amendment. America has a 25-year commitment to helping those who cannot afford legal assistance and it is outrageous that today's Commerce, Justice, State appropriations bill severely cuts back on this commitment.

For my colleagues who are not satisfied that every single mistake has been corrected that this legal assistance group has made in the past, I ask my colleagues, do we cut the Defense budget by 50 percent when the Defense Department loses their records and costs this country millions and billions of dollars? Of course, we do not.

By providing the Legal Services Corporation with less than half of its current funding, 50 percent less, this bill is effectively denying low-income individuals, including women, seniors, and veterans access to legal advice and representation that they need, help that they must have.

Mr. Chairman, Legal Services funding has a direct impact on thousands and thousands of peoples' lives, and this amendment will put some of the money back. It will help low-income individuals. It will particularly help low-income mothers, mothers who are victims of domestic violence, mothers whose fathers, husbands, their children's fathers who have abandoned them. It will help these individuals fight back and regain control of their lives.

Legal Services Corporation-funded programs provide these women, victims of domestic violence, with more legal assistance than any other organization across this Nation.

This base legislation tells women and tells their children that they are not a priority. How can we do this? I urge my colleagues, join together and vote for this amendment. Vote to increase funding for legal services to help veterans, to help seniors, to help mothers and to help their children.

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

Mr. Chairman, I rise in strong support of the Serrano-Ramstad-Delahunt amendment to increase some funding for Legal Services Corporation.

The Legal Services Corporation is very important in assisting vulnerable people in our society. Women and children are among the vulnerable who, without assistance, often find themselves in abusive situations that they cannot control. The impact of these situations is significant, and it could well result in homelessness and a loss of necessary financial resources for food, maintenance, and health care.

To give one example from my own district, as a result of domestic violence and in fear for her safety and that of her 5 children, a woman left her husband of 15 years. He had been the primary support for the family; and she was able, on her own, to obtain housing although it was still neither decent nor safe. Yet, because of her financial situation, she was threatened with eviction.

Legal Services helped her to get Section 8 housing, and the family was able to relocate to decent housing with adequate space. This stabilized the family during a very disruptive and unsettling time.

Millions of children are the victims of abuse from their parents and others who are responsible for their care. This abuse goes on somewhere in the country every minute of the day, and Legal Services in Maryland represents children who are neglected or abused.

Such neglect or abuse ranges from a child being left alone by a parent or not being provided a nutritional meal, to physical or sexual abuse that results in severe injury and, all too often, death.

Legal Services has helped the infant that has been abandoned at birth, the child who is left unattended, the children who have been beaten, burned by cigarette butts because he would not stop crying or scalded by hot water to teach him a lesson.

These children are vulnerable and, without the protection of the law, they would be endangered and lost. Legal Services advocacy on behalf of children assures that they will not be the subject of abuse, it helps to secure services for children such as housing support, health care, food, educational programs and necessary counseling.

The work of Legal Services on behalf of families and children touches at the very heart of what we value in this country, decent housing, adequate health care, food and a safe environment.

Because of the importance of safety in our society, these legal service programs have supported legislation to prevent abuse and to protect the abused. In general, the States are not allocating funds for civil legal services for poor citizens.

Without this federally-funded program, the most vulnerable members of our society will not have the ability to get inside that courtroom door to seek the judicial protection of their rights that they deserve.

We must assure that sufficient funds are available, and I, therefore, support very strongly and urge support by my colleagues for this amendment.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. MILLER of Florida) assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the chairman of the subcommittee, the gentleman from Kentucky (Mr. ROGERS) and the ranking member, the gentleman from New York (Mr. SERRANO).

Just a few minutes ago, the Texas Board of Pardons and Paroles denied the requests of Gary Graham for clemency and an opportunity for a new hearing. At this time, his execution is set for 6:00 p.m. today.

Gary Graham continues to press his case to show his innocence and argues that witnesses that could have presented his case of innocence were not heard. Gary Graham, 17 years old, did not have the counsel that might have generated a trial that might have had the opportunity for fact finders to make a full and open decision.

Justice in this Nation should not be determined by one's wealth, and although the Legal Services Corporation does not deal in criminal matters or death penalty cases, I use this day's tragedy to argue for the amendment before us, because it is important for the American people to understand that we are a Nation of laws.

I believe the American people accept that. It is a voluntary system where we commit ourselves to be governed by laws. We seek to address our grievances by the legal system, and we go into courts or proceed under administrative proceedings.

The Legal Services Corporation that generates dollars into our local community, in my instance, the Gulf Coast Legal Foundation in Houston, Texas that I served as a board member on, argues for those who cannot speak for themselves. It argues for those who cannot afford the billable hours, and it provides the bare minimum quality of life issues that many of us take for granted.

It works with families who do not have housing. It assists the homeless or those who are in transition, and it is interesting as we look at the history of the funding of Legal Services, it has had a very rocky history over these last couple of years.

There has been no denial that it has not done good work, that it has not worked with those in the Indian population here in America, that it has not worked with mothers of children needing services, as I indicated, educational services, special education, housing, food services and mental health services.

But yet this organization has been attacked, and I wonder has it been attacked because its clientele is voiceless. It cannot lobby the United States Congress to ensure that it gets the money. I look at its budgeting, and I see that over the years 1995, $400 million, but yet steadily it has gone down, and this committee puts in $141 million, a mere $141 million to fund Legal Services Corporation for the whole Nation.

Mr. Chairman, I am grateful for this amendment that adds $134 million that brings it up to $275 million, because there are people who cannot fight the landlord who have reasons not to be evicted. There are people who need child support who cannot fight the large entity that opposes them who deserve child support for their children.

In a hearing just a few weeks ago with Senator PAUL WELLSTONE in my district, hundreds of people were in the room to attest to the fact that they cannot get mental health services for their children because of the stigma of mental illness, because of their resources, because of their frustration, because of the lack of services.

The Legal Services Corporation steps in to help those people find the benefits that they deserve. It helps the senior citizen who is either lost or does not have its Medicare, Social Security. It helps those who are fighting about pension benefits. But why we would be on the floor of the House or bring a bill to the floor that suggests that by your wealth shall you be judged and by your wealth shall justice be determined.

I would hope as the verse or the words in To Kill a Mockingbird that whether you are a pauper or a prince, the justice in America is equal.

Gary Graham's case is now moving toward possibly its end; ineffective counsel is without a doubt one of the reasons that he is where he is today. He acknowledges his actions of the past were not good actions. He was not a model citizen, but I would think that all of us would want each person in this Nation to have justice.

I am disappointed that we have not found justice and found the commitment provided for all people. Let us support this amendment. It is a good amendment.

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

Mr. Chairman, I rise today in opposition to the amendment to increase funding for the Legal Services Corporation. I stood here in the same spot last year and said the same message I am saying today, I strongly believe in access to legal services for individuals of all income levels, but this program should not be a Federal responsibility.

Everyone deserves representation, but the cases and illustrations given today are issues that are addressed at the State court level, at local court level, under State law, this is not the Federal responsibility. Yes, these people need to be represented. In Texas, Texas has that responsibility. In my State of Florida, Florida needs to take on that responsibility. In the State of Washington, Washington should take on that responsibility.

This is not the Federal responsibility. Over five times as many State, local and pro bono programs available for these types of services and private lawyers already perform over 24 million hours of pro bono work valued at $3.3 billion. This clearly dwarfs the Federal role the Legal Service Corporation provides.

In addition to the questionable Federal role, Legal Services Corporation continues to be plagued by controversy. A GAO study last year revealed that Legal Services Corporation had grossly overstated the number of cases it reported for the year, which resulted in Members of Congress believing that Legal Services Corporation had been much higher than reality.

This year the Legal Services Corporation's case reported statistics went from last year's initial estimate of 1.9 million cases to under 1 million cases this year, a drastic and disturbing reduction.

Before Congress funds an agency, it should understand what workload will be accomplished with the money, something which has been called into question when it comes to the Legal Service Corporation.

My friends across the aisle complain that we have this funding argument every year, but it is an important debate to have, because the program has not been authorized since the 1980s.

We talk about authorization every time on an appropriation bill, but here is a program that has not been authorized. In my opinion, it belongs to the State level, and everybody needs to have that representation. But here is a program that the track record has not been the most effective way that money has been spent in Washington.

Mr. Chairman, I ask my colleagues to oppose this amendment.

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

Mr. Chairman, I want to speak in support of the Serrano-Ramstad-Delahunt amendment to restore funding to the Legal Services Corporation. If this amendment is not accepted, the Legal Services Corporation will suffer another devastating blow, thereby rendering it even more difficult to provide legal services for the poor.

Since 1994, some Members of this Congress have been determined to eliminate legal services for the poor. This worthy program cannot survive another massive reduction in funds. We have cut Legal Services from a budget of $415 million in fiscal year 1995 to $283 million in fiscal year 1998. Today's bill proposes that we drop this figure to $141 million. This proposal is less than half of the current level, and 59 percent less than the administration's request of $341 million.

Since its creation, the Legal Services Corporation has handled over 30 million cases, with clients including the working poor, veterans, family farmers, battered women, and victims of natural disasters. Two-thirds of the clients are women, and many of them are surviving violence. The cuts imposed by Congress in 1996 meant that 50,000 battered women did not get legal representation in cases where the primary issue was domestic violence.

Americans support access to the courts, regardless of class. However, cuts into the Legal Services Corporation would affect representation for about one out of five Americans. Moreover, the deep cuts in Legal Services will mean that whole sectors in many poor and rural regions of the country will have no publicly funded legal assistance.

One Legal Services Corporation lawyer for every 23,600 poor Americans is not enough. In fact, the number of Legal Services lawyers servicing the poor fell from 4,871 in funding year 1995, to 2,115 in funding year 2000. This means that thousands of poor people in the South, Southwest and large parts of the Midwest have virtually no legal services representation.

Pro bono services will never be able to replace federally funded Legal Services. In fact, most pro bono services are provided through the Legal Services organization. Private attorneys are recruited by and use the system of legal services organizations to volunteer their time.

I have worked alongside Legal Services attorneys throughout my life in public office, and I have seen firsthand the work they do. It is tremendous. Many of my constituents and many of yours would have no other legal representation without the existence of the Legal Services Corporation.

I serve on the Committee on Banking and Financial Services, and many are going to be engaged in a discussion about predatory lending, because it is on the rise. We have many of these financial institutions who do this subprime lending who are providing equity loans; and in many of these communities senior citizens have paid for these homes, they have a lot of equity, and maybe they need a new roof, maybe they would like a room extension, maybe they would like some work done, and some of these lenders are now lending them money, more than they can afford to pay back. They look at their fixed and limited incomes, but it does not matter. They see all of this equity in these homes. They lend them the money, and guess what? The homes get foreclosed on, and they show up in our offices. Help me, they say. They are taking my home away from me.

Where do you think we go for these people? They go to the Legal Services Corporation. They are the ones who are saving the homes of people who are the victims of predatory lenders who are taking away the only valuable asset they have.

Mr. Chairman, I want Members to know, this is not just happening in the inner city, this is not just happening in one or two communities. I do not know how some of my friends who oppose Legal Services get away with it. What are they telling the poor people in their district? What are they telling the senior citizens in their districts that are getting ripped off?

I know there are a lot of issues to consider, and oftentimes we will get

people waving the flag, talking about all kinds of issues; but you do not represent the poor people, the working people in your districts. They are losing valuable assets; they are losing their homes under these predatory lending scams. Legal Services Corporation is the only organization that will be there for them. I ask Members to support the amendment.

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

Mr. Chairman, I rise in support of the Serrano-Ramstad-Delahunt amendment. Once again we are debating a Commerce-Justice-State appropriations bill, and once again we are debating whether or not to adequately fund legal representation for poor and disenfranchised citizens.

Think about it: we are debating about whether or not low-income people deserve the basic kind of legal representation that we Members of Congress all take for granted. In my opinion, there is no argument here. This should not be controversial. This is common sense; this is simple equity.

The Legal Services Corporation offers legal protection to those who need it the most, victims of spousal abuse, child abuse and consumer fraud. During the past year, Legal Services grantees completed almost 1 million civil legal cases, helping everyone from veterans, family farmers, to people with disabilities and victims of floods and hurricanes. These cases involve domestic violence, child custody, access to health care, bankruptcy, unemployment and disability claims. Legal Services gives these people help to maintain their incomes, their homes, their health care coverage, and their dignity.

I could understand the opposition to Legal Services if the organization had somehow been irresponsible or reckless in how it distributes its funds to grantees. Yet Legal Services has been proven highly effective in serving people, while adhering to congressional guidelines.

The corporation requires competitive bidding for all grants and has established strict reporting guidelines for its grantees. In response to this Congress' mandate, Legal Services prohibits its grantees from engaging in certain activities, including welfare reform advocacy, lobbying, illegal alien representation, class action suits and abortion litigation. Some of those prohibitions I do not agree with and did not vote for. Legal Services has also been savvy enough to partner with private organizations to raise additional funds, as well as to promote pro bono services from private attorneys.

So as much as the opposition would like to portray the Legal Services Corporation as an irresponsible, liberal activist group wasting taxpayer dollars, this is simply not the case. This is a responsible organization that is dedicated to representing the least represented in our society.

To underfund Legal Services by nearly $200 million is a clear abandonment of our commitment to provide equal access to our judicial system, and a vote against this amendment says loud and clear that this Congress is content to let our justice system splinter into two categories, one for the haves and one for the have-nots.

Vote for the Serrano amendment and send a signal that we should have one justice system that is open and accessible to all of our citizens, regardless of their income.

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

Mr. Chairman, I want Members to fully understand just what it is that we are doing here. I very much support this amendment, because it makes a bad bill a little better in terms of this item, but I want Members to understand that there is a little kabuki dance going on here, and that is required by the refusal of the majority party to provide an allocation to this subcommittee strong enough to meet our national responsibilities.

Make no mistake about it. This amendment, while it is certainly welcome, will not do the job in restoring the resources we need to ensure equal justice in America, and it will certainly not be enough to justify voting for this bill.

Last year the Federal Government spent $305 million to try to give people without adequate resources an opportunity to have their day in court, which is a constitutional mandate. This bill provides $141 million, a savage cut. The President asked us, because we are moving from an era of huge deficits to huge surpluses, to provide just a few dollars more for the very poorest people in this country, as long as this Congress had decided to give $90 billion in tax cuts to people who make over three hundred grand a year.

The committee's response was to say no way, no way, Jose; and, instead, they provided $141 million. This amendment now seeks to raise it, not to the President's requested $340 million, not to last year's level of $305 million, but to $275 million. That is inadequate.

We cannot do any better under the limitations being imposed by the majority budget, which provide so much money for tax cuts for folks on the high end; but this amendment is the best we can do under those circumstances, and so I will vote for it. But do not let anybody think that a great favor has been done by the Congress when we do this. We will still fall far short of the need. We will fall far short of the legal needs and our moral responsibilities in providing this funding.

So what I would suggest at this point is that we vote for the amendment. It will provide a little salve for our consciences, I suppose; but it will do precious little more to provide for the real needs of living and breathing human beings who have legal rights which they cannot exercise because this Congress makes Scrooge look like Santa Claus on a good day.

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

I rise in support of the Serrano-Ramstad-Delahunt amendment. I must confess I am amazed each year. I am amazed, because each year when it comes time for this appropriation, there are always Members who come to the floor, there are always Members who come and try and find a way.

Now, I can understand certain kinds of cuts, and I can understand when you have got these huge amounts of money that there is some possibility of perhaps some of it even being wasted. But I have serious difficulty understanding how we could deny the most basic representation to those in our society who have virtually nothing with which to be represented.

I come from a district that has 165,000 people in it who live at or below the level of poverty. I come from a district that has 68 percent of all of the public housing in the City of Chicago, some of the most distressed public housing, some of the most distressed people. I come from a district that has 13 of the 15 poorest census tracts in urban America in that district. And I come to this floor to hear conversation that would deny all of these people.

Down the hall from my office is a Legal Services office, and all day long I see people marching in and out. All day long when I am in my district office I receive telephone calls from individuals with problems where they are seeking some help, some assistance; and I see these young lawyers in the Legal Services office who have decided that they are going to give of themselves in such a way. Many of them could even be in big firms earning big salaries, but they have decided to do their work where it is greatly needed. I would think that this House could do no less.

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So I would urge all of my colleagues to vote in favor of the pursuit of justice for even those who could be described as being the least among us in terms of the resources with which to pay.

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

Mr. Chairman, I rise to support the Serrano-Delahunt-Ramstad amendment to the Commerce, Justice, State bill. With great respect for the distinguished chairman of the subcommittee and for the ranking member of the committee for the hard work that they have put into this bill, I must respectfully disagree with the chairman and commend the ranking member for this very important amendment.

As reported, the bill provides the Legal Services Corporation with a very low $141 million. Indeed, it has been the same figure over the past 6 years that the Republican majority has put into the bill. The bill cuts $164 million from last year's funding level and $199 million from President Clinton's request.

It is a pitifully small number. These cuts are more than 50 percent and severely imperil our legal system.

Mr. Chairman, we have a magnificent Constitution making us the freest country in the world, with liberty and justice for all. But all Americans do not have the same rights of some that can afford those rights and access to them, and others cannot. The cut in funding for the Legal Services Corporation is a diminution of justice in our great country. A person's income should not determine whether or not Americans have access to the civil justice system.

Legal Services Corporation-funded programs are the Nation's primary source of legal assistance for low-income women who are victims of domestic violence. Indeed, I say to my colleagues, over two-thirds of Legal Services Corporation's clients are women, most of them mothers with children.

The Legal Services Corporation was established to provide legal assistance in civil matters to low-income individuals; and these clients include veterans, as has been said, family farmers, women, most of them, again, mothers with children, victims of natural disasters, et cetera. Often, the clients of Legal Services Corporation represent the elderly when they are victims of consumer fraud.

I would like to share a few examples with our colleagues to demonstrate how very, very important the work of the Legal Services Corporation is. My colleagues have referenced some other stories, and if these are duplicative, then they bear repetition, because they are very, very important.

When Mrs. Martinez decided to leave her abusive husband, she had no funds of her own to support her children. Her husband, who controlled all of the family's money, retained his own attorney to help him keep the family home and gain custody of the children, both under the age of 10. Despite a history of mental illness and domestic violence, and again, domestic violence, he had a good chance of winning in court.

A friend urged Mrs. Martinez to contact legal aid for assistance. A lawyer was assigned to represent her. The various hearings and legal proceedings were confusing and seemed very drawn out, but her legal aid attorney went with her to all of the court appearances and kept her informed every step of the way. When Mrs. Martinez's trial date came, her lawyer was prepared with witnesses and documents to demonstrate that the children would be better off in her care.

As a result, she was granted child support from her husband, kept possession of the family home, and, of course, won custody of the children. Her children are much happier knowing that their mother is safe and they can remain together.

Since this is a story about domestic violence, I would just like to urge the subcommittee and the full committee, and indeed, the House of Representatives, when considering Legal Services Corporation and access to those services, that we do not consider the income of the abusive spouse when testing the means of the woman applying for these services. Very often, the abuser has the income and because of that income, a woman, if that is attributed to her as well, she would not be able to meet the means test of getting legal services. So this is a very important point which we have debated in the past, and I hope that will be part of any Legal Services Corporation funding in the future.

But right now, we have a long way to go to even come up to the 1996 levels, the 1995 levels, which were too low then. We wanted more funding. There was greater need than we were matching with resources. There was more need for justice in the country than we were matching with funds at the Federal level, and now we are at 50 percent of that level over 6 years later.

So I urge my colleagues to support this very, very important amendment, which makes a very important difference in the lives of the American people, and a very important delivery of justice in our country.

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

Mr. Chairman, it seems to me that we have a very strange set of priorities in this institution. In the last couple of months, we apparently had enough money and found enough money to increase military spending by $22 billion, despite the fact that we are not quite sure who the enemy is. At a time when the United States has by far the most unequal distribution of wealth and income of any Nation on Earth, a majority of the members of the House voted to give huge tax breaks to millionaires and billionaires, the wealthiest people in this country. We apparently had enough money to do that. Every single year the United States Congress provides over $100 billion worth of corporate welfare to some of the largest and most profitable institutions in the world.

However, when it comes to providing low-income Americans the ability to have equal and adequate legal representation to take care of their needs, suddenly, my goodness, we just do not have enough money available. For the sixth year in a row, the fiscal year 2001 Commerce, Justice-reported bill includes only $141 million for the Legal Services Corporation. This is $164 million below the fiscal year 2000 appropriation of $305 million, and $199 million below the President's fiscal year 2001 request of $340 million.

