

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

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 342, noes 67, answered “present” 1, not voting 23, as follows:

[Roll No. 260]

AYES—342

Ackerman	Davis (CA)	Israel
Aderholt	Davis (FL)	Issa
Akin	Davis (IL)	Istook
Alexander	Davis (TN)	Jackson (IL)
Allen	Davis, Jo Ann	Jenkins
Andrews	Davis, Tom	John
Baca	Deal (GA)	Johnson (CT)
Bachus	DeGette	Johnson (IL)
Baker	Delahunt	Johnson, Sam
Ballenger	DeLauro	Jones (NC)
Barrett (SC)	Deutsch	Kanjorski
Bartlett (MD)	Diaz-Balart, L.	Kaptur
Barton (TX)	Diaz-Balart, M.	Keller
Bass	Dingell	Kelly
Beauprez	Dooley (CA)	Kildee
Becerra	Doolittle	Kind
Bell	Doyle	King (IA)
Bereuter	Dreier	King (NY)
Berkley	Duncan	Kingston
Berman	Dunn	Kirk
Berry	Edwards	Klecicka
Biggart	Ehlers	Kline
Bilirakis	Emanuel	Knollenberg
Bishop (GA)	Engel	Kolbe
Bishop (NY)	Eshoo	LaHood
Bishop (UT)	Etheridge	Lampson
Blackburn	Everett	Langevin
Blumenauer	Farr	Lantos
Blunt	Fattah	Larson (CT)
Boehlert	Feeney	Latham
Boehner	Ferguson	LaTourette
Bonilla	Flake	Leach
Bonner	Foley	Lee
Bono	Forbes	Lewis (KY)
Boozman	Frank (MA)	Linder
Boswell	Franks (AZ)	Lofgren
Boyd	Frelinghuysen	Lowe
Bradley (NH)	Frost	Lucas (KY)
Brady (TX)	Gallely	Lucas (OK)
Brown (OH)	Garrett (NJ)	Lynch
Brown (SC)	Gerlach	Maloney
Brown, Corrine	Gibbons	Markley
Brown-Waite,	Gilchrest	Marshall
Ginny	Gillmor	Matheson
Burgess	Gingrey	Matsui
Burns	Gonzalez	McCarthy (MO)
Burr	Goode	McCarthy (NY)
Burton (IN)	Goodlatte	McCollum
Buyer	Gordon	McCotter
Calvert	Goss	McCrery
Camp	Granger	McHugh
Cannon	Green (WI)	McIntyre
Cantor	Greenwood	McKeon
Capito	Grijalva	Meehan
Capps	Gutierrez	Meek (FL)
Cardin	Hall	Meeks (NY)
Cardoza	Harman	Mica
Carson (IN)	Hastings (WA)	Michaud
Carson (OK)	Hayes	Millender-
Carter	Hayworth	McDonald
Case	Hensarling	Miller (FL)
Castle	Herger	Miller (MI)
Chabot	Herse	Miller (NC)
Chandler	Hill	Miller, Gary
Chocola	Hinojosa	Mollohan
Clay	Hobson	Moore
Clyburn	Hoeffel	Moran (VA)
Coble	Hoekstra	Murphy
Cole	Holden	Murtha
Collins	Holt	Musgrave
Cox	Honda	Myrick
Cramer	Hooley (OR)	Nadler
Crenshaw	Hostettler	Napolitano
Crowley	Houghton	Neal (MA)
Cubin	Hoyer	Neugebauer
Culberson	Hulshof	Ney
Cummings	Hunter	Northup
Cunningham	Hyde	Norwood
Davis (AL)	Inslee	Nunes

Nussle	Rohrabacher	Spratt
Obey	Ros-Lehtinen	Stearns
Ortiz	Rothman	Sullivan
Osborne	Roybal-Allard	Sweeney
Ose	Royce	Tauscher
Owens	Ruppersberger	Tauzin
Oxley	Rush	Taylor (NC)
Pallone	Ryan (OH)	Terry
Pascarell	Ryan (WI)	Thomas
Paul	Ryun (KS)	Thornberry
Payne	Sanchez, Linda	Tiahrt
Pearce	T.	Tierney
Pelosi	Sanders	Toomey
Pence	Schiff	Turner (OH)
Peterson (PA)	Schrock	Turner (TX)
Petri	Scott (GA)	Upton
Pickering	Scott (VA)	Van Hollen
Pitts	Sensenbrenner	Vitter
Platts	Serrano	Walden (OR)
Pomeroy	Sessions	Walsh
Portman	Shadegg	Wamp
Price (NC)	Shaw	Watson
Pryce (OH)	Shays	Watt
Putnam	Sherman	Waxman
Radanovich	Sherwood	Weiner
Rahall	Shimkus	Weldon (FL)
Rangel	Shuster	Weldon (PA)
Regula	Simmons	Wexler
Rehberg	Simpson	Whitfield
Renzi	Skelton	Wilson (NM)
Reyes	Smith (MI)	Wilson (SC)
Reynolds	Smith (NJ)	Wolf
Rodriguez	Smith (TX)	Woolsey
Rogers (AL)	Snyder	Wynn
Rogers (KY)	Solis	Young (AK)
Rogers (MI)	Souder	Young (FL)

NOES—67

Baird	Johnson, E. B.	Sabo
Baldwin	Jones (OH)	Sanchez, Loretta
Brady (PA)	Kennedy (MN)	Sandlin
Capuano	Kennedy (RI)	Schakowsky
Cooper	Kucinich	Stark
Costello	Larsen (WA)	Stenholm
Crane	Levin	Strickland
DeFazio	Lewis (GA)	Stupak
Dicks	LoBiondo	Tanner
English	Majette	Taylor (MS)
Evans	McDermott	Thompson (CA)
Finler	McGovern	Thompson (MS)
Ford	McNulty	Tiberi
Fossella	Menendez	Towns
Graves	Miller, George	Udall (CO)
Green (TX)	Moran (KS)	Udall (NM)
Gutknecht	Oberstar	Velázquez
Hart	Oliver	Visclosky
Hefley	Otter	Waters
Hinche	Pastor	Weller
Jackson-Lee	Peterson (MN)	Wicker
(TX)	Porter	Wu
Jefferson	Ramstad	

ANSWERED “PRESENT”—1

Tancredo

NOT VOTING—23

Abercrombie	Harris	Nethercutt
Boucher	Hastings (FL)	Pombo
Conyers	Isakson	Quinn
DeLay	Kilpatrick	Ross
DeMint	Lewis (CA)	Saxton
Doggett	Lipinski	Slaughter
Emerson	Manzullo	Smith (WA)
Gephardt	McInnis	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1446

So the Journal was approved.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. THOMAS. 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 H.R. 4520.

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

There was no objection.

PERMISSION TO INSERT EXCHANGE OF LETTERS ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that an exchange of letters between the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Committee on Agriculture, and the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, be made a part of the RECORD.

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

There was no objection.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 10, 2004.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing concerning the markup of H.R. 4520, the “American Jobs Creation Act of 2004,” which is scheduled for Monday, June 14, 2004.

As you know, the Committee on Agriculture has jurisdiction over matters concerning reforms to Federal tobacco programs. Title VII of the introduced bill involves an effort to reform the market for tobacco growers and thus falls within the jurisdiction of the Committee on Agriculture.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4520, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 10, 2004.

BOB GOODLATTE,
Chairman, Committee on Agriculture,
Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for your letter regarding H.R. 4520, the “American Jobs Creation Act of 2004.” As you have noted, the Committee has scheduled to hold a markup of H.R. 4520 on Monday, June 14, 2004. I appreciate your agreement to expedite the passage of this legislation although it contains provisions within your Committee’s jurisdiction. I acknowledge your decision to forego further action on the bill is based on the understanding that it will not prejudice the Committee on Agriculture with respect to its jurisdictional prerogatives or the appointment of conferees on this or similar legislation.

Our committees have worked closely together on this important initiative, and I am very pleased we are continuing that cooperation. Your leadership on agricultural issues is critical to the success of this bill. I appreciate your helping us to move this legislation quickly to the floor.

Finally, I will include in the CONGRESSIONAL RECORD a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 14, 2004.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN THOMAS: In recognition of the desire to expedite floor consideration of H.R. 4520, the "American Jobs Creation Act of 2004," the Committee on the Judiciary hereby waives consideration of the bill.

