United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, AUGUST 4, 1999 No. 113

House of Representatives

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

(Continued)

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $7,199,000 and, in addition, up to $1,000,000 of

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $316,792,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,648 passenger motor vehicles, of which 1,523 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,357,015,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2001; of which not less than $292,473,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $14,000,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which not less than $59,429,000 shall be for the costs of conversion to narrowband communications, and for the operations and maintenance of legacy Land Mobile Radio systems: *Provided*, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: *Provided further*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

In addition, $752,853,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund, as authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act of 1996.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,287,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $932,000,000, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2001; of which not to exceed $50,000 shall be available for official reception and representation expenses; and of which not less than $20,733,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: *Provided*, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office.

In addition, $344,250,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $8,000,000, to remain available until expended.

Printed on recycled paper.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,075 passenger motor vehicles, of which 2,266 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $1,130,030,000; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens; and of which not less than $18,510,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: *Provided,* That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: *Provided further,* That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2000: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 18, line 18, after the dollar amount, insert the following: ''increased by $3,700,000)''.

Page 24, line 14, after the dollar amount, insert the following: ''(reduced by $3,700,000)''.

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank both the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO), the ranking member, for I know what is their continuing interest in the immigration and naturalization services.

I indicated that I had two amendments. I would like to speak to the amendment dealing with the border patrol.

All of us suffered through the tragedy of the Resendez-Ramirez case in which it was tragically found that he had the opportunity to pass through the border patrol a number of times and was not detected at that time.

The amendment that I am offering will add $3.7 million to the Enforcement and Border Affairs Account, monies coming out of the Federal Bureaus of Prisons Building and Construction Fund, which had $558 million, $147 million above fiscal year 1999.

This amendment would increase the starting salary level of border patrol agents from GS–5 to GS–7 level. I have just learned that the U.S. Border Patrol agents are also not up to staff.

As this subcommittee well knows, as this body well knows, the 1996 immigration law authorized a total of 5,000 additional border patrol agents to be added at a rate of 1,000 per fiscal year from 1997 to 2001.

INS did not request any additional agents in its proposed budget for FY 2000. This is greatly due to the lucrative job market that finds great difficulty in the recruitment and the ability to employ these individuals.

The concern is, of course, that in not being able to compete in this market, Mr. Chairman, the fact that the DEA, the FBI, and other law enforcement agencies, even local law enforcement agencies, have a higher salary than the starting GS–5 border patrol agent, which starts in at a level of $22,000 a year.

Therefore, after speaking with budget analysis, we have offered an additional $3.7 million to increase the starting salary from GS–5 level to GS–7, which will be slightly over $30,000.

We keep hearing about not being able to hire. We know the frustration of so many of our Members. We heard the pain of the tragedy of Resendez-Ramirez. Now we are facing an opportunity to do something, along with the Senate, which is also looking to do the same thing, to give the INS the opportunity to reach in a larger pool by increasing the salary to help these individuals be more competitive in being able to support their families.

I ask my colleagues to support this. I believe we have from the CBO a statement regarding the compliance with the CBO.

Mr. Chairman, let me say that this has little impact on the outlay and, as well, has little impact on the budget authorizations. So I would ask that we recognize the difficulty that the INS has had.

I am not here as an apologizer for the INS. I am simply here to say that we have heard so much about not being able to recruit INS officers, border patrol officers, and there is a great need on the northern border and on the southern border.

We heard testimony in our committee there is a great need for increasing these numbers. We must get the ability to the INS to provide higher salaries to be able to compete in today's market.

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

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it would increase the level of budget outlays in the bill in violation of clause 2(f) of rule XXI. That rule states that it shall be in order to consider en bloc amendments proposing only to transfer appropriations among objects in the bill without increasing the levels of budget authority or outlays in the bill.

This amendment would increase the level of outlays in the bill because it comes from the INS Salaries and Expenses Account. The BA is $3.7 million. It is an 80 percent outlay, which means the first year outlay is $3 million.

The object being decreased is the Prisons Buildings and Facilities Fund, which outlays at the same figure, 10 percent; and there are no outlays in the first year.

So the net increase in outlays by this amendment is $3 million, in violation I think of the rule.

Mr. Chairman, I would ask for a ruling.

□ 1645

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would simply say to the gentleman from Kentucky, I appreciate the response of the gentleman, I appreciate his interest in the INS, that I noted that there had been several amendments made in order by the majority that had points of order and were waived.

Mr. Chairman, in this instance, I am speaking particularly to the gentleman from Kentucky, he may not have heard testimony, but he knows that I did come to his committee. We had testimony in the Subcommittee on Immigration and Claims on which I serve as the ranking member begging us for the ability to provide more border patrol agents. The gentleman from Kentucky in his good graces with the gentleman from New York (Mr. SERRANO) and others have provided resources, but they have not been able to be utilized by the INS because those salaries are keeping them from competing with other law enforcement agencies, even local law enforcement agencies at higher salaries. I would just offer for the good of

our borders to provide for well-trained border patrol agents, this movement would give us the ability to have those with college degrees, associate degrees and above, and give us the ability to provide the numbers of people we need at the northern border.

I would ask, Mr. Chairman, in this instance that we have, because of the crucial nature, because of the tragedy of the Resendez-Ramirez case, that in looking at the outlays that we have the ability to waive the point of order, and I would ask that that occur.

Mr. ROGERS. Mr. Chairman, in response let me say the problem is that this puts us over our allocation. It is not a question of whether I want to do it or not, it is a question of whether or not it is legal. The gentlewoman's amendment simply puts us over our allocation. Under the rules, we simply cannot do that.

The CHAIRMAN. Do any further Members wish to be heard on the point? If not, the Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentlewoman from Texas proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read. The amendment is therefore not in order at this point in the reading. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading ''Enforcement and Border Affairs'', $535,011,000, of which not to exceed $400,000 for research shall remain available until expended: *Provided*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer any funds appropriated under this heading and the heading ''Enforcement and Border Affairs'' between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading ''Enforcement and Border Affairs'' for performance of the functions for which the fees legally may be expended: *Provided further*, That not to exceed 38 permanent positions and 38 full-time equivalent workyears and $3,909,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed 4 permanent positions and 4 full-time equivalent workyears: *Provided further*, That none of the funds available to the Immigration and Naturalization Service shall be used to pay an employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2000: *Provided further*, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police type use within the limits of the Enforcement and Border Affairs appropriation: *Provided further*, That, notwithstanding any other provision of law, during fiscal year 2000, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 19, line 24, after the dollar amount, insert the following: ''(increased by $15,600,000)''.

Page 24, line 14, after the dollar amount, insert the following: ''(reduced by $15,600,000)''.

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this amendment deals specifically with all of the angst and anger that I have heard from my colleagues in terms of their complaints with respect to the INS. It has to do with adding some 200 adjudicators to assist the INS in processing the many applications that come in, legitimate applications that come in, with respect to individuals seeking to secure visas and other forms of naturalization applications.

This amendment will add 200 adjudicators and additional clerical support staff to be brought on board to augment the completion of naturalization applications. This is additional money on top of the 200 adjudicators that the INS has already requested.

Inasmuch as the gentleman from Kentucky has reserved a point of order, let me offer to give an illustration of the various tragedies that come about because of the overload in the INS offices and the tragedies that our Members face in trying to help resolve these. I say they are tragedies because they wind up ending in nonresolution. Take the case of Azmi Attia from Israel. He has been living in the United States, in Houston, for several years, he is a legal permanent resident, a college graduate, is employed with the Exxon Corporation, and applied for U.S. citizenship in early 1997. He desperately wanted to become a citizen so that he could receive a passport to travel back home to Israel to visit his dying mother. Due to the backlog, he was not granted citizenship in time before his mother died. Since then, he has suffered from severe depression and is coping every day with not becoming a citizen in time to go to be with his dying mother. This problem must be corrected and we must do it in Congress. The additional $15.6 million will do just that.

I had asked earlier for the gentleman from Kentucky to waive the point of order. I would imagine the arguments are the same. And so I would offer this, Mr. Chairman. This is an important issue. I would hope the gentleman from Kentucky would view this as an important issue and on his time I would like to enter into a colloquy because I would like to withdraw this amendment because this is important to me. It is important to the colleagues who have called my office begging for relief. It is important for those people who have seen their mother die or not been able to be with their sister who was dying of cancer, that we be able to utilize the system in a way that will move these cases forward. I would like to see some effort in conference to provide some additional adjudicators because we have looked everywhere to offset and there is always something because the authorizers and the appropriators obviously look at issues in a way that sometimes matches and sometimes does not.

This is an important issue. I would certainly appreciate the opportunity to work with the ranking member and, of course, the chairman on trying to relieve this heavy burden that so many of our colleagues are facing.

POINT OF ORDER

The CHAIRMAN. Does the gentleman have a point of order?

Mr. ROGERS. I do, Mr. Chairman.

The amendment touches text not yet read for amendment and it results in an increase in outlays and does not warrant protection under clause 2(f) of rule XXI.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I would be happy to, but I do not think the Chair will let me.

The CHAIRMAN. The Chair will once again recognize the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Let me just say, Mr. Chairman, I have withdrawn the amendment. What I was saying is that this is a crucial issue, that so many of our colleagues have indicated——

The CHAIRMAN. The gentlewoman will suspend.

The Chair understood that the gentlewoman wanted to be recognized to withdraw her amendment.

Ms. JACKSON-LEE of Texas. Yes, I would like to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

As I indicated, this past amendment is an amendment that so many of my colleagues have indicated they have a problem with the backlog and that this amendment was requiring 200 adjudicators. I had asked for a waiver of the point of order, which we did not get, and so I was interested in inquiring of the chairman and I would like to inquire of the ranking member, in helping to work with us on the question of possible review of additional adjudicators to assist in this backlog. This is something that we have heard from the Members, this is something we have heard from from the INS, and it is a difficult problem.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. I appreciate the gentlewoman's bringing this matter to the body's attention. The fact is that last year, the current year, we provided $172 million for the purposes of trying to reduce that backlog of naturalization, which in most cases is now 2 years. The wait for an individual to be naturalized is 2 years. That is incredibly long. But we provided the big money this current year and we provided $124 million in this bill, which was the amount the administration requested for this purpose, and they assured us they would be able to reduce the backlog with this sum of money.

Now, the gentlewoman knows that I am not happy with the Immigration and Naturalization Service. This is another reason why I think we need to think anew about how we handle all of the matters now dealt with by the INS. But for the moment in this bill, we have provided every penny that was requested of us for the purposes of reducing the backlog.

Ms. JACKSON-LEE of Texas. Reclaiming my time, let me just simply say that I hope that we can work through this issue. The INS has indicated that the backlog is because they do not have the number of adjudicators that they need.

Mr. ROGERS. If the gentlewoman will yield on that, that is not their story to me. If they are requesting more money or if they say this is not enough money, that is news to me because this is the amount they asked of us.

Ms. JACKSON-LEE of Texas. The gentleman has already said that the INS has difficulty knowing with one hand what the other hand is doing. What I do know is that we who are in the districts working with these individuals, seeing people not be able to visit their dying relatives are suffering.

Mr. Chairman, I yield to the gentleman from New York (Mr. SERRANO) on the importance of at least getting our caseloads out of our office to help these people who are suffering and cannot get to visit their dying relatives.

Mr. SERRANO. Mr. Chairman, I thank the gentlewoman very much, first of all. This is not the first time the gentlewoman has brought this subject up. This is one subject that the gentlewoman discusses with me often. As I was just saying to a staff member, if we can do something about this, then maybe on Monday, Tuesday, Wednesday, Thursday and Friday mornings, there will not be that line of 200 people around the block at my district office, people that we welcome but people that certainly are coming there to find out why the backlog exists somewhere else and not in my office.

I join the gentlewoman and I surely would join anyone else in trying to solve this problem and deal with it the proper way.

Ms. JACKSON-LEE of Texas. I thank the ranking member.

Mr. Chairman, I know the gentleman from Kentucky's angst, if you will, with the INS. I know all the work the gentleman from New York has done. If we can work together as we move this bill toward conference, I would greatly appreciate it. I think it would release a lot of us from the horrible pressures of the caseload that we have of such tragedies, of people not being able to have their cases adjudicated who are doing it legally. That is what we want to support, legal immigration.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VIOLENT CRIME REDUCTION PROGRAMS

In addition, $1,267,225,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund: *Provided*, That the Attorney General may use the transfer authority provided under the heading ''Citizenship and Benefits, Immigration Support and Program Direction'' to provide funds to any program of the Immigration and Naturalization Service that heretofore has been funded by the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $90,000,000, to remain available until expended: *Provided*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 708, of which 602 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,082,004,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $90,000,000 shall remain available for necessary operations until September 30, 2001: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

In addition, $22,524,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $558,791,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this Act or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,490,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation,

payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $143,436,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, $74,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''), $1,629,500,000 to remain available until expended; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''State'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That $40,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: *Provided further*, That $20,000,000 shall be available to carry out section 102(2) of H.R. 728; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; and of which $686,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $25,000,000 shall be available for the Cooperative Agreement Program.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

In title I, in the item relating to ''OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', after the first dollar amount (relating to the aggregate amount), insert the following: ''(reduced by $87,300,000)''.

In title I, in the item relating to ''OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', after the third dollar amount (relating to Boys and Girls Clubs), insert the following: ''(increased by $50,000,000)''.

In title I, in the item relating to ''OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', after the sixth dollar amount (relating to violent offender incarceration and trust in sentencing incentive grants), insert the following: ''(reduced by $137,300,000)''.

In title I, in the item relating to ''OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', after the first dollar amount (relating to the aggregate amount), insert the following: ''(increased by $87,300,000)''.

In title I, in the item relating to ''OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', after the fifteenth dollar amount (relating to grants for residential substance abuse treatment for State prisoners), insert the following: ''(increased by $37,300,000)''.

In title I, in the item relating to ''OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', after the eighteenth dollar amount (relating to drug courts), insert the following: ''(increased by $50,000,000)''.

Mr. SCOTT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT. Mr. Chairman, this amendment would transfer approximately one-half, that is $137 million, of the truth-in-sentencing prison grant funds to crime prevention and drug treatment programs.

□ 1700

Mr. Chairman, the fact is that the truth in sentencing funds, which only about half of the States even qualify for, can only be spent for prison construction. At this point some States have already overbuilt their prison space, and my own State of Virginia is trying to lease out space to other States in the Federal Government of about 3,200 excess prison beds. There is no reason for us to provide funds to build prison beds that States do not need.

Furthermore, Mr. Chairman, States are already spending tens of billions of dollars on prison construction, so the entire fund of $300 million spread out among the few States that actually qualify cannot possibly make any measurable difference in the number of prison beds built, much less have an overall effect on the crime rate. But if that money is targeted to crime prevention and treatment programs, we can make a significant difference on crime.

Mr. Chairman, this truth-in-sentencing policy is a poor policy to begin with. The so-called truth is actually only half truth in sentencing because the half truth is that those who are subjected to the truth in sentencing cannot get out early. The whole truth is that others cannot be held longer either. Virginia changed to 1½ to 10 year sentence where the average served was 2½ years to a sentence where everyone served 5 years. They doubled the average time served. The low-risk prisoners cannot get out early, but the high-risk prisoners that could not make parole and could have been held for 10 years cannot be held longer either.

Mr. Chairman, another problem with the truth in sentencing is the absence of parole eligibility, eliminates a major incentive the prisoners have to qualify for education and job training programs. They lose their incentive, they do not have to tell the parole board anything, and so they are more likely to come out as dumb, as untrained, as they went in. Education and job training are two of the major components in crime reduction, of recidivism. It is such poor policy, Mr. Chairman, that 23 States did not even ask for money in last year's budget, and so we have a situation where the money could be spent much better.

The Conference on Juvenile Justice has just begun, and we can make a commitment to reduce crime by passing this amendment. This amendment would increase funding for building and running boys and girls clubs, in public housing and in sites for at-risk youth by $50 million. Boys and girls clubs have been shown through study and research to be cost-effective ways of reducing crime for at-risk youth.

The amendment also provides for an additional $37 million for residential drug treatment for prisoners before they are released and approximately $90 million for drug courts. Both prison drug treatment and drug courts have been shown to significantly reduce crime at a lower cost than just simply jailing drug addicts.

So this amendment would not only reduce crime, it will reduce the amount of money that we spend. So let us show our commitment to reducing crime in this country by passing this amendment.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia (Mr. SCOTT).

Either the gentleman's amendment is not drafted properly or he intends to cut the local law enforcement block grant by 50 million, and that is a program that is critical to our State and local law enforcements' fight to reduce crime. The amendment cuts the funds available for the Local Law Enforcement Block Grant, State prison grants, and the State Criminal Alien Assistance Program (SCAAP), by 20 percent; and the Committee has received numerous letters by our colleagues' governors, their State prosecutors, their State prison officials, supporting the Local Law Enforcement Block Grant that it refers to be cut here, and the Truth-in-Sentencing grants and SCAAP, which this amendment cuts.

Convicted felons, Mr. Chairman, serve only 38 percent of their sentences on average. Truth-in-Sentencing grants, which this would cut, which require violent offenders to serve 85 percent of their sentences, are a vital and sensible response to the problem that we face.

While there may be several reasons for the recent drop in violent crime, the fact remains, prison works. The simple fact is that prisons incapacitate offenders. Incarceration, unlike probation or parole, makes it impossible for offenders to victimize the public as long as they are locked up. Historic figures show that after incarceration rates have increased crime rates have moderated, and I would submit to my colleagues that is exactly the case we face today as America right now is enjoying the lowest violent crime rate in recordkeeping history.

On the other hand, imprisonment is actually used less frequently than are alternative sanctions. On any given day, seven offenders are on the street for every three who are behind bars. In 1991, 45 percent of State prisoners were on probation or parole at the time they committed their last crime. Together these parole and probation violators committed 90,639 violent crimes while under supervision in the community. That is 13,100 murders, 12,900 rapes, 19,300 assaults, and 39,500 committed by people on parole or probation. In 1992, over 40 percent of persons on death row were on probation, parole, or pretrial release at the time they committed the murder for which they are now on death row.

The lack of prison space is a national problem. When we passed the legislation in 1995, only 12 States were Truth-in-Sentencing States. By the end of 1998, 27 States and the District of Columbia required violent offenders to serve at least 85 percent of their prison sentences. Another 13 States have adopted Truth-in-Sentencing laws requiring violent offenders to serve a substantial portion of their sentence before being eligible for release.

The need for additional prison capacity remains. While some States may have excess prison capacity, other States are a long way from reducing their overcrowding problem, and I suspect the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime who I am sure will speak momentarily, will elucidate on these points.

I would urge my colleagues to oppose this amendment. This amendment, although it has a worthy goal of increasing funding for certain programs, unfortunately would cut the programs that are working in bringing down violent and other crimes in the country, and I would urge the rejection of this amendment.

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose this amendment, and I do so with all due respect to the gentleman who offered it who is a good friend and has served on this committee with me and the Subcommittee on Crime for quite some time and is the ranking member. I know he has offered this same proposal now, I think, 4 years in a row; and he genuinely does not believe in the purpose or the usefulness of these grants that are going out under the truth in sentencing, but I must say that it has been remarkable in my judgment, and I think the judgment of most who have looked at this, how successful these truth-in-sentencing grants have been.

As the gentleman from Kentucky (Mr. Rogers) has indicated, we now have seen a dramatic increase in the number of States that have adopted the 85 percent rule over where they were just a few years ago when we started this incentive grant program to help States build the prison spaces they need in order to be able to house violent repeat offenders. At one time I think there were only 6 or 7 states when we started this program that had the 85 percent rule requiring one to serve at least that percentage of their sentence then.

In just about every State they are going through the revolving doors. We now have about 40 States that are engaged in activities to increase the sentencing at least towards the goal of 85 percent of receiving some money under this program. I believe I am correct in saying that 31 or 32 States that have actually achieved the objective and are now requiring their violent repeat felons to serve at least 85 percent of their sentences, and this is a major factor in the reduction in the rate of violent crime in this country the last couple of years. Very clearly that is the case.

We certainly do not want to jeopardize that; we do not want to reverse that.

Now we have far too many crimes every year being committed in this country. I think we used to have about 165 back in 1960, 165 violent crimes for every 100,000 people in our population. That went up to 680 or so a few years ago, and now it is down to the lowly amount of 611 violent crimes for every 100,000 people in our population, way too high; but this is the right direction it is trending, and the truth-in-sentencing grant program to the States to help them build prison beds in return for requiring this longer sentence to be served is an integral and important reason why that is so.

Now I am all for boys and girls clubs, and I am all for drug treatment and for drug courts. This legislation provides $40 million up from $20 million in fiscal year 1998 for boys and girls clubs. It provides $63 million for the drug treatment programs, the same level as last year. It provides $40 million for drug courts, up from $30 million in the last fiscal year. And so while the causes that the gentleman from Virginia (Mr. SCOTT) advocates that the money be placed towards in lieu of the truth-in-sentencing grants are all causes which everyone in this Congress supports, they are not underfunded.

We need to find balance in this program, and we need to have a common sense approach to this, and no one is arguing that incarceration alone is the answer. Community-based prevention programs such as prison drug testing and meaningful work opportunities for inmates are just a few of the additional efforts that need to be done.

But this amendment, as I said earlier, has been offered four times in a row, four different occasions for an appropriations bill. Fortunately, it has been defeated each time, and I would urge my colleagues to defeat it again this time. We need to continue this successful truth-in-sentencing program, not interrupt it; and I urge a no vote on this amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I hold here in my hand a copy of a letter from 34 of our Nation's Governors who are urging us not to cut this program, and I would submit that for the RECORD, if the gentleman would like.

JULY 20, 1999.

Hon. C.W. BILL YOUNG, CHAIRMAN,
Committee on Appropriations, U.S. House of Representatives, Washington, DC.

Hon. HAROLD ROGERS, CHAIRMAN,
Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, U.S. House of Representatives, Washington, DC.

Hon. DAVID R. OBEY,
Committee on Appropriations, U.S. House of Representatives, Washington, DC.

Hon. JOSÉ SERRANO,
Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR GENTLEMEN: We are writing to ask you to restore funding for FY 2000 for the Violent Offender Incarceration/Truth-in-Sentencing (VOI/TIS) Prison Construction Grant Program at the FY 1999 level without offsets, set-asides or earmarks.

Relying on the incentives in VOI/TIS, most of our states have adopted longer sentences for violent crimes and instituted other changes to ensure that the actual time served by violent offenders is consistent with their sentences. We all have projects in various stages of planning and implementation, which depend upon VOI/TIS being funded through FY 2000.

These funds are vital to states' efforts to get violent offenders off our nation's streets and to keep them off longer. We believe the reduction in violent crime rates that has occurred in the last few years is partly because repeat violent offenders are being taken off and kept off the streets in record numbers—due in no small part to the impact of the VOI/TIS State Prison Construction Grant Program.

However, the number of violent offenders coming into our prisons, combined with those being held for longer period of time, continue to make our violent offender prison populations rise. These offenders are also more costly to house and manage securely. Reliable statistical projections by prudent state planners—as well as the U.S. Department of Justice—indicate it will be well into the next decade before population figures for violent offenders level out. The job of getting the maximum feasible number of violent offenders off the streets for longer periods of time has not been finished.

We appreciate the leadership you have demonstrated in establishing and funding the VOI/TIS program and for the many other ways in which your committees have supported state and local efforts to fight crime. However, we are deeply concerned about the elimination of VOI/TIS funding and urge you to restore VOI/TIS funds at the FY 1999 level for FY 2000.

Your consideration is deeply appreciated.

Sincrely,

(Signed by 34 State Governors.)

Mr. MCCOLLUM. Mr. Chairman, I would like for the gentleman to do that.

I think that speaks worlds of testimony. The governors like it, it is a great program, and we should continue doing it. We must continue doing it for the safety of our kids on the street.

So I urge a ''no'' vote on the Scott amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. The chairman of our subcommittee has very strongly told us over and over again, and I believe him, that our subcommittee has played a major role through some of its actions in reducing crime; and I, as a new member to the committee and as ranking member, I continue to work with him to make sure that that happens, and I have no doubt that his statements are correct, that this subcommittee has played a role.

But I think what we have to look at here is that the amendment offered by the gentleman from Virginia (Mr. SCOTT), one glance at it, it supports that whole notion that some of us share that the best way to fight crime is to prevent it and that the best way to prevent crime is to supply dollars and create programs that in fact benefit people, especially young people, so that they will not be in a life of crime, and any time, and my colleagues have to understand this, at any time to some of us colleagues speak about spending dollars on building prisons, which is in many cases or in most instances what this ends up being.

Well, we feel that too much money in this country is already being spent on building prisons. We spend more money on building prisons than we spend in many instances on education. So I think that the amendment offered by the gentleman from Virginia (Mr. SCOTT) is one that we should pay special attention to, especially when he divvies up the money in what I think is a wonderful and a direct way, prison drug treatment, the drug court program, boys and girls clubs. When we do this together, we are in fact being very supportive of the work that governors and other people are doing throughout the States. But the fact of life is, as he points out, that in so many cases there are problems. Twenty-three States did not receive any funds in FY 1999. There is no excuse for that, and something is wrong. He does not want that money to go to waste, and he knows how best to use it.

And so I would hope that people would look at this amendment for what it is. It is an amendment that in fact fights crime. It is an amendment that in fact speaks to exactly what some of my colleagues have been speaking about and that we are all so proud of that is happening in this country, and I think that rather than just react to it automatically, the way we always do, we should look at it for what it is worth, and it is worth a lot and we should be supportive of it.

□ 1715

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Scott amendment and want to applaud my colleague for bringing this amendment forward again this year.

Mr. Chairman, for those who have voted against the amendment in the past, they may have done it because they thought they needed more prisons. But understand that the crime rate in most States is down and the need for more prison space is down, so that even for those people who supported this program from which the funds would be transferred in the past, who thought they had a rational basis for it, in many communities jail construction and prison construction has just become an employment program now.

Mr. Chairman, let me assure Members that the places to which the money is being transferred under this amendment would employ people also. So we are down to a choice between whether we build some more prisons, which are not needed, even if you think being harder on crime is important and has played an effective role in reducing crime. Once that effective role is played, then you eliminate the need for the money to have additional prison space, because during the time when the crime rate was on the incline, going up, we built a lot of prison beds and prison space in this country, and now that the crime rate is going down, we have got more than we really need. So we cannot even justify it, even if you claim to prefer to be hard on crime.

In fact, it would be better if you did not support these prevention programs to which the gentleman from Virginia (Mr. SCOTT) is proposing to transfer the money. It would actually be better to just void the program out and put the money in debt reduction than it would be to continue to spend the money on a program serving no useful purpose.

But that is not what I am advocating. I am advocating transferring the funds, as the gentleman from Virginia (Mr. SCOTT) has proposed in his amendment.

Now, why am I doing that? First of all, the gentleman is transferring $50 million of the funds to the Boys and Girls Programs. Why do we want to do that? Because what we understand is that the period of time from the time that kids get out of school to the time that these working parents who have to work to sustain this economic boom that we are having, unemployment is down and jobs are up so more people are working, the time that most of the crime occurs among young people in this country is the period between the end of school and the time that their parents come home.

When is the most effective time and the most need for the Boys and Girls Club? What purpose do they serve? They fill this time void between the end of school and the time that their parents come home with constructive, important activities that are very positive, and that is why this program is so successful and so much needed.

It transfers $37.3 million to the prison drug treatment program. Now, why does the gentleman do that? Because, again, this is an effective program. What we have been doing is putting people in jail because of drug use or drug sales. They go in the jail with a drug habit, and they serve their time and they come right back out, still addicted to drugs, with no drug treatment while they were in prison. We had a captive audience of people who were addicted, and we did nothing about it during that period of time.

One of the most cost effective things we could do is to treat people while we have them as a captive audience.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. WATT) has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Mr. Chairman, I will wrap-up. I just want to address this third thing that we are doing with the money under the Scott amendment. The gentleman is transferring $50 million to the Drug Court Program.

Now, I can tell you, because I have a Drug Court in my Congressional District, I have several Drug Courts in my Congressional District, and what they are doing is they are intervening with people who come in to the court system for drug offenses and they are being proactive with them. They are identifying the problems they have of addiction. They are getting them into treatment programs. They are making sure that when somebody comes into that drug program, the Drug Court, they are not processed through the system without having their problem dealt with. So what you see is this reduced recidivism, which, again, has contributed to the reduction in crime and the reduced need for prison space.

This is just a wonderful, good amendment, and we all ought to be supportive of it. I urge my colleagues to support this wonderful amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

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

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

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to consider an amendment at the desk.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 24, line 14, after the dollar figure insert ''(reduced by $2,000,000)''.

Page 34, line 8, after the dollar figure insert ''(increased by $2,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will not take the 5 minutes. I simply want to acknowledge the importance of programs that will help our youth. They are important in my district, they are important across the Nation. This $2 million will help enhance substance abuse programs for our young people, which we know is devastating. Our young people are out abusing alcohol, they are abusing drugs.

If we are going to invest in the future of our young people, this $2 million will help spread an additional opportunity for inner cities, rural communities and all throughout the Nation to provide programs for our young people.

Mr. Chairman, I rise to offer an amendment to this Appropriation bill that will increase some of the funding for juvenile justice programs within the Department of Justice. Specifically, my amendment adds $2 million to the Demonstration Project grants that are designed to reduce drug use among our youth. Currently, these project grants are funded at $10 million.

Although $10 million is a considerable amount for these programs, I feel that this issue is so important that we should add an additional $2 million. The offset for this funding increase would come from the Federal Prison funding for Buildings and Facilities.

The Administration requested additional funds for the juvenile justice programs administered by the Justice Department, but the funding remained the same from FY 1999. This amendment increases the funding to the level that was requested by the Administration.

We must increase the amount of funding for programs that reduce drug use among our young people because drug use has increased dramatically in this decade. Since 1992, marijuana use has doubled, going from 3.4 percent to 7.1 percent in 1996.

The use of other drugs has also increased. There has been a rise in heroine use among young people who are smoking and sniffing that substance. This rise has occurred specifically in small metropolitan areas. In 1995 21.6 percent of heroine users were 12 to 17 years old and 40.2 percent were 18 to 25 years old.

Clearly, this increase in drug use needs to be addressed in any method that has proven to work. The Demonstration Projects provide local communities the opportunity to apply for funding for local programs that have been proven to work.

The correlation of drug use and the increase in juvenile crime cannot be overstated. programs that work to reduce drug use among juveniles will also work indirectly to reduce youth crime.

As we have witnessed in the past several months, juvenile crime is an important issue for many of us. All of us are eager to find solutions that work to stem the tide of youth violence. Many of us are equally concerned about the increase of youth drug use, and these concerns are interrelated.

The $2 million offset for this funding is coming from the Building and facilities funding for the Federal Prison system. This small amount for building more jails to house young people and others who are convicted of drug offenses should be put to use preventing these crimes.

This offset has been scored by the Congressional Budget Office and will have no impact on the funding on this bill. I ask My Colleagues to support this amendment. The money we spend on improving prison facilities can be put to use to prevent the need for more federal prisons.

None of us wants to see another generation of young people damaged by drug abuse. Many of us remember how devastating drugs were in previous generations and this is something we can do to prevent a similar tragedy.

The young people in this country deserve to have hope for their future and this amendment restores some of that hope. Programs that are proven to work on the local level to combat drug use should receive as much support as possible by the federal government. I urge your support.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have no objection to this amendment. In fact, this program was one that was begun by this subcommittee some time back, and this would augment that program. I want to thank the gentlewoman for offering the amendment.

Mr. SERRANO. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, any time you have the chairman agreeing, and mathematically he has the votes, you are in good shape, so I will just sit down.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the chairman and the ranking member.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''), $1,193,450,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $552,000,000 shall be for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the 1968 Act, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $47,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $9,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $206,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $28,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: *Provided*, That, of these funds, $5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, $1,196,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court, and $10,000,000 shall be available to the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended; of which $34,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $1,300,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $250,000,000 shall be for Juvenile Accountability Incentive Block Grants, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program

in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2000: *Provided further*, That funds made available in fiscal year 2000 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

AMENDMENT NO. 6 OFFERED BY MR. COOK

Mr. COOK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. COOK:

Page 28, line 11, after the dollar amount, insert the following: ''(increased by $2,500,000)''.

Page 29, line 5, after the dollar amount, insert the following: ''(increased by $2,500,000)''.

Page 32, line 18, after the dollar amount, insert the following: ''(increased by $2,500,000)''.

Page 32, line 23, after the dollar amount, insert the following: ''(increased by $2,500,000)''.

Page 32, line 25, after the dollar amount, insert the following: ''(increased by $2,500,000)''.

Page 43, line 1, after the dollar amount, insert the following: ''(reduced by $11,972,000)''.

Page 43, line 5, after the dollar amount, insert the following: ''(reduced by $11,972,000)''.

Page 43, line 6, after the dollar amount, insert the following: ''(reduced by $11,972,000)''.

Page 43, line 12, after the dollar amount, insert the following: ''(reduced by $11,972,000)''.

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. COOK. Mr. Chairman, I would first like to commend the gentleman from Kentucky (Chairman ROGERS), the entire committee and their staff for the good bill that they have brought before us, but I believe my amendment will make this an even better bill by cutting nearly $12 million in unnecessary administrative costs from the International Trade Administration.

To give Americans the tax cuts they deserve and protect Social Security and Medicare, we have to continue to cut spending when appropriate. When taxpayers are forced to live within their budgets, bureaucrats must do the same. Groups such as Citizens Against Government Waste and the National Taxpayers Union both have listed the International Trade Administration program as one that needs to be reformed, and both groups are endorsing this amendment.

The American taxpayers should not be called on to pay more for corporate welfare programs such as this. In a capitalist country, taxpayers should not be forced to fund trade shows and advertising for corporations like Daimler-Chrysler and Archer-Daniels-Midland, who can afford to do it themselves. That is the role for the private sector.

Although I would have liked to have made deeper cuts in the ITA funding, this amendment only forces it to live within its 1999 budget, as there are many other programs forced to do in this bill.

The amendment increases funds for two critical programs, a $2.5 million increase for the Violence Against Women programs and $2.5 million for the Bulletproof Vest Grant Program for local police officers. Both are deserving. The Violence Against Women program provides resources for law enforcement issues specifically targeted at protecting women and children. The increase in the Bulletproof Vest Grants Program, combined with the existing matching requirements, will mean approximately 18,000 additional vests to protect officers on the street.

A vote for this amendment will cut nearly $12 million from what I think is corporate welfare and protect the American taxpayer from over bureaucratization at the Commerce Department. A vote for this amendment will reduce the deficit by $6 million. A vote for this amendment will protect America's police officers and ensure that Violence Against Women programs are adequately funded. I urge my colleagues to support this amendment.

The CHAIRMAN. Does the gentleman from Kentucky insist on his point of order?

Mr. ROGERS. Mr. Chairman, I reserve my point of order.

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know that the gentleman from Utah is well intended, but the gentleman knows not what he does here with his amendment.

I probably have one of the highest conservative cut-and-slash ratings in Congress and try to look at every program as any taxpayer would who is out there working hard to pay the bill for government, but taking $12 million from the United States Foreign Commercial Service Office could be a disaster.

Right now, in fact if you pick up the newspapers of the past few weeks, you will look at a staggering trade deficit in this country. It should be of concern to everyone who is worred about job growth and economic opportunity for the future. That Trade Deficit means that we are importing many goods and selling less goods in the international market.

Now, who helps our small business people compete in this international arena? It is the Foreign Commercial Service. In fact, Mr. Chairman, we should be increasing the expenditure in this program more than probably any other program in this budget because it helps medium and small businesses compete in the international arena.

If we ever needed to create good paying jobs, particularly in the manufacturing sector, which is going down and down being replaced with more service and low-paying and part-time jobs. We should be supporting increases, rather than decreases, in this area.

This is not any type of corporate wefare. The big corporations do well on their own. I have been involved in international trade. The IBMs and the big corporations around the world, they do fairly well. This program is not for them. This service is for the medium and small businesses across our country that have a tough time getting in to the international markets.

This proposed cut would force us to close offices, and in emerging markets where there is great economic opportunity. In the former Eastern Block, we do not even have full-time people. In Slovakia, one area of particular interest to me, we have one part-time person to help our U.S. business interests in the entire country of Slovakia coming from Vienna on a part-time basis in a new potential great market. Here we can create jobs and economic opportunity, not only for our citizens, but for the people who want the same things for the people in their country.

□ 1730

My colleagues, I have been there, I have talked to these folks, I have seen what we are doing. It is not enough. These countries do not want our foreign aid, they do not want our assistance in doing business—not a handout. They would like to conduct honest, open business. And when we provide this little bit of assistance with our foreign commercial officers who have meager resources, probably with the personal a third of even our AID and giveaway programs, something is indeed wrong. We have a chance to correct it.

So we would be making a terrible mistake to accept this particular amendment. I could bore the House detailing the many hardships that this cut would force. Most distructively we would have to close 31 posts overseas. We should be providing more assistance to small U.S. business in these emerging markets and giving our small and medium businesses an opportunity to compete in these potential markets.

While I know this amendment sounds well-intended, but it would be the worst disaster that we could impose upon the small- and medium-sized business people in this country that are struggling to enter into these markets and who are the greatest creators of jobs and opportunity for this Nation.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order.

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

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of rule XXI, which states, in pertinent part: ''An appropriation may not be in order as an

amendment for an expenditure not previously authorized by law.''

Mr. Chairman, the authorization for the COPS program on page 32 of the bill provides $268 million, which is the amount in the bill. This amendment would add $2.5 million over and above the authorized level and exceeds the authorization, so it does violate clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Utah wish to be heard on the point of order?

Mr. COOK. I would, Mr. Chairman.

The parliamentarian has ruled that within the 1997 budget agreement, this does fit within it. I would point out that the Congressional Budget Office has scored this as reducing the budget authority to the 2000 bill by $6 million and reducing outlays by $7 million. I think it all fits within, and we have had the indication from the parliamentarian that there is not a problem with it in that regard.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The question is not budget levels, but rather, authorization levels. A proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law.

Having reviewed the amendment and entertained the argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. Instead, it is apparent that the amendment causes the pending appropriation to exceed the level authorized in law.

The Chair is, therefore, constrained to sustain the point of order under clause 2(a) of rule XXI.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

I would like to engage the gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, in a colloquy, if I might.

The United Nations has a very valued State Department employee that has worked over there for a long time named Linda Shenwick, and Ms. Shenwick has brought to the attention of a number of Members of Congress waste, fraud, and abuse at the United Nations. As a result of her giving this information to Congress, she has not only been chastised, she has been removed from her position by the State Department and Madeleine Albright. We have written to Madeleine Albright about this and have not received a response. We have also written to the Inspector General of the State Department, and they have said that they do not feel that they are inclined to want to investigate this.

I would just like to say that we have had a number of whistleblowers before my committee, Mr. Chairman, and we have found that there are real repressive actions being taken against these whistleblowers to try to keep them from talking to the Congress of the United States about waste, fraud, and abuse in various agencies of government.

So I would like to just ask if there is anything that could be done in the Shenwick case to let the State Department know that this kind of action is not going to be tolerated by moving people out of their positions, by threatening them with their jobs so that they will not talk to Congress. I think it turns the entire situation on its head. We ought to be encouraging people to tell us where there is waste, fraud, and abuse; and they should not have to worry about losing their jobs if they do.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has made a point of this, and we have read only the press accounts, some of the press accounts of this matter. It is certainly not a very good way to lobby for funds for an agency to treat the Congress in that fashion, if, in fact, that occurred. Certainly, we will keep all of these facts in mind as we finally come to a conclusion later this year on the adequate funding level for the State Department.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, if I might just ask the gentleman, if we find, and I think that the gentleman will find after his investigation into this and his staff, that she is being chastised because she gave Congress this information, will the gentleman try to let the State Department know in some way, maybe through the appropriations process, that this is something that is not going to be tolerated by the Congress?

Mr. ROGERS. Mr. Chairman, if the gentleman will yield again, we do not have the investigative forces that would allow us the luxury of being able to delve into this matter in the way it should be. Perhaps another committee of the Congress would have more resources with which to deal with that, and I would like to know the conclusions of that committee that does it.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, my committee will be looking into it, and I will give the gentleman that information. But we are convinced that this kind of repressive action is being taken by State, and I hope that when the gentleman does the final appropriation in conference that the gentleman will let the State Department know that this kind of action will not be tolerated.

Mr. ROGERS. Mr. Chairman, we will be very interested to know the conclusions of the investigation.

Mr. BURTON of Indiana. I thank the gentleman.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

On this item that the gentleman from Indiana (Mr. BURTON) was just discussing, we have serious concerns about having congressional input or involvement at this point. As we understand it, this item is in the Office of the Special Counsel which was established by Congress. This issue is being looked at by that office, and without speaking much on this, it just seems to us totally improper at this point to commit in any way to any kind of congressional involvement when the fact is that this is being looked at legally, and testimony has been taken, it is my understanding, from both sides. I think that the proper way and the prudent way to go—I am not a lawyer, but I would assume that the prudent way to go is to wait for the special counsel to come back with a proper ruling that speaks to this issue.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, this is not an isolated case. We had four whistleblowers before my committee just recently, all of whom have either been threatened or chastised for talking to Congress about problems that have occurred in their agencies.

Ms. Shenwick's case is the latest in a series of those, and we want to be able to encourage people to tell where there is waste, fraud, and abuse in government. If whistleblowers are not protected, if they are not allowed to tell us if they know they are going to be threatened with their jobs, then they will not come forward.

I would like to be able to assure anybody in this government who believes that there is wrongdoing occurring or waste in their department occurring, that they will be able to come to us, whether they are Democrat, Republican, or Independent, and know that they will not be impugned.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I understand that and I respect the gentleman's comments, but that is precisely the reason why Congress established an independent, nonpartisan Office of Special Counsel. I think that one of the things we have to decide around here is if we are going to take their work seriously. I would hope that, while the gentleman and his committee, sir, have the right to look at this, that we allow for this Special Counsel to first tell us not only about this case, but in general what is going on so that we can all take action together. I am sure that the gentleman will not be alone if this is not as it should be.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will yield further, the case that we are talking about, I have no problem with the special counsel looking at this and making a judgment. But during that period of time, the lady in question is out of her job without any income, and she has a family. So the case could drag on for a long period of time, and she is suffering severe penalties because of that.

So it seems to me that there ought to be some way to protect these people

while an investigation is taking place so that they do not feel their job is in peril because they are telling Congress where there is waste, fraud, and abuse.

Mr. SERRANO. Mr. Chairman, again reclaiming my time, I appreciate the gentleman's comments, but I still feel that the gentleman perhaps may be questioning the kind of job that the Special Counsel's office is doing, and that is a totally different item. But I think if we are going to have any kind of order in these issues, we should just wait for them to come back and give us the information necessary, and I hope that the gentleman takes that into consideration when he takes further steps.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $33,500,000, to remain available until expended, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided,* That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by Title I of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $268,000,000, to remain available until expended, including $45,000,000 which shall be derived from the Violent Crime Reduction Trust Fund, of which $150,000,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act to be used to combat violence in schools; and of which $118,000,000 is for innovative community policing programs, of which $25,000,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), as amended, $17,500,000 shall be used to combat violence in schools, $60,000,000 shall be used for grants, as authorized by section 102(e) of the Crime Identification Technology Act of 1998, and section 4(b) of the National Child Protection Act of 1993, as amended and $15,500,000 shall be used for a law enforcement technology program: *Provided,* That of the unobligated balances available in this program, $140,000,000 shall be used for innovative policing programs, of which $35,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug ''hot spots'', $54,500,000 shall be used for a law enforcement technology program, $25,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, and $25,500,000 shall be expended for program management and administration.

AMENDMENT NO. 11 OFFERED BY MR. MALONEY OF CONNECTICUT

Mr. MALONEY of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. MALONEY of Connecticut:

In title I, in the item relating to ''DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—COMMUNITY ORIENTED POLICING SERVICES''—

(1) after the third dollar amount, insert ''(increased by $500,000)''; and

(2) after the fourth and eighth dollar amounts, insert ''(reduced by $500,000)''.

Mr. MALONEY of Connecticut. Mr. Chairman, I would like to start by thanking the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) for this opportunity to offer this amendment.

In a year when we have seen very tragic events in a number of schools in our Nation, we have today the opportunity to build on the success of the relatively new Cops in Schools Program by approving an amendment to fund a clearinghouse administered by the Office of Community-Oriented Policing Services, COPS, to facilitate information-sharing between communities nationwide on existing school resource officer training programs and models of how to establish such a program locally.

As many of my colleagues know, school resource officers are especially designated and trained law enforcement officers who are placed in schools to act as mediators, educators, and violence prevention and role models for students. Last year, we passed legislation to enable localities to hire school resource officers and form partnerships between law enforcement and education officials. This initiative was later expanded to become the Cops in Schools Grant Program under the COPS program of the Department of Justice. SROs represent a proactive approach to youth violence focusing on the prevention of juvenile crime rather than a reactive approach.

Localities interested in establishing their own programs, however, may not know how to get started, and even more importantly, may not know how to thoroughly train SROs. My amendment would provide these communities with the information they need to bridge that information gap. The success of SRO programs depends most critically upon proper training of SROs and a community's access to information about training programs. A clearinghouse would provide an efficient, centralized way of offering communities this important information. A clearing house on SRO programs and training models will provide communities looking to address juvenile violence through community placing techniques a critically useful tool for establishing their own partnerships between law enforcement officials and educators.

One final word. There has been some discussion, and I believe some misinformation about the funding in regard to this amendment. The amendment would transfer funds between the COPS general technologies initiative and the COPS hiring program. The amendment does not affect the funding for the law enforcement armored vest program of which I was a cosponsor of that legislation last year, or the innovative policing program. On page 33, we will note that there is $15,500,000 reserved for the enforcement technology program, and further on that page at line 15, there is a note that there is an unobligated balance of an additional $54,500,000 for the law enforcement technology program.

In working this amendment with the Department of Justice, they assure me that number one, they support the amendment; and number two, that the $500,000 requested would not have an impact on the technology program.

Finally, I understand that the gentleman from Kentucky (Mr. ROGERS) is supportive of helping me in this endeavor, and I am certainly willing to withdraw my amendment if the Chairman is willing to engage in a colloquy on the SRO clearinghouse.

Mr. Chairman, if I could inquire of the gentleman from Kentucky, would the gentleman agree that the national clearinghouse would provide an efficient centralized way of offering communities this very important information?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MALONEY of Connecticut. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman for his efforts on this issue. I will work with the gentleman and the ranking member of the subcommittee to maintain this $500,000 for the School Resource Officers Clearinghouse in conference.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. MALONEY of Connecticut. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I want to agree with the gentleman from Kentucky (Chairman ROGERS). I want to do everything in my power to ensure that the funding for the clearinghouse is in the final bill. We will work with the gentleman to make that happen.

Mr. MALONEY of Connecticut. Reclaiming my time, Mr. Chairman, I thank the gentlemen very much, the chairman and the ranking member.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. BLAGOJEVICH

Mr. BLAGOJEVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAGOJEVICH:

Page 33, line 11, after the dollar amount, insert the following: ''(increased by $7,500,000)''.

Mr. BLAGOJEVICH. Mr. Chairman, this amendment earmarks an additional $7.5 million in unobligated balances available in the Community Oriented Policing Services, known as the COPS program. This money goes into the COPS account to expand community prosecution programs across our Nation.

As these dollars are unobligated, this amendment does not take away funding from other law enforcement priorities within the bill, and there are no budget cap implications.

As many of my colleagues know, community prosecution programs provide a holistic approach to fighting crime neighborhood by neighborhood, community by community. They represent the next step in community-based crime prevention programs.

Just as police officers are assigned to a beat under community policing programs, community prosecutors work with neighborhood residents and police on the beat to identify and preempt crime. Community prosecutors are assigned full-time to locations such as police stations, and work together with police on the beat and community leaders to develop innovative approaches to crime.

By being involved in the community and utilizing their legal skills, community prosecutors are playing a role in reducing crime rates. Under community prosecution, crime victims, especially vulnerable populations such as the elderly and children, have a locally-based prosecutor who they know. They establish bonds of trust, and as a result, both victims and witnesses of crimes are more likely to come forward in the effort to interdict crime and prosecute crime, and they do so by working in conjunction with law enforcement.

Not surprisingly, and as a consequence of programs like this, community prosecution programs have been successful in over 40 communities across our Nation in towns as small as Rosebud, Montana, and in cities as large as Los Angeles, California, and Chicago, Illinois.

They are strongly supported by groups like the National District Attorneys Association, and I have a letter here from the president of that association, Steward van Mevern. Mr. Chairman, this letter urges us to increase funding for community prosecution programs. The problem, however, is despite the success of programs like this, they continue to struggle for resources.

Last year, with the chairman's help, we were able to establish a $5 million community prosecution grant program. Unfortunately, no funding is provided in this bill for the program, even though funding was requested.

Hundreds of communities across our Nation have applied for the grant funding provided in fiscal year 1999, but there was not nearly enough funding to meet their needs. This situation will not improve without adoption of this amendment today. This amendment will provide a sheltered funding source to continue community prosecution programs and sustain and develop existing ones.

This year I hope we can work together to build upon the success of community prosecution programs and meet the needs of our communities.

With that, I thank the chairman for his tireless efforts on behalf of fighting crime in general, and this effort in particular. Let me also thank our ranking member, the gentleman from New York (Mr. SERRANO) for his wonderful efforts and his world vision on these issues.

Let me also thank staff members Sally Chadbourne and Jennifer Miller for their assistance. Let me also thank Pat Schlueter in general for the efforts she has done on behalf of these issues. In closing, I thank my own staff, Deanne Benos and Michael Axelrod, who also worked on this.

Mr. ROGERS. Will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman's comments. His amendment would maintain the program in fiscal year 2000, and I certainly have no objection to the amendment.

Mr. BLAGOJEVICH. Mr. Chairman, God bless the gentleman, and I thank him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. BLAGOJEVICH).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred and merged with the appropriations for Justice Assistance, $267,597,000, to remain available until expended: Provided, That these funds shall be available for obligation and expenditure upon enactment of reauthorization legislation for the Juvenile Justice and Delinquency Prevention Act of 1974 (title XIII of H.R. 1501 or comparable legislation).

In addition, for grants, contracts, cooperative agreements, and other assistance, $10,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

AMENDMENT OFFERED BY MS. DEGETTE

Ms. DEGETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DEGETTE:

In title I, in the item relating to ''GENERAL PROVISIONS—DEPARTMENT OF JUSTICE'', strike section 103.

Ms. DEGETTE. Mr. Chairman, the amendment I am offering today is very straightforward. It simply strikes section 103 from Title I, General Provisions, Department of Justice.

In effect, what this amendment does is strike the language in the bill which prohibits the use of Federal funds for abortion services for women in Federal prison.

Unlike most other American women who are denied Federal coverage for abortion services, women in prison have no money, nor do they have access to outside financial help, and they earn extremely low wages in prison jobs. In fact, inmates in Federal prisons are completely dependent upon the Bureau of Prisons for all of their needs, including food, shelter, clothing, and all aspects of their medical care.

These women are not able to work at remunerative jobs that would enable them to pay for medical services, including abortion services. In fact, last year inmates working on the general pay scale earned from 12 cents to 40 cents per hour, or roughly $5 to $16 per week.

The average cost of an early outpatient abortion ranges from $200 to $400. Abortions after the 13th week cost $400 to $700, and abortions after the 16th week go up $100 more per week, ending at about $1,200 to $1,500 in the 24th week.

Even if a woman in the Federal prison system earned the maximum wage on the general pay scale and worked for 40 hours a week, she would not have enough money to pay for an abortion in the first trimester if she so chose.

After that, the cost of an abortion rises dramatically, and even if she saved her entire salary, she could not afford such an abortion.

If Congress denies women in Federal prison coverage of abortion services, it is effectively shutting down the only avenue these women have to pursue their constitutional rights. Let me remind my colleagues that for the last 25 years in this country, women in America do have a constitutional right to abortion.

In 1976, the U.S. Supreme Court confirmed that deliberate indifference to the serious medical needs of prisoners constitutes an unnecessary and wanton infliction of pain proscribed by the eighth amendment of the Constitution.

With the absence of funding by the very institution prisoners depend on for health services, women prisoners are in fact coerced to carry unwanted pregnancies to term. The anti-choice movement in Congress denies coverage for abortion services to women in the military, women who work for the government, poor women, and women insured by the Federal Employees Health Benefit Plans.

I disagree with all of these restrictions. I think they are wrong. But when Congress denies coverage for women who are incarcerated, then Congress is, in effect, denying these women their constitutional right to choose. That is barbaric and that is coercive.

Let me just talk a minute about the kind of women who are entering prison. Most are victims of physical and sexual abuse. Two-thirds are incarcerated for non-violent drug offenses. Many of them are HIV-infected or have full-blown AIDS. Congress thinks that it is in the Nation's best interests to force motherhood on them?

I, of course, support the right of women in prison to bring their pregnancies to term, but that is not what this is about. It is about forcing women who do not want to bring their pregnancies to term to have a child. It is downright cruel and foolish to force women in Federal prisons to bear a child in prison when that child is going to be taken from them at birth or shortly thereafter. It is cruel to force a woman who does not have the emotional will to go through her pregnancy with limited prenatal care, isolated from her family and friends, and knowing that the child will be taken from her at birth.

What will happen to these children, these unwanted children who are born to prisoners? Will they be raised by relatives who do not care about them? Will they be sent to an agency? What will happen to them? This is one of the most cruel things I think that Congress can do to women who are incarcerated.

In 1993, Congress did the right thing when it overturned this barbaric policy. I urge my colleagues to do the same today, and support the DeGette amendment. Let us stop these rollbacks on women's reproductive freedom.

Mr. ROGERS. Mr. Chairman, I rise in opposition.

Mr. Chairman, the provision in the bill that this amendment seeks to strike, Mr. Chairman, does one thing only. It prohibits Federal tax dollars from paying for abortions for Federal prison inmates, except in the case of rape or the life of the mother.

This is a longstanding provision, one that has been carried in 10 of the last 11 Commerce-Justice-State and Judiciary appropriation bills. The House has consistently rejected this amendment, this very amendment to last year's appropriations bill by a vote of 148 to 271; in fiscal year 1998, by 155 to 264; 2 years ago by a voice vote; and 3 years ago, by a vote of 146 to 281. It has been consistent, the House has, in rejecting this amendment.

Time and again Congress has debated this issue of whether Federal tax dollars should pay for an abortion. The answer has been no. I urge a no vote again.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the DeGette amendment, which would strike language banning the use of Federal funds for abortion services for women in Federal prisons.

Women in prison have engaged in criminal activity. That is a fact. But through our judicial system we certainly need to seek appropriate responses to illegal actions, and that is what we do. Women in prison are being punished for the crimes that they committed. They are doing their time.

However, this is a separate issue which we are addressing today. Today we discuss civil liberties and rights which are protected for all in America, and remain so, even when an individual is incarcerated. Abortion is a legal option for women in America. Since women in prison are completely dependent on the Federal Bureau of Prisons for all of their health care services, the ban on the use of Federal funds is a cruel policy that traps women by denying them all reproductive decision-making.

□ 1800

The ban is unconstitutional because freedom of choice is a right that has been protected under our Constitution for 25 years. Furthermore, the great majority of women who enter our Federal prison system are impoverished and often isolated from family, friends, and resources.

We are dealing with very complex histories that often tragically include drug abuse, homelessness, physical and sexual abuse. To deny basic reproductive choice would only make worse the crisis faced by the women and the Federal prison system.

The ban on the use of Federal funds is a deliberate attack by the antichoice movement to ultimately derail all reproductive options. As we begin chipping away basic reproductive services for women, I ask my colleagues, what is next? Dental of OB/GYN examinations and mammograms for women inmates? Who is next? Women in the military, women who work for the government or all women who are ensured by the Federal Employees Health Benefits Plan. Limiting choice for incarcerated women puts other populations at great risk. This dangerous slippery slope erodes the right to choose little by little.

It is my undying belief that freedom of access must be unconditionally kept intact. Therefore, I strongly urge my colleagues to protect this constitutional right for women in America and vote ''yes'' on the DeGette amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the innate value of a baby is not diminished in any way simply because the child's mother happens to be an inmate. Children I believe are precious beyond words. The lives of their mothers, likewise, are of infinite value.

Forcing taxpayers to subsidize the killing of an incarcerated woman's child makes pro-life Americans accomplices—complicit with violence against children. I do urge a strong ''no'' on the DeGette amendment.

Mr. Chairman, I think we have got to face the truth. Abortion methods are violence against children, the death penalty for an innocent little child. Abortion methods dismember children. It is commonplace for the abortionist to literally cut a baby to pieces.

The previous speaker suggested that proscribing abortion funding might lead to the slippery slope of a denial of OB/GYN services or perhaps mammograms. That, frankly, is absurd. We are talking about something—abortion—that masquerades as somehow being health care when it actually is destructive. It kills babies.

I do think the suggestion of a slippery slope in this case is an insult to those of us who fight for and believe very strongly in the importance of mammograms and expanding OB/GYN services. Again, the DeGette amendment sanctions subside for killing. Nothing healing or curative about that.

Earlier in the debate I pointed out that abortion methods often dismember children. So let us focus on a moment on what abortion does. A high-powered suction machine, attached to a tube with a razor blade at the end is inserted into the womb, and the baby is literally hacked to pieces. That is the reality of a suction abortion. The suction device is some 20 to 30 times more powerful than a household vacuum cleaner. As the baby is cut up, the so-called ''contents of the uterus,'' the baby, are sucked into a bottle. That is outrageous and cruel. That is the killing of a baby. That is abortion.

Another method of abortion is saline abortions. Babies slaughtered in this way have saltwater injected into their amniotic sac. The baby swallows the

caustic salt. An unborn baby swallows the amniotic fluid daily to develop the organs of respiration. In abortion, saltwater goes into the infant's lungs, and the baby is poisoned. This is a death penalty, and it takes about 2 hours for the child to die—a very slow and agonizing death for the child to die from this type of abortion.

Of course the abortionist has all kinds of poisons at his or her disposal to destroy a baby. This is cruel and unusual punishment for a child who has committed no crime.

It is especially ironic, Mr. Chairman, at a time when ultrasound is like a window to the womb, and we know so much about a developing unborn child. We can watch a child suck his or her thumb. We can diagnose conditions and take corrective action. But, no, the DeGette amendment would say we have got to pay for a baby's destruction for a child who has done no wrong.

Mother Theresa at the National Prayer Breakfast a few years ago, with the President, the First Lady, the Vice President and his wife in attendance and many, diplomats and members of Congress told the gathering ''the greatest destroyer of peace today is abortion because it is a war against the child, a direct killing of an innocent child. Any country that accepts abortion is not teaching its people to love but to use violence. That is why it is the greatest destroyer of love and peace.''

Then she said and admonished the President and all the diplomats and the Members of Congress assembled, ''Please do not kill the baby.''

Mr. Chairman, the baby of an inmate is just as important as any other child on earth. Please don't kill the baby. Reject government funding of violence against children. I urge my colleagues to vote ''no'' on the DeGette amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment that was offered by the gentlewoman from Colorado (Ms. DEGETTE). Actually what the amendment does, it would reinstate the right to choose for women who are in prison.

In 1976, the United States Supreme Court found that deliberate indifference to the serious medical needs of prisoners constitutes an unnecessary infliction of pain, a violation of the Eighth Amendment to the Constitution.

Most women are poor at their time of incarceration, and they do not earn any meaningful compensation from prison jobs. This ban closes off their access to receive such services and, therefore, denies them theirs rights under the Constitution.

There has been a 75 percent increase in the amount of women incarcerated in the Federal Bureau of Prison facilities over the last decade, twice the increase of men. I am disappointed to note that, but that is the case.

Most women in prison are young, have frequently been unemployed, and may have been victims of physical or sexual abuse. Additionally, the rate of AIDS or HIV infection is higher for women in prison than the rate of men. These women have the greatest need for full access to all health care options.

Abortion is a legal health care option for women, and it has been for 5 years. Because Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons, the ban, in effect, prevents these women from seeking needed reproductive health care.

This ban on Federal funds for women in prison is a direct assault to the right to choose.

I urge my colleagues to join me in supporting the DeGette amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the DeGette amendment. My colleagues are not surprised to hear me say this, because it is well known that I am pro-choice. But it might surprise some of my colleagues that I think there are too many abortions in this country. I work hard to support policies that prevent unintended pregnancies and reduce the number of abortions in America.

I believe that our approach should not be to make abortion less accessible or more difficult, but less necessary. If we agree, pro-choice and pro-life, that our goals should be less abortion, then our focus must be on what we can do to further that goal.

Together, we should increase access to contraception, work harder to educate people about responsibility if we want to make abortion less necessary.

I will tell my colleagues what I do not believe. I do not believe that making abortion inaccessible is the answer. I do not believe that the way to end abortion is to make it so difficult or so dangerous that we endanger women.

The right to access an abortion is the law of the land. I oppose banning access to abortion in Federal prison facilities for incarcerated women who need them. The prohibition in the bill does not make it impossible for women in prison to obtain an abortion, it just makes it more expensive, more difficult, less private, more dangerous.

Imprisoned women with the money to pay for abortion can get transport to a facility outside the prison. So we are comfortable making it more difficult. We are comfortable making it more expensive. Mr. Chairman, that is wrong.

I will continue to work with my colleagues towards a day when abortion is truly rare. Let us work together to do that. But as we work together, I will vote to make abortion truly accessible.

I ask my colleagues to join me in supporting the motion to strike.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the DeGette amendment.

Here we go again.

Today marks the 127th vote on choice since the beginning of the 104th Congress.

Each of these votes is documented in my choice report which can be found on my website.

Access to abortion has been restricted bill by bill, vote by vote, and procedure by procedure.

The DeGette amendment seeks to correct one of these attacks on American women.

Federal prisoners must rely on the Bureau of Prisons for all of their health care, so, if this ban passes, it would prevent these women from seeking needed reproductive health care.

Most women prisoners are victims of physical or sexual abuse.

Most women, if pregnant in prison, became pregnant from rape or abuse before they entered prison.

Most women prisoners are poor when they enter prison, and cannot rely on anyone for financial assistance.

These women already face limited prenatal care, isolation from family and friends, a bleak future, and the certain loss of custody of the infant.

The ban on abortion assistance for women in prison closes off their only opportunity to receive such care, it denies them their constitutional rights, but most importantly, it denies them their dignity.

Current law tragically ignores these women.

Perhaps more disturbing is that it also tragically ignores children born to women in prison. These children are taken from their mothers who cannot raise them in a stable family environment. What kind of life are we providing for them?

Six percent of incarcerated women are pregnant when they enter prison. Recent news accounts have described cases of pregnant inmates being shackled during long hours of labor and delivery.

It is unfair to rob women in prison of their basic fundamental right to choose abortion and also provide for unsafe deliveries and treatment while pregnant.

Mr. Chairman, let's not intensify an already difficult situation, I urge a ''yes'' vote on the DeGette amendment.

Mr. NADLER. Mr. Chairman, I rise to support the DeGette amendment to strike the ban on abortion funding for women in Federal prison. This ban is cruel, unnecessary, and unwarranted.

Mr. Chairman, a woman's sentence should not include forcing her to carry a pregnancy to term. Most women in prison are poor, have little or no access to outside financial help, and earn extremely low wages from prison jobs. Inmates in general work 40 hours a week and earn between 12 to 40 cents per hour. They totally depend on the health services they receive from their institutions. Most female prisoners are unable to finance their own abortions, and, therefore, are in effect denied their constitutional right to an abortion.

Many women prisoners are victims of physical or sexual abuse and are pregnant before entering prison. In addition, they will almost certainly be forced to give up their children at birth. Why should we add to their anguish by denying them access to reproductive services?

We ought to keep this debate in perspective. We are not talking about many women. Statistics show that in fiscal year 1997, of the approximately 8,000 women in Federal prison, only 16 had abortions, and there were only 75 births. So this is a small group of people, and

we should understand that as we continue this debate. The ban on abortions does not stop thousands of abortions from taking place; rather, it places an unconstitutional burden on a few women facing a difficult situation.

Mr. Chairman, a prison sentence must not include forcing a women to carry a child to term.

I know full well that the authors of this ban would take away the right to choose from all American women if they could, but since they are prevented from doing so by the Supreme Court (and the popular will of the American people who overwhelmingly support choice) they have instead targeted their restriction on women in prison—women in prison, who are perhaps the least likely to be able to object.

Well watch out America. After they have denied reproductive health services to all women in prison, all Federal employees, all women in the armed forces, and all women on public assistance, then will once again try to ban all abortions in the United States. And they won't stop there. We know that many anti-choice forces want to eliminate contraceptives as well. It is a slippery slope that denies the realities of today, punishes women, and threatens their health and safety. This radical agenda must be stopped now.

I urge my colleagues to support the DeGette amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

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

Ms. DEGETTE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Notwithstanding any other provision of law, for fiscal year 2000, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice—

(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office; and

(2) shall have final authority over all grants, cooperative agreements, and contracts made, or entered into, for the Office of Justice Programs and the component organizations of that Office.

SEC. 109. Sections 115 and 127 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277) shall apply to fiscal year 2000 and thereafter.

SEC. 110. Hereafter, for payments of judgments against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) and its implementation, such sums as may be necessary, to remain available until expended: *Provided*, That the foregoing authority is available solely for payment of judgments and compromise settlements: *Provided further*, That payment of litigation expenses is available under existing authority and will continue to be made available as set forth in the Memorandum of Understanding between the Federal Deposit Insurance Corporation and the Department of Justice, dated October 2, 1998.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the bill from page 38, line 10 to page 40, line 24 is as follows:

SEC. 111. (a) For fiscal year 2000, whenever the Federal Bureau of Investigation (FBI) participates in a cooperative project with a foreign country on a cost-sharing basis, any funds received by the FBI from that foreign country to meet that country's share of the project may be credited to any appropriation or appropriations available to the FBI for the purposes served by the project and shall remain available for expenditure until the close of the fiscal year next following the date of such receipt, as determined by the Director of the FBI.

(b) Funds credited pursuant to subsection (a) shall be available for the following:

(1) payments to contractors and other suppliers (including the FBI and other participants acting as suppliers) for necessary articles and services;

(2) payments for—

(A) one or more participants (other than the FBI) to share with the FBI the cost of research and development, testing, and evaluation, or joint production (including follow-on support) of articles or services;

(B) the FBI and another participant concurrently to produce in the United States and the country of such other participant an article or service jointly developed in a cooperative project; or

(C) the FBI to procure articles or services from another participant in the cooperative project.

(c) The Director of the Federal Bureau of Investigation shall notify the Committees on Appropriations of the House of Representatives and the Senate of any such amounts collected and expended pursuant to this section.

SEC. 112. Section 507 of title 28, United States Code, is amended by adding a new subsection (c) as follows:

''(c) Notwithstanding the provisions of title 31, section 901, the Assistant Attorney General for Administration shall be the Chief Financial Officer of the Department of Justice.''.

SEC. 113. Funds made available in this or any other Act hereafter, for the United States Marshals Service may be used to acquire subsistence and medical care for persons in the custody of the United States Marshals Service at fair and reasonable prices. Without specific authorization from the Attorney General, the expenses incurred in the provision of such care shall not exceed the costs and expenses charged in the provision of similar health-care services paid pursuant to Medicare and Medicaid.

SEC. 114. Section 3024 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31) shall apply for fiscal year 2000.

SEC. 115. Effective 30 days after enactment of this Act, section 1930(a)(1) of title 28, United States Code, is amended in paragraph (1) by striking ''$130'' and inserting in lieu thereof ''$155''; section 589a of title 28, United States Code, is amended in subsection (b)(1) by striking ''23.08 percent'' and inserting in lieu thereof ''27.42 percent''; and section 406(b) of Public Law 101–162 (103 Stat. 1016), as amended (28 U.S.C. 1931 note), is further amended by striking ''30.76 percent'' and inserting in lieu thereof ''33.87 percent''.

This title may be cited as the ''Department of Justice Appropriations Act, 2000''.

The CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $25,205,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $44,495,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports

of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment, $298,236,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That of the $300,236,000 provided for in direct obligations (of which $295,236,000 is appropriated from the General Fund, $3,000,000 is derived from fee collections, and $2,000,000 is derived from unobligated balances and deobligations from prior years), $49,609,000 shall be for Trade Development, $18,755,000 shall be for Market Access and Compliance, $32,473,000 shall be for the Import Administration, $186,693,000 shall be for the United States and Foreign Commercial Service, and $12,706,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $49,527,000, to remain available until expended, of which $1,877,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of such proposed action.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, Public Law 89–136, as amended, and for trade adjustment assistance, $364,379,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $24,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $27,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $48,490,000, to remain available until September 30, 2001.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $136,147,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to conduct the decennial census, $4,476,253,000 to remain available until expended: of which $20,240,000 is for Program Development and Management; of which $194,623,000 is for Data Content and Products; of which $3,449,952,000 is for Field Data Collection and Support Systems; of which $43,663,000 is for Address List Development; of which $477,379,000 is for Automated Data Processing and Telecommunications Support; of which $15,988,000 is for Testing and Evaluation; of which $71,416,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; of which $199,492,000 is for Marketing, Communications and Partnerships activities; and of which $3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105–119: *Provided*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $142,320,000, to remain available until expended.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Coburn:

Page 47, line 8, after the dollar amount insert ''(reduced by $2,753,253,000)''.

Mr. COBURN. Mr. Chairman, what this amendment does is very straightforward. It eliminates that portion of the census which is not truly an emergency from this bill.

Our Founding Fathers wrote in that we would have a numerical count of the population of this country every 10 years. We have, in fact, known that we were going to be required to have a census count in the year 2000 in 1990. We knew it in 1980. We have known it since the country was founded.

The application of an emergency designation for something that is well-known to need to occur is inappropriate in this case.

Because I could not strike it purely as an emergency, my only option was to strike the amount. I want to give my colleagues the criteria for funding something as an emergency, and this is under the rules of the House.

□ 1815

''It is necessary, essential or vital.'' Well, it meets that. ''It is sudden, quickly coming into being and not building up over time.'' It definitely does not meet that. ''It is an urgent, pressing and compelling need requiring emergency action.'' It does not meet that. We have known that. ''It is unforeseen, unpredictable, and unanticipated.'' It does not meet that because we have known about this for a considerable amount of time. ''It is not permanent.'' Well, it meets that. This is a 1-year expenditure. But it does not qualify under these guidelines.

Describing the census as unforeseen, unpredictable and unanticipated is difficult given the fact we have a 10-year census every 10 years. If the census was not an emergency last year, how can it be an emergency this year? Last year, Congress provided $1.8 billion to begin preparing for the year 2000 census.

Now, we are going to hear, and the supporters of emergency spending will argue that we could not have anticipated the Supreme Court ruling requiring actual enumeration for the apportionment of seats in Congress but permitting the use of sampling for the distribution of Federal grants. With the

ruling, they argue that additional funds are needed to perform both sampling and enumeration. However, according to the Bureau of the Census permitting both enumeration and sampling will cost only $1.7 billion more than their original request. That is nowhere near the $4.5 billion in emergency funds provided by the House appropriation.

Mr. Chairman, the gentleman from Kentucky (Mr. ROGERS), has done a great job on this bill. With the exception of this designation, this is the best bill from this appropriations subcommittee that has come out since I have been a Member of Congress, and I want to say now that I appreciate very greatly the hard work the gentleman and his staff have done. But I cannot go home to Oklahoma and ask the people of my State to justify spending emergency funds off budget and potentially funds to come from the Social Security surplus for this count. We can and we must find the available funds within the existing government expenditures. That does not mean that efforts have not been made.

What are the short-term effects of calling this an emergency designation? Right now, if we say we have a true surplus that is going to occur in the year 2000 of $14 billion, $9.25 billion of that are available for the Congress to spend. If we allocate some of that back to the people who paid it in, a mere $4.5 billion out of a $1.8 trillion budget, what happens is we will have no money with which to fund the most important appropriation bills to come, that for our veterans and that for those that are most dependent upon us in our society.

If Congress hopes to address the shortfalls in Labor, Health and Human Services, and Education funding, or assist American farmers, which is a very real likelihood that is coming to us in the near future, we will either have to eliminate giving back some of the people some of their money, which I believe is entirely possible given where we are, or steal money from Social Security.

So that I would ask the Members of this body to support this amendment on two basic reasons: Number one, this is not an emergency. It does not meet the rules of the House under emergency. And, number two, it is more than likely going to come out of the Social Security fund, which every Member of this House has pledged and obligated themselves not to touch except for Social Security.

Mr. Chairman, with that I would make one final note that the other body did not declare funding for the census an emergency.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment, let us be plain about this now, if this amendment passes, there will be no census. Pure and simple. If that is what the body wants, vote for this amendment. I cannot put it any plainer than that; the amendment would strike $2,753,253,000, which would strike at the heart of conducting the decennial census, which we are obligated by the Constitution to do.

Now, why is this declared an emergency? Let us just lay it on the table. It is simple. The 1997 bipartisan budget agreement that the White House and the Congress, the House and Senate, agreed to, and most of us voted for, never anticipated a penny for the 2000 census. They should have. It was a bad mistake. Whoever was in the negotiations at that time should have known that in the year 2000 we would have this enormous expense, 1-year principally, of conducting the decennial census. This final figure, which is $6.5 billion, is two-and-a-half times the cost of the 1990 census. But the budget agreement anticipated not a penny, and no plans were made for it.

Now, what are we to do? The budget resolution we passed earlier this year for the fiscal year 2000 again ignored the needs for the decennial census money in the year 2000. While the caps imposed in 1997 for this year and for 5 years made adjustment for other extraordinary items, such as U.N. arrears, they either exempted some of these items or accommodated them. That was not the case for the census. They simply ignored it. Nothing was done.

Of course, everyone knows the census happens every 10 years. It is in the Constitution. Someone forgot to tell the White House and the Congress in 1997 that we would face this very moment, this year, in anticipating and finding the money to do the decennial census. It simply is not in the budget resolution. There is no way we could plan for it.

And in just 2 short years, Mr. Chairman, the cost of the census has exploded by over 60 percent and likely will grow even more. Just last year the administration said the cost would be $3.9 billion. When they sent their original budget this year, that had grown to $4.9 billion. And then the Supreme Court came along and said their plan was illegal.

And just 7 weeks ago, 7 weeks ago, after I had pleaded with them for 2 years to give us the estimated cost for us to anticipate, which they refused and refused and refused, hearing after hearing; then finally 7 weeks ago, they came in and said, okay, it is going to cost you $6.5 billion; 60 percent more than they told us 2 years before, two-and-a-half times the cost of the 1990 census. And 70 percent of that cost has to be funded this year in this bill.

So here we are on the eve of the 2000 census, spending caps that did not allow for a census at all, skyrocketing costs that this committee and the Congress could not have expected, and only 7 weeks ago they give us the total figure. That is why it is an emergency. We have no choice. This is a temporary expense, a one-time cost, but it is vital, it is required, it is mandatory, and it is necessary that we do it. And that is what we do in this bill.

This bill is a very restrained bill, as we have all agreed. We cut spending by $833 million below current spending. We have managed to keep critical functions in the bill, law enforcement, the INS, the weather service, our embassies overseas, at close to their operating levels. It has been a tough job. There were tough choices, but we have made them.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, if we really want to create a crisis, an emergency in everyone's definition, then we will support this amendment and force us to go back and cut the FBI, the DEA, the weather service, foreign embassies and the like 15 percent, which will practically shut down the courts.

We have to find the money somewhere if we take this money out of the bill. I do not want to be responsible for that, and I would hope that the Members would not agree to take that money out.

If we want to ensure that we meet our constitutional duty to provide for the census and maintain funding for these other critical agencies in this bill, I trust and hope that we will support the bill that is before us today and reject the amendment that would prohibit and preclude the conduct of the decennial census in the year 2000.

Now, it has been said this is some sort of a gimmick. People on that side of the aisle have said this is some sort of a gimmick. Well, when the President set up his budget request earlier, Mr. Chairman, his budget request included $42 billion worth of budget gimmicks, user fees, and emergencies all through that budget request. We have rejected those.

But many in this body, most in this body who voted for those budget caps in 1997, now are saying, ah, this is a gimmick to get around the budget caps, but you have to do the census and you have to maintain funding for the law enforcement agencies. My colleagues, we cannot have it all ways. We have to make a choice here. We have to choose. Do we want the census or not? That is the question.

I urge my colleagues to reject this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment. I find myself in the very odd position of supporting very strongly the Republican leadership's position on the census. This amendment would cut $2.8 billion from census funding for fiscal year 2000. This amendment would make it impossible to conduct the census in 2000.

Mr. Chairman, the census is mandated by the Constitution. It will be

the largest peacetime mobilization in the United States history. The Bureau has to open up 520 local census offices and hire 860,000 employees in little more than 8 months. They cannot do it without funding, without the money. A cut in census funding will result in a census meltdown. The majority has repeatedly said that it would pay the full cost of the census, no matter what. It is time that they make good on this promise.

This morning, Mr. Chairman, the gentleman from Kentucky (Mr. ROGERS) pressed several Members to assure him that funding in the bill was sufficient to conduct the census. The gentleman from Florida (Mr. MILLER) referred to a promise made and a promise kept. Now the supporters of this amendment are talking about failing to keep the promise.

What will be the effect? Without full funding, the quality of the census will suffer. With a cut of $2.8 billion, more than half of the year 2000 census cost, that means that shortly after the census gets started in April 2000 we will be back on the floor again pressing an emergency spending bill to keep the census going. Only then it will be an emergency and all of the destruction we normally associate with emergency spending bills will have happened.

If the census shuts down in the middle of things, we will have the worst census in the 20th Century, and this Congress will bear the responsibility for that. If the census shuts down, 800,000 census takers will be laid off. If the census shuts down, the apportionment numbers will be damaged beyond repair and the census will be in the courts for the rest of the decade.

Mr. Chairman, only once in the history of the census have we failed to reapportion the House. That was after the 1920 census, when Congress failed to carry out its duty not because the numbers were flawed but because they did not like what it showed. If this amendment passes, we will not have a census that can be used for apportionment or anything else.

Mr. Chairman, we must defeat this amendment and prevent a large embarrassment of this institution. I strongly support the leadership on the Republican side and oppose the Coburn amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, a couple of things, I think. If we are talking about keeping commitments, everybody in this body committed not to spend Social Security money on anything but Social Security. That is what we are putting at risk.

□ 1830

Number two, where is the question about why it should cost $24 per person in this country to take the census when it cost $11 in 1990, which I find ridiculously high. There is no accountability for the numbers that have been put forward in the budget. There is no efficiency for it. Even if we pass this amendment, there will be money for the census. We will bring money back for the census.

Our job as Members of this body is to pay for the things that the American public want and need. I agree we need to fund the census. I agree that we need to be honest with the American public about this not being an emergency and us not having to account for it.

The real issue is do we have the courage to reduce the spending somewhere else to make the appropriate dollars for the census?

Mr. RYAN of Wisconsin. Mr. Chairman, reclaiming my time, I too am a member of the Subcommittee on the Census. I serve with the gentleman from Florida and with the gentlewoman from New York. I believe that this census is a very important census. This committee has done very good work to put this census together.

However, this is not an emergency. There are portions of this census, the $1.7 billion part of this census, that is arguably an emergency because of the court rules.

However, I think that we could also make the argument that the Census Bureau dragged their feet and could have prepared for that. But we are not even going to argue the point.

This amendment sets aside the $1.7 billion in unforeseen census expenditures. However, the other part to the census is $2.9 billion. We knew this was coming. We have known about this since 1790. When the Budget Act was passed in 1997, Members of Congress who were negotiating that deal knew it was on the horizon and intentionally did not include this in the budget because they thought they would kick it out to today, to this year.

Well, my colleagues, we knew that this was coming. We knew that the census would have to be paid for. I agree with the gentleman from Oklahoma (Mr. COBURN). We need to pay for this honestly.

Just remember, if we do more emergency spending designations than the new on-budget surplus allows for, we are going into the Social Security surplus; we are going into the Social Security Trust Fund. My colleagues, we are getting very close to that moment.

All of us voted for one budget resolution or another which stopped the raid on Social Security. We have to stay out of the Social Security Trust Fund in an honest way.

We can make the argument that $1.7 billion was unforeseen emergency census spending, but not all of this money. $2.9 billion of this census is stuff that we knew was coming. We should have prepared for this. It is not a new emergency. We should pay for this.

I like to commend the gentleman from Kentucky (Mr. ROGERS) for a wonderful bill. All things considered, there are things in this bill that I think are far better than previous bills that were brought to this Congress under appropriations bills. But this is not an emergency. This is something that we should be honest with the American people about. We should cut other spending to pay for this census.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I certainly understand the motivation that leads the gentleman from Oklahoma (Mr. COBURN) to offer this amendment.

It is ridiculous that this bill carries the $4.5 billion required to conduct the census as an emergency expenditure when the Constitution has told us since 1789 that we are going to have to be doing this every 10 years. I mean, I have heard of advance notice in my time, but I think that is about the longest. So I understand how ridiculous it is.

That is why I asked the Committee on Rules to allow me to offer an amendment which would strike the emergency designation.

We just heard a speech in the well saying that this is not an emergency and so this amendment should pass. The problem with this amendment is that it does not do what the debate would seem to indicate it does, because the amendment does not strike the emergency designation. It strikes the money to run the census. And that is an irresponsible thing to do.

I do not, for the life of me, understand why we should take seriously the claim that this is an emergency. But the way to deal with that if Members truly objected to the fact that it was an emergency was for Members to oppose the rule so that we could have gone back to the Committee on Rules and have gotten a rule that allowed us to strike the emergency designation.

Having failed to do so, the House is now stuck with the choice of funding the census or not, and I believe it has no choice but to fund it.

But I have to say that I, again, understand the frustration on the part of the gentleman from Oklahoma (Mr. COBURN), which I share. Because, unfortunately, we have no more rules around here when it comes to dealing with budget issues.

Four years ago, the government was shut down by the majority party because they insisted that we follow only the spending rules of the Congressional Budget Office.

Now, this year, because a different process suits their political convenience, they will pick and choose. One day we have to abide by the CBO rules; and the next day, when it comes to directed scoring upon the Pentagon, we have to apply the OMB rules. And then when neither one of those agency's scorekeeping fits, then we consult the Wizard of Oz. Lord knows who we will consult next.

It just seems to me that we have destroyed all semblance of order. And so,

when we play those kinds of budget games and when we declare something like the census to be an emergency, then it is no wonder that this institution has no credibility.

Now, the argument the majority party makes is, well, we could not anticipate that we were going to have to run two different kinds of census because of the court decision. I understand that. That is why in committee we offered the amendment and why I tried to get the Committee on Rules to make in order on the floor an amendment which simply limited the emergency designation to the $1.7 billion that truly represented spending over and above the normal census.

Yet, the Committee on Rules refused to allow that; and the House supinely went along with the decision of the Committee on Rules.

So I am of a split mind on this amendment. I recognize the motivation. If this amendment eliminated the emergency designation, I would vote for it. But I do not think we can in good conscience eliminate funding that we know we have to provide. That is every bit as much a sham as the bill now before us.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I think the gentleman knows through our conversations that what my preference to do would be just to eliminate the emergency designation. However, the parliamentary rules prohibited both he or I from doing that very thing. I wanted to make that clear.

My choice is not to eliminate the money but also to pay it.

Mr. OBEY. Mr. Chairman, reclaiming my time, the gentleman is consistent because the gentleman voted against the rule. Some of the other persons who spoke on this issue have not.

I would simply say that, again, while I agree with the motivation of the gentleman, I believe the result would be every bit as phoney as the bill before us because it would be pretending that we could save $4.5 billion which the Constitution requires us to spend.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, did the gentleman from Wisconsin (Mr. OBEY) support the 1997 Balanced Budget Agreement?

Mr. OBEY. Mr Chairman, reclaiming my time, no, I did not.

Mr. ROGERS. Mr. Chairman, if the gentleman would yield further, I ask the him, did he vote for it?

Mr. OBEY. Mr. Chairman, no, I did not. I led the opposition to it. I called it a public lie.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. COBURN, and by unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I want to make a couple more points.

One of the questions that we have not spent time with is holding the administration accountable for why it should cost $24 to count for every man, woman, and child in this country.

Now, think about that. The State of Oklahoma has 3 million people. What is 24 times three? It is $72 million to count the people in Oklahoma. Give me a break. Or give me that contract. I will leave Congress right now. Give me the contract. I will become a multimillionaire just from counting the people.

The cost to count is abhorrent to anybody that is out there who knows anything about putting forth the process. We use this process not just to count but to employ a lot of people who otherwise would not have jobs. That is a social good. I do not disagree with that.

But to have a $24-per-person cost in this country to count says we are much more inefficient. And that is an indication of the rest of our government which says we could surely find this $4.5 billion somewhere else.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a very interesting amendment, interesting in the sense that if there was one thing that both sides agreed on in this bill, it was the inclusion of the year 2000 census, fully funded.

Now, let me explain that once again. There are people on this side who have very serious problems with this bill. There are also people on this side who are voting for this bill, like yours truly, specifically because the census was well taken care of.

So if there is a unifying force at all within this bill and on this bill in this House, it is the census. Now, to single out the census as the one that is going to take this kind of a hit is first of all undoing any possibility of working at all towards a resolution of this bill in the future, a bill that has a veto threat hanging over it.

Secondly, I have to join and echo the comments of the chairman. If they do not want a census, if they do not want to conduct a census, and if they think the Y2K issue is a problem, just wait to see what will happen if we do not have a census. If they do not want a census, then vote for this amendment. If they do not want a census, vote for this amendment.

Now, I take it a step further. I continue to see this as part of a plan by some people to go after those items in the budget that are supposed to take care of some problems within certain communities.

I know the census is for the whole Nation. But the fact is, if the prior decennial census had a problem, it was that it undercounted some people. We tried to address that by providing the proper dollars to make sure it works. So in my way of thinking, whether it is correct or not, this is as direct an attack on certain communities as not funding Legal Services Corporation was that we had to deal with before.

But the bigger issue here, and it has to be repeated over and over again, is that the census was the one issue where we worked jointly, where we made agreements where we reached some conclusions. Now we stand forward here ready to deal with all of the other issues that have not been resolved in the hope that we can reach agreement, but going straight ahead with this proper census as should be taken, and now we have this amendment cutting this kind of money from it.

Not to mention the fact, and I hate to deal with technicalities, but it has been called to my attention that if we look at the way these items are funded, this amendment talks about cutting the top amount, the overall amount; but it does not talk about where that is going to come from in the different frameworks. So if we leave the amendment this way, and I am sure the gentleman will correct that, and I should not be helping them on this, the breakouts will sum up to more than the amount that will be left to run the total census. And that is a problem.

But, please, I would hope that on this one we could join together in a bipartisan fashion to defeat this amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, it has been said that if we spend this money on an emergency basis that it will come out of Social Security funds.

Let me remind the body that just today the majority whip said on the floor, and he is correct, this comes out of the on-budget surplus; it does not come out of Social Security.

The emergency declaration that we have, the $4.5 billion that we are talking about on the census, comes out of the on-budget surplus, not out of Social Security.

□ 1845

Mr. SERRANO. Reclaiming my time, as the gentleman from Kentucky knows, we may disagree on the emergency issue, but we certainly agree that the one place to come and attack with no reason other than just to attack would be the census. On that, we agree.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Oklahoma.

Mr. COBURN. I would make two points with the gentleman. Number one is if we really were wanting to attack those communities that were underfunded, I would have included the

$1.7 billion that is there designed to do the statistical sampling. We did not do that. So I do not think it is fair to say that that is what we are targeting. It is also not fair to say that we do not want a census. What we are saying is we think it is not honest to the American public to declare something an emergency that is not and, number two, I would make the point that the $14.5 billion that is recommended to be on-budget surplus is made by cooking the books.

Mr. SERRANO. Reclaiming my time, I think we have to be careful about the issue of cooking the books because we might have to throw the whole bill out the window. With that we have to be careful.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. I would like to raise a point of clarification.

The CHAIRMAN. The time of the gentleman from New York (Mr. SERRANO) has expired.

(By unanimous consent, Mr. SERRANO was allowed to proceed for 1 additional minute.)

Mrs. MALONEY of New York. The $1.7 billion that was added was to do door-to-door enumeration, door-to-door count because of the lawsuit that was brought by this body. That is what the $1.7 billion is. Actually to use modern scientific methods would be less costly and would actually save money. But because of this requirement from the lawsuit brought by the Republican majority on the apportionment between the States, there must be a door-to-door count on redistricting and the distribution of Federal funds. The use of modern scientific methods can take place which is a more accurate count and one that is less costly. It is unfortunate that we had to add $1.7 billion in addition for a count door to door which all the scientific data tells us will be less accurate.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

I rise today as a member of the subcommittee and also as chairman of the Subcommittee on Census here in Congress. I find myself very strongly disagreeing with the gentleman from Oklahoma (Mr. COBURN) who on fiscal issues we usually agree on so many issues. But the amendment by the gentleman from Oklahoma basically destroys the census and to me is an irresponsible amendment. It is irresponsible because it takes the money away without replacing it.

As he says, we have to do a census. We have known since 1789 as the gentleman from Wisconsin (Mr. OBEY) was saying, we are going to do a census. So we have got to provide the money.

I was on the Committee on the Budget back in 1997. I remember the subject of the census being discussed on the Committee on the Budget and we unfortunately left the census out. That was a mistake. Really the mistake I think goes back to what was happening during the 1997 budget deal because at that time we did not know what kind of a census was going to be conducted. So we do have a problem on the budget caps because it was not provided for, such a large amount.

Now, the ranking member of the Subcommittee on Census says that the $1.7 billion was because we are not using sampling. The problem was the Census Bureau tried to develop an illegal plan. It is against the law, I think it is also unconstitutional, but it is against the law. We wasted several years and I think tens and hundreds of millions of dollars preparing for an illegal plan and now we have to hustle to develop this plan. That is part of the problem of our cost factor.

I think the chairman of our Subcommittee on Commerce Justice, State, and Judiciary did a very fine job. It was tough working with these numbers. As a fiscal conservative, everybody should be pleased that the amount of money, not counting census, for year 2000 is less than year 1999. That is a huge accomplishment. What we are having to do with this census, $4.5 billion, is use off-budget surplus.

The gentleman from Oklahoma says that we are going to have this Medicare problem and the farm problems and all. That is going to happen. That is a legitimate debate. But as of now we do have some surplus and we are going to use that surplus for this particular matter.

This is a constitutional issue. We should not destroy the census. We have to go forward with the census. We are at a very critical point in the census right now. We are in the process of hiring hundreds of thousands of enumerators, and literally it does take hundreds of thousands of enumerators. This is the largest peacetime mobilization in American history that we are going to be conducting. We are going to have a $166 million advertising campaign and it is critical that the money is available on October 1 because that is the date that ad space is available. We need to make sure we make that available and we do not threaten the possibility of buying those types of ads. We need the Census Bureau to have their money.

We have said for the past several years, money is not the issue, this is an issue of trust in our system of government. This is the DNA of our democracy, to say that we have to have a census the American people trust. We need to provide full support.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Chairman, I thank my friend from Florida for yielding. As he and many know, he and I have disagreed on matters of detail and substance with regard to the conduct of the census, and I think they have been legitimate disagreements, but what he says today goes to the core of what this democracy is all about. The importance of making sure that all of us get counted by the way that each of us believes is best to get that accomplished is what is at stake in this. If we pass this amendment, we will have no census and that would be a disaster of the largest proportions for this country. Its consequences would last for years. No amount of money would be able to make up for the policy blindness that it would produce. I associate myself with the gentleman's comments.

Mr. MILLER of Florida. Mr. Chairman, one of the reasons it is more expensive this time around is we have a problem with something called a differential undercount. That is wrong. The differential undercount is that certain segments of our population are undercounted in a larger proportion than other segments of our population. We need to do everything we can to address that undercount problem. Homeless people are hard to count. American Indians are hard to count. We have a higher percentage of undercount with American Indians than anyone. We need to put additional resources in to get the best count we can, whether it is the homeless population or certain inner city populations or some rural populations. That is the reason we are putting the additional cost in there, because it is the right thing to do, to address that differential undercount. I think in a bipartisan fashion we are supporting this in providing the full resources to the Census Bureau at this time. I ask for the defeat of the amendment.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY) the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I rise simply to respond to something the distinguished gentleman from Kentucky just said. He claimed that this funding is occurring out of the surplus and that it is not coming out of Social Security. I want to correct that statement.

Legislation brought to the House by the majority so far this summer would more than exhaust the $14 billion on-budget surplus projected by CBO for fiscal year 2000. First, the tax bill passed by the House cost $4.5 billion in fiscal year 2000. Second, the emergency designation for the entire cost of the 2000 census allows more than $4 billion of fiscal year 2000 outlays to occur without being counted against the committee's allocation or the budget caps that we are talking about. Even though those outlays, Mr. Chairman, will not count under the budget rules, they still will occur and they will eat into the surplus.

Third, the majority has been instructing CBO to lower its outlay estimates for most of the appropriations bills that have been reported by the committee. Those scorekeeping plugs reduce outlays counted for the defense

bill by $9.7 billion and for various domestic bills by at least $2 billion. Doing so allows the bills to spend more than the allocations and caps would normally allow by an amount equal to the downward adjustment in the outlay estimates.

That means that the three items that I have just listed more than consume the $14 billion in on-budget surplus projected by CBO for the year 2000. In fact, they would turn that $14 billion on-budget surplus into a deficit of at least $6 billion. Other past and future gimmicks raise that deficit even further.

To make a long story short, under either the CBO or OMB forecasts if consistently applied, any projected on-budget surplus for fiscal year 2000 is already gone due to actions taken by the Majority in their appropriations bills.

Mr. OLVER. Mr. Chairman, I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of this amendment. I do not generally agree with the gentleman from Oklahoma, but I think in this process he has shown a commitment to some of the integrity of what should be a process that is on the level with respect to the numbers.

As pointed out by the gentleman from Wisconsin, clearly this money comes out of Social Security because the surplus the next fiscal year simply is not big enough to withstand the actions that have already been taken. It just stretches the credibility of every Member of Congress to go home to their district and to tell them that we believe that the census is an emergency and therefore it will not count against the caps that were set in 1997. Everybody in the country, I think, knows that those caps were unrealistic. But this is nothing more than a gimmick to get underneath those caps.

Now, speaker after speaker has gotten up and told the gentleman that if he does this, there will be no census. Does anybody really believe that? That is not the case. It does not work that way around here. There will be a census and it will be funded. They have told him that it would destroy the census if we did this. Well, one easy way to fix this would be to give the gentleman from Oklahoma and the gentleman from Wisconsin unanimous consent to let them remove the emergency designation and then they can go on about their merry way and fund this out of the deficit like they plan to do. But they left the gentleman from Oklahoma no choice but to come here and strike the money. That was not his first choice, it was not the first choice of the gentleman from Wisconsin, but that is where we are because of the Committee on Rules.

So unless you want to go home and look like a fool and tell your constituents that you voted to believe that the census is an emergency, you are going to have to support the Coburn amendment. And then this Committee on Appropriations will have to respond to that. They will either remove the designation, at which point I think the gentleman from Oklahoma may be satisfied because we are back on kind of what looks like reality with the American people, or they will have to go back and remove the $1.7 billion or the $2.4 billion, whatever the figure is, that you can say is really an emergency. There are all kinds of options.

This is not about doomsday, this is not about killing the census, this is not about destroying the census. It is about the credibility of the budget process, the credibility of the appropriations process, the credibility of the surplus, the credibility of Social Security, and also the credibility of each and every Member of this House when you go home for the August break and tell them you discovered an emergency called the census.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Let me just start by saying that I think the chairman of the subcommittee does a wonderful job with a very difficult task. I believe that the gentleman and the gentlewoman who have been handling the census issues have done well, also. I am not an expert on that. I really do not even want to discuss or debate that. I agree that it has to be done. I do agree with the gentleman from California who just spoke. My view is that if this amendment passes, within 3 hours the subcommittee will have met again and probably straightened out this problem in some way or another. I think it is fallacious to stand here and say that the census is not going to be done because this particular amendment does pass.

But we are not here really to discuss that. In my judgment we are here to discuss the budgetary aspects of this and why are we declaring a census which has been called for since 1789 in this country to be an emergency. The bottom line answer is, it is not an emergency, it is not unforeseen, it is not unanticipated, it fails every definition of ''emergency'' we have ever had here in the Congress of the United States.

My judgment is that we just have to stop the rampant abuse that has been going on in recent years of calling everything an emergency to avoid the problems of the budget and to avoid the problems of the caps that we are all so familiar with here on the floor of the House of Representatives. It is just not honest budgeting. It is just something which makes no sense back home.

The argument was already made about some of the emergency spending, but just look at this. In 1999, we designated $34 billion as emergency spending here in the House of Representatives and in the Congress of the United States. If we look at the CBO numbers, and this argument has already been made, but CBO reported $14 billion in on-budget surplus for the year 2000. CBO says we might actually have a $3 billion deficit now.

How did they get there? They count $3 billion of spending for administrative expenses for Social Security Administration, other spending on defense, nondefense and transportation discretionary spending which will be $14 billion higher than CBO assumed for 2000 in its current baseline.

There is not, as has been suggested here, an on-budget surplus. What does that mean? That means again we are going to have to borrow from Social Security in order to fund this particular census situation, and indeed I think that is something that we simply do not want to do.

What are we coming on to? I believe over in the Senate they are putting together about a $7 billion package for more emergency spending. Indeed, if this bill passes, we are going to have that much more emergency spending, all of which comes out of the overall money which is there.

We have just done a tax cut here. We have had a lot of references to $996 billion over the next 10 years. Every time we spend one of these emergency spending bills, we take it away from that $996 billion in terms of determining where we are going to go. This is just not realistic budgeting. It is just not something that we should be doing in the Congress of the United States.

We should face up to the people of the United States and say that we are spending the money properly and in order and in a way one can understand, or that we are breaking the caps, or we should reduce it as some would want to do.

□ 1900

That, in my judgment, is what we should do.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I will yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman, I believe, was on the Committee on the Budget, maybe still is.

Mr. CASTLE. No, it is not true. Sorry.

Mr. ROGERS. Do not be sorry for that.

Does the gentleman agree, though, that the 1997 budget deal that was voted by this body ignored any expenditures for the 2000 census?

Mr. CASTLE. I do not know the answer to that.

Mr. ROGERS. Well, I can assure the gentleman that it did.

Mr. CASTLE. I assume it did, or the gentleman from Kentucky would not be asking that question.

Mr. ROGERS. And does the gentleman also admit that the current-year budget resolution that was passed by this body also did not anticipate a single penny being spent for the decennial census in 2000?

Mr. CASTLE. Reclaiming my time, I assume that is also true. However I

will say that clearly both of those should have assumed this. These are matters which we knew were coming, and they should have been assumed in both of those particular projections. I do not know why they were not. To me that is an error.

Mr. ROGERS. If the gentleman would continue to yield very briefly, when that happened, and the budget numbers were given to the full Committee on Appropriations, there was no money in that allocation for a budget, and so when my allocation was given to me on the Subcommittee from the full Committee, likewise there was no money allocated for the decennial census.

Mr. CASTLE. Reclaiming my time.

Mr. ROGERS. And so that is why I had no choice, and leadership in consultation agreed there was no choice here.

Mr. CASTLE. Reclaiming my time, I do not agree at all with what the gentleman has just stated, and I do not think he is at fault in this at all. But I believe those who did those allocations, I believe the leadership in looking at this in overlooking this problem of dealing with this 3.5 billion to $4.5 billion made a serious error. I think that is where the problem is. We should correct it now. We should start by passing this amendment.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words.

Not a lot more that can be said other than perhaps to follow up on some of the comments, but what concerns me is that while it is absolutely correct, as has been pointed out by my colleague from California (Mr. MILLER) that this is not an emergency, we get ourselves into a very perilous trap if we are not careful.

Let us admit the census is not an emergency. For the last 230 some odd years we have not been conducting the census because it is an emergency. It is a constitutional requirement, and we must do it, and under the Constitution we are not told that we can do something halfway, part way, or by counting some but not all. We are supposed to try to do the best job we can with the resources we have and the technology to count everyone.

The Census Bureau has told us it will cost a tremendous amount of money to count all of those people. Part of the reason it will cost so much is because we are doing both as best a job we can to actually count people, and we are using also the best techniques, the best systems available, the scientific methods available to us, to do the count.

Hopefully then we will not have the 8 million or so people missed as we have had in the past. We will not have so many children in this country who do not count at all because they have been missed in our previous censuses; we will not have all the folks who happen to be a little more transient than others missed because they happen to have not been home or not had a home when the census was conducted, and we will not have this situation as in my State of California where about a billion dollars did not come back to the residents of that State because so many people were not counted in the 1990 census.

But let us admit this is not an emergency. The census should not be designated as an emergency. This is creative accounting, what we see in this bill when we call the census an emergency.

But to not fund the census adequately, fully, as necessary, as the Census Bureau has indicated, would lead us down that beaten path of any inaccurate census count which will cost us in money because there are many areas in this country that will lose out on funds that they deserve because the population is there to return the funds that those people paid through income taxes.

We will lose out in political representation because by not counting all our people we will not designate for them their representatives in this same body that they are entitled to under the Constitution, and we will shame ourselves in the Constitution by not doing what we are supposed to as indicated by our Founding Fathers.

So while this is not an emergency under the census to fund it, we will cause an emergency if we pass this amendment and not fund the census appropriately because we will cause ourselves a situation where we will find ourselves facing all sorts of lawsuits; we will find ourselves facing a situation where States will come crying because they deserve dollars that they did not get over the next 10 years; and we will find ourselves in the situation where again children, poor people, people who are migratory will say again they did not count because this Congress will not have included them in the census.

That is not something we should do. We need to fund the census fully. Go ahead and call it whatever, we need to get the money there. We should not call it an emergency. It is a game. It is a deception to call this an emergency, but at the end of the day let us not shirk our responsibility. Let us fund the census.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. GILMAN. Mr. Chairman, with regard to our proposed census, I have introduced H. Con. Res. 129, a sense of the Congress resolution calling on the Census Bureau to include all Americans residing overseas in the Census 2000, and the gentlewoman from New York (Mrs. MALONEY) has introduced a similar measure.

Our Census Bureau currently provides an accounting of American military and government employees overseas, but fails to count private sector Americans residing outside the Continental United States. There are approximately 3 million Americans living abroad. They play a key role in promoting our U.S. exports and creating U.S.-based jobs, yet the Census Bureau chooses to ignore them.

Moreover, as America increases its leadership role around the world, it is imperative that our census policy reflect the growing segment of our population, a segment that pays its taxes and votes in our Nation.

The U.S. Census Bureau says it wants Census 2000 to be the most accurate census ever. I strongly support that commitment, and for that reason I believe the Census Bureau has a responsibility to count all Americans residing overseas, not just employees of our government.

This problem was raised at the time of the last census, back in 1990, yet has still not been resolved. Accordingly, Mr. Chairman, I request my colleagues' support in calling upon the Census Bureau to properly count our Americans abroad.

Mr. Chairman, I yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the sense of Congress of the gentleman from New York (Mr. GILMAN) and in support of the leadership and hard effort of the gentleman from Kentucky (Mr. ROGERS) and his ranking member, the gentleman from New York (Mr. SERRANO) and the gentleman from Florida (Mr. MILLER) on the subcommittee who included in the census language in the bill support for counting Americans abroad. All the major organizations that represent companies and individuals abroad, including Republicans abroad and Democrats abroad, all support counting our citizens abroad.

The subcommittee held a hearing on this issue, and I was very impressed by the patriotic desire and efforts that Americans abroad have made to be counted. Dr. Prewitt, the head of the Census Bureau, testified that at this late time it was too late to accurately count them, but we should get ready for the next census.

I have introduced legislation, the Census of Americans Abroad Act, and this calls upon the Census Bureau to conduct a count of Americans abroad as soon as it is practicable, as soon as it is possible.

We all support the gentleman's sense of Congress, the language that was put in the bill and the efforts on both sides of the aisle to count Americans abroad.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman from New York for her supporting comments.

Mr. Chairman, I yield to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. There is very strong bipartisan support that overseas Americans should be counted. I mean overseas Americans, they vote, they pay taxes, but the Census Bureau refuses to count them, and that is just plain wrong. We count overseas military, we count overseas Federal employees, and there is no reason why we

cannot count this estimated 3 million people.

Unfortunately, it is too late to really get it done in the next few months. It should have been planned years ago so they are geared up and ready for this. We need to do everything we can to be committed to get ready for the 2010 census. I know the people overseas would rather be counted next year, but it is wrong that they are not counted, and we need to do everything in a bipartisan fashion. We agree on this.

So I commend the gentleman for introducing this.

Mr. GILMAN. Mr. Chairman, I thank the distinguished chairman of the Subcommittee on the Census.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I support the gentleman in his request. I just want to remind my colleagues that I have been trying to accomplish something which is easier to accomplish, and that is I have a concern that the 4 million American citizens who live in the Commonwealth of Puerto Rico are never included in any of the data that the census puts forth. This year Puerto Rico will be counted with the same form that is being used throughout the 50 States.

What I am hopeful will come out of some conversations I am having with the chairman and with the chairman of the census subcommittee, is that when we look at figures concerning the 50 States that we take one step further and say this census is not only to count the people within the States, it is to count all American citizens. Because how ironic it is, Mr. Chairman, that there will be people in New York State, in my district, counted in this census who are not American citizens. Some will be counted, and it is fine with me, who are not legally in the country, and yet Puerto Ricans who live on the island, American citizens, will not be included in the census data products.

Mr. Chairman, that is what I am trying to accomplish, and I hope that is part of this overall conversation.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Coburn amendment, and I would say first off that I admire the job that the gentleman from Kentucky (Mr. ROGERS) and others on the committee have done, and I think they literally have been between a rock and a hard place because a lot of the people making, frankly, the most noise today about the sanctity of the budget caps are the very people that have been crowding them on spending, and so I struggle with that.

I would say as well, I mean it is just bizarre that in Washington, D.C. we can create a budget that does not include in it something that has been mandated for over 200 years, and yet he did find himself in that spot.

I would say that most of all, though, I rise in support of this amendment because what this amendment is about is calling an ace an ace in Washington, and I think we have gone a long way from there. I mean this notion of emergency spending, as the gentleman from Delaware (Mr. CASTLE) very correctly pointed out just a moment ago, needs to truly be an emergency, because if not, we go down a really slippery slope adding all kinds of things in that may or may not be an emergency.

I remember with the emergency spending bill of last year we had, for instance, a Capitol Hill Visitor Center. As my colleagues know, the Capitol Hill Visitor Center has been the subject of debate for over 10 years, and yet we called it an emergency.

We had funding upgrades for embassies around the globe, and admittedly what happened in Africa was horrible. But to say that we suddenly found out about that at the last minute is not true. The Inman Commission had been out for over 10 years talking about the need for embassy upgrades in terms of security.

So we have gone down a very slippery slope in calling nonemergencies emergencies, and the reason it is so timely that he offered this amendment now, because if we do not, then we get to VA-UD, and frankly we are going to have a lot of other things added as, quote, ''emergencies.''

And if my colleagues look at the numbers, we have gone $62 billion over the caps since the budget deal was signed in 1997. We simply leave more room for that if we go down this emergency route.

Second, I would point out I think that this amendment is fairly modest. I was going to offer an amendment. As my colleagues know, this amendment goes after the 2.8. I was going to offer one that as well went after the 1.7 and had an across-the-board cut in the rest of the 1.7. So from my perspective, this is modest because he leaves it in place; and as the gentleman from California earlier pointed out, this is not about ending the census, because as we all know, Washington is a place from which we would find a way to find the money for the census.

Finally, I would say what this is about is about basically the three monkeys:

Hear no evil, see no evil, speak no evil.

□ 1915

We cannot pretend to look very narrowly on the budget that is before us and pretend that things are not happening in the Senate, because, as we know, they have marked up a bill that has billions of dollars of farm emergency spending in it that is going to put us over the caps, and, in fact, when you look at the assumptions behind the budget, what you would say is it is going to be very, very difficult for us to really stay within our promise of not reaching into Social Security, because what the assumptions suggest is, one, we will stay at a peacetime high in terms of what the government takes from economy, and, two, we will have a frontal lobotomy in Washington and drastically reduce spending from 19 percent of GDP to 16 percent of GDP.

Mr. Chairman, I would add only that this amendment is supported by Citizens Against Government Waste.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take to the floor in support of the Coburn amendment and commend the gentleman for his fiscal honesty, and I appreciate the support that others have shown for it. The census obviously is important, but it is also important that we bring some honesty to the budget process.

This morning I spoke against the rule and made the statement that we are already spending Social Security trust funds, and asked if anyone disagreed with me, to please confront me. There were Members here who could have, but chose not to. But the gentleman from Texas (Mr. DELAY), the majority whip, was on the floor and chose to confront me after I left the floor. In doing so, he made some allegations that I want to set the record straight on.

He said the Blue Dog budget had a tax increase, not a tax decrease. That is simply false, and he knows it.

He said it is okay to declare census spending an emergency, because the 1997 budget agreement did not provide money for the census. I find it hard to believe that my colleague from Texas was actually suggesting that because Congress made a mistake and forgot about the census when we passed the 1997 budget agreement, we have to declare an emergency and leave the taxpayers to pick up the tab.

I would also point out that the Blue Dog budgets that we offered in 1995, 1996 and 1997 all budgeted money for the census, supported by a majority of Democrats on each instance. If the Republican leadership had paid more attention to the Blue Dog budgets back then, perhaps we would not have this problem today.

Another statement the majority whip made this morning is that the spending in all of the appropriation bills for next year is being cut. Saying that the appropriation bills are cutting spending below last year's level relies on an awful lot of creative accounting, directed scorekeeping, where we tell the Congressional Budget Office how to score bills to make it look like we are spending less. Oh, how my colleague from Texas used to lambast us Democrats when he accused us of doing what they are now doing.

If we let CBO score all the appropriation bills honestly, they would tell us that the appropriation bills we have passed already spend $15 billion to $18 billion more than the leadership would like us to believe. That is in this book right here for anyone that wants to

read it, phony offsets, emergency spending, taking spending off budget, all of these things we should not be doing.

On page 6 of the Congressional Budget Office July budget outlook that is being cited as projecting surpluses outside of Social Security, they wrote,

> That was before the Republican leadership decided to abuse the emergency designation to increase spending above the caps even further. When we take into account these additional gimmicks, total discretionary spending will be at least $25 billion higher than the Republican leadership is claiming.

Now, my opposition for the rule this morning was let us be honest. Let us be honest. Spending is spending, no matter what we call it, where we put it on the ledger or how we try to hide it. Let us be honest with the American people about how much we are spending, and not rely on accounting gimmicks and stand on the floor and accuse our colleagues of not telling the truth.

Again, to the gentleman from Texas (Mr. DELAY), I would challenge the gentleman to come back to the floor and make the same statements and read this in this report, because what I am saying is coming from CBO, not CHARLIE STENHOLM.

The gentleman from Texas (Mr. DELAY) says the tax cut has nothing to do with Social Security surpluses. The claim that we have a surplus outside of Social Security to use for tax cuts depends on all these budget gimmicks. There is no surplus outside of Social Security next year to be used for tax cuts or any other purpose when we add up the numbers honestly. In fact, we will have a deficit of at least $3 billion next year when Social Security is excluded.

In other words, we have already spent $3 billion of the Social Security surplus, and all of the tax cut next year will come out of Social Security surpluses.

One does not have to take my word for it. Again, just ask the Congressional Budget Office. Any spending above the caps, whether it is emergency or non-emergency, and I am prepared to make legitimate emergency decisions based on spending needs that handle emergencies. I am prepared to do that.

But, now, let us start shooting straight with the American people. If we are going to break the caps, let us tell them. If we are going to increase spending, let us tell them. If we are going to spend Social Security dollars, let us tell them. If we are going to give a tax cut from fictitious surpluses, let us tell them.

Let us support the Coburn amendment. Let us go back to the drawing board, and let us deal honestly with our budget while we still have a chance to work bipartisanly on some very difficult matters.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

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

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 249, not voting 18, as follows:

[Roll No. 371]

AYES—166

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—249

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Ford
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Luther
Manzullo
Martinez
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Packard
Paul
Pease
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Ballenger
Barton
Bilbray
Blagojevich
Boehner
Burr
Diaz-Balart
Fletcher
Fowler
Lantos
McCrery
McDermott
Oxley
Peterson (PA)
Reyes
Sawyer
Shuster
Watts (OK)

□ 1945

Mr. SHOWS and Mr. PHELPS changed their vote from ''aye'' to ''nay.''

Messrs. SMITH of Washington, ROTHMAN, DICKS, and Ms. WOOLSEY changed their vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to address the body about the schedule for the balance of the evening.

Mr. Chairman, so that Members will have some general guidance about the balance of the evening, let me attempt to generalize about the schedule. And if any of the leadership finds me speaking the wrong way, they can interrupt me.

But as I understand it, this is the way we intend to proceed: I would hope, as soon as we get back to the Coburn amendment, that we could get

a unanimous consent to limit the debate to 30 minute, 15 per side. We will do that appropriately at the right time. At which point, if that is agreed, we would then proceed to the three votes that are stacked up, including Coburn; in which case, at the conclusion of those three votes, my understanding is the Committee would rise and take up the Emergency Steel, Oil, and Gas Loan Guarantee Act conference report. Following that, I do not know.

But at least I think we can have some period of time after these three votes that Members would have, while the conference report is being debated, for perhaps some private time.

Mr. Chairman, I ask unanimous consent that all debate on the Coburn amendment and all amendments thereto close in 30 minutes, and that the time be equally divided between the gentleman from New York (Mr. SERRANO) and the gentleman from Oklahoma (Mr. COBURN).

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, we have only one remaining speaker. I reserve the balance of the time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I first want to commend the gentleman from Oklahoma (Mr. COBURN). I do not agree with his amendment, but I think he is doing something that is very important.

I would like to talk about the emperor. The emperor, of course, are the spending caps. This emperor is so sacrosanct and is wearing this beautiful gown. We will never, ever take the gown off the emperor.

Of course, we may do a little bit in defense spending where we have an emergency bill that doubles the amount that the President asks for. We may do a little bit in highway spending. Now we are doing a little bit in census spending. Mr. Chairman, the emperor has no clothes.

We are sitting here with a budget and spending caps that we are busting over and over and over again, and nobody wants to say it on the Republican side except for the gentleman from Oklahoma (Mr. COBURN). But the emperor has no clothes. We are letting him walk down the street bare naked because no one is willing to say we have to make some adjustments.

The reason I do not agree with this amendment is because we have to have the census. The Constitution says we have to have the census. It is not a surprise. It is not something that was snuck into the Constitution in the middle of the night where, all of a sudden, we go, oh, my God, we have got to do a census this year. We know it has got to be there. But what has happened is this process has been so distorted by the majority side that this is the only mechanism left.

If they want to continue this charade, the charade of saying that this is an emergency, then that is what it is going to have to be. But the American people should know that this is a charade.

We have to have the census, but the only opportunity we have been given tonight to have the constitutionally mandated census is to do it through emergency spending. If that is what we are going to do, then we have to get it done.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from New York for the generous grant of time to discuss this important amendment.

I come to the debate equipped with two reference sources, the first being Webster's Collegiate Dictionary. ''Emergency: an unforeseen combination of circumstances or the resulting state that calls for immediate action.''

Now, it is plausible to believe that we cannot anticipate everything in the budget and that emergencies do happen beyond our control, and we should figure out a way of dealing with them.

The question is, is the census, is the dicentennial enumeration of the people of the United States an unanticipated emergency that could not be foreseen? Well, Thomas Jefferson 210 years ago could have told Congress that in the year 2000 they were going to need money for the census because it was required that it be done every 10 years as long as the Nation should stand, and the Nation still stands.

So this is by no means an emergency in terms of unanticipated budget needs. Budget gimmicks were not quite enough. The rosy scenario, assuming that things would continue as well as they had for the last 10 years, for the next 10, that was not quite enough.

The quiet proposal and winking and nodding about real cuts of 30 percent in all domestic spending, even that was not quite enough to get to the point where we could have tax cuts and not declare emergencies to make room for the tax cuts. That is what this is all about.

Social Security is going to be hit and hit and hit and hit again with so-called emergency spending which does not count. We are taking the money. We are spending it. We are replacing it with IOUs in the Social Security Trust Fund. We are ripping the lock off the lockbox, but it does not count.

Do not pay any attention. Look the other way. It is not an emergency. This is not an emergency. This is spending the Social Security trust funds for the census, something that could have been anticipated.

We should support the gentleman's amendment. Get honest about this budget.

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, there has been a lot of discussion obviously on this issue. But the reality is that I agree with those who say the budgeting process has become convoluted. It has even gotten a little bit dirty.

But this amendment reminds me of the instance where one throws the baby out with the bath water. The baby is the census in this case. While we need to clean up the process, we do not need to do it at the expense of the census. We need the census money. I oppose the amendment.

Mr. COBURN. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, the analogy of the gentleman from Illinois (Mr. DAVIS) is very apropos. Being somebody who delivered two babies this weekend, both of them over 9 pounds, sometimes when one has got a baby and one is going to give it a bath, the first thing one has got to do is get the baby out of the mama's tummy to give the bath to it. Sometimes they do not always come out right. Sometimes one takes a pair of forceps, salad tongs, and gets that baby out of there.

I am trying to get the emergency baby out of this bill. I would appreciate anybody's vote.

Mr. Chairman, I yield 5 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman from Oklahoma for yielding me this time, and I want to rise in support of his amendment.

There is no doubt that the census is not an emergency. If my colleagues believe in the integrity of the budget process and if my colleagues believe in the integrity of the lockbox, if my colleagues believe that we should spend Social Security taxes only on Social Security, then my colleagues, too, have to support this amendment.

Procedurally, this is the only way for us to deal with this issue. If we pass the Coburn amendment, we can send this bill to the Senate without a provision for the census. We can then pass the motion to instruct the conferees to accede to the Senate position, which would be to not declare the census an emergency.

□ 2000

There will be a census. Everybody in this chamber knows this. Everybody in America knows there will be a census when we get done. The reason that this has been declared an emergency is so that we can exceed the spending caps in the balanced budget agreement of 1997.

I think the gentleman from Texas, when he attacked the whip, was talking about truth and honesty in budgeting. I would agree that it is not honest budgeting to declare this census an emergency, but I can tell my colleagues this, too, it is hard to find a lot

of honesty in the budget process on this floor tonight.

It reminds me that politics in Washington is often referred to like the politics in the Middle East where there are three positions on every issue; there is an official position, a public position, and then there is the real position. Folks are coming down to this floor every day on the appropriations process arguing they want to save Social Security first, first things first, they will say, and then they will argue that every single appropriation bill is underfunded.

Now, many of those same people voted for the balanced budget agreement with the President in 1997. They congratulated themselves, they congratulated the President, and they said they were finally exercising fiscal discipline. Well let me tell my colleagues what the fiscal discipline of that was. First of all, it increased spending by almost $60 billion in the first 2 fiscal years, and since then we have spent almost $62 billion in emergency spending, $122 billion over the baseline amount in 2 years.

What it said is we would put off the tough choices to the year 2000. Well, guess what, here we are at the year 2000 budget and nobody here seems to have the ability to stand up for their principles. No one on this floor tonight has questioned the most important element here, and that is why is this census costing so much? Congress and the President cannot agree on how to do the census, so what have we done? We have said we will fund two censuses. We will do not one, we will do two, the President's way and the Congress' way.

If my colleagues believed that they were exercising fiscal discipline and voted for the balanced budget agreement in 1997, then they have to vote for this Coburn amendment. If my colleagues voted for the lockbox and they meant it when they said that they wanted to set Social Security aside for Social Security, then they have to vote for this Coburn amendment. If my colleagues voted for tax relief and they believed and they meant that they could fund that tax relief by not tapping into the Social Security account, then they have to vote for the Coburn amendment, too.

We need to vote for this Coburn amendment. It is the only way to restore integrity.

Mr. SERRANO. Mr. Chairman, what time is remaining on each side and who has the right to close?

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) has 10 minutes remaining and has the right to close, and the gentleman from Oklahoma (Mr. COBURN) has 11 minutes remaining.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, we are 250 days away from the census and, as my good friend on the other side of the aisle, the gentleman from Florida (Mr. MILLER) has pointed out, this is constitutionally mandated. We have to have a census. Whether we call it an offset or an emergency, every person in America needs to be counted.

Mr. Chairman, I support the efforts of the gentleman from Kentucky (Mr. ROGERS) to fund the census at $4.5 billion, the requested amount from the administration, and I urge a very strong no vote on the Coburn amendment. The Coburn amendment would make it impossible to get a count in the census; it would create the worst census since we began counting over 200 years ago. I urge a very strong no vote.

Mr. MILLER of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Florida, the chairman of the Subcommittee on Census, in the spirit of bipartisanship and in friendship on this.

Mr. MILLER of Florida. Mr. Chairman, I urge my colleagues, especially those on my side of the aisle, to oppose this amendment.

As I said earlier, this is an irresponsible amendment because it takes $2.8 billion out of the census and does not replace it. We have to pay for the census. We do not have a choice. It is a constitutional requirement, and we have said all along we were going to do the best census possible and address the problems that have existed in the past censuses.

I served on the Committee on the Budget back in 1997, and that is where the problem started, with the budget agreement, which I supported. Reflecting back on it, we never provided any money as part of that. We forgot. We did not intentionally exclude the census funding. But that is $4.5 billion. And in this year's budget it was not included.

Now, I will admit my mistake. There were mistakes made in putting that budget together, but we have to provide it. That is the reason it is going to become an emergency. I wish it was not an emergency. Ideally it would not be.

I urge my colleagues to vote ''no'' on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman for yielding to me.

I am enlightened here. Apparently I now understand the nature of the emergency. We forgot. This is a very handy thing. From now on whenever we are supposed to have done something and we do not do it, we do not say I forgot, we say, I am sorry, it is an emergency.

Because the gentleman said the problem is that in 1997, when some of my colleagues voted for what I think was a pretty stupid agreement, they forgot there was going to be a census. Now, I do not know who withheld this information from those individuals, but now we have an explanation of an emergency. They forgot.

I plan to use this. When they say to me, where is that thing the gentleman is supposed to have, I will say, I am sorry, it is an emergency. If they ask somebody on their staff if they wrote the memo that they wanted them to write, they can say, no, it is an emergency. So we now have invented the handiest excuse in human history.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Chairman, tonight I am arguing against the amendment of the gentleman from Oklahoma (Mr. COBURN). I think it is wrong. We are arguing again about how to fund the census, debating a constitutionally-based census that we carry out every 10 years.

The consequences of failing to do this are real frightening. What does this do to Mississippi? Ten years ago we undercounted 55,000 people. This year we have a real likelihood of losing a seat in Congress because we did not adequately fund it 10 years ago. We do not need to underfund the census today. It is a crime; it is a shame. My people in Mississippi need as much representation as anybody else in this country.

Mr. Chairman, the census affects us in our highway planning, construction, public transportation, educational block grants, and everything else. Our credibility is at stake. The credibility of this chamber and the integrity of a census that sets the agenda for this Nation for the next 10 years.

Let us do the right thing, let us make sure all Americans are counted and that our democracy is operating on the foundation where all Americans are counted for and representation is shared equally and our dollars are spent wisely.

Mr. COBURN. Mr. Chairman, I yield myself the balance of my time.

There is an issue that is before us that really does not have anything to do with the census. There is an issue before us that does not have anything to do with the budget. The issue that is before us is dare we pull the wool over the American people's eyes about calling something an emergency when it is not.

We have heard several people say we are not going to have a census if this amendment comes through. Everybody knows we are going to have a census. What they are really saying, when they are saying that, is they do not want to do the hard work to find the real money to pay for this and not take it from the Social Security fund. That is what the real answer is. That is not what is said, but that is what is intended. We all know that because we all know if this amendment passes the Committee on Appropriations is going to have to find the money for the census.

I know that we can explain a lot of things back home, but I think it is a

real stretch for us to be so arrogant to say we can go home, as the gentleman from Massachusetts (Mr. FRANK) said, and say we just forgot, therefore, it is an emergency. This is not an emergency. What will be an emergency is if we spend and break our word with regard to the Social Security surplus.

There were two people in this body who voted for the President's budget to raise taxes and raise spending. Two people. Everybody else in this body voted against that budget. Everybody else voted for one of two budgets that said we will not, under any circumstances, touch Social Security money. So it is really an issue about whether or not we are going to be truthful with the American public.

It is not truthful to say there will not be a census if this amendment passes because we all know there will be. It is not truthful to tell the American public that it is an emergency to fund a census because somebody forgot. They did not forget. They did not put it in, including from the Committee on the Budget. I know this from having a conversation with the chairman, because they were hoping to force a decrease in spending so they did not elicit it. So nobody really forgot.

We can do what we need to do. We can take care of every American that is dependent on us; we can have an accurate census; we just need to do it more efficiently. We need to remeasure the programs that we are passing money for. Are they effective, are they doing it the most efficient way? Our problem this year is we are refusing to do the steps that will help us become efficient in our government as we are in every other aspect of our society.

The Senate is talking about, and we will be discussing as well, emergency spending for the farmers, the most efficient farmers in the world. We cannot ask them to cut their costs any more. They are already the cheapest in the world by far. Let them be an example to us. Let us make every program that the Federal Government runs as efficient as the farmers are in this country. If we do that, we will have $100 billion with which to fund the census and everything else we need.

I want my colleagues to check their hearts and ask themselves if they can go home and tell the people in their districts that this census is an emergency; that they had to spend their constituents' Social Security money and their grandchildren are just going to have to pay a little bit more to fund the Social Security system.

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

Mr. SERRANO. Mr. Chairman, I yield myself the balance of my time.

One of the comments that we keep hearing from everyone on that side who gets up to put forth a deep cut is, do not worry about this cut, what it is that I am cutting will get done. So we will cut one bill, then people will say, do not worry about it, Defense will be taken care of. Then they will cut another bill and say, do not worry about it, everything in Energy and Water will be taken care of. Now today they are saying, we will cut the census but, do not worry, the census will be taken care of. And I suspect some time in the fall they will cut education and health care and health services to shreds and they will say, do not worry about it, people will be taken care of.

This may come as a shock, but sooner or later, if we keep on cutting, something is really not going to happen. Something is not going to go well. And the reason that we are opposing this amendment today is because we know for a fact that the census can run into serious problems if we approve this amendment.

Now, I also personally would like to help the gentleman from Oklahoma (Mr. COBURN). He told us with such pride and joy, and he should tell us with pride and joy, that just this weekend he delivered two babies. Well, his amendment runs the risk of not counting those babies in the census. I do not want him to go through life delivering babies that will not be counted in the census.

Let me just end with this thought, which is the same one I brought up before. I think it is important for everyone to understand that the census was the only issue in this bill on which there was full agreement. Let me repeat that again. The census item was the only part of this bill on which there was full agreement. People like myself, who are voting for final passage of this bill, are doing it not because I support the cuts we made, they are doing it mainly because it funded fully the census.

□ 2015

So now to break the only agreement we had by destroying the census means that whatever support there is for this bill we lose, whatever hope there is that we could move ahead to come up with a better bill in general terms we lose, that any possibility we have to get this project on the way we lose.

There are things that have to be dealt with right away. When the gentleman from Florida (Mr. MILLER) and when the gentlewoman from New York (Mrs. MALONEY) get up and tell us the importance of this item and when the gentleman from Kentucky (Chairman ROGERS) tells us the importance of this item, they are not saying that just to hear themselves speak or to appear on TV. They know how difficult it was to reach this point.

How many of my colleagues have forgotten that we held up budgets in the past because of the census issue? So if we are here, we are with an agreement at least on this item, why even consider voting for the Coburn amendment?

So, Mr. Chairman, I would hope that everyone in this House joins in a bipartisan basis to defeat this amendment. This is the worst amendment from a gentleman who is famous for his amendments, but this is without a doubt the worst amendment he has brought to the floor. If this should pass, even he would regret it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

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

Mr. COBURN. 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 CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 273, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Virginia (Mr. SCOTT); the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE); and the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 263, not voting 6, as follows:

[Roll No. 372]

AYES—164

Abercrombie	Cardin	Doggett
Ackerman	Carson	Duncan
Allen	Clay	Edwards
Baird	Clayton	Engel
Baldacci	Clement	Eshoo
Baldwin	Clyburn	Farr
Barcia	Coburn	Fattah
Barrett (WI)	Conyers	Filner
Becerra	Coyne	Foley
Bentsen	Cummings	Ford
Berkley	Davis (FL)	Frank (MA)
Berman	Davis (IL)	Frost
Bishop	Davis (VA)	Gejdenson
Blumenauer	DeFazio	Gilchrest
Brady (PA)	DeGette	Gillmor
Brown (FL)	Delahunt	Gonzalez
Brown (OH)	DeLauro	Goode
Capps	Dingell	Goodling
Capuano	Dixon	Gordon

Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hooley
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Larson
Leach
Lee
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Manzullo
Markey
Martinez
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Shimkus
Sisisky
Skelton
Slaughter
Snyder
Stabenow
Stark
Stenholm
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wilson
Wise
Woolsey
Wynn

NOES—263

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilman
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—6

Bilbray
Brady (TX)
Lantos
McDermott
Peterson (PA)
Reyes

□ 2038

Messrs. DEUTSCH, DOOLEY of California, PALLONE, CONDIT, HULSHOF, SPRATT, and MATSUI, Mrs. McCARTHY of New York, and Messrs. DICKS, LUCAS of Kentucky, CRAMER and Ms. McCARTHY of Missouri changed their vote from ''aye'' to ''no.''

Mr. HINCHEY and Mr. GILCHREST changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 273, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. DEGETTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 268, not voting 5, as follows:

[Roll No. 373]

AYES—160

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kuykendall
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moran (VA)
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—268

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo

Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Bilbray
Lantos
McDermott
Peterson (PA)
Reyes

□ 2046

Mr. FORD changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5 -minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 257, not voting 5, as follows:

[Roll No. 374]

AYES—171

Aderholt
Allen
Baird
Baldwin
Barr
Bartlett
Berman
Berry
Bilirakis
Bliley
Blumenauer
Borski
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Camp
Campbell
Canady
Capps
Castle
Chabot
Chenoweth
Clement
Coble
Coburn
Collins
Condit
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
DeFazio
DeGette
DeMint
Deutsch
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehrlich
Eshoo
Etheridge
Everett
Ewing
Filner
Ford
Fossella
Frank (MA)
Ganske
Gejdenson
Gibbons
Goode
Goodlatte
Goodling
Gordon
Graham
Green (WI)
Gutknecht
Hall (TX)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Hyde
Inslee
Istook
Jenkins
Jones (NC)
Kanjorski
Kind (WI)
Kleczka
Klink
LaHood
Lampson
Largent
Larson
LaTourette
Lazio
Linder
Lofgren
Luther
Manzullo
McIntosh
McIntyre
Meehan
Mica
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Myrick
Nussle
Olver
Paul
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pomeroy
Price (NC)
Ramstad
Riley
Rivers
Roemer
Rogan
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shays
Sherman
Shimkus
Sisisky
Skelton
Smith (WA)
Spratt
Stabenow
Stark
Stearns
Stenholm
Stupak
Sununu
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Turner
Udall (NM)
Upton
Vitter
Walden
Weldon (FL)
Weldon (PA)
Weller
Weygand
Wu

NOES—257

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Cannon
Capuano
Cardin
Carson
Chambliss
Clay
Clayton
Clyburn
Combest
Conyers
Cook
Cooksey
Coyne
Crowley
Cummings
Danner
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dreier
Ehlers
Emerson
Engel
English
Evans
Farr
Fattah
Fletcher
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Horn
Houghton
Hoyer
Hunter
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Serrano
Shadegg
Shaw
Sherwood
Shows
Shuster
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Strickland
Stump
Sweeney
Talent
Tauzin
Taylor (NC)
Thomas
Thompson (MS)
Thurman
Towns
Traficant
Udall (CO)
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Bilbray
Lantos
McDermott
Peterson (PA)
Reyes

□ 2055

Mr. VISCLOSKY changed his vote from ''aye'' to ''no.''

Mr. FORD, Mrs. CAPPS and Mr. TIERNEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, had come to no resolution thereon.

□ 2100

EXPRESSING APPRECIATION TO MEMBERS FOR CONDOLENCES RECEIVED ON THE PASSING OF THE HONORABLE ROBERT H. MOLLOHAN

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute.)

Mr. MOLLOHAN. Mr. Speaker, I simply want to express my appreciation for the many kind comments that I have heard on the floor today from my colleagues on the passing of my father. I certainly appreciate those sentiments, both those that have been expressed publicly and those that have been expressed privately. They are consoling and important, and I very much appreciate those comments.