What are we talking about? There is enough money to fund the Star Wars program, which is not needed and will not work; but when we ask for money to enable low-income women so that when they are battered they can go to court and defend themselves, when they need help for adoption, for child custody and support, for visitation rights, for guardianship, for divorce and separation, for protection against domestic violence, my goodness, there is no money available.

Mr. Chairman, there is a growing perception in the United States that we are becoming two societies, those people who have the money and everybody else. Yesterday, the World Health Organization issued a report which basically said that, if you are wealthy in America, you get the best health care in the world; if you are low-income in America, you get below dozens and dozens of other countries. And that perception exists in terms of justice. If you are wealthy in America, you have a battery of lawyers coming forward, and you have the best legal protection that money can buy; and if you lose, you know how to use the appeal process, and if you lose then, you know how to negotiate a settlement, which gives you the best that you can get. But if you are poor, it is increasingly difficult to find a competent attorney who will represent your interests.

Now, it is one thing to cut housing programs so that low-income people pay 50 percent of their income in housing; it is one thing to provide inadequate nutrition, it is one thing to provide inadequate housing programs so that people sleep out in the street, but even worse than all of that, it is really awful, really awful and unacceptable to deny people the right to legally represent themselves. What we are doing essentially is tying people's hands behind their backs and saying, we can do all that we want to you and you are not going to have the resources to defend yourself in the halls of justice, and that suggests that justice is severely lacking for millions of Americans.

So I would hope, Mr. Chairman, that the Members of the House of Representatives have the common decency to provide justice for all people and support this very important amendment.

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

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

Mr. NADLER. Mr. Chairman, I rise in favor of this amendment.

Mr. Chairman, I rise in strong support of this amendment to eliminate the proposed draconian 59 percent cut in the appropriations for Legal Services.

Legal Services Corporation makes a real difference in the lives of those low-income Americans who need legal representation. Without the Legal Services Corporation, we would truly have the best legal rights that money can buy. It is bad enough that we have failed to enact campaign finance reform, so that Will Rogers' quip that we have the best government money can buy has more than a slight ring of truth. Without Legal Services, only those with money would have any real chance of finding justice in our courts.

There may be Members of this House who do not worry about the ability of low-income

people to receive basic Legal Services. The annual assault on Legal Services Corporation would suggest that this is the case. In fact, the Legal Services Corporation does the opposite of what the money-driven politics which too often tends to rule this House these days would command. The Legal Services Corporation helps the poor and powerless assert their rights against the wealthy and powerful. It represents tenants against landlords, it represents victims of toxic pollution against corporate polluters, it represents those who have suffered discrimination against those who discriminate, it represents victims of domestic violence against those who perpetuate domestic violence. No wonder it is so unpopular.

But, Mr. Chairman, the poor, just like the wealthy, should be entitled to fair legal representation. A right without ability to enforce it legally is not meaningful. If any Member of this House had a dispute or a legal problem, he or she would seek out the best legal services he or she could afford or could raise the money to afford. So there is a general recognition that to have meaningful rights, you need competent legal representation in this society.

In criminal proceedings, that need is so obvious that the Constitution requires publicly funded counsel. But that requirement has not been deemed to extend to protection of rights outside the criminal court, to family court, housing court or civil court. That is the job of Legal Services. We are not forced by the Constitution to do this, but simple decency and a commitment to equal justice under law should be enough. It was enough for President Nixon and for the bipartisan coalition that brought Legal Services into being and it should be enough now.

Some have argued that Legal Services Corporation has failed to live up to Congress' expectations for record keeping and accounting. Some have argued there is some waste and fraud and even abuse in Legal Services. I believe the wild claims that LSC is wasting or misusing large sums of taxpayers' money bear little relation to reality. But imagine if we applied the sort of rigorous accounting rules and this reasoning, the kind of reasoning we heard from the last speaker, to some other programs, like, for instance, the Defense Department. No one has ever suggested that because there is obviously waste, fraud and abuse in the Pentagon, we should abolish the defense budget, zero out of the defense budget. That would be absurd.

Mr. Chairman, there is incredible cynicism in this country. The newspapers, the press have pointed out that the polls show that people feel that government responds to the rich and the powerful, that we do not particularly care about what ordinary people think. There is substantial truth to this. Who gets their phone calls returned from Congress or the executive branch more quickly, the ordinary voter or the $100,000 contributor? The answer is obvious. That is bad enough in the legislative and executive branches. Only the Legal Services Corporation prevents this from also being true in our courts of law, in the judicial branch, too.

We must adopt this amendment to protect the honesty and the integrity of the judicial branch and to protect the faith of our citizens and the fact that if they are hauled before the judicial branch, if they need the services of the judicial branch and if they cannot afford legal representation on their own, they will have the ability to have fair representation.

This amendment must be passed to protect the integrity and the honesty and the due regard of our people for the judicial branch of government and for what we claim to be our regard for equal justice under law.

I urge my colleagues to adopt this amendment.

Ms. KILPATRICK. Mr. Chairman, I rise today in strong and stringent support of funding for the rights of our nation's most vulnerable. Those who most often cannot afford the resources to defend themselves—the least of those in our society who cannot simply afford to call a blue chip law firm to have their rights defended.

As long as I have been in Congress, the Legal Services Corporation has been under attack. At one point my colleague across the isle even advocated eliminating the Legal Services Corporation.

Early in my tenure here in Congress, they alleged mismanagement. On these grounds they sought to slowly kill off the legal services corporation by gradually zeroing out its budget.

Their efforts to kill Legal Services has all but failed, however, my colleagues on the other sides are, if anything, tenacious. Since they could not kill funding for legal services they have reorganized and launched a renewed attack. Now their efforts focus on limiting the ability of the Legal Services Corporation to effectively defend its constituency.

Legal Services cannot participate in class actions; cannot participate in ''political litigation'', it cannot engage in litigation related to abortion; cannot represent federal, state or local prisoners; participate in challenges to federal or state welfare reforms and the list goes on and on. Despite the fact that the Legal Services Corporation has refined its case reporting systems and attempted to meet all of the demands of its critics, it is still under attack.

Although opponents continue to raise unsubstantiated concerns, the real reason that this budget cuts so much funding for Legal Services is the ill advised and unrealistic budget caps enacted by this Republican led Congress. In order to meet these caps, programs, like Legal Services, that are vital to the needs of the poorest of our citizens, are the first ones targeted.

Limited resources force local legal services programs to turn away tens of thousands of low-income Americans with critical, civil legal needs. A 1994 American Bar Association study concluded that approximately 80 percent of poor Americans do not have the advantage of an attorney when they are faced with a serious legal situation. All of us know that our country now is engaged in horrific debate over the criminal justice system's failure to properly apply the death penalty. We are finding that those who receive the death penalty often receive inadequate representation. In addition, to Legal Services inability to participate in criminal matters, we are now faced with a bill that does nothing but worsen the ability of our citizens to receive assistance in civil litigation.

I often wonder what the majorities conception for access to legal services is for our nations vulnerable. I have come to suspect they would prefer that the great nations have fallen, the likes of which include the Great Kingdoms of Ancient Egypt, the Roman Empire and the Kingdom of France, in part for the failure of these nation's to provide legal redress to the complaints of the citizens with the least.

As our Nation enjoys its greatest prosperity in a generation, we are duty bound to see that seniors living on fixed incomes, and poor people who have little resources are able to secure competent legal counsel when the need arises.

Today's Congress Daily AM displays a full page letter from the General Counsel's of 17 of the largest fortune 500 companies urging the Congress to, at a minimum, provide funding for Legal Services at the FY 2000 ($305 million) level. The article goes on to state that the cut in funding down to $141 million provided by the FY 2001 bill would ''have a devastating impact on our system of justice. I believe we can do much better. I urge my colleagues to support the Serrano amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SERRANO).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $10,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: *Provided*, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: *Provided further*, That funds provided under this paragraph shall be available 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.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Serrano-Ramstad-Delahunt amendment. As the vice-chair of the Congressional Caucus on Women's Issues, I must urge the passage of this amendment, and I am pleased to stand here with the support of others to support this amendment.

It is because of the abuse that goes on daily in the lives of far too many women and children is why I stand here today; and the need for legal services for these, the most vulnerable of our Nation, is immense. This amendment ensures the proper representation is provided for women who are facing domestic violence. As we recognize that sexual violence against women is the single most unreported crime; therefore, understanding and competent representation is critical for those brave women who step forward.

In 1999, Mr. Chairman, LSC resolved more than 924,000 cases, the vast majority of which have helped women and children. LSC is making a difference in the lives of tens of thousands of women and children across this country, and we must continue this success.

We recognize that the most vulnerable of those first are the women.

domestic violence occurs in all income levels, low-income women are significantly more likely to experience violence than any other women, according to the U.S. Bureau of Justice Statistics. Medical research asserts that 61 percent of women who head poor families experience severe physical violence as adults at the hands of male partners.

Mr. Chairman, I represent Watts and Compton and Wilmington, some of the most impoverished areas in this country; and I have seen how domestic violence has absolutely just ripped apart women and children. I know that we have won this amendment, but I just wanted to stand to recognize those women who have stepped forward who are really strong and brave women.

HELP VICTIMS OF DOMESTIC VIOLENCE

Mr. Chairman, low-income women are significantly more likely to experience violence than other women, according to the U.S. Bureau of Justice Statistics. Medical researchers assert that 61 percent of women who head poor families have experienced severe physical violence as adults at the hands of male partners.

The problems faced by low-income battered women can be particularly acute and complex. Often they are financially dependent on their batterer and require an immediate source of support and shelter in order to escape from a dangerous situation. In many communities, emergency shelters are simply not available; where they are, they are frequently forced to turn victims away due to overcrowding as too often battered women and their children are forced to return to the home that they share with the batterer because they have nowhere else to go.

HELP CHILDREN LIVING IN POVERTY

Every year, LSC-funded programs help millions of children living in poverty, helping them to avoid homelessness, to obtain child support, Supplemental Security Income (SSI), and other benefits, and to find safe haven against violence in the home.

The number of children living in poverty is increasing. The legal problems faced by people living in poverty can have particularly serious, long-term consequences for children. For example, a family with children that goes unrepresented in an eviction proceeding can easily find itself homeless, due to the chronic shortage of low-income housing. We can do better, better as a rich country to protect and take care of our children.

SENIOR CITIZENS

Many elderly people depend on government benefits, such as Social Security, Supplemental Security Income (SSI), Veterans Benefits, Food Stamps, Medicare and Medicaid, for income and health care. One of the challenges of the entitlement system is that an attorney is often needed to navigate the system. Legal services programs frequently represent clients in establishing their eligibility for these programs or dealing with reimbursement or benefit problems.

Older people are frequently victims of consumer fraud, particularly if they lack financial sophistication or have lowered mental capacity because of age-related illness. They are often victimized by contractors who promise to make repairs but perform incompletely, charging exorbitant prices. Faced with the need to make expensive repairs on their homes, pay medical bills, or supplement their income after the death of a spouse, they may be enticed into home equity loans they cannot afford. In many cases, only the intervention of a legal services attorney has prevented victims from becoming homeless.

AMENDMENT OFFERED BY MS. DEGETTE

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

The Clerk read as follows:

Amendment offered by Ms. DEGETTE:

Page 4, after line 14, insert the following:

SITE SECURITY REPORTING

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Attorney General in carrying out section 112(r)(7)(H)(xi) of the Clean Air Act (as added by section 3(a) of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. 106–40)), to be derived by transfer from the amount made available in this title for ''Counterterrorism Fund'', $750,000.

Ms. DEGETTE (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 gentlewoman from Colorado?

There was no objection.

Ms. DEGETTE. Mr. Chairman, I am pleased to sponsor this amendment, along with my distinguished colleagues and good friends from the Committee on Commerce, the gentleman from Ohio (Mr. BROWN) and the gentleman from California (Mr. WAXMAN), to protect the health and safety of millions of Americans.

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The Clean Air Act contains a provision, section 112, that was intended to reduce the risks posed by hazardous chemicals stored at 66,000 facilities in the United States, to inform the public of these risks, and to facilitate planning for these risks. We know accidents at facilities that store hazardous chemicals can result in environmental damage, and in injuries and even deaths to workers and people in the surrounding communities.

Mr. Chairman, fully one-third of the American public lives within 5 miles of one of these facilities. The best way to reduce the risk posed to our constituents is to make public information about risks so that community responders, emergency personnel, schools, and anyone living near these facilities can be prepared.

In August of last year, this body passed the Chemical Safety Information Site Security and Fuels Regulatory Relief Act. This bill easily passed the House and the other body and was signed into law by the President last year.

In the law, we heeded the concerns of the FBI and the industry that criminals may obtain information required by the Clean Air Act if this information is posted on the Internet. The risk of terrorist attack on one of these facilities remains unclear as, thankfully, no attacks have occurred on American soil.

Nonetheless, we sought to balance the community's right to information with any incremental risk that a criminal might have access to the information. In that same law, we required the Attorney General to conduct a study of security at facilities that store or use extremely dangerous materials.

One component of the study is a review of the vulnerability of the facilities to criminal or terrorist activity, current industry practices regarding site security, and the security of transportation of hazardous substances. An interim report from the Attorney General is due in August of 2000, and the law requires a full report by August, 2002.

Mr. Chairman, if the FBI or anyone else is concerned that the information about these facilities may be attractive to terrorists, then we all must be concerned that these facilities are doing what they can to secure their loading docks, rail spurs, and storage areas from criminal activity. This study will be instrumental to the ability of the Department to accurately assess the risk posed by terrorists and criminals.

Unfortunately, Mr. Chairman, despite the study requirement contained in the law, the Department of Justice tells us they do not have the funds to carry out this requirement.

In March of this year, the Attorney General requested a reprogramming in the amount of $750,000 from the counterterrorism fund to do this study. In fact, Mr. Chairman, the chairman, the gentleman from Virginia (Mr. BLILEY), and the ranking member, the gentleman from Michigan (Mr. DINGELL), recently wrote a letter to the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations in support of the need for funding, and at the appropriate time in the proceedings, Mr. Chairman, I will request unanimous consent to enter the letter into the RECORD.

Mr. Chairman, to date Congress has not acted on the Department of Justice's request. That is the purpose of this amendment. This amendment will allocate $750,000 in the Department of Justice counterterrorism fund for this study. This amendment will allow the Attorney General to fully comply with our mandate in the chemical safety act and will provide valuable safety information to our communities.

Mr. Chairman, I urge my colleagues to support this amendment. In my home, for example, which is a transportation and economics center, we are also a home to many environmental issues. My constituents and I know the importance of ensuring that our facilities are safe and secure.

Mr. Chairman, I would like to thank Alison Taylor and Sarah Keim of the Democratic staff of the Committee on Commerce and also Robert Gropp of my

staff for their continued hard work on this important issue.

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to commend the gentlewoman for offering this amendment, and commend her and the gentleman from Ohio (Mr. BROWN) for their leadership on this important issue.

Chemical facilities are obvious targets for terrorist attack. Many of them are located in the hearts of our communities with large population centers. As a result, Congress, when we learned about the chemical facilities lacking sufficient security to address the threat of terrorist attack, asked the Attorney General to examine the vulnerability of these facilities and to report back to the Congress, but we have not had this study funded.

This amendment would provide funding for the study, and I want to join with the gentlewoman from Colorado (Ms. DEGETTE) in support of her amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by my friend, the gentlewoman from Colorado (Ms. DEGETTE), and thank her for her good work.

This amendment would help protect the public by funding a study of security of chemical facilities to help protect the public from releases of dangerous chemicals into the air.

The Clean Air Act requires chemical facilities to develop risk management plans, including worst case accident scenarios, for the EPA. These plans were to be made available to the public so that anyone, fathers, mothers, coworkers, teachers, could learn about the potential for a chemical accident in his or her own community.

Last year, concerns were raised that terrorists would use the worst case scenario information to attack chemical facilities. In response, this Congress passed and the President signed legislation restricting release of the information. In May, the administration released a proposed rule sharply restricting public access to the data on chemical hazards.

Mr. Chairman, I remain skeptical of these severe limits on the public's right to know about chemical hazards in our community. Chemical accidents are a daily reality in this country, sometimes taking the lives of fellow workers, of neighbors, of parents, of children, of travelers, while terrorist attacks are rare, indeed.

If these chemical facilities, however, are indeed tempting targets for terrorists, our focus should be on restricting terrorists' access to them, rather than restricting the public's access to information about them.

Last year the Agency for Toxic Substances and Disease Registry investigated several chemical sites and found it easy to walk in through unguarded gates and unattended entrances. This amendment will reprogram $750,000, as requested by the Attorney General, from the counterterrorism fund to carry out the study authorized last year by this body.

If terrorism truly is a threat at chemical sites, this is a small amount of money to spend to investigate that risk. If terrorism is not enough of a threat to justify $750,000, I then question the restrictions that have been placed on community access to chemical accident information.

Mr. Chairman, I urge my colleagues to vote for the DeGette amendment.

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

Mr. Chairman, I appreciate the gentlewoman and the other Members' interest in this issue. I can assure the gentlewoman and the others that I will be happy to work with them to ensure that this study is funded.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, with the assurance from the chairman that he will work with us on this matter to secure funding for the Department of Justice to conduct the study, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The Clerk will read.

The Clerk read as follows:

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), $282,500,000, to remain available until expended.

AMENDMENT NO. 7 OFFERED BY MR. MCGOVERN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MCGOVERN:

In title I, in the item relating to ''GENERAL ADMINISTRATION—TELECOMMUNICATIONS CARRIER COMPLIANCE FUND'', after the dollar amount insert ''(reduced by $4,479,000)''.

In title V, in the item relating to ''SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES'', after the second dollar amount insert ''(increased by $4,479,000)''.

Mr. MCGOVERN. Mr. Chairman, this is a modest amendment that will have a very positive impact on our country's economy. Quite simply, it will bring the Small Business Administration's Women's Business Center Program from $8.89 million currently provided in this bill up to its authorized level of $13 million, and provide the President's budget request of $1 million for the SBA's National Women's Business Council up from the $595,000 currently in this bill.

The total amount provided by this amendment to achieve these goals is $4.5 million.

Mr. Chairman, I am very proud to be here today standing with my distinguished and bipartisan cosponsors of this amendment, the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from New Mexico (Mr. UDALL), the gentlewoman from California (Mrs. BONO), the gentleman from Vermont (Mr. SANDERS), the gentlewoman from Maryland (Mrs. MORELLA), the gentlewoman from California (Mrs. MILLENDER-MCDONALD), the gentleman from Maine (Mr. BALDACCI), and the gentlewoman from California (Mrs. NAPOLITANO).

This is an issue we feel very passionately about, and urge all our colleagues to join us in providing expanded opportunity for women entrepreneurs that will strengthen our entire economy. According to the results of the 2000 Avon Global Women's Survey that polled 30,000 women from 33 countries, the top three factors that women across the world feel would improve their lives in the new millenium are, one, financial independence; two, equal job opportunities; and three, the ability to start one's own business.

Here in the United States, we are living in the largest economic expansion in our Nation's history. Now more than ever it is incumbent upon us to ensure that all Americans benefit from and have the opportunity to contribute to our prosperity.

Overall, women can and are succeeding in the business arena. In fact, women-owned businesses are a true American success story, growing twice as fast as all other businesses.

As of 1999, there were 9.11 million women-owned businesses in the United States, generating sales in excess of $3.6 trillion and employing 27.5 million workers. Yet, despite these impressive statistics, women entrepreneurs have lower levels of available credit than their male counterparts, and minority businesswomen are less likely than Caucasians to have bank credit.

The Women's Business Centers program and the National Women's Business Council help push the doors open. For example, in my home State of Massachusetts, the Center for Women and Enterprise has served 1,200 women from a very wide spectrum of backgrounds, races, and ethnicities. Seventy percent of the Center's clients are single women, 32 percent are women of color, 44 percent are in the very low- or low-to-moderate income brackets. Sixty percent of these women are seeking to start their first businesses.

Across the country, Women's Business Centers provide education, training, consulting, and access to capital to women entrepreneurs. There are Women's Business Centers in 46 States serving tens of thousands of entrepreneurs each year. A large percentage of Center clients are women from low-income or disadvantaged backgrounds who would be unable to start their own businesses without the assistance of a Women's Business Center.

The Women's Business Centers' mission is empowerment. These centers

empower women by providing workshops and one-on-one consulting and mentoring for women business owners. Over the last 10 years, Women's Business Centers have assisted over 100,000 women entrepreneurs start or expand their businesses.