Certain sections of H.R. 4520 contain matters within the Committee on the Judiciary's Rule X jurisdiction: Section 416 (extension of provision allowing disclosure of tax information for law enforcement and terrorism investigation purposes); Section 613 (limitation on tax practitioners' privilege that applied in Federal courts); Section 620 (creation of civil action to enjoin tax shelters); Section 657(b) (increased criminal penalty for failure to register); Section 658 (treatment of court jurisdiction for collection on customs bond); Section 681 (creation of civil action against private collection agents); and Section 691 (study of DHS fees to the extent that it covers fees of components over which the Committee on the Judiciary has jurisdiction). Because of the need to expedite this legislation, I will not seek a sequential referral of this legislation.

The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way diminished or altered. I would appreciate your including this letter in your Committee's report on H.R. 4520 and the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 15, 2004.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter regarding H.R. 4520, the "American Jobs Creation Act of 2004." The Committee on Ways and Means ordered favorably reported, as amended, H.R. 4520, the "American Jobs Creation Act of 2004," on Monday, June 14, 2004. I appreciate your agreement to expedite the passage of this legislation although it contains several judicial and court provisions which are shared with your Committee's jurisdiction. I acknowledge your decision to forego further action on the bill is based on the understanding that it will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or similar legislation.

Our committees have long collaborated on these important initiatives, and I am very pleased we are continuing that cooperation. Your leadership on judicial issues is critical to the success of this bill. I appreciate your helping us to move this legislation quickly to the floor.

Finally, I will include in the CONGRESSIONAL RECORD a copy of our exchange of letters on this matter. Thank you for your as-

sistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

□ 1445

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, and that I may include tabular and other extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 674 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4568.

□ 1345

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mrs. BIGGERT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 16, 2004, the amendment by the gentleman from Arizona (Mr. FLAKE) had been disposed of and the bill was open for amendment from page 77, line 9, through page 139, line 22.

Are there further amendments to this portion of the bill?

AMENDMENT NO. 18 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following new section:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to kill, or assist other persons in killing, any bison in the Yellowstone National Park herd.

Mr. HINCHEY. Madam Chairman, first I want to thank my good friend,

the gentleman from New Hampshire (Mr. BASS) for cosponsoring this amendment with me. This is an amendment which will protect the Yellowstone bison. The Yellowstone bison are unique, in that they are the last element that traces its genetic strain back to the American bison that roamed the great plains and prairies of America in the early years of our history and of course much before that.

In the 18th century, it is estimated that there were between 20 and 40 million American bison in the Midwest and the West of the United States between the Appalachians and the Rockies.

By the advent of the 20th century that number had dwindled to 25. The American bison was almost extinct, and it almost followed the path of the passenger pigeon, but due to the intervention of conservationists and the efforts of this House, measures were taken to preserve the American bison. As a result of that, their numbers turned around and they began to prosper once again under that protection.

The American bison has become an American icon. It was on one of our coins. It is seen across the country in a variety of ways. It represents the great freedom that was inherent in the vast plains and prairies of America.

But now the American bison, the last genetic strain that traces its history back to those that roamed this country and earlier centuries, is in great danger. It is in great danger as a result of the activities of the Park Service and the harassment of these animals out of Yellowstone National Park, west and northwest of the park and then the capture and slaughter of those animals.

The amendment that the gentleman from New Hampshire (Mr. BASS) and I offer today would restrict funding in this appropriations bill so no money could be used to carry out that capture and slaughtering process for 1 year so we will have an opportunity to look into this situation, examine it closely, see what is being done and understand it better.

Now there are some Members who contend that this slaughter is necessary because bison may transmit brucellosis to cattle on the fringes of Yellowstone. First of all, there are hardly any cattle on the fringes of Yellowstone. And what are there, most of those are trucked in in the summertime when the bison are back in the park. Furthermore, according to the National Academy of Sciences, there has never been one single example of the transmission of brucellosis from bison to cattle. It has never occurred.

Yes, brucellosis can be transmitted from animals in the wild, and it has been shown that brucellosis can be transmitted from elk in Yellowstone and elsewhere to cattle, but there is no program to deal with elk in any way. That causes one to wonder whether brucellosis is really a motivation here at all; I suspect it is not. There is