teachers and other public servants by denying them the opportunity to retain their full Social Security benefits.

Mr. Speaker, I am deeply disappointed that this provision was included in an otherwise good bill because the rest of the bill is a good bill, and I compliment my friends.

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

Mr. FROST. Mr. Speaker, I would ask the gentleman if he has any other speakers.

Mr. LINDER. Mr. Speaker, I have no further speakers.

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

Mr. Speaker, it makes no sense to me to reduce the Social Security of a retiree simply because the spouse of that person happens to be a teacher or firefighter or police officer. These jobs are not high-paying jobs. Those who chose this path have done so because they

want to make life better for all of us. And what do we do? We deprive them of a significant portion of their hard-earned retirement benefits just because one spouse works for a government entity instead of a private company. That is just wrong.

I urge a no vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will do two things.

First, it will strike Section 418, the portion of the bill that prevents certain public employees from receiving the full amount of their deceased spouse's Social Security survivor benefits, benefits to which they are otherwise entitled.

It will also add to the base bill, H.R. 743, the text of H.R. 594, the Social Security Fairness Act which will once and for all eliminate the pension offsets that so unfairly diminish all the retirement benefits of our valued public employees.

I want to point out that H.R. 594 is a broadly bipartisan bill and has the support of 285 co-sponsors, nearly two-thirds of the membership on the House.

Vote no on the previous question so we can help all of those who were unfairly penalized in their pension benefits simply because their spouse is a government employee and one works for the private sector.

Let us support those who go into the public service. Let us support our teachers, our policemen and our firemen, not penalize them.

Mr. Speaker, I ask unanimous consent that the text of the amendment in the nature of a substitute be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

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

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

Mr. Speaker, I urge my colleagues to support this rule and to vote against the previous question.

This is a more complex bill than we have heard in the last 40 minutes. This bill protects beneficiaries from representative payees who misuse benefits. It denies Social Security benefits to fugitive felons and probation parole violators. It deters program waste, fraud, and abuse on a much broader scale than that dealing just with the Texas schoolteachers. It helps individuals with disabilities gain access to representation and encourages disabled beneficiaries to return to work.

It improves and simplifies the SSI program, especially for members of the military and their families. It has bipartisan support and the support of key stakeholders and actually saves money; and, yes, it does close the loophole that enables some teachers in Georgia and Texas to contribute just a few dollars to Social Security to receive nearly \$100,000 in additional lifetime spousal benefits.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak out against this egregious rule for the Social Security Protection Act of 2003. There is much good in the underlying bill. But there is one poison pill that will hurt our teachers and firefighters and police. Subjecting our teachers to the Government Pension Offset is a brutal blow to Texas teachers especially. 286 Members of this House have cosponsored H.R. 594 to repeal the GPO, because it is unfair. 286 Members, both Democrats and Republicans, from across the nation, want to get rid of the GPO. Texas teachers have been waiting for House leadership to hear the call of those 286 Members and bring up H.R. 594 for a vote on the floor. While those retired Texas teachers, widows and widowers, waited, they found a legal loophole that enabled them to get what is fair. Now, instead of doing what is right, House leadership wants to close the loophole.

This is the wrong way to go, and with one amendment we could get rid of this blow to Texas teachers. Or with the Democratic motion to recommit, that is the normal right of the minority party, we could have brought up H.R. 594, and fixed this problem the right way.

But the Rules Committee has issued an undemocratic rule that will not allow a vote on any amendments and that will not allow a motion to recommit. Obviously, they are afraid to hear the voices of our colleagues on this issue.

I am proud to stand with my Democratic colleagues from Texas, to fight for our teachers. I will vote against this rule and vote "no" on the underlying bill until the offending provision is taken out, or we fix the GPO once and for all.

The material previously referred to by Mr. FROST is as follows:

#### PREVIOUS QUESTION FOR H. RES. 520

#### H.R. 743—SOCIAL SECURITY PROTECTION ACT

Amendment in nature of substitute:

Strike all after the resolved clause and insert:

*Resolved*, That upon adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, with Senate amendment thereto, and a motion to concur in the Senate amendment with the amendment specified in section 2 of this resolution shall be considered as pending without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for the division of the question.

SEC. 2. The amendment referred to in section 1 is as follows:

In the matter proposed to be inserted by the Senate amendment, strike section 418 and add a new title at the end consisting of the text of H.R. 594.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 197, not voting 9, as follows:

[Roll No. 22]

YEAS—226

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

Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)

Weller  
Whitfield  
Wicker  
Wilson (NM)

Wilson (SC)  
Wolf  
Young (AK)

## NAYS—197

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

Hall  
Harman  
Hastings (FL)  
Hill  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Hooley (OR)  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
Klecza  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meeks (NY)  
Menendez  
Michaud  
Millender  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano

Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Waters  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

## NOT VOTING—9

DeGette  
Doggett  
Filner

Honda  
Kucinich  
Meek (FL)

Rahall  
Watson  
Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1407

Messrs. PALLONE, CARDOZA, LIPINSKI, MORAN of Virginia, SKELTON, Ms. MAJETTE and Mrs. MCCARTHY of New York changed their vote from “yea” to “nay.”

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

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, I was unavoidably detained for rollcall vote 22 due to a family emergency. Had I been present, I would have voted “no” on the previous question.

The SPEAKER pro tempore (Mr. QUINN). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

# PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 5 P.M. WEDNESDAY, FEBRUARY 18, 2004, TO FILE REPORTS TO ACCOMPANY H.R. 3551, H.R. 3752, H.R. 1292 AND H. CON. RES. 189

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Science may have until February 18, 2004, at 5 p.m. to file the following late reports: H.R. 3551, Surface Transportation Research and Development Act of 2004; H.R. 3752, The Commercial Space Launch Amendments Act of 2004; H.R. 1292, Remote Sensing Applications Act of 2003; and H. Con. Res. 189, Celebrating the 50th Anniversary of the International Geophysical Year (IGY) and Supporting an International Geophysical Year-2 (IGY-2) in 2007-2008.

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

There was no objection.

## SOCIAL SECURITY PROTECTION ACT OF 2003

Mr. SHAW. Mr. Speaker, pursuant to House Resolution 520, I call up from the Speaker's table the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

### Senate Amendment:

Strike out all after the enacting clause and insert:

### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Social Security Protection Act of 2003”.

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

Sec. 1. Short title and table of contents.

### TITLE I—PROTECTION OF BENEFICIARIES

#### Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.

Sec. 102. Oversight of representative payees.

Sec. 103. Disqualification from service as representative payee of persons convicted of offenses resulting in imprisonment for more than 1 year or fleeing prosecution, custody, or confinement.

Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.

Sec. 105. Liability of representative payees for misused benefits.

Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

Sec. 107. Survey of use of payments by representative payees.

#### Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

### TITLE II—PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to withholding of material facts.

Sec. 202. Issuance by Commissioner of Social Security of receipts to acknowledge submission of reports of changes in work or earnings status of disabled beneficiaries.

Sec. 203. Denial of title II benefits to persons fleeing prosecution, custody, or confinement, and to persons violating probation or parole.

Sec. 204. Requirements relating to offers to provide for a fee, a product or service available without charge from the Social Security Administration.

Sec. 205. Refusal to recognize certain individuals as claimant representatives.

Sec. 206. Criminal penalty for corrupt or forcible interference with administration of Social Security Act.

Sec. 207. Use of symbols, emblems, or names in reference to social security or medicare.

Sec. 208. Disqualification from payment during trial work period upon conviction of fraudulent concealment of work activity.

Sec. 209. Authority for judicial orders of restitution.

Sec. 210. Authority for cross-program recovery of benefit overpayments.

Sec. 211. Prohibition on payment of title II benefits to persons not authorized to work in the United States.

### TITLE III—ATTORNEY REPRESENTATIVE FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.

Sec. 302. Temporary extension of attorney fee payment system to title XVI claims.

Sec. 303. Nationwide demonstration project providing for extension of fee withholding procedures to non-attorney representatives.

Sec. 304. GAO study regarding the fee payment process for claimant representatives.

### TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.

Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.

Sec. 403. Funding of demonstration projects providing for reductions in disability insurance benefits based on earnings.

Sec. 404. Availability of Federal and State work incentive services to additional individuals.

Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.