Past estimates show the program has created on average one new business and four new jobs for every 10,000 investment. By helping women to help themselves, these centers are strengthening the economy by creating locally-owned businesses and jobs, and by reaching out to new markets and new entrepreneurs, these centers are helping to ensure that our business community reflects our Nation's diversity. Yet, in spite of this progress, there are significant numbers of women entrepreneurs waiting and in need of these services.

Mr. Chairman, let me now just say a few words about the National Women's Business Council. The Council is a bipartisan Federal Government advisory panel created to serve as an independent source of counsel to the President and to Congress of economic issues of importance to women business owners.

The Council's goals include increasing access to capital and credit for women, increasing access to the Federal procurement market, strengthening the training and technical assistance networks, and facilitating alliances between policymakers and women business owners.

In conclusion, let me just briefly give my colleagues a few facts about the offset for this amendment, which comes from the Telecommunications Carrier Compliance Fund, which is a program I support. Our $4.5 million amendment represents only 1.6 percent of this $282.5 million account. According to the committee report, this account is $72.5 million above the administration's request.

Additionally, the House has already provided this $282.5 million in H.R. 3908, the supplemental appropriations bill that we passed last March, and I am confident that the chairman of the Committee, with his powerful powers of persuasion, will insist that that stays in the bill. I urge my colleagues to support this bill.

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

Mr. Chairman, I rise in support of women's business and the McGovern, Johnson, Udall, Bono, Sanders, Morella, Millender-McDonald amendment.

I want to begin by thanking the gentleman from Kentucky (Chairman ROGERS) for the hard work that he has dedicated to the people of the United States and to this legislation on the floor today. As a believer in fiscal responsibility, I understand that the appropriators have done the best that they could with the strict spending limits they have had to work within.

Certain priorities were set within the committee. Funding was appropriated so that all of the pieces fit together. Unfortunately, the Small Business Administration's Women's Business Centers and the National Women's Business Council were significantly underfunded.

The amendment we are offering today would do the following. First, it would bring the Women's Business Center Program from $8.9 million to the authorized level of $13 million. Secondly, it would provide $1 million as requested for the Small Business Administration's National Women's Business Council, an increase from its current level of $595,000.

The offset for this increase comes from the Department of Justice's Telecommunications Carrier Compliance Fund. The lion's share of this $282.5 million account is new funding to reimburse the telecommunications industry for costs associated with modifying their networks as required under the Communications Assistance for Law Enforcement Act, also known as CALEA. The $282.5 million account is significantly above the administration's budgeted request.

As I said earlier, I realize that there are very tight fiscal restraints in place. With that being said, it seems to make an enormous amount of sense to redirect to the Women's Business Center and National Women's Business Council approximately $4.5 million, and still give the Department of Justice a considerable amount above their request to pay for additional expenses related to CALEA.

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Women-owned businesses are growing at twice the rate of all other businesses. In California alone, there are over 1.2 million women-owned businesses accounting for 38 percent of all firms in the State and employing 3.8 million people. However, they are not making comparable progress in respect to government contracts.

The National Women's Business Council is a government advisory panel designed to provide counsel to the administration on ways that we can support our women entrepreneurs. By providing advice on ways to promote initiatives to encourage capital and credit access for women-owned businesses, to strengthen training and technical assistance networks, and to increase access to the Federal procurement market, we are helping women work towards economic independence.

As we are seeing more and more women-owned enterprises developing across the country, we are also hearing about the difficulties associated with finding capital to strengthen and grow those businesses.

The Women's Business Center is the place that women go to find the tools they need to overcome these hurdles. The Women's Business Centers provide education, consulting, and access to capital for our women entrepreneurs. I have heard from businesswomen all over the country how important the program is.

Many of the women who are being impacted by these programs are from low-income and disadvantaged backgrounds. To their credit, they are doing exactly what has been preached in the halls of this very Congress. These women are taking responsibility for their lives and finding ways to contribute to their communities. The Women's Business Center and National Women's Business Council are essential in this progress.

I urge my colleagues to support this amendment. It is good for women. It is good for our communities. It is certainly good for our economy.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today as a proud cosponsor of the McGovern, Johnson, Udall, Bono, Sanders, Morella, Millender-McDonald, and Napolitano amendment. Now, that is a mouthful, but it is full of a lot of promise.

This amendment will help the 9.1 million women-owned businesses in the United States which are currently generating over $3.6 trillion in sales and employing 27.5 million workers throughout this country, most of whom are a lot of the welfare-to-work mothers.

This amendment will increase funding for the Women's Business Center program from $8.9 million to levels of $13 million this Congress authorized last year.

This amendment will also increase funding for the National Women's Business Council from $595,000 to $1 million.

As the ranking member of the Subcommittee on Empowerment and author of a similar amendment in 1998, I urge my colleagues to join me again in ensuring that women business owners are given the opportunity they need to develop their businesses and continue to nurture the growth of our national economy.

The Women's Business Centers, or WBCs, provide education, training, consulting and access to capital to women entrepreneurs. There are 50 States that have WBCs with tens of thousands of entrepreneurs working each year. A large percentage of these WBC clients are women from low-income disadvantaged backgrounds who would be unable to start their own businesses without the training provided through these centers.

The reason the Committee on Small Business authorized the $13 million appropriation for this program is to ensure that, once the Centers are established, their success is not thwarted by a sudden loss in Federal funding. This appropriation is critical to ensuring that the Centers are given a more realistic time frame to establish their own private funding stream before the Federal funding source is completely eliminated.

The National Women's Business Council is a Federal Government advisory panel created to serve as an independent source of advice and counsel to

the President and Congress on an economic issue of importance to women businesses and business owners.

Since its inception in 1988, the NWBC has implemented countless programs to promote an environment which women-owned businesses can become an integral part of our national economy. The NWBC has worked tirelessly and effectively on increasing access to capital and credit, proving and improving opportunities for women in the Federal procurement market, strengthening the training and technical assistance networks, and facilitating alliances between policy makers and women business owners.

The increased funding for the council is virtually needed to complete research projects, help reach the national procurement rate of 5 percent for women-owned businesses, and continue the very successful venture capital training program.

America's small business owners are the backbone of our economy and an indispensable part of this Nation's vigorous and continuous growth over the past several years. I have appreciated the support of the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO), ranking member, in the past for their efforts to help women business owners, their leadership has made the difference.

Mr. Chairman, I urge my colleagues to vote yes on this amendment.

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

Mr. Chairman, I rise in support of this bill put together by the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Florida (Chairman YOUNG) and in support of the McGovern amendment. The amendment increases the funding for Women's Business Centers program and the Women's Business Council located within the Small Business Administration.

Women's Business Centers play a major roll in empowering women entrepreneurs with the tools necessary to succeed in their business. Ninety-three sites in 50 States and territories tailor their services to the communities they serve. Many Centers target low-income women. The Centers assist women in focusing their business plans through courses and workshops. They provide information on access to financing and mentor services. Women's Business Centers contribute to the success of thousands of entrepreneurs, enhancing their management capacity, and offering critical community infrastructure necessary for fledgling businesses to operate within.

During the course of the 106th Congress, the Committee on Small Business sought more information about the Women's Business Center program as we reconsidered its reauthorization. It soon became clear that, while the program was expanding around the country to States without Centers, existing sites were experiencing obstacles to their own growth.

Women's Business Centers are granted Federal funds through Small Business Administration's Women's Business Center program. As women continue to launch businesses at twice the national rate, it is critical that the Women's Business Centers program be able to meet the demand of this dynamic market segment. The seed money they receive from their Federal grants has helped over 50,000 women start or expand their businesses.

Some sites, particularly those located in rural areas, have limited access to foundations, corporations, and banks, which provide the private funds to match our Federal funds. This funding is desperately needed so that especially these centers struggling to reach the thousands of women seeking assistance are not forced to close.

Mr. Chairman, this amendment also adds funding to the Women's Business Council. The NWBC was created by Congress to serve as an independent source of advice and counsel to the President and Congress on issues of importance to women entrepreneurs. The Council has provided the women's business community with a seat at the policy-making table and has addressed cutting edge issues of access to capital that pose a challenge to women seeking to launch and grow their businesses.

Mr. Chairman, I support both of these programs vital to women entrepreneurs. I urge my colleagues to support this amendment.

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

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

Mr. KIND. Mr. Chairman, I am pleased to rise in support of the McGovern amendment which will expand funding for the Women's Business Center program and the National Business Council.

I support this amendment because the Women's Business Center program works. By providing business assistance to women, particularly financially disadvantaged women, these programs help them become full partners in economic development through small business ownership. This program works nationally, and I have seen it work in my home State of Wisconsin, specifically at the Western Dairyland Women's Business Center in the Third Congressional District in Western Wisconsin.

We know that women-owned businesses are growing at twice the rate of all other businesses. Not only does the Women's Business Center program help women to take a great idea and turn it into a business, but these centers provide the tools needed to make that investment a sound one. With business training, marketing classes, and counseling on the pressures of running a business, their clients are more prepared than most to have a successful start.

In Wisconsin, women-owned businesses employ over 5,000 people and generate nearly $70 billion in sales. Statewide, women are gaining the knowledge and the tools to enter into fields that until now have been dominated just by men. Thanks to programs like the Women's Business Center, in less than 10 years, we have seen more than a 60 percent increase of women in agriculture. Over the same period, there has been more than 75 percent increase of women-owned construction companies and nearly 60 percent increase in manufacturing firms owned by women.

Specifically, in the Third Congressional District of Wisconsin, I have seen firsthand the positive results of the Women's Business Center. Appropriately, the Center is located in rural Independence, Wisconsin, and independence is just what the Center provides for many women in Western Wisconsin by providing microloan programs, marketing assistance, Internet training, and much more. Women are realizing their goals by starting and expanding their own businesses.

I would like to share with my colleagues a letter that was sent to the Western Dairyland's Women's Business Center in Independence, Wisconsin.

I quote, ''Just a quick note to express my gratitude for all that you have done and continue to do in working with me to establish a sound business plan. I can't express to you how much this has helped me, not only getting the financial situation in order, but the mental support as well.

''You have lifted my spirits 100 percent. One year ago, I was probably one of the most depressed single parents out there, but with setting my mind to what I know I can do, and the support of the organization aspects you have provided, I feel so much stronger and secure with myself and with what I intended to accomplish.

''Whenever I tell people about this program, I speak very highly of it and how I think it is very beneficial to anyone who may be engaged in entrepreneurship. Thanks again for all the hard work and encouragement.''

Success stories like this are not the exception but the rule for the Women's Business Centers across the Nation. Despite all of these successes, however, many of the Centers, including the one in my district, are facing serious cutbacks in funding. As a result, reductions in staff and resources are happening nationwide. The $4.5 million would bring the Women's Business Center program to its authorized level of $13 million and increased business opportunities for women across the units.

I believe it is a worthy program, and that is why I am urging my colleagues today to support the McGovern amendment.

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

Mr. Chairman, I rise in support of this amendment. There are a lot of cosponsors to the McGovern, Johnson, Udall, Bono, Sanders, Millender-McDonald, Baldacci amendment.

This amendment would serve the very critical purpose of funding the Small Business Administration's Women's Business Centers program to its authorized level and the National Women's Business Council to its requested level, a total of $4.5 million. Through these programs, the Small Business Administration has dedicated itself to reaching and surpassing the 5 percent procurement goal for Federal contracts, government contracts given to small women-owned businesses as established by Congress in the Federal Streamlining Act of 1994.

The Women's Business Centers provide counseling and training to start up and establish women entrepreneurs. Programming at the Women's Business Centers is unique because it is designed locally by women to meet the needs of the local community.

Currently, there are 93 Women's Business Centers in 46 States, the District of Columbia, Puerto Rico, American Samoa, and the Virgin Islands. These Centers service the fastest growing portion of the business community as women-owned businesses are growing roughly two times as fast as all other businesses.

As of 1999, there were 9.1 million women-owned businesses in the United States generating sales in excess of $3.6 trillion and employing 27.5 million workers.

Furthermore, one in eight of these businesses is owned by a woman of color, making women of color the fastest growing segment of women-owned businesses. In Maryland alone, there are over 193,000 women-owned businesses accounting for 40 percent of all firms in the State. Unfortunately, even with this tremendous growth, the current rate of government contract procurement for women-owned businesses is a mere 2.4 percent.

The National Women's Business Council serves a different role. It fosters the success of women entrepreneurs. It is a bipartisan Federal Government advisory panel that acts as an independent source of advice and counsel to the President and to Congress on economic issues of importance to women-owned businesses.

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The Council has been at the forefront of advocating for greater access to financing and contracting opportunities.

In 1997, I successfully nominated Laura Henderson, the founder, president and CEO of Prospect Associates, and one of my constituents, to the National Women's Business Council. I have known Laura now for more than 15 years through her successful business ventures in Montgomery County, Maryland, and her visionary work in procurement issues. Laura recently testified in support of the National Women's Business Council before the House Subcommittee on Government Programs and Oversight of the Committee on Small Business.

At the conclusion of her testimony, Laura stated, ''The Council's actions have been fundamental to the expansion and recognition of women-owned businesses as an integral force in the economy. The Council has been the catalyst for making our dreams a reality.''

I urge the support of my colleagues for this amendment and for the dreams of women entrepreneurs in America. There is an ever-growing need for women-owned business assistance in every congressional district. Although women entrepreneurs have come a long way over the last decade, they still face barriers in the marketplace. It is our responsibility as legislators to make sure these barriers are not impregnable.

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

My colleagues, I rise, as have my other colleagues, to speak in support of the amendment offered by my distinguished colleague, the gentleman from Massachusetts (Mr. MCGOVERN).

As a small business owner, and as a Member serving on the Committee on Small Business, I have long recognized that the Women's Business Centers Program meets a very, very fast growing need, and that is to help women succeed as entrepreneurs in the global economy.

Our women business owners need help. They need access to capital, they need counseling, they need assistance in being able to identify foreign markets, they need help in being able to access Federal procurement. They need help, and we can provide that help with this additional money. Although the $8 million initially proposed was increased to $11 million during committee work, and we now are planning to add an additional $4 million, it is still a drop in the bucket to what can be of very great assistance to the women who are fast not only becoming the greatest number of business owners but also the ones that are providing the largest number of jobs in the United States for our working class.

Many of my colleagues have already identified that nearly 9.11 million women-owned businesses operate in the United States, 1.2 alone in California. They generate in excess of 3.6 trillion, not million, not billion, but trillion dollars, and employ millions of workers, more than are employed in all the Fortune 500 industrial firms. These women are not only talented, they are full of ambition and have the drive and the zeal to be able to become successful and continue operating and expanding their businesses.

It is important to note that these business centers are the fastest growing portion of all business communities; and they are growing, as my colleagues have heard, twice as fast as all other businesses. We should be granting them not $4 million but ten times that for these marvelous hard-working successful women. These few centers have helped 2,000 women a month, about 50,000 women total, starting or expanding their businesses. Our past estimates show that the program created, on the average, again we heard these statistics, one new business and four new jobs for every $10,000 invested in them. What an investment.

On the natural, women are handicapped. Banks do not loan to women easily, or as easily as their male counterparts. So we need to help them become successful by helping them with their business plans and being able to pattern and plan for them.

Mr. Chairman, it is not now the time for us to turn our backs on women who want to succeed, who can succeed, and who will succeed, with our modest assistance with this increase. I urge support for the McGovern amendment, and I urge my colleagues to consider that women-owned businesses are no longer the typical type of business. They are builders, they make airplane parts, they are the independent truck drivers, they run computer schools, and they have foster family agencies, just to name a few of the entrepreneurs in my area.

Again, I urge this House to consider supporting the McGovern amendment.

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

Mr. Chairman, I rise in strong support of this amendment, which increases the bill's funding for the Small Business Administration's Women's Business Centers Program to the authorizing committee's full authorization of $13 million, and provides the President's budget request of $1 million for the National Women's Business Council.

Two years ago this body agreed to an amendment that my colleague, the gentlewoman from New York (Ms. VELAZQUEZ), and I offered to double funding for the Women's Business Centers. This increase in funding doubled the size and scope of the Women's Business Centers Program, increasing the number of Women's Business Centers throughout the country to 92 centers, including one in my home State of Vermont.

The Women's Business Centers offer financial management, marketing, and technical assistance to current and potential women business owners. Each center tailors its style and offerings to the particular needs of its community. More importantly, the Women's Business Centers target economically disadvantaged women and areas of high unemployment. This program has had significant results.

Over the last 10 years, Women's Business Centers have served over 100,000 women entrepreneurs throughout the U.S. start and expand their businesses. As of 1999, there are nearly 34,000 women-owned businesses in Vermont, accounting for 40 percent of all firms in the State. Between 1992 and 1999, the number of women-owned businesses in Vermont increased by 50 percent, accounting for the creation of 47,000 new jobs in the State and $195 million in sales.

Women-owned businesses are thriving nationwide. Employment growth in women-owned businesses exceeds the national average in nearly every region of the country and in nearly every major industry. Between 1987 and 1996, the number of firms owned by women grew by 78 percent, which is almost twice the rate of increase in the number of all U.S. firms. Between these years virtually all new jobs were generated by small businesses. As large companies continued to downsize and fires exceeded hires, small businesses with less than 19 employees generated about 77 percent of the net new jobs.

If provided the funding, the SBA's Women's Business Centers can help level the playing field for women entrepreneurs who still face unique obstacles in the world of business. WBCs have programs to help women break into the Federal procurement and export markets.

While women entrepreneurs are expanding at the foreign markets at the same rate as all U.S. business owners, women-owned businesses receive less than 8.8 percent of the more than $200 billion in Federal contract awards. The President recently ordered all Federal departments and agencies to grant at least 5 percent of all prime contracts and subcontract awards to women-owned businesses.

Fully funding the National Women's Business Council, the bipartisan advisory panel that provides independent advice to the Federal Government on these issues, is crucial to accomplishing this goal, and I hope very much that we will pass this amendment.

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

Mr. Chairman, I rise on behalf of the McGovern amendment and strongly support this effort to bring the Women's Business Centers Program up to its authorized level of $13 million and to meet the President's request of $1 million for the National Women's Business Council.

I would like to congratulate the ranking member for his leadership and also like to thank the gentleman from Massachusetts (Mr. MCGOVERN) for developing such a broad-based bipartisan amendment to address this very pressing issue.

Women's Business Centers play a major role in helping women entrepreneurs by providing technical assistance in the formation of their business plans through courses, workshops, mentoring services, and access to financing. The additional funding made through this amendment will strengthen those centers and make centers available to more women. I have a center in my district in Lewiston, Maine, which is a vital source of information, outreach, and access to financing that has really spurred a lot of women-owned businesses to be developed just in the short time that it has been there.

The National Women's Business Council makes recommendations and provides advice to the President and Congress on issues of economic importance to women. The additional funding through this amendment will help the NWBC. It will be able to support new research; create a State Council Program to help in the development of women's business advisory councils, summits and an interstate communications network; promote more outreach initiatives for securing Federal procurement contracts; and provide additional support for training, technical assistance, and mentoring.

The additional funding provided through this amendment will go a long way towards creating a more level playing field for women business owners. I urge my colleagues to support this amendment.

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

Mr. Chairman, I am prepared to accept this amendment. I support the work the SBA does to help women start and maintain small businesses. In fact, the bill includes funding for both the Women's Business Centers and the Women's Business Council at the current year levels. In fact, over the last 2 years, we have more than doubled the amount provided for Women's Business Centers. So this activity has enjoyed tremendous growth while a lot of other programs funded in this bill have remained stagnant, frozen, at current levels.

The only reservation that I have on the amendment is the offset because the offset comes from the CALEA fund. And as all of us realize, this so-called CALEA fund, telecommunications carrier compliance fund, called CALEA, is the fund out of which we must pay the expenses of equipping our telephone systems so that the court-ordered wiretaps, the law enforcement activities, can continue. It is absolutely critical funding, and I am concerned about where the offset comes. But perhaps we can find some way to remedy that.

So I would accept the amendment, Mr. Chairman; and I would call for a vote.

Mr. UDALL of New Mexico. Mr. Chairman, I rise to speak on the McGovern amendment which supports one of the most dynamic and vital segments of our society: women entrepreneurs.

Women-owned businesses are the fastest growing businesses in our country. In fact, those businesses owned by women of color are growing three times faster than the overall business growth rate. It is imperative that we do all we can to assist their efforts to run successful businesses.

This amendment brings additional funding to the Women's Business Center Program and the National Women's Business Council.

The Women's Business Center Program provides assistance to tens of thousands of women entrepreneurs in all 50 states, giving preference to those women from disadvantaged backgrounds.

In the next fiscal year, the Women's Business Center Program is authorized to receive $13 million. This amendment ensure that the program receives all of those funds as opposed to the current appropriation of a mere $8.9 million. Fully funding the program ensures that it reaches the largest number of people with maximum effectiveness.

Another way we can assure that women entrepreneurs are successful is to support the National Women's Business Council, which is dedicated to researching effective business strategies. The Council serves to help women find sources of capital for the businesses. Additional, the Council provide private and public sector professional training for women entrepreneurs.

Our funding increase provides for another important function of the Council: to aid state and local organizations in helping women entrepreneurs. This means that women can access information, which is relevant to their regions. In other words, this is money well spent.

The Council studies what works and what doesn't. It lets us learn the most effective way to help women start their own businesses. It's objective is to make women entrepreneurs successful.

The Council however, is only slated to receive 60 percent of its authorized funding. This amendment provides the full funding—$1 million. This is the sum the President has put in his budget for the Council. Full funding will allow the council to carry out its tasks of researching effective business strategies for the 9.1 million women-owned businesses across the country who employ over 27.5 million workers and generate $3.6 trillion in revenues. It is in the best interest of the country to ensure that these businesses are as efficient and successful as can be.

As our ''New Economy'' continues its progress, so does the discussion about creating job growth. This amendment will allow for necessary programs to continue providing job training to these entrepreneurs. The end result will be the creation of jobs for those who need it most—women, minorities, and the economically disadvantaged. Letting women create their own businesses in depressed areas benefits everyone.

Let me turn my attention to the offset for a second. Our amendment takes approximately $4.5 million from the Department of Justice's. Telecommunications Carrier Compliance Fund. Let me say that our $4.5 million represents only 1.6 percent of the $282.5 million TCCF account.

Let's think about this for a second. 1.6 percent to assist the growing 9.1 million women-owned businesses in this country.

I don't know about you, but to me that sounds like a strong investment.

Mr. Chairman, thousands of women across the country are eager to start successful businesses. We must help these women to help themselves—by providing classes, training, proven expertise, and improved access to funding. I urge my colleagues to support this amendment and ensure that these vital programs are fully functional and effective.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in support of the McGovern/Johnson/Udall/Bono/Sanders/Morella/Millender-McDonald amendment. This amendment would increase funding for the National Women's Business Center Program from $8.9 million to the

authorized level of $13 million and would increase funding for the National Women's Business Council from $595,000 to $1 million dollars. These funds would provide much needed funds to help secure venture capital, reach the national procurement rate of five percent for women-owned business and complete research projects.

The National Women's Business Council, is a bi-partisan Federal government advisory panel which serves as an independent source of advice and counsel to the President, the Congress, and the Interagency Committee on Women's Business Enterprise. It advises on economic issues of importance to women business owners.

The Council and the Interagency Committee have established an effective public/private sector partnership to promote an economic environment conducive to business growth and development for women-owned businesses and have focused on expanding opportunities, collecting research, strengthening technical assistance and the networking infrastructure, and improving access to capital.

Although women-owned businesses are among the fastest growing business sectors, women's access to capital continues to lag behind men. Currently, over 9.1 million women-owned businesses in the U.S. generate over $3.6 trillion in sales and employ 27.5 million workers. Women's Business Centers offer training and counseling programs designed to educate, empower, and assist individuals in improving their lives through entrepreneurship.

In the Eleventh Congressional District, the Glenville Development Corporation provides long-term training to low and moderate-income women to assist them in business development. The organization W.O.M.E.N. (Women's Organization for Mentoring, Entrepreneurship, & Networking) in Akron, Ohio, also provides services to the Eleventh Congressional District. These centers have provided essential support for many women entrepreneurs which would not otherwise be accessible. With the funding offered in this amendment, the centers' good work, and the work of many other organizations will be able to continue. I urge strong support of this amendment.

Ms. PELOSI. Mr. Chairman, I rise to support the bipartisan McGovern/Johnson/Udall/Bono/Sanders/Morella/Millender-McDonald amendment that would add $4.5 million to programs supporting Women's Entrepreneurship. This amendment would increase $4.1 million for SBA's Women's Business Center Program to its fully authorized $13 million and would increase $405,000 for SBA's National Women's Business Council to President Clinton's requested $1 million.

These programs are important to women around the country and in the district I represent. Recently, I heard from Ms. Claudia Viek, who runs the Renaissance Women's Business Center in San Francisco. She was concerned about cuts to SBA's Office of Women's Business Ownership and its adverse impact on the Renaissance Center which has sustained a 7 percent funding cut and, without this amendment, would experience deeper cuts. Since 1985, this Center has been successfully fulfilling its mission ''to empower and increase the entrepreneurial capabilities of socially and economically diverse people'' and providing practical training in business planning, financial assistance, and ongoing supportive networks for its graduates.

I have also heard from Barbara Johnson and Mercedes Sansores with ''Women's Initiative for Self Employment''. These women were also concerned about funding levels for SBA's Office of Women's Business Ownership and urged me to support this amendment. Women's Initiative is a private, non-profit organization founded in 1988 to help low-income women start and manage their own businesses. It makes loans to support its client's entrepreneurship. Women's Initiative offers business training and technical assistance, in English and Spanish, on business planning, marketing, sales, and finance. ALAS is the Initiative's Spanish-language training program that delivers important services to the local community.

Together these Centers provide significant resources and training to businesswomen. They are simply two examples of the many Centers around the nation. In fact, as we travel, we could find Women's Business Centers in 46 states and territories. Clearly, this program benefits women around the country. I urge my colleagues to support the McGovern amendment and support increased business opportunities for women.

The CHAIRMAN. The gentleman yields back his time. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $159,570,000.

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

Mr. Chairman, I rise today to express my concern at the lack of funding that the Indian Country Law Enforcement Initiative received in the fiscal year 2001 Commerce, Justice, State appropriation bill.

Under the House bill, the initiative received zero funding: zero funding for tribal courts, zero funding for COPS grant set-aside for Indians, and zero funding for the new programs proposed by the administration. I have been advised that the reason the initiative received zero funding in the House is because the Senate will take care of funding the initiative. I find this logic troublesome.

Recently, I, along with several of my colleagues, sent a letter to the chairman and senior Democratic member of the subcommittee expressing our strong support for the President's fiscal year 2001 budget request for the Department of Justice portion of the Indian Country Law Enforcement Initiative. The President's budget requested $173.3 million for the initiative. This figure represents an increase of $81.8 million above the fiscal year 2000 enacted level.

I believe that increased funding for this initiative is critical in light of the recent information from the Justice Department that confirms that while national crime is dropping, crime rates on Indian lands continue to rise. In its 1999 report, American Indians and Crime, the Bureau of Justice statistics found that American Indians and Alaska natives have the highest crime victimization rates in the Nation, almost twice the rate of the Nation as a whole.

The report revealed that violence against American Indian women is higher than other groups. American Indians suffer the Nation's highest rate of child abuse. The report indicates that Indian juveniles in Federal custody increased by 50 percent since 1994. The findings for this report serve as the basis for the President's request for more funding for this initiative.

I also support the President's request to make permanent the Office of Tribal Justice under the Department of Justice's Associate Attorney General's Office. The Attorney General created this office to provide a permanent channel for tribal governments to communicate their concerns to the Department and to coordinate policy on Indian Affairs with the departments in other Federal agencies.

Mr. Chairman, the Department of Justice and the Department of the Interior developed the initiative 2 years ago to improve the public safety and criminal justice in Indian communities. Last year, Congress appropriated $91.2 million to the Justice Department for additional FBI agents, tribal law enforcement officers, detention centers, juvenile crime programs, and tribal courts.

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This year the House provided zero funding for the initiative.

Mr. Chairman, I urge my colleagues to work to restore funding and to provide the necessary increase for the initiative as this bill proceeds to conference. Let us work hard to combat crime and violence in our Indian lands.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DETENTION TRUSTEE

For necessary expenses to establish a Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $1,000,000: *Provided*, That the Trustee shall be responsible for construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,825,000; including not to exceed $10,000 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; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $8,855,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $523,228,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $18,877,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, the Executive Office for Immigration Review, the Community Relations Service, and offices funded through ''Salaries and Expenses'', General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

AMENDMENT OFFERED BY MR. SERRANO

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

The Clerk read as follows:

Amendment offered by Mr. SERRANO:

Page 6, line 13, after the dollar amount, insert the following: ''(increased by $11,772,000)''.

Page 23, line 2, after the dollar amount, insert the following: ''(decreased by $16,000,000)''.

Mr. SERRANO (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 New York?

There was no objection.

Mr. SERRANO. Mr. Chairman, the amendment I offer will fund the requested level for the Justice Department Civil Rights Division. It provides a total of $11,772,000, offset by $16 million from Federal Prisoner Detention, which will still leave an increase of $56 million or more than 10 percent over the current level.

The Civil Rights Division is the primary institution within the Federal Government responsible for enforcing Federal statutes that prohibit discrimination on the basis of race, sex, disability, religion, and national origin.

In the reported bill, the Division would receive only part of its request for inflationary adjustments, less than the other Justice Department components are being given, and no funding for its initiatives.

My amendment would restore the adjustments and further permit the Division to pursue its initiatives. It would increase the number of attorneys and support staff first, to enhance its ability to investigate and, if appropriate, prosecute criminal civil rights violations in the areas of hate crimes, violations under color of law, and violence against health care providers;

Second, to increase its ability to promote compliance with the Americans with Disabilities Act in employment cases and certifying that State and local building codes meet ADA requirements by providing outreach to help small businesses and law enforcement agencies meet ADA requirements and by ensuring that persons confined in public institutions have adequate mental health services;

Third, to combat abusive, discriminatory, and other unconstitutional action by law enforcement officials through ''pattern or practice'' investigations of specific law enforcement agencies and the related suits and settlements that implement remedies;

Fourth, to combat abuse and neglect in institutions, protect the rights of nursing home residents and youth in juvenile detention facilities, and address the mental health needs of individuals in correctional and health care facilities;

Fifth, of particular interest to many Members, to review redistricting submissions and other voting changes as required by the Voting Rights Act, following the 200 decennial census; and

Sixth, to expand programs that protect basic civil rights, including fighting employment discrimination and in-school segregation, providing training in certain civil rights-related legal requirements and investigative techniques to Federal, State, and local agencies, and supporting fair lending laws.

Mr. Chairman, I have offered this amendment because it is very difficult to understand why during such a good economic period as we are going through in this country right now anyone would think of cutting the enforcement of civil rights.

At this point, perhaps more than ever before in recent history, as we are doing better, we need to certainly make sure that we protect those who may be powerless in this society so that we can share in the wealth and share in the law and share in all that is good about this country.

So I would hope that people see it in this spirit, see it as in relationship to everything else that is happening in our society, and understand that the worst thing we could do, the most difficult thing that we would not face up to is the fact that we would allow during these times for people to continue to be hurt and not to be protected.

These dollars would allow the Civil Rights Division to go out and do the job that it has to do and, in the process, provide for the protection that all Americans need.

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

Mr. Chairman, as the gentleman knows, over the last few years, the Civil Rights Division has been treated very generously. In fact, funding for the Civil Rights Division has increased by over 32 percent over the last 2 years. Few other agencies in this bill have enjoyed similar growth.

We have tried to maintain the investment we have made in the Civil Rights Division, as we have done for other programs in this bill. In addition, this bill also provides increases to other civil agencies that are included in the bill.

So, in view of the fact that we do have the fiscal restraints that we are operating under, this division has enjoyed generous growth at the hands of this subcommittee and the Congress over the last 2 years. I would urge rejection of the amendment.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I commend the gentleman from New York (Mr. SERRANO), the ranking subcommittee member, for his leadership in this measure.

The vote on this amendment, my colleagues, will define the agenda of the majority party. Is it to ensure that all Americans have an equal opportunity in this country, or is it to prevent that from happening?

The Justice Department's Civil Rights Division is the most important weapon we have to fight for equal opportunity through its investigation and prosecution of criminal civil violations, violations of the fair housing and lending laws, employment discrimination, and other civil rights abuses.

Unfortunately, the majority has consistently underfunded this office. Why? This year the administration has asked for $97.9 million and is getting only $86 million from this bill, and this is in the midst of a $200 billion budget surplus.

That is the wrong message to send to the American people about the importance of civil rights. This amendment can fix this by fully funding the Division with an additional $11.8 million.

Now, in the past few years, the Civil Rights Division has been more important than ever in pursuing criminal civil rights abuses. The Nation has experienced the horrors of the torture and deaths of Matthew Shepard and James Byrd, and the murder of a reproductive health care provider, Dr. Bernard Slepian.

More recently, four New York City police officers killed Amadou Diallo, an unarmed immigrant, in the lobby of an apartment building; and another four officers brutally assaulted Abner Louima. These are just a few of the cases that the Division is reviewing.

The Federal Bureau of Investigation stated that there are 10,461 law enforcement agencies across the United States reporting a staggering total of 8,049 hate crimes in 1998 alone. These are conservative numbers, though because the truth is many hate crimes go unreported because the victims fear retaliation and many police departments just do not collect such data.

Now, while law enforcement offices and agencies pursue the bulk of the offenders, the Justice Department must train those agencies and prosecute

those offenders. The local officials cannot. With added funding, the Civil Rights Division can hire five, just five, more lawyers and assure that many of these perpetrators are brought to justice.

Three prominent civil rights groups, the NAACP, the ACLU, and the National Asian Pacific American Legal Consortium, have pointed out in a letter to the House that one of the most pressing issues for many Americans is that of police misconduct.

The Department has investigated the police departments of Washington D.C., New York City, New Orleans, and Los Angeles, and many others for numerous offenses, including excessive force. Prior investigations have led to consent decrees with local police departments, including Steubenville, Ohio, and Pittsburgh, Pennsylvania, for using excessive force and improper searches.

In December 1988, the Justice Department was conducting six public investigations with eight attorneys throughout the country. And in December 1999, the Department was investigating at least 12 police departments with just the same number of attorneys as the previous year.

We cannot expect the Department to increase its workload in this manner without adding additional resources. And so, this amendment would permit the Division to hire three much-needed attorneys to prosecute police misconduct.

And so, my colleagues, I urge my colleagues to support the Serrano-Conyers amendment. It adds modest funding to the Civil Rights Division.

Mr. Chairman, all to often the majority gives our Nation's civil rights laws mere lip service—offering us civil rights on the cheap. The budget before us today confirms my worst fears. If you look at the actual evidence in critical areas such as hate crimes, police misconduct, employment, and housing you will see that there is overwhelming evidence of ongoing discrimination in our society. Yet the budget actually under funds the critical civil rights division to the tune of $11 million.

Consider the problem in hate crimes. Our Nation has only recently began the healing process in the aftermath of the tortures and deaths of James Byrd, Jr., and Matthew Shepard in Laramie, Wyoming. In the years 1991 through 1997 there were more than 50,000 hate crimes reported. This is why the Conyers-Serrano amendment would allow the Division to hire five new attorneys to help prosecute hate crimes and other civil rights crimes.

The incidence of police misconduct toward minorities is also growing dramatically. In Pittsburgh, a police officer shot to death a black motorist who had slowed down and peered through his side window while observing a drug arrest. In Riverside, California, a 19-year-old black woman was shot to death by a policeman in her car at a gas station. And we all know that Amadou Diallo, a West African immigrant, was shot 41 times in the vestibule of his Bronx apartment by four police officers. At a time when the Civil Rights Division is on the verge of being totally overwhelmed, our amendment would also allow the Division to retain three additional attorneys to fight against police ''pattern and practice'' misconduct.

The problem with regard to employment and housing discrimination is no better. The number of employment discrimination cases in Federal courts has almost tripled between 1990 and 1998 from 8,413 complaints to 23,735. The bipartisan Glass Ceiling Commission recently found that 95 percent of top corporate jobs in America are held by white males, with African-Americans holding less than 1 percent of top management jobs, and women holding 3–5 percent of senior level positions. Just recently we learned of outrageous discriminatory conduct at Texaco Corp., including tapes of top management officials referring to African-American workers as ''black jelly beans.''

In terms of housing, tester programs by the Urban Institute and others confirm that whites are far more likely to be shown apartment and other rental units than similarly situated minorities. And it was only a few years ago that an elderly African-American man was literally chased out of his apartment in Vidor, Texas, after he had moved there pursuant to a Federal court order requiring that the all-white housing complex in that city be desegregated. This is why our amendment provides the funds to hire 13 additional civil rights attorneys.

I believe this is the most important amendment we will vote on today. The Serrano-Conyers amendment has the support of the NAACP, the ACLU, and every major ciivl rights group in the country. We have a choice—we can claim to be opposed to discrimination, or we can put our money where our mouth is, and fund the fight against discrimination. I urge a yes vote.

I submit the following letter for the RECORD.

AMERICAN CIVIL LIBERTIES UNION,
NATIONAL ASSOCIATION OF PACIFIC AMERICAN LEGAL CONSORTIUM,
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

June 22, 2000.

Members, U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: During consideration of the fiscal year 2001 Commerce-Justice-State appropriations bill, Congressmen Jose Serrano (D–NY) and John Conyers (D–MI) will offer an amendment to strengthen the Department of Justice's Civil Rights enforcement abilities. This will be achieved by increasing the Department's Civil Rights Division's funding by $11.8 million, thus bringing it in line with the President's budget request. We, the undersigned national civil rights organizations, strongly support the Serrano/Conyers Civil Rights Enforcement amendment and urge to you to vote for it when it comes before you on the floor of the House.

One of the most pressing issues for many Americans, especially those of us of color, is that of police misconduct. Throughout history, Americans of color have been disproportionately subjected to abuse and misconduct by law enforcement officers at all levels of government. Because the problems of abuse and racial bias still exist today, we strongly support this effort by Congressmen Serrano and Conyers to provide additional funding to the U.S. Department of Justice's Civil Rights Division so that it may continue to try to address some of the more serious problems facing our nation today.

Specifically, the Serrano/Conyers amendment would allow the Justice Department's Civil Rights Division to hire 3 more attorneys to fight police ''pattern and practice'' misconduct. In recent years, this division has been successful in fighting wide-spread police misconduct in Steubenville, Ohio and Pittsburgh, Pennsylvania. Current investigations are on-going in New York, Los Angeles, and Washington, D.C., to name a few. Given the national epidemic of police misconduct, and the fact that more and more citizens are coming forward, the additional slots appropriated by the Serrano/Conyers amendment are clearly and sorely needed.

The Serrano/Conyers amendment would also allow the Civil Rights Division to hire 5 new attorneys to prosecute criminal violations of existing civil rights laws, including hate crimes, color of law violations and violence directed toward health care providers. In addition to the several well publicized cases of hate crimes against people because of their race or sexual orientation in recent years, the FBI has stated that there were over 8,000 reported hate crimes in the United States in 1998; the actual number may well be double or triple that amount. With the additional funding sought in this amendment, the U.S. Department of Justice Civil Rights Division can play a more aggressive role in assuring that the perpetrators of these heinous crimes are brought to justice.

Finally, the Serrano/Conyers amendment also provides money for 12 new attorneys to enforce the Americans with Disabilities Act, 5 new attorneys to enforce the Voting Rights Act, 2 new positions to fight abuse and neglect in institutions, and 13 new attorney positions to enhance the Justice Department's fight against discrimination in mortgage lending, in-school segregation and employment. As numerous studies, including one by the Eisenhower Foundation, have shown, these slots are very much needed as discriminatin is alive and well in all of these areas. The number of employment discrimination cases in Federal courts has almost tripled between 1990 and 1998; and the United States has had the most rapid growth in wage inequality in the Western world, with racial minorities suffering disproportionately

In short, we strongly support the Serrano/Conyers amendment as it addresses many of the issues of discrimination and abuse that hold this nation back from realizing its full potential. We hope that you will support Congressmen Serrano and Conyers in their effort and vote in favor of their amendment.

Sincerely,

LAURA MURPHY,
Director, Washington Office, American Civil Liberties Union.

KAREN NARASAKI,
Director, National Asian Pacific American Legal Consortium.

HILARY O. SHELTON,
Director, Washington Bureau, National Association for the Advancement of Colored People.

Mr. Chairman, I also wish to bring our attention to a great injustice that we are about to commit. It would be a grave oversight if the Member's of this House forgot those who have been the most neglected. Our obligations to the Native American people of this country are ignored in the Commerce, Justice, State Appropriations Bill. The President has requested $173.3 million to provide for the Deptartment

of Justice's portion of the Indian Country Law Enforcement Initiative. The House has seen fit to provide H.R. 4690 with no money for Tribal Courts, no money for COPS grants for tribes, no money for any new or existing programs, no money for tribal law enforcement programs.

Native Americans and Native American programs have suffered at our hands for many years. This year nearly $200 million of vital funds have been slashed from Indian Health Services. Native Americans, the poorest of the poor, suffer disproportionate rates of poverty and poverty related illnesses such as diabetes, and we have seen fit to cut funding for services to those who so desperately need them, the chronically ill. Now we in the House have provided no funding for vital law enforcement programs, programs which we ensure are funded fully for our own communities. Once again we are turning our back on the indigenous people's of the United States. People whom we have given our word to, by treaty, to be provided for and protected by our Federal Government. And yet we, in the great Federal Government and our infinite wisdom, have turned our backs on them, yet again.

Mr. Chairman, crimes rates in Indian Country have not dropped as they have in the rest of the country. Yet we have not provided any assistance to Native Americans to help them, help themselves, to make their homes and communities safer places to live. By relying on our friends in the Senate to give what we have not seen fit to give, we shirk our own responsibility to a great people and to the great nation in which they live.

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

Mr. Chairman, I rise to support the Serrano-Conyers amendment and applaud them for this work and add my strong support and interest in this area.

As offered, H.R. 4690 cuts the funding requested by the Civil Rights Division by $11.8 million. This is a 12-percent reduction and provides a budget that is $3 million below what is necessary to fight for the Nation's civil rights.

A person's civil rights are his or her most precious assets in America. It is the right of equality and the right to access the courts and to establish the laws of the land and be protected by those laws. It is these rights that help us to establish that we all are created equal and are equal in the eyes of the American legal system.

The Department of Justice Civil Rights Division is responsible for the fair and uniform enforcement of the Nation's civil rights laws. Inadequate funding will ultimately lead to inadequate enforcement of these laws.

The reduced funding will deny requested initiatives to expand the Civil Rights Division's investigation and prosecution of hate crimes.

Two years have passed since the dragging death of James Byrd, Jr., on a paved road in Jasper, Texas. We cannot forget the injustice brought on Mr. Byrd as he was chained and dragged to the back of the truck by his white assailants and dragged over 2 miles until many of his body parts were torn from his body. Not only was he brutally murdered, but his civil rights were denied.

It is important that the Justice Department and the Civil Rights Division can be aggressive in its fight against hatred and discrimination and, as well, the treatment of violence against someone because they are different or have a different view.

Soon we will arrive at the anniversary of the Benjamin Nathaniel Smith Fourth of July raid through Illinois and Indiana, where he murdered and injured innocent people.

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He perpetrated these crimes because of the difference in those citizens' religious beliefs or the color of their skin. These are but two examples of the many hate crimes that warrant adequate funding to the Civil Rights Division. Reduced funding will hinder the Division's efforts to carry out pattern and practice investigations and combat incidents of police misconduct. We know that many minorities are targeted by law enforcement for no other reason than their race. Oftentimes people are stopped for no crime other than driving while black or brown. With this understanding, we must entertain the question, what security is available to the people of America when law enforcement is not pledged to adhere to the civil rights of all of us?

The Justice Department is an important element of fighting against that discrimination. As representatives in the Federal Government, we must live up to our duty to provide the best possible life for America's people. This duty includes providing protection from unjust discrimination. This duty includes providing a remedy when such discrimination takes place. This duty also includes adequately funding our government agency responsible for living up to this most important governmental function.

It is important to restore the $11 million back to this appropriation for the Department of Justice Civil Rights Division because we must remember that there are still fights to prevent gerrymandering and to prevent the days of Jim Crow from returning. The year 2000 is a census year and next year we will be dealing with different issues under the Voter Rights Act of 1965.

Inadequate funding will hinder the Civil Rights Division's responsibility to assist in the review of redistricting and other changes as required by the Voter Rights Act. We must ensure that everyone is represented and every vote is a single vote to be represented in the halls of Congress. A vote is a voice. By voting, the American people speak. Every citizen has one voice, one vote. We must take care that every citizen's vote is equally counted and not denied. Providing funding for the Civil Rights Division's review of changes as a result of the census will ensure that each voting district is equally populated. No district should be overpopulated nor underpopulated and minority groups should have the opportunity to have an impact on who is sent to the United States Congress. We saw that impact in the 1990 census which resulted in an increase in minority representation in the United States Congress. We must not see that denied.

Mr. Chairman, the funding provided by H.R. 4690 is inadequate. I support the Serrano-Conyers amendment to include an increased amount of dollars to make sure that the civil rights of all Americans are protected.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the comments of my two previous colleagues, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Michigan (Mr. CONYERS).

I also want to talk about another area of civil rights concerns and that is the civil rights of our Native American people. As all of my colleagues know, while this bill overall has many shortcomings as has been just pointed out, there is another glaring example of a shortcoming and that is one that I want to talk about. In a tight-fisted decision that one could only think was a mistake, the Indian Law Enforcement Initiative received absolutely no funding whatsoever in this bill.

Let me explain just what that means. That means that tribal courts get nothing. That means that tribal COPS grants programs get nothing. That means that programs proposed by the administration to make life a little bit better for native peoples get nothing. Not one single cent. To me, that means once again this Congress is shirking its responsibility to our first Americans.

Mr. Chairman, almost nowhere else in this country, in this Nation, is there more need for law enforcement resources than in Indian country. On many reservations crime is rampant. For example, of more than 4,000 FBI cases opened in Indian country, 46 percent involve sexual physical abuse of a minor child, 36 percent involve gang activity involving Indian youth; and we are giving them nothing. Only 1,700 BIA and tribal uniformed officers are available for 1.4 million people. Let me give Members an idea of how that relates to those non-Native American peoples. That is 1.2 officers for every 1,000 people in native country. In contrast, in non-native country, we have 2.8 officers on average; 1.2 on native lands, over 2.8 on nonnative lands.

Let us understand what the consequences of this are. Everywhere else in America, we see homicides going down. The homicide rates on Native American lands, however, are 2.6 times higher than they are for whites. They are higher than any other group in this country. Violent crime has gone down the last few years with murders down almost 25 percent. But let me underscore something. While murders have gone down 25 percent in the rest of this

country, on native territories, on native reservations, violent crimes have gone up 90, let me repeat, 90 percent.

What is this Congress' answer to that? Zero, I repeat, zero funding for law enforcement on Native American country. To me, that is absolutely unconscionable. If any one of us in our own districts anywhere in this country had the kind of crime statistics that currently exist on Native American reservations, it would be front page news. Every single talk show would be talking about it. Every story would be reporting about it. But the outrage in this story is there is not any coverage whatsoever. I am sure it has nothing to do with the fact that we all but ignore our native peoples here in this country.

The fact of the matter is we have tried in this bill to get funding for Native American law enforcement. We tried to get the President of the United States' $173 million for this initiative. It would have been an important increase in funding. But what did this bill provide? Zero. Zero funding for one of the most crime-plagued communities anywhere in this country, a region of this country where there is a 90 percent increase in violent crimes while everywhere else sees a decrease of 25 percent. We are giving them zero, zero funding.

Now, if it is your child who is getting molested, if it is your child that is getting killed and this is in your neighborhood, you would be walking down here and protesting right outside this Capitol. The fact is that it is native peoples, native peoples in this country. We ought to be ashamed of ourselves.

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

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Michigan.

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

Mr. CONYERS. I want to say to the distinguished Member in the well that he is raising an issue about Native American people that we cannot ignore anymore. I commend him for his comments.

Mr. Chairman, I rise today to bring our attention to a great injustice that we are about to commit. It would be a grave oversight if the Member's of this House forgot those who have been the most neglected. Our obligations to the Native American people of this country are ignored in the Commerce Justice State Appropriations Bill. The President has requested $173.3 million dollars to provide for the Dept. of Justice's portion of the Indian Country Law Enforcement Initiative. The House has seen fit to provide H.R. 4690 with no money for Tribal Courts, no money for COPS grants for tribes, no money for any new or existing programs, no money for tribal law enforcement programs.

Native Americans and Native American programs have suffered at our hands for many years. This year nearly $200 million dollars of vital funds have been slashed from Indian Health Services. Native Americans, the poorest of the poor, suffer disproportionate rates of poverty and poverty related illnesses such as diabetes, and we have seen fit to cut funding for services to those who so desperately need them, the chronically ill. Now we in the House has provided no funding for vital law enforcement programs, programs which we ensure are funded fully for our own communities. Once again we are turning our back on the indigenous people's of the United States. People whom we have given our word to, by treaty, to be provided for and protected by our federal government. And yet we, in the great federal government and our infinite wisdom, have turned our backs on them, yet again.

Mr. Chairman, crime rates in Indian Country have not dropped as they have in the rest of the country. Yet we have not provided any assistance to Native Americans to help them, help themselves, to make their homes and communities safer places to live. By relying on our friends in the Senate to give what we have not seen fit to give, we shirk our own responsibility to a great people and to the great nation in which they live.

Mr. KENNEDY of Rhode Island. I ask my colleagues to try to reverse this horrible trend in funding for Native American law enforcement.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Kentucky, the distinguished chairman.

Mr. ROGERS. I thank the gentleman for yielding. The previous speaker obviously has not read the bill, because there is $523 million that the committee added in the local law enforcement block grants section that is available for Native Americans. They need apply to the administration, and the money would be there. I would add, this is money that was not in the President's request.

What did the President request for this program? Zero. This committee added $523 million for Native Americans and everyone else. It does not discriminate against any group. Anybody can apply for those funds. I somewhat resent the fact that the subcommittee has been maligned in this respect because the money is there.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. My point was that we recognize there is an enormous crime problem on Native American reservations. It is not a matter of discriminating for or against our first Americans.

Mr. ROGERS. I respect that. All of us recognize there is a tremendous problem, and that is why we put money in this bill that was not even requested by the President. I resent the fact that the gentleman maintains that there is nothing in this bill for Native American crime fighting. There is. Up to $523 million.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. The point I am making here is the law enforcement block grant that the gentleman is talking about, as he said, anyone would be able to apply for that. The only trouble is on Native American reservations, we have got a crisis; and it is not a matter of them having to compete with your or my law enforcement community in our respective States. They have nothing. They have a 90 percent increase in crime. The rest of the country has a 25 percent decrease. Yet you are going to throw them in the same barrel as every other law enforcement agency. I am not disputing the fact you added to everyone's ability, but I am saying given the statistics, would it not make more sense to make sure we address specifically the instance that we are talking about?

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

Mr. WATT of North Carolina. I yield to the gentleman from Kentucky.

Mr. ROGERS. Of course this is the wrong bill for Native American assistance. That is the Interior bill. What we deal with in this bill is crime. I think we have been very generous in the bill in providing I think probably a record amount for the Local Law Enforcement Assistance Grants that the Justice Department doles out. I would hope that the Justice Department would be fair in listening to the grant applications of Native Americans because the money is there. If the gentleman is talking about general programs for Native Americans, that is the Interior bill, not this one.

Mr. KENNEDY of Rhode Island. I look forward to working with the gentleman to see that our Justice Department awards our Native American law enforcement community the funding that the gentleman has put in the bill so that they can receive the kind of support they need on these Native American reservations.

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

Mr. WATT of North Carolina. I yield to the gentleman from Wisconsin, the ranking member of the full committee.

Mr. OBEY. Just to defend the gentleman from Rhode Island, I would point out, if you look at the spread sheet for this bill, if you look at the line labeled Indian Grants, $21 million requested by the administration. Recommended by the committee, zero. If you look at the line Indian Tribal Court Program, $15 million requested by the President. Recommended by the committee, zero.

So I would suggest that while the tribes may be able to receive some assistance from some general block grant, there is, as the gentleman indicated, no specific assistance in the form of the administration's new initiative.

Mr. ROGERS. If the gentleman will yield further, by the same token, there was no request in the administration's budget for funds for Local Law Enforcement Block Grants. Not a penny. The moneys that we are providing are coming through the Local Law Enforcement Block Grant program which Native Americans would be eligible for, obviously, like everyone else. It is a matter of specifics versus the general category that we put the money in.

Mr. OBEY. I would simply say I grant that, but nonetheless it does not deny the correctness of the gentleman from Rhode Island who indicated that the administration did have a new initiative specifically aimed at dealing with the problems in Indian country and this bill does not contain the funds that were requested in this bill for that purpose.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, and returning to the amendment at hand which I understand to be an amendment by the gentleman from Michigan (Mr. CONYERS) to increase funding for the Civil Rights Commission, not that the discussion that just took place was not extremely important, I fully support my colleague from Rhode Island and his efforts to try to increase funding for crime fighting on Native American reservations.

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The amendment at hand has to do with how we fund and at what level we fund the Civil Rights Commission. On that point, I would just point out to my colleagues that hate crimes are on the rise. Police brutality is on the rise. Racial intolerance is on the rise.

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 3 additional minutes.)

Mr. WATT of North Carolina. Mr. Chairman, in the last few days, my Republican colleagues have gone out of their way to say that they are trying to reach out to the African-American community and racial minorities in various ways. They have had a big summit here for Historically Black Colleges and Universities at which they took credit for doing all kinds of things that I was not aware of that they were doing for Historically Black Colleges and Universities.

Some of them had a big press conference about all of the efforts that they had taken on behalf of black farmers; and, of course, we had to dispute that at today's press conference. The Speaker and my colleagues on the Republican side have gone out of their way to tell us how much they support a new markets' initiative that they would like to do on a bipartisan basis with the Democrats, and this is the appropriate bill, Commerce, Justice, State, this would be the appropriate bill to fund that through.

I note that there is not anything in the bill that would fund that initiative, yet, we are trying to do away with and not fully support the Civil Rights Commission, whose job it is to go into communities and investigate hate crimes, investigate police brutality, investigate and expose racial intolerance and the problems that we have in this country so that we as a Nation can confront these issues.

What would we rather do with the money? Sure, we would rather get tougher and tougher on crime and increase monies to build prisons. Yet will we adequately fund efforts to reduce intolerance? Will we adequately fund efforts to reduce hate crimes and expose them when they take place, or will we simply be parties to what is going on?

There is just an insufficient amount of money in the budget, in this bill to fund the Civil Rights Commission. There has been a tremendous amount of animus on the Subcommittee on the Constitution which has oversight jurisdiction over the Civil Rights Commission.

They spent probably as much time coming to hearings about various aspects of their operation as they have the opportunity to spend on operating the agency. I think it is time that we fund them and support the Conyers amendment.

Ms. PELOSI. Mr. Chairman, I rise to support Representative SERRANO's amendment to increase funding to enforce and protect the civil rights of all Americans. The Majority bill cuts funding from President Clinton's request for the Department of Justice's Civil Rights Division and would force the Civil Rights Division to reduce its current services. It would also reduce funding for other vital civil rights initiatives. We must take every possible step to ensure that the Civil Rights of all Americans are protected. I urge my colleagues to support this important amendment and provide the needed civil rights funding.

This bill lacks funding for many significant civil rights activities. For example, it lacks funds to investigate law enforcement patterns and practices to address policy brutality. It lacks funds to fight abuse and neglect in nursing homes, juvenile detention facilities, and mental health facilities. It lacks funds to address expected voting rights cases resulting from the Census. It also lacks funds to aggressively investigate and prosecute hate crimes. These initiatives are all very important.

Why does the Majority bill ignore these needs? What is more important than investigating abuse in nursing homes of our vulnerable seniors? Given cases like the recent episode in New York City which terrorized and sexually assaulted more than 50 women, why can't we fund investigations of potential hate crimes against these women? We should fund these efforts to protect the civil rights of all Americans and ensure our existing laws are enforced.

This bill cuts funds to two important Commissions. It cuts the U.S. Commission on Civil Rights below current services and 19 percent below President Clinton's request. It cuts the Equal Opportunity Employment Commission [EEOC] 10 percent below President Clinton's request. These Commissions deserve our support, play a fundamental role, and highlight vital issues in our national debate.

The bill lacks funds for new and expanded grant programs under the successful COPS program for activities to prevent community crime related to civil rights. For example, this shortfall underfunds the Police Integrity and Hate Crimes training initiative and underfunds police recruitment of diversified applicants that reflect the communities served. These programs serve America's communities of color and we should support them.

I urge my colleagues to support the Serrano amendment and support funding to protect and enforce civil rights.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SERRANO).

The amendment was rejected.

The Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $77,171,000: *Provided*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $77,171,000 of offsetting collections derived from fees collected in fiscal year 2001 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than $0.

AMENDMENT NO. 30 OFFERED BY MR. OBEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. OBEY:

Page 7, lines 10 and 12, after the dollar amount, insert the following: ''(increased by $20,731,000)''.

Page 90, lines 19 and 24, after the dollar amount, insert the following: ''(increased by $29,793,000)''.

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

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Mr. OBEY. Mr. Chairman, this amendment attempts to restore full funding of the President's requests for antitrust activities of the Justice Department and the Federal Trade Commission.

We have had a series of efforts in the Committee on Appropriations to try to deal with the fact that we have an every increasing concentration of economic power in all of our areas of our economy. For example, four companies currently control 81 percent of the cattle purchases and beef processing and wholesale marketing, and in 5 years we

have seen the margin between the price paid to farmers and wholesale price for beef jump 24 percent.

Four companies now control 56 percent of the pork market. The margin between the wholesale price of pork and the price paid to the farmer has jumped by more than 50 percent.

We have the same problem with poultry.

We offered an amendment in the full committee, when the agriculture appropriations bill was before it, to try to deal with the problem of economic concentration, to give the Agriculture Department more power to do that, along with the Justice Department, and the majority party voted us down.

Mr. Chairman, we now are seeking to do the same thing in other areas of the economy. I would like to read something that Justice Marshall wrote a long time ago. He wrote this,

> Antitrust laws in general and the Sherman Act, in particular, are the Magna Carta of free enterprise. They are as important to the preservation of economic freedom and our free enterprise system as the bill of rights is as to the protection of our fundamental personal freedoms.

And an article which quoted that statement, an article by Peter Carstensen, (who is a professor of law at the University of Wisconsin and with whom I graduated from the University of Wisconsin a number of years ago,) the article says this:

> With respect to concentration power and agriculture, past failure to enforce antitrust law has resulted in increased concentration in both the markets applying to agriculture and in those that process and distribute its products. These 800-pound gorillas trash the agricultural economy to protect and enrich their present and future position in the market. The farmer and rancher increasingly has no voice in shaping business policy, but simply is bound to obey orders issued by others. Once independent farmers and ranchers are becoming the serfs of the 20th century.

Mr. Chairman, I agree that that is what is happening.

If we take a look at the Sherman and Clayton antitrust acts which were adopted by this Congress a long, long time, it would be well to take a look at a speech made at the time by Senator Sherman who was a Republican from Ohio. He said this,

> If we will not endure a king as a political power, we should not endure a king over the production, transportation and sale of any of the necessities of life. If we would not submit to an emperor, we should not submit to an autocrat of trade with power to prevent competition and fix the price of any commodity.

And that brings me to the subject of oil and gasoline prices. This amendment is an effort to restore $29 million to the Federal Trade Commission and $21 million to the Justice Department for purposes of trying to assure that we have a fully competitive marketplace. We have heard a lot of noise about the problem of gasoline prices recently. The Federal Trade Commission has recently been asked to investigate gasoline price hikes across the country. Since spring, Midwest consumers are paying considerably higher prices for gasoline, many pay well more than $2.

Price increases of that kind require scrutiny by antitrust enforcement authorities to determine whether they result from collusion or any other kind of anticompetitive conduct. In addition, staff is needed to address this issue. The need for close antitrust scrutiny is particularly clear in the energy industry where even small price increases can strain the budgets of many Americans.

These increases also have a direct and lasting impact on the entire economy. In fiscal years 1999 and 2000 to date, the antitrust arm of the Federal Trade Commission spent almost one-third of its total enforcement budget on investigations related to the energy industry!

The FTC's competition mission is to protect consumers from anticompetitive conduct and that job requires substantial resources. The commission is currently hindered by resources inadequate to fulfill its statutory responsibilities.

The statutory requirements of merger enforcement during one of the most significant waves of multibillion dollar mergers in U.S. history demand the commitment of significant staff and resources to prevent possible future price increases.

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

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, those merger cases draw staff resources away from the commission's nonmerger activities, which often deal with existing continuing harm to consumers.

The Federal Trade Commission has a continuing challenge in determining how to divide its resources between its merger and nonmerger investigations. At the beginning of this decade, the staff distribution for merger and nonmerger work was roughly 50/50. At the end of the decade, the ratio had changed to more than 2 to 1 in favor of mergers.

When nonmerger emergencies develop that require antitrust investigation, such as the present gasoline price hikes, the merger wave has left the FTC with fewer resources to address the consumer harm as quickly and efficiently as warranted.

Investigations such as the gasoline pricing investigation are staff intensive, time-consuming. They require analysis of all facets of a very complex industry. An investigation like this severely strains the competing workload being handled by the Agency's 150 antitrust lawyers.

In this same industry, the FTC recently committed similar numbers of staff for its cases involving the mergers of Exxon, Mobil and BP Arco. Based on those recent experiences, it is clear that the FTC needs additional resources to fill its antitrust mission.

Let me remind you of one other fact. The gentleman from Ohio (Mr. KUCINICH) has done us a service by pointing out these facts. If we compare the net income of major oil companies first quarter to first quarter, you see that Arco is up 136 percent; Amoco, 296 percent; Chevron, 291 percent; Conoco, 371 percent; Exxon Mobil a mere 108 percent; Phillips, 257 percent, Shell, 117 percent and Texaco, ''Trust your car to the man who wears the star,'' was the old slogan, Texaco, a 473 percent increase.

It seems to me that if you want to do something about this, you should heed the words not of me, but of the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, who signed along with the gentleman from Michigan (Mr. CONYERS) a bipartisan letter asking the committee to, quote, ''provide full funding for the Department of Justice's antitrust division and the Federal Trade Commission's Bureau of Competition for this fiscal year.''

Mr. Chairman, I would just add one sentence in closing. The gentleman from Illinois (Mr. HYDE) said this:

> Antitrust laws sustain free markets and dissipate political pressure for government regulation. For that reason, Republicans and, indeed, all citizens should support it wholeheartedly. Unfortunately, some Republicans have criticized enforcement of antitrust laws, claiming that it allows government to regulate the economy and stifle innovation.
>
> On the contrary, antitrust law is the antithesis of government regulation.

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

(By unanimous consent, Mr. OBEY was allowed to proceed for 30 additional seconds.)

Mr. OBEY. Mr. Chairman, I think the case is clear, we cannot do a lot directly to influence the price being charged to consumers for gasoline or any other product, but we can try to see to it that government has enough resources to keep the rules of the game honest and to enable us to, in fact, find out what the facts are so that we are not all going on myth.

Mr. Chairman, I would urge the adoption of this amendment. It demonstrates whose side you are on.

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The CHAIRMAN. Does the gentleman from Kentucky still reserve his point of order?

Mr. ROGERS. Mr. Chairman, I do.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all, I commend the ranking member of the Committee on Appropriations for his very persuasive comments, and I support his amendment to provide full funding to the Antitrust Division and the Federal Trade Commission.

These agencies have the responsibility to enforce our Nation's antitrust laws and keep the economy competitive. Through their vigorous efforts to protect competition, these agencies save the American people not just hundreds of millions, but probably billions

of dollars annually. Unlike most other programs we fund, both these agencies bring in revenue through the Hart-Scott-Rodino filing fees, that far exceed their annual budget; and the Antitrust Division alone has brought in about $1.4 billion in criminal fines in the past 3 years.

No one in this House needs to be an antitrust expert to realize that our robust economy has placed unprecedented demands on those agencies charged with protecting competition in America. Look at the front page of the newspapers today. You see stories about the proposed mega-mergers, such as AOL-Time Warner, Sprint-MCI, Pfizer-Warner-Lambert, and Exxon-Mobile, to name a few.

Look at the hearing schedule on the Hill in recent years. There have been hearings in both Chambers on the Microsoft case, the rise in gas prices, and the United-U.S. Air merger, to name a few.

So, now, more than ever, antitrust enforcement is vital to our Nation's economic health, and that is why both agencies need additional resources to do their jobs.

The huge swell in mergers in recent years, rapidly changing technology, and the existence of international criminal cartels have placed a severe strain on the agency's resources. In the last 3 years the filings have increased by 51 percent, and so far this year they are up over 20 percent from last year.

With the additional resources that the Obey amendment will provide to agencies, they can do a better job in these several ways: first, by investigating the increasing number of large and complex mergers; secondly, by pursuing major civil cases in industries that include telecommunications, airlines and health care, to name a few; and, third, intervening to protect consumers from international cartels, like the vitamin cartel.

This amendment should be a no-brainer because the two agencies are funded using the Hart-Scott-Rodino filing fees they take in. Therefore, by raising the amount of resources, fully funding these two agencies will not place any additional burdens on the American taxpayer. They will not take any money away from any other program. But even if we did not fund these agencies through filing fees, my support of the Obey amendment would be just as strong.

Mr. Chairman, please let us move this amendment to a successful conclusion for the antitrust division and the Federal Trade Commission.

Mr. Chairman, I rise in strong support of the Obey amendment to provide full funding to the Antitrust Division and the Federal Trade Commission. These agencies have the responsibility to enforce our nation's antitrust laws and keep our economy competitive. Through their vigorous efforts to protect competition, these agencies save the American people hundreds of millions, if not billions, of dollars annually.

Unlike most other programs that we fund, these two agencies bring in revenue through Hart-Scott-Rodino filing fees that far exceed their annual budget. And the Antitrust Division alone has brought in about $1.4 million in criminal fines in the past three years.

You don't need to be an antitrust expert to realize that our robust economy has placed unprecedented demands on those agencies charged with protecting competition in America.

Just look at the front page of the newspaper today, and you see stories about proposed mega-mergers such as AOL-Time Warner, Sprint-MCI, Pfizer-Warner-Lambert, and Exxon-Mobil, to name just a few. Or look at the hearing schedule on the Hill in recent weeks. There have been hearings in both chambers on the Microsoft case, the rise in gas prices, and the United-US Air merger, to name a few.

Now, more than ever, antitrust enforcement is vital to our nation's economic health. That is why both agencies need additional resources to do their jobs.

The huge swell in mergers in recent years, rapidly changing technology, and the existence of international criminal cartels have placed a severe strain on the agencies resources. In the last three years, Hart-Scott-Rodino filings have increased by 51 percent, and so far this year, they are up 20 percent over last year.

With the additional resources that the Obey amendment will provide, the two agencies can do a better job: (1) investigating the increasing number of large and complex mergers; (2) pursuing major civil cases in industries that include telecommunications, airlines, and health care, to name a few; and (3) intervening to protect consumers from international cartels like the vitamin cartel.

This amendment should be a no-brainer, because the two agencies are funded using the Hart-Scott-Rodino filing fees they take in. Therefore, by raising the amount of resources fully funding these two agencies won't place any additional burdens on the American taxpayer, and they won't take any money away from any other program. But even if we didn't fund these agencies through filing fees, my support of the Obey amendment would be just as strong.

The CHAIRMAN. Does the gentleman from Kentucky still reserve his point of order?

Mr. ROGERS. I do, Mr. Chairman.

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

Mr. Chairman, I want to in one way associate myself with a lot of the comments made earlier, in that many of us are very, very frustrated with the lack of effort in the administration to enforce antitrust laws. Money has never been the issue; and in fact, the workload will be reduced 40 percent this next year because of the increase in the level of mergers, where they become subject to antitrust review. So there is 40 percent reduction in work, while there is an increase in both areas referred to today.

But the fact of the matter is if you want to look at the problem as far as gas prices, which is a huge problem in my home State, in Wisconsin and Illinois and the whole Midwest and throughout the country, is the fact that the administration has done absolutely nothing as far as any review or stopping any of the mergers. The gentleman spoke about Exxon-Mobile, a huge increase in profits. This Justice Department did nothing to stop it.

When you look in agriculture in my home State and the consolidation and what is happening there, the vertical integration, a great concern to my producers out there is, well, will this administration do anything about it? No. And when the Attorney General testified in our subcommittee and I asked her directly several questions back and forth, and she finally threw up her hands and said, ''I don't know what to do.''

This is not a case about money; it is a case about will of enforcement of the law. As long as we have people in this administration who do only pick and choose for other reasons, political reasons, who they go after and who they do not go after, we are never going to have any results on these problems.

So I just respectfully say that there is adequate money. With the reduction of the workload that is going to be forthcoming in this next fiscal year, a 40 percent reduction in case load, what we need actually, Mr. Chairman, is the will of someone in the Justice Department to finally stand up and do their job, rather than give a lot of lip service. We are paying for it today with vertical integration in agriculture, and we are paying for it directly at the gas pump every day.

The CHAIRMAN. Does the gentleman from Kentucky still reserve his point of order?

Mr. ROGERS. I do, Mr. Chairman.

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

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

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

Mr. OBEY. Mr. Chairman, I greatly respect the gentleman from Iowa who just spoke, but I respectfully disagree with his interpretation. The fact is the administration is in support of the amendment I am offering and the administration was in support of the amendment I offered to provide additional resources to pursue antitrust and anticompetitive activities in the agricultural area as well.

This is not a new fight. Three years ago the Senate adopted a number of amendments adding resources so that we could do this very thing, go after anticompetitive practices in the agricultural industry; and in conference the Republican majority unanimously, with one exception, voted against doing that, and we lost the fight.

I would point out it is far from the case to suggest that there has been a 40 percent reduction in workload on these cases in the Justice Department. The fact is it does not matter how many cases you have. What matters is how complicated they are. And today, in this new economy, in this very complicated economy, these issues are many times more complicated than

they were in 1910. That is why they need more resources, and that is why I have tried to offer the amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 21, 2000, and that was House Report 106–686. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b), and it is not permitted under section 302(f) of the act.

I ask for a ruling from the Chair.

Mr. OBEY. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Chairman, the Committee on Rules which reported this rule to the House also reported a previous rule to the House under which we debated the legislative appropriations bill today, and the Committee on Rules on that occasion made in order an amendment by the gentleman from Wisconsin (Mr. RYAN) which required a waiver of the House rules.

The Committee on Rules is controlled by the Speaker. It could just as easily have allowed a waiver for this amendment. We asked the Committee on Rules to provide that waiver. It did not. So, unfortunately, the majority has used the rules of the House to effectively block me from being able to offer this amendment. I regret that, but that is in fact the reality. So I must very regretfully concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,247,416,000; of which not to exceed $2,500,000 shall be available until September 30, 2002, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,381 positions and 9,529 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $126,242,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $126,242,000 of offsetting collections collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,000,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $560,438,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,168 positions and 3,892 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $6,000,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: *Provided*, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: *Provided further*, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: *Provided further*, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 10 years.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $597,402,000, as authorized by 28 U.S.C. 561(i), to remain available until expended: *Provided*, That the United States Marshals Service may enter into multi-year contracts with private entities for the confinement of Federal prisoners: *Provided further*, That hereafter amounts appropriated for Federal Prisoner Detention shall be available to reimburse the Federal Bureau of Prisons for salaries and expenses of transporting, guarding and providing medical care outside of Federal penal and correctional institutions to prisoners awaiting trial or sentencing.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $95,000,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

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, $7,479,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

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

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $3,200,000.

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, $328,898,000, 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 1,236 passenger motor vehicles, of which 1,142 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, $3,229,505,000; 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, 2002; of which not less than $159,223,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; 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: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 25,384 positions and 25,049 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation: *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.

AMENDMENT NO. 9 OFFERED BY MR. RUSH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. RUSH:

In title I, in the item relating to ''FEDERAL BUREAU OF INVESTIGATION—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert the following: ''(reduced by $8,500,000)''.

In title I, in the item relating to ''OFFICE OF JUSTICE PROGRAMS—WEED AND SEED PROGRAM FUND'', after the aggregate dollar amount, insert the following: ''(increased by $8,500,000)''.

Mr. RUSH. Mr. Chairman, today I am offering an amendment to supplement the Weed and Seed Program with an additional $8.5 million. The Weed and Seed Program does exactly what its name indicates: it weeds out violent crimes from areas where violent crime is rampant. The program also plants the seeds of crime intervention and prevention.

The Weed and Seed Program is foremost a strategy, rather than a grant program, which aims to prevent control and reduce violent crime, drug abuse and gang activity in targeted high-crime neighborhoods across the country. Weed and Seed sites range in size all the way from several neighborhood blocks to 15 square miles.

The strategy involves a two-pronged approach. Law enforcement agencies and prosecutors cooperate in weeding out criminals who participate in violent crime and drug abuse, attempting to prevent their return to the targeted area. The seeding aspect of this brings human services to the area encompassing prevention, intervention, treatment and neighborhood revitalization. A community-oriented policing component bridges Weed and Seed strategies. Officers obtain helpful information from area residents for weeding efforts, while they aid residents in obtaining information about community revitalization and also seeding resources.

In today's society, we often hear that people must take responsibility for their actions for their communities. The Weed and Seed Program is proof positive that communities are seeing to it that criminals take responsibility for their action. The program has also proved that people are willing to work with law enforcement agencies and officials on a local level to reduce violent crime in their communities.

There might be those who argue that this amendment will take money away from the FBI's efforts to fight crime in this country. Nothing could be further from the truth. This amendment will supplement, support, and complement the FBI's effort.

Therefore, no matter what side of the argument one is on, we are for the same thing, and that is safer communities.

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The Weed and Seed program is simply designed to supplement the efforts of the FBI by detecting and weeding out crimes on a community level.

Mr. Chairman, it is interesting to note that the largest recommended increase in the DOJ's budget will go to the detention of prisoners. I am not against the detention of violent criminals, but instead of an almost $800 million increase for detention, why not allocate a measly $8.5 million for an increase in a program that is about crime prevention. The question is, and I ask, are we really serious about reducing crime, or are we simply interested in building more prisons, more warehouses? If we are truly interested in reducing crime, we must pay as much attention to preventing crime as we do to locking up prisoners. The Weed and Seed program is the perfect way to strike that balance.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this amendment.

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

Mr. Chairman, this amendment would take $8.5 million out of the FBI salaries and expenses, that is personnel. Like all of our State and local law enforcement grant programs, Weed and Seed is maintained in this bill at its current level. There are no cuts. But I would point out that in addition to the money that is directly appropriated for Weed and Seed, the Attorney General is authorized in our bill to direct other Department of Justice funds over to the Weed and Seed program and, in fact, for the last several years, they have asked and we have consented to reprogramming $6.5 million from the asset forfeiture fund each year to the Weed and Seed program. So there is plenty of money, I think, available for the program. If the Justice Department feels at any time a shortage of monies in this account, they can simply reprogram monies from another place toward it.

Mr. Chairman, what I really have a problem with in the amendment is where the monies would come from if this amendment is passed. They would come out of the FBI's salaries and expenses account. Now, we have scraped every portion of the bill we can with limited assets to try to find the money to maintain this war on crime and drugs. The Weed and Seed program is a vital part of it, but so is law enforcement, and we must not cut the enforcement portion of the fight against crime, and we would do so if we cut the FBI by this figure.

Despite our funding constraints, we have tried, Mr. Chairman, to strike a balance to preserve critical Justice programs like Weed and Seed, and, of course, the FBI. So I would urge that we reject this amendment.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Illinois (Mr. RUSH) will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. RUSH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. RUSH:

In title I, in the item relating to ''FEDERAL BUREAU OF INVESTIGATION—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert the following: ''(reduced by $5,000,000)''.

In title I, in the item relating to ''COMMUNITY ORIENTED POLICING SERVICES'', after the 1st and 6th dollar amounts, insert the following: ''(increased by $5,000,000)''.

Mr. RUSH. Mr. Chairman, I rise in support of the Community Oriented Policing Services program, or COPS. I am offering an amendment to increase the funding to the School Violence Initiative portion of that program by $5 million.

The School Violence Initiative provides grants to agencies and schools for programs designed to prevent violence in schools. Under this initiative, community organizations and school officials work alongside police officers to prevent gang violence and drug activity in and around elementary schools.

In the wake of the Columbine incident and in the wake of countless acts of school violence in this country, I know that all of my colleagues are eager to join in support of this amendment.

There are millions of children in this country who go to school every day eager to learn and to simply be among their peers. How devastating that these children should have to fear for their lives while in a learning environment. Those children who go to school should not have to fear for their lives while they are in school. School should be sacrosanct.

The Community Oriented Policing Services program is only part of a program that funds, hires, and rehires for police and at the same time pays for equipment. The School Violence Initiative is only a drop in the bucket of what we in the Congress should do to stem the rising tide of school violence. But, it is an important drop in that same bucket. Why do we in Congress cry out in anger and in sadness when there is a school shooting? Why do we wait until a story hits the evening news before we decide that we must do something about violence in schools? Why do we wait until another child dies before we do what we must do about violence in America's schools?

Mr. Chairman, we must put the money behind the rhetoric and fund a program that gives our children a better chance at life. I urge my colleagues on both sides of the aisle to support this amendment.

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

Mr. Chairman, the bill already provides significant resources to combat school violence. In fact, it is a matter that we were very concerned about in the subcommittee in our hearings and in the markups. In fact, the bill provides $195 million earmarked to address school violence, including $180 million in the COPS hiring program devoted exclusively to continue the initiative to hire police officers to work in schools full time. That is an initiative which the administration's budget proposed to eliminate, I might point out.

An additional $15 million is also included for grants to local law enforcement agencies and schools to work together to combat school violence. We also provide $250 million for the Juvenile Accountability Block Grant Program that communities can use to address juvenile violence which the administration also proposed to eliminate, I might add.

I would point out that the gentleman's amendment again proposes to cut the FBI's funding that we have provided to them to ensure that they can address the growing counterintelligence threats and to do their job effectively.

I would point out that there are millions of dollars in this bill already to address the problem with school violence, and to add more at the expense of the FBI would not be right.

Mr. Chairman, I urge rejection of this amendment.

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

The amendment was rejected.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 9 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I ask unanimous consent that my request for a recorded vote on Amendment No. 9 be vitiated.

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

Without objection, the voice vote on which the noes prevailed will be the order, and the amendment is not agreed to.

There was no objection.

Mr. LEWIS of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with great sorrow and a heavy heart. The eyes of the world are upon us and the yoke of justice lays heavy upon our shoulders. But today, Mr. Chairman, justice will not be served.

On this day, June 22, 2000, another man will die in Texas. He will not pass by the mercy and the grace of God; he will be executed at the hand of the State.

I am not here to defend the action of those who sit on death row, but I rise to condemn the taking of life. To kill a man, any man, is not moral, it is not just, and it is not right.

The death penalty is not becoming of a civilized society. It is not worthy of a great Nation. Human life is the gift of the Almighty. Who are we to take that gift away?

This afternoon, a man will die in Texas. A piece of our humanity will die with him.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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, $1,362,309,000; 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, 2002; of which not to exceed $50,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,484 positions and 7,394 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

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, $5,500,000, to remain available until expended.

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:

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Texas (Mr. ROGERS). I want to thank the chairman of the subcommittee for his strong interest and support in increasing Border Patrol staffing.

This issue is of particular interest to me because I represent a northern border district. My district, as well as other areas along the northern border of Washington State, are facing growing immigration and illegal narcotics concerns. I wonder if the chairman would provide me guidance on the likelihood of getting additional Border Patrol agents for the northern border.

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

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

Mr. ROGERS. Mr. Chairman, the gentleman from eastern Washington is

rect. We need more agents and support staff on the northern border. In fact, in the House report, we continue to admonish the INS for their failure to address the problems along the northern border, as well as their failure to hire the Border Patrol we have already funded for them. In fact, INS has still not yet hired over 1,700 agents that we provided funding for within the last 2 years.

However, I will note that the Spokane border sector in Mr. NETHERCUTT's district will receive an additional three agents in the near future.

Mr. NETHERCUTT. Mr. Chairman, I agree that the Clinton administration should improve its Border Patrol hiring record. While I am grateful for three additional agents, the Spokane sector which stretches through three States from the Cascade Mountains to the Continental Divide still needs 12 additional agents to get to full staffing.

I understand this process takes time and will continue to work with the chairman and the Immigration and Naturalization Service on this matter.

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

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

Mr. ROGERS. Mr. Chairman, let me congratulate the gentleman. He has been so persistent on this issue, and he has been heckling this committee for a long time on this subject, and I can assure the gentleman that we will continue to work with him. We have made a little progress at his request, and we will continue to do that, and we will continue to work with the gentleman next year, even, on dealing with the problem.

Mr. NETHERCUTT. Mr. Chairman, I thank the chairman for his good work on this bill, and certainly on this subject.

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

Mr. Chairman, next week marks a year since Benjamin Smith took to the road in Chicago armed with two handguns. He hijacked a minivan and then began a shooting spree where his intended targets were blacks and Jews and Asians.

What most people do not realize is how easily Benjamin Smith could have been prevented from doing this. When Benjamin Smith went on his killing spree, the two handguns he acquired were acquired illegally by an unlicensed dealer, only days after failing a national instant background check by a licensed gun dealer. At that time, Benjamin Smith was subject to a court order of protection for domestic violence. He was, therefore, breaking the law. He attempted to buy a gun from a licensed gun dealer. Had the local authorities been notified of this instantly, Benjamin Smith would likely have been arrested and would not have gone on to purchase guns illegally and begin his killing spree.

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Tragically, the appropriate authorities were not notified of his illegal attempt to purchase firearms until after he had killed two innocent people and injured 9 others.

For those voices in Congress, Mr. Chairman, and those voices across America who argue time and time again that we must do a better job of enforcing existing laws, do I have a bill for them.

Last year I introduced legislation designed to enforce the national instant background check, or NICS system, by requiring the immediate notification of local law enforcement authorities when an individual like Benjamin Smith fails an instant background check, which is a violation of the law.

Even though criminals and other restricted persons who attempt to purchase firearms are in violation of Federal, State, and local law, rarely, rarely are such violations reported in a timely manner to proper law enforcement authorities. In all too many cases, law enforcement is not notified that somebody broke the law.

Establishing a timely notification system would allow law enforcement to determine when they believe there is a threat to public safety in their communities. The Illinois State police have established such a program, modeled on my legislation, to immediately notify local law enforcement of such crimes. I hope my colleagues and I can work together with the Justice Department to implement this system on a national level.

The issue of gun safety, Mr. Chairman, is full of contentious issues. This, however, is not one of them. This is about the means of enforcing laws that are already on the books. It embodies a concept that the NRA claims to support, and has the support of groups like Handgun Control.

This is an amendment that helps to enforce the law and prevent those who legally cannot have guns from getting guns. If Members believe criminals with guns should be prosecuted, Mr. Chairman, support this amendment.

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

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

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman's interest in this issue. We have not had time to fully study the issue, but I would be happy to work with the gentleman on this important issue in the hopes that he would be able to withdraw the amendment at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read 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 3,165 passenger motor vehicles, of which 2,211 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, $2,547,899,000; 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: *Provided*, 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, 2001: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 19,766 positions and 19,183 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: *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.

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'', $573,314,000, 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 40 permanent positions and 40 full-time equivalent workyears and $4,300,000 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 four permanent positions and four full-time equivalent workyears: *Provided further,* That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001: *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, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 3,182 positions and 3,279 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: *Provided further,* That, notwithstanding any other provision of law, during fiscal year 2001, 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.

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

Mr. Chairman, I want to enter into a colloquy or statement with the chairman. Yesterday, Mr. Chairman, the gentleman and I spoke about the difficulties we have been having in properly servicing legal immigrants in my hometown of Omaha, Nebraska, a highly underserved area by way of services from the INS.

I am pleased to say that the INS and the gentleman from Kentucky (Chairman ROGERS) and the committee and I have come to an agreement, and I will be submitting that for the RECORD under general leave.

I submitted two amendments in order to help remedy this problem, but with the agreement of the INS and the chairman those are no longer necessary, so my intention is to not offer those amendments.

Mr. Chairman, I include for the RECORD a letter from the Immigration and Naturalization Service.

The letter referred to is as follows:

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,

Washington, DC, June 22, 2000.

Hon. LEE TERRY,

House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN TERRY: This letter is being provided in response to concerns raised by your staff regarding the Immigration and Naturalization Service (INS) Omaha District Office relocation project. The INS Omaha District Office, like many other INS facilities across the Nation, is severely overcrowded due to staffing increases and increased demand for immigration benefits and support. However, over the past 5 years, funding for facilities expansion and improvements has not kept pace with the growth in personnel and customers.

The INS began working with the General Services Administration, the City of Omaha, and local INS Management to plan the acquisition of a new facility in FY 1999 and has already invested over $600,000 in the project. In addition, the INS has taken interim steps to alleviate some of the overcrowded conditions at the current office. This includes relocating selected units to temporary space away form the main District Office and acquiring space in a nearby building to provide expanded waiting room area so that our clients would not have to stand in line outside the building in all weather conditions waiting to be serviced.

The INS will proceed with the Omaha District Office relocation project in FY 2001. The remaining estimated direct costs that must be borne by the INS to complete the acquisition and buildout of a new facility are $1.32 million. This will include; the above-standard buildout for communications, holdrooms and alien processing, waiting rooms, armory, alien property, security, furniture, telephone and ADP cabling.

The INS requested $111.1 million for the Construction Appropriation. The House Appropriations Committee has provided $110.7 million. The $71,000 reduction has no affect on the resources budgeted for the Omaha District Office project. The funding for the Omaha District Office acquisition and buildout is included in the level provided by the Appropriations Committee.

The present plan is to pursue the acquisition and buildout of a new facility on an expedited basis in FY 2001. Once the FY 2001 Commerce, Justice, State Appropriation Bill is singed into law and the funding is made available to INS, the new facility can be ready for occupancy within 18–24 months.

The INS considers the relocation of the Omaha District Office a very high priority. We hope this addresses your concerns. Please contact either Gerri Ratliff on 514–5231 or Barbara Atherton on 514–3206 if more information is needed.

Sincerely,

GERRI RATLIFF,
Acting Director, Office of Congressional Relations.

BARBARA J. ATHERTON,
Deputy Assistant Commissioner, Office of the Budget.

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

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

Mr. ROGERS. Mr. Chairman, we were happy to work with the gentleman. He has been very persistent in trying to solve this problem. I think we have been successful, and we look forward to working with the gentleman further on it as the need may arise.

Mr. TERRY. I thank the chairman.

REQUEST FOR PERMISSION TO OFFER AMENDMENT BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment, page 19, line 2.

The CHAIRMAN. Would the gentlewoman send the amendment to the desk?

Mr. ROGERS. Mr. Chairman, may I inquire which amendment we are discussing?

The CHAIRMAN. The clerk has read past the point where the amendment of the gentlewoman from Texas (Ms. JACKSON-LEE) was in order.

Does the gentlewoman from Texas ask unanimous consent to return to that portion of the bill so she can offer her amendment?

Ms. JACKSON-LEE of Texas. Yes, I do, Mr. Chairman.

Mr. ROGERS. Reserving the right to object, Mr. Chairman, I am not sure which amendment it is we are being asked to consider.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 19, line 2, after the dollar amount, insert the following: ''(increased by $24,000,000)''.

Page 22, line 16, after the dollar amount, insert the following: ''(reduced by $24,000,000)''.

Mr. ROGERS. Mr. Chairman, I am constrained to object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

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, $110,664,000, 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 707, of which 600 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, $3,475,769,000: *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 FPS, furnish health services to individuals committed to the custody of 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, 2002: *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 three years and seven additional option years for the confinement of Federal prisoners.

AMENDMENT NO. 19 OFFERED BY MR. CAMPBELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. CAMPBELL:

Page 23, line 2, after the dollar amount, insert the following: ''(reduced by $173,480)''.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from Michigan (Mr. BONIOR), who is the cosponsor of this amendment.

Mr. Chairman, most Americans do not realize, and when they do, they express great surprise and disappointment, to learn that we keep people in jail in our country on the basis of evidence that they have not seen. This shocks and surprises Americans, because we tend to believe that this is a violation of our Constitution, and indeed, it is, as every court which has been called upon to rule has so held.

But the Department of Justice has not followed this across-the-board, and it has applied the rulings of a court in a particular case only to the facts of that case, so that today, on the best information we have available from hearings that were held in the Committee on the Judiciary, eight people remain in jail in the United States on the basis of evidence that they have not seen.

How is this possible? The Constitution of the United States says that ''No person . . . shall be deprived of life, liberty, or property without due process of law.'' No person. These are persons. The argument is given by the Department of Justice, well, they are not citizens, so we can treat them differently. The Constitution does not say ''citizens'' in that clause, it says that no ''person'' shall be deprived of life, liberty, or property without due process of law.

If someone is in jail, they are deprived of their liberty. There are no two ways about that. Yet, when the cases are brought, the Department of Justice chooses not to appeal, just limiting the holding to that case. And so today eight people remain in jail on the basis of evidence they have not seen.

There is an argument that is raised sometimes that if one is an immigrant, they are not entitled to the same kind of rights because they do not have a right to come into this country in the first place. I understand that. That is an argument the Supreme Court has accepted in several contexts. But that has to do with excluding somebody, keeping them from coming in, in the first place.

In the case of one individual, Mazan al Najjar, whom I went to visit personally in jail in Florida, he had been in this country for over a dozen years. He was a professor at a university in Florida, a man with a family, with children, viewed by all as a pillar of the community.

When I spoke with him, I asked him what had happened. He said that the FBI and INS came in and seized him in front of his children and took him away in handcuffs, and he has been in jail for over 3 years, Mr. Chairman, over 3 years. He said (I do not know this from the INS but from him); he said the INS offered him citizenship if he would only tell on other relatives. He would not, because he had nothing to tell.

This attitude of treating people who are not yet citizens differently is not consistent with fundamental fairness. If there is evidence that an individual who is in this country is dangerous to our country, then make that case on the basis of evidence that is presented to the individual, so he or she can confront the evidence and present a defense.

That is what we do with those we suspect of terrorism if they happen to be citizens. If should not be any different if they just happen not to be a citizen, and yet that is what has been done.

Mr. Chairman, this issue has come before the District of Columbia Circuit Court of Appeals, before the 9th Circuit Court of Appeals, before the Federal U.S. District Court in New Jersey, before the Federal District Court in Florida, and every time it has come before these courts it has been held to be an unconstitutional practice.

It thus became the subject of a bill that my distinguished colleague, for whom I have the highest admiration, the gentleman from Michigan (Mr. BONIOR), authored, which was the subject of hearings in the Committee on the Judiciary.

I want to take a moment now and thank the subcommittee chairman, the gentleman from Texas (Mr. SMITH), and the full committee chairman, the gentleman from Illinois (Mr. HYDE), for graciously offering us an opportunity for a hearing for us to present this situation in our country.

Mr. Chairman, during this hearing we learned that the INS is continuing this process, and that eight people remain in jail today. So what I did in this amendment is to take the average cost of keeping one person in jail in the United States prison system and multiplied it by eight. That comes up to $173,480. I think we speak about millions and billions so often around here, Mr. Chairman, that we can forgive the House Action Reports, but for anyone hearing my voice, this amendment was reported in that source as costing $173 million. It is not, it is $173,000. It is just that we get so used to the big numbers around here.

But this amendment, offered by myself and my colleague from Michigan and my other colleagues, the gentleman from South Carolina (Mr. SANFORD) and the gentleman from Illinois (Mr. LAHOOD), cuts that amount of money out of the budget.

The CHAIRMAN. The time of the gentleman from California (Mr. CAMPBELL) has expired.

(By unanimous consent, Mr. CAMPBELL was allowed to proceed for 30 additional seconds.)

Mr. CAMPBELL. Mr. Chairman, my amendment cuts that money out. This amendment cannot legislate. It does not touch the law, because we cannot legislate on an appropriation bill.

What it does, though, is to give each of us a chance to go on record in a symbolic way, that is all we can do, but in a very important way, and say, this is not the America that we want.

I urge Members to please vote yes on the Campbell-Bonior-Sanford-LaHood amendment.

Mr. BONIOR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all, let me thank my colleague, the gentleman from California (Mr. CAMPBELL), for his leadership on this issue, and thank the ranking members of the subcommittee for being gracious enough to allow us to have a debate on this.

This is a basic, fundamental issue of justice, no more basic than I think any piece of legislation that I have had to deal with in my years in this Congress.

Mr. Chairman, if Members can imagine a college-educated professional living in a sophisticated city, a respected member of the community working with children, who has been there 19 years, is a marriage counselor at the mosque, a loving father with three children under the age of 11, and then one day, unbeknownst to the person, the police and the FBI with a newspaper photographer come into the home, arrest the person in front of his family, takes him away.

He has been in jail now for 3 years. They will not tell him why they arrested him, they will not tell his attorney why they arrested him, and he has no idea how long he will be there. In those 3 years, Dr. Al Najjar has not been able to see his children but three times to hug his children.

I have raised this case with the President of the United States, Mr. Burger, with as many people as I can across the country. It is an outrage that we have a body of law that allows this to happen in the United States of America, with no trial.

What about the secret evidence? The person is told it is secret, so they cannot tell him what it is. It may sound like Franz Kafka, but it happens here in the United States. Regrettably, we have had a tradition in this country of looking at specific groups historically, singling them out, and treating them in the same fashion, whether it was the Native Americans; African-Americans, termed three-fifths of a human being in our Constitution; Japanese-Americans, who were taken from their homes and interned during the Second World War, 120,0000 of them; members of the Jewish community interned, or not interned but discriminated against during the McCarthy era, and now the

Arab-American and the Muslim community are suffering from the same kind of persecution.

Mr. Chairman, we need to stop this. The amendment that we have before us would do just that. It would take the money that is keeping these folks incarcerated and eliminate it from the bill.

Let me just say that in the instances where this evidence has been considered in a court of law, it was found to be unsubstantiated hearsay, and in one case, in the U.S. District Court for the Eastern District of Virginia, they said, ''The use of secret evidence against a party is an obnoxious practice, so unfair that in any ordinary litigation context its unconstitutionality is manifest.''

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Four Federal courts now have ruled on this important issue. In fact, no fewer than four have ruled on this issue. That is why this amendment is so important. By cutting off all funds used to detain people based on secret evidence, we will send a message that this Congress still believes that the right to confront one's accuser is an important part of our Bill of Rights and our Constitution. To hear the evidence against one is an important part of our Bill of Rights and our Constitution. The right to a speedy and a fair trial is as sacred today as it was when the Framers drafted our Constitution.

Mr. Chairman, today we have the opportunity to stand up and say we oppose the use of secret evidence, not because our commitment to combatting terrorism has grown weak, but because our love for the Bill of Rights has never been more strong.

Mr. Chairman, I urge my colleagues to vote for this amendment. If we vote for this amendment, we will send the message that the government then either has to charge these individuals and let them know why they are being charged or they have to be let go. That is the way of this country, that is the way of this Constitution, and that is how we should reflect in our vote this evening. I ask my colleagues for their support on this amendment. I thank, again, the gentleman from California (Mr. CAMPBELL) and others who have sponsored it.

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

Mr. Chairman, I rise in strong support of the amendment from the gentleman of California (Mr. CAMPBELL). In the amendment and in his underlying legislation, which has strong cosponsorship from both sides of the aisle, he asks a fundamental question: Should anyone in this country be held without being given the opportunity to face their accuser and to review the evidence that has been put forward against them? The simple answer is no. This is brought forward by the concern that we all share for the fundamental rights enshrined in our Constitution and for the fundamental concern that we all share for the rights of due process.

The cosponsors of this legislation, and I would assume the range of Members that will vote in favor of this amendment, do not agree on many issues. They come from the center, the left, the right, and from all different perspectives on the issues of crime and punishment and how we view our own role as Federal legislators in dealing with crime and punishment.

But we share one fundamental value, and that is to protect the integrity of our judicial system, to protect the integrity of the fifth amendment, which should protect everyone in this country from being held without due process.

We do not make judgments on their guilt or innocence of those that are being held, but we make judgment on the right or the wrong of preventing them from reviewing the evidence that has led to their incarceration. I think the gentleman's amendment is modest, but it makes a principled point that no one should be held without being able to face their accuser. I am pleased to support the amendment and pleased to support the underlying legislation as it moves through the committee process.

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

Mr. Chairman, I move to strike the requisite number of words on the Secret Evidence Repeal Act to urge everyone's full support of the Campbell-Bonior amendment. This is a cohesive force. The gentleman from New Hampshire (Mr. SUNUNU) is absolutely correct from all spectrums on that political horizon. So this is good. This is healthy for all of us that the entire spectrum of political opinion is supportive.

The United States of America is a Nation based on fairness and opportunity. The cornerstone of our judicial system is the right of the accused to know what one is accused of and to see the evidence the accusation is based upon. This is very fundamental. Our laws do not extend this protection to noncitizens who are suspected of terrorism.

Instead, the INS uses secret evidence to interfere with applications for immigration benefits and even to detain and deport the people. The INS has gone far beyond the IRS in being public enemy number one. The Secret Evidence Repeal Act prohibits the use of secret evidence in INS proceedings and guarantees that anyone detained for deportation will have legal representation and an opportunity to review all of the evidence being used against them.

Today's amendment, the amendment of the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR), and I am proud to be cosponsor of it, is important because it cuts funding from the account used to detain those immigrants on the basis of this secret evidence. Supporting this amendment is supporting due process, quite frankly, the American way across the political spectrum.

I support this bill and support the amendment because I believe in the right of every American, every American resident to be treated with equal justice. We are a country of many backgrounds, many faiths. We have an obligation to treat all residents with the same respect and fairness.

I urge all of us to support the amendment because we are not a Nation of justice for some, we are a Nation of justice for all. This is a good deal for America.

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

Mr. Chairman, the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR), and the sponsors of this legislation, seek to find a solution for one of the delicate balancing acts in a democracy; and that is, how we protect individual rights and liberties and freedom while protecting the Nation as a whole from threats to its national security.

I would submit that this amendment is both unnecessary and unwise. We do not have to look very far to think of a hypothetical that this amendment would make a reality. Let us imagine for a moment that the Immigration and Naturalization Service, in cooperation with the other Federal agencies, all of which oppose this amendment, seek to detain someone for exclusion from the country because they have evidence that he is a terrorist. The evidence that he is a terrorist is that he has been photographed and spotted making bombs at secret locations throughout the Middle East or throughout China or throughout Texas or throughout South America.

The only way that they could hold him or to detain him would be to show him this information about this terrorist, the photographs that they have, the information that they have of where these cells are located.

It is intuitive, Mr. Chairman, that revealing that type of information to a terrorist undermines our ability to stop terrorism. It is unfortunate, it is problematic, but it is a fact of life that we deal with information very often in this Chamber and in the halls of government, that it is a protection that we keep secret. We collect it in secret. We use it in secret. It is an awkward co-existence with our beliefs that people should have a right to every piece of information being used against them.

But one also does not need to look at hypotheticals. When Sheikh Omar Abdel Rahman, who was on trial for conspiracy to blow up the United Nations and tunnels and Federal buildings in my hometown of New York City, when information was being considered about his application for asylum, the judge considered that information in private, in secret. This was challenged

in court in Ali v. Reno, and it was upheld. The court said at the time that there are some instances where it is absolutely essential that the secret information that is collected by government be used in secret.

It is also unnecessary, this amendment, because the Justice Department has recognized that some of the things that the gentleman from Michigan (Mr. BONIOR) and some of the things that the gentleman from California (Mr. CAMPBELL) have pointed out are problematic and need to be addressed. They are in the process of a very difficult analysis of every single one of these cases to make sure that no suspect is held without justification.

Can I say with certitude that, if we pass the amendment or if we do not pass the amendment, that someone who is innocent of any crime might not be detained and might not be inconvenienced and might not feel a violation of his or her rights, I cannot say that. But I can say that by passing this amendment and other efforts to categorically, across the board, deny the use of secret information would do, I believe, irreparable harm to our ability to stop terrorists before they come into this country.

We frequently speak with two voices. We here speak eloquently, and I say there are no two men who I respect more in this body than the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR) about our need to defend civil rights and liberties. I take a back seat to no one in that regard.

But by the same token, we pass laws around here that send the message to our law enforcement authorities we want them to stop terrorism before it gets a chance to get off the ground and stop it before it comes through this country.

When we had an experience in this country where someone successfully brought a bomb into the World Trade Centers and ignited it, there was naturally concerns about whether or not we were doing enough to stop terrorism. This bill would gut the Anti-Terrorism and Effective Death Penalty Act of 1996 and a whole series of other bills.

I do not question for a moment the goodwill of the sponsors of this bill, but I do urge them all to think carefully about what information we would be required to be made public.

Let me just conclude. I started with a hypothetical; let me end with a hypothetical. Let us assume in that hypothetical they had turned over the information. That was one option. The other option under this legislation, the amendment we are considering today, is they let the person go free, they let the person into the United States, they let the person come in here and, God forbid, do the damage that they sought to do when they came to this country. Neither scenario is a good one.

The sponsors are right that the present law and the present method of doing anything needs to be improved, but I do not believe the alternative is better.

Mr. Chairman, I gladly yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank the gentleman from New York for yielding to me. I wanted to raise a point with him.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from New York (Mr. WEINER) has expired.

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

Mr. WEINER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, the reason I want to raise that is because there was a trial, and people were provided with an opportunity to defend themselves and charged except for one individual. His name was Hany Kiaraldeen and Hany Kiaraldeen spent 19 months in jail on secret evidence. When he finally got to the court, and he was part of the charge here in the World Trade bombing, and when he finally got to the court, I would tell the gentleman from New York, the court and the judge looked at the evidence, and they decided that it was not corroborated, that it was an estranged spouse who had a beef against him that kept him in jail for almost a year, more than a year and a half of his life. He could not see that evidence for a year and a half.

So that is the kind of individual we are trying to protect. Had he been able to see the evidence earlier, he could have made his case, he could have gone to court, and he would have been free today. But that took 2 years almost out of that man's life.

Those are the kind of people we are trying to protect, not the people who engage in terrorism. We do not condone that for one second, but we do not want people like Hany Kiaraldeen, and Nasser Ahmed and Mazen Al-Najjar who have spent 2 and 3 years in jail who have suffered as a result of not being able to confront their accuser.

Mr. WEINER. Mr. Chairman, reclaiming my time, I appreciate it, and that was an example of what this amendment seeks to address.

What this amendment does not seek to do but may do is allow the freedom for cases like Mohammed Abu Marzook, the leader of the political wing of Hamas, where that secret evidence was used in the INS detention proceedings and exclusion proceedings against him, and it turned out, I think many of us would argue, he did indeed pose a threat.

I do not argue the contention for a moment that the process that we use must be perfected. I, however, believe that by doing it in such a Draconian way is not wise.

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

Mr. Chairman, I rise in strong support of the Campbell–Bonior amendment to cut funds from the account used to detain immigrants on the basis of so-called secret evidence. My reasons are very simple. Basic human rights and due process under law are cornerstones of our democracy. They are too easily undermined for immigrants. I believe, however, that in the United States our Constitution provides protections to all individuals, citizen and alien alike.

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And the use of secret evidence as a means to detain somebody for months or even years without legal recourse is a violation of basic due process. It is that simple.

Mr. Chairman, we are a Nation of immigrants. With the exception of Native Americans, our ancestors came here from all parts of the world. Our families and our communities are the living legacy of immigrants seeking new opportunities in America. Often they were fleeing nations where they had no rights, where they were denied due process and equal justice. It is because of this history that we as a Nation of immigrants cherish our rights to due process in the courts. These include the right of the accused to face their accuser, and to see, hear and respond to the evidence presented against them.

Judges who have ruled on secret evidence in several immigration cases have determined that the defendants should be released from jail because not only did the secret evidence not appear related to protecting national security interests, it was determined by the judges to be unreliable.

It seems to me that the use of secret evidence is a feature of totalitarian governments, not of a democracy, and certainly not of the United States of America. Clearly, we must protect all Americans from acts of terrorism and from those who plan or carry out such acts. No one, Mr. Chairman, absolutely no one in this body, would put our Nation at risk from a terrorist attack. But this is America, and even in those instances, evidence must be solid and able to withstand just additional scrutiny.

Time after time it has been demonstrated that we have the ability to apprehend and successfully prosecute truly dangerous terrorists, such as those who bombed the World Trade Center. But our national security also depends on the strength of our democratic institutions and on the fairness of our courts. I urge my colleagues to support the Bonior-Campbell amendment.

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

Mr. Chairman, this amendment would, I am sure unintentionally, jeopardize our national security and endanger public safety. Often the Government obtains classified evidence which, if provided to terrorists and made public, would gravely endanger U.S. agents and weaken U.S. intelligence sources.

When the Government uses classified evidence to remove a terrorist, the terrorist often delays the deportation with lengthy court appeals. Usually the terrorist must be detained during his appeal, since Justice Department studies show that more than 90 percent of criminal or terrorist aliens are likely to abscond. This amendment would eliminate the funding used to detain terrorists if classified evidence is used against them. This would force the Justice Department to choose between either letting terrorists go free within the United States or revealing classified evidence that could expose U.S. agents abroad and compromise U.S. intelligence operations.

In sum, this amendment would make the Government release terrorists regardless of the consequences. It would effectively require the Government to release terrorists and suspected terrorists who are now in custody and who would then be free to commit other terrorist actions. The use of classified evidence against terrorists is a rare but vital law enforcement tool that must be managed carefully by U.S. intelligence and law enforcement agencies.

The Justice Department is now conducting a review of all pending cases to ensure that individuals are not held without justification. Meanwhile, it would be dangerous to abolish all use of classified evidence against terrorists.

This amendment is opposed by the Justice Department, the Anti-Defamation League, and other law enforcement and intelligence agencies and anti-terrorist organizations. I urge my colleagues to oppose this amendment, too.

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

Mr. Chairman, we struggled with this question in the Committee on the Judiciary 4 years ago when this was adopted. I yield to no person in my abhorrence and opposition to terrorism. The World Trade Center explosion occurred in my district about 6 weeks into my first term of office. But I also yield to no one in my regard for due process of law and for the basic protections that we have held to protect the liberties of people ever since Magna Carta. And the use of secret evidence is fundamentally abhorrent to every concept of due process and the rule of law of every Anglo-Saxon legislative chamber and concept of law we have had for the last 900 years or so.

We have to balance some considerations. There are terrorists in this world, and they pose a threat. There are also spies who steal atomic secrets, and they pose a threat. This Congress passed a number of years ago the Classified Information Protection Act, CIPA, which deals with crimes, not with immigration; which deals with espionage, and gives people accused of serious crimes of espionage far more rights when secret evidence is sought to be used than does this law with respect to immigrants of whom we suspect they may be involved with terrorism. There is no reason why we should not give those immigrants the same due process rights, if they are accused of terrorism, as we give to people accused of stealing atomic or other secrets or of espionage or of other serious crimes.

I am not comforted to hear a colleague talk about how the State Department assures us, or the Immigration and Naturalization Service assures us that they use this terrible power of prosecuting people with secret evidence sparingly and with discretion and with sensitivity. If history teaches us anything, it is that we trust no man with such power because that way lies tyranny. We can strike a much better balance.

This law, which this amendment seeks to render inoperative, says that if in the judgment of somebody, if they can go to the judge and persuade him that evidence is too sensitive to be made public, then that evidence can be used against the accused if they give him a summary of the evidence sufficient to provide a defense. Not as good a defense as if he knew the evidence, but a defense. Any old defense. And if they judge even that too dangerous, they can still use the evidence. So a man can be placed on trial, or a woman, and ask: What am I accused of? We can't tell you. Who are the witnesses? We can't tell you. What are the allegations? We can't tell you. What is the evidence? We can't tell you. Go defend yourself. Ridiculous. Impossible.

The Classified Information Protection Act says, and this is what we rely on in espionage and other serious criminal cases, if evidence is too sensitive to reveal, the evidence can be used if a summary is provided to the accused sufficient, in the opinion of the judge, to enable the accused to mount a defense as effective and as good as if he had seen the evidence itself. Not any old defense. And if he cannot be given such a summary sufficient to enable him to mount as good a defense, because it is thought to be too sensitive, then the information cannot be used.

We think the safety of this country has been adequately served against atomic spies and against people who seek to do all sorts of other crimes against this country with this use of secret information, this limited use of secret information and this balancing of the rights of the accused. Why should people accused of terrorism who are immigrants be any different? This CIPA law strikes a much better balance. It gives adequate protection to the need for the public for safety, but it does not rip asunder every tradition we have had that makes us different from totalitarian countries.

So I applaud the gentlemen for offering this amendment. I hope it is adopted. And I hope whether it is adopted or not, it will spur us to do the one simple act that will properly safeguard our liberties and our safety, and that is to extend the CIPA law from criminal law, which it covers, to the question of immigration, which it should equally cover; and we will then not need that Draconian and this insensitive and this illiberal and this anti-libertarian law.

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

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

Mr. PAUL. Mr. Chairman, I rise in support of the amendment, and I want to thank the gentleman from California (Mr. CAMPBELL) for bringing this amendment to the floor, along with his colleague, the gentleman from Michigan (Mr. BONIOR). This is a crucial amendment. It is vital that we pass it.

This is truly a civil libertarian issue. It does go back to 1215 with the Magna Carta. It is not an American invention, that people should be protected and not convicted on secret information. This is not something new. However, it has been abused for hundreds of years at least. It has been abused by totalitarian governments.

Now, many may say today that this is not a big deal; this is not going to affect the American citizens; it is just a couple of poor old immigrants that may be affected. But what is the motivation for the national ID card? It's good motivation to make sure there are no illegal immigrants coming in. So it's said we need a national ID card. But who suffers from a national ID card? Maybe some immigrants, and maybe there will be an illegal one caught? But who really suffers? The American people. Because they will become suspect, especially maybe if they look Hispanic or whatever.

Well, who suffers here? Well, first the immigrant who is being abused of his liberties. But then what? Could this abuse ever be transferred to American citizens? That is the real threat. Now, my colleagues may say, oh, no, that would never happen. Never happen. But that is not the way government works. Government works with incrementalism. It gets us conditioned, gets us to be soft on the protection of liberty.

Our goal should not be to protect the privacy of government. Certainly we need security, and that is important; but privacy of government and the efficiency of government comes second to the protection of individual liberty. That is what we should be here for. I wish we would do a lot less of a lot of other things we do around here and spend a lot more of our efforts to protect liberty. And we can start by protecting the liberty of the weak and the difficult ones to defend, the small, the little people who have nobody to represent them, the ones who can be pushed around. That is what is happening, all with good intentions.

The national ID card is done with good intention. Those who oppose us on this amendment, I think they are very, very sincere, and they have justifiable concerns and we should address these. But quite frankly, killing and murder for a long time, up until just recently, was always a State matter. This is rather a new phenomenon that we as a

Federal Government have taken over so much law enforcement. That is why the Federal Government, when it sets this precedent, is very bad.

So I plead with my colleagues. I think this is a fine amendment. I think this not only goes along with the Constitution, but it really confirms what was established in 1215 with the Magna Carta. We should strongly support the principle that secret evidence not be permitted to convict anyone in an American court.

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

Mr. PAUL. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, the gentleman asked a very good question, whether this could ever extend to citizens. Let me suggest to the gentleman that I visited Mazan Al Najjar in jail in Florida. His little daughter is an American citizen. He cannot hug her. His wife is an American citizen. He cannot visit with her. His sister is an American citizen. He has to see her through Plexiglas.

Has it already affected American citizens? It has. And if it was not true, any of those things I just said, this practice still affects American citizens, because each of us is less free when our country is less free.

I thank the gentleman for yielding.

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

Mr. Chairman, I want to express my appreciation to the gentleman from Michigan (Mr. BONIOR) and the gentleman from California (Mr. CAMPBELL) for bringing this issue before the House in this way. It is about time that this body faced this issue squarely. We have been ignoring it now for too many years.

It was only several years ago that a bill came before us which changed the way we deal with immigrants in very stark and dramatic ways. I am one of those who voted against that bill at that time because I was fearful that the kind of circumstance that this amendment addresses would arise, and it would arise all too soon. And most certainly it has.

The gentleman from California (Mr. CAMPBELL), I think in his opening remarks, put it very, very well. The fundamental right of any person to face their accuser and to know the basis upon which that accusation is made is, and ought to be, ingrained in our law, in our being, in our essence, in our society, in every way; and we ought to fight and struggle to the utmost of our ability when anyone tries to take it away from us.

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This is the way liberty is lost, by degrees, by inches, incrementally, not by huge gaps but by tiny measures, by tiny measures that grow into larger ones and larger ones and larger ones. First, it is this small group of people who are affected; and we ignore them because they are not us, they are not of us. And then it is another group, and then another, and another. And before we know it, it is those who are around us, those who are of our blood, those who are us ourselves.

That is the problem that we are facing here. And today we are offered a remedy. It is a good and proper remedy. I hope that we will have the wisdom to take it.

I thank these gentlemen for giving us this opportunity. It is, in fact, about time that this House face this issue.

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

Mr. HINCHEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to say that I agree with every word that the gentleman from New York (Mr. HINCHEY) has said. I also agree with the words of the gentleman from New York (Mr. NADLER). I want to congratulate both sponsors of this amendment.

This may seem like a very small thing. But liberty is the biggest thing of all; and if it is not fully provided for every individual, then it is really safe for no one.

I really believe that if this is adopted today, this will be the most important thing in what is otherwise a very questionable bill.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman very much for those remarks, and I yield back the balance of my time.

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

Mr. Chairman, there is probably not two times in a year that I agree with the gentleman from Michigan (Mr. BONIOR) but I do on this bill, and with the gentleman from California (Mr. CAMPBELL).

I was in Hanoi and we had Americans incarcerated in their jails, and not even Pete Peterson or one of his representatives were allowed to be present during the trial. We think that is terrible.

In China, they can go before a tribunal, an American, and not even have an English interpreter to let them know what they are charged for.

My colleagues can imagine what it was like with Saddam Hussein or those kinds of things. And most of the American people repel those kinds of ideas.

This is the United States of America.

Now, I would tell people, if they are illegals coming into this country, if they are Irish coming into this country, I just want to give them a ticket back home. But I want to tell my colleagues we have those illegals dying in our deserts, in our mountains, and in our rivers. That is wrong, and we ought to stop that. But I would give them a ticket out of here.

Whether they are legal or illegal, they have a right if they are brought and tried in this country or held in jail, it ought to be an inalienable right to at least know what they are charged for.

I mean, I cannot even comprehend the United States of America putting somebody in jail and not letting them know what the evidence against them is. It is inconceivable.

I rise in strong support of this amendment.

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

(Ms. RIVERS asked and was given permission to revise and extend her remarks.)

Ms. RIVERS. Mr. Chairman, in the 104th Congress, when we passed the effective death penalty and anti- terrorism law, which covered some of this material, I remember that several Members raised concerns about this particular provision. I also remember that, right over here, a more senior Member tried to quell any fears people had by saying, do not worry, this will never apply to American citizens. This will never apply to American citizens. That is probably true.

It is also true, Mr. Chairman, that the American people would never tolerate the treatment that non-citizens have endured under this doctrine. We expect in this country that our rights and protections come not from the citizenship of the defendant but from the changeless values of the Constitution and the Bill of Rights.

I think many Members are unaware of how this doctrine actually operates. I would ask that my colleague the gentleman from California (Mr. CAMPBELL) engage in a colloquy with me so that we may explain exactly what happens to people who are arrested under this doctrine.

Can the gentleman tell me specifically, when someone is arrested under this particular provision, what is he told when he is brought into the police department?

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

Ms. RIVERS. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, the person is told that the Immigration and Naturalization Service is detaining the person pending possible deportation.

Ms. RIVERS. Mr. Chairman, reclaiming my time, is he told what he is charged with or what he has done wrong?

Mr. CAMPBELL. Mr. Chairman, if the gentlewoman will continue to yield. The individual is not told what he has done wrong or what he is charged with. He is simply told that he is subject to a deportation proceeding.

Ms. RIVERS. Once he is incarcerated, is held awaiting further proceedings, if his family comes to the place that he is being held, can they find out what charges are being put against him, what evidence might exist, what is happening to him, when they might see him?

Mr. CAMPBELL. Neither the family nor the individual is told the specific reasons for the person being held pending deportation. They do not have access to the evidence which is alleged to

be the basis for the deportation. And they do not know how long their loved one is going to be kept in jail pending deportation.

And from personal experience, I know one family who tried to find some country to take their father and husband and they are still trying, and he has been in jail for 3 years.

Ms. RIVERS. Once charges are actually filed, does the accused get to find out what evidence the Government has against them relative to the crime that they are charged with?

Mr. CAMPBELL. In crime, yes. The sixth amendment to the United States Constitution explicitly guarantees, and I read, ''In all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him.''

Ms. RIVERS. But under this particular doctrine, does the individual have a right to find out what evidence is being used against him?

Mr. CAMPBELL. Under the view of the Immigration and Naturalization Service Department of Justice, the individual does not.

Ms. RIVERS. Does this individual have a right to know which witnesses have given evidence against him?

Mr. CAMPBELL. Under the view of the Department of Justice and the INS, no.

Ms. RIVERS. Once this individual has an attorney and has engaged an attorney, can the attorney see the evidence that is being used against his client?

Mr. CAMPBELL. No.

Ms. RIVERS. Can the attorney know what witnesses' testimony are going to be used, and can they depose those witnesses?

Mr. CAMPBELL. No. The witness gives the evidence solely to the Immigration and Naturalization Service judge. The attorney on the other side does not know their identity nor have the ability to cross-examine.

Ms. RIVERS. How, then, can the attorney prepare a defense for this particular individual?

Mr. CAMPBELL. The attorney attempts in those cases where they have some opportunity to prove a negative, to say that, my client has been an upstanding member of the community for so many years. And in those cases where we have been able to find out the truth, we frequently find that the secret evidence was erroneous testimony, a wrong identification, or in some cases even a spiteful identification.

Ms. RIVERS. Mr. Chairman, can the gentleman think of any circumstances where an American citizen here in the United States would be subject to the same sort of treatment?

Mr. CAMPBELL. It is quite clearly unconstitutional to apply this practice to any citizen in the United States.

Ms. RIVERS. Mr. Chairman, I thank my colleague for his comments.

Mr. Chairman, Franklin Delano Roosevelt, in speaking to the Daughters of the American Revolution, said, ''Remember always, we are all the children of immigrants and revolutionists.''

And we are of, most of us are just a few generations away from immigrants. And, unfortunately, many of us are only a few decisions of this body away from the kind of treatment we are discussing tonight.

Our history, our view of justice, and our allegiance to our Constitution demands that we eliminate this offensive practice.

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

Mr. Chairman, I would simply rise and join and applaud the efforts of the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. BONIOR) to repeal the secret evidence provision, which I think, or at least hope, came as an unintended consequence of the Antiterrorism and Effective Death Penalty Act of a few years ago.

I say that for a couple of different reasons. But one of the reasons I say it came in part from an article that I read in, of all places, the Wall Street Journal back in March; and it chronicled the story of a Harold Dean, whom I have never met. But it is a fascinating story. If my colleagues will indulge me, I will tell briefly his story.

Harold Dean survived the kind of judicial nightmare the State Department likes to criticize in its annual report on human rights problems around the globe.

For 19 months, he was held in jail on vague assertions that he was involved in terrorism. He was not told the specific evidence against him, and the courts refused to disclose who had accused him. That information, he was told, would be kept secret from him and his lawyers on national security grounds. For a year and a half, he was in limbo, he says, never charged with any terrorism acts or even questioned.

The most noteworthy aspect of Harold Dean's case is the country wherein it transpired. He was held here in the United States of America under a little-known secret evidence law that was part of antiterrorism act passed in 1996.

Now, ultimately he was freed at the end of 19 months. It turns out the allegations originated from his former wife, with whom he was locked in a fairly bitter child custody proceeding. But many others have not been nearly so fortunate. And so, it is for this reason that the authors of this amendment propose to take $170,000, which is roughly the number that the eight people here in the United States are incarcerated based on this current law.

Now, some folks would say, well, this will hurt our antiterrorism efforts. I would just remind them that I suppose it might. And I suppose that that would be a good thing. Because our Founding Fathers were very explicit about not wanting perfectly efficient Government. If so, I suppose they would have designed a dictatorship.

Instead, they wrote out the Constitution, and the guiding principle of that Constitution was the idea that the needs of the majority should never supersede the rights of the minority. I think that this story is a perfect example, wherein 19 months of this man's life were taken from him and they will never be given back.

And so, from the standpoint of personal liberty, from the standpoint of adhering to what Jefferson talked about 200 years ago when he said that the normal course of things was for liberty to yield and for government to gain ground, and from the standpoint of particularly the constant adherence of the gentleman from California (Mr. CAMPBELL) to the Constitution, joined, in this case, by the gentleman from Michigan (Mr. BONIOR), I would just urge the adoption of this amendment.

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

Mr. SANFORD. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for yielding.

I will make a very brief comment. Then if the gentleman would yield to our colleague, I think it would be good to have a colloquy.

I would simply thank the gentleman from South Carolina (Mr. SANFORD) for his adherence to the Constitution and to the principle that, yes, we CAN achieve maximum security in our country if we sell our freedom, but we never should.

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

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

Mr. WEINER. Mr. Chairman, I want to commend the gentleman, as well, although I disagree with him, for making a point in his remarks that were missed here; and that is the number of cases that we are talking about. There has been some language used today that would give the impression that there is wanton use of this section of the law.

In fact, according to the General Council of the FBI, of all of the immigration litigations going on now, about some 300,000-odd cases, only 11 even seek to use any element of secret evidence. And I think that that is a sign that this is not something that is being used frivolously by the agency. This is something that is being used in a somewhat targeted way.

I would just remind us all to address the fundamental problem, and my colleague started to and I commend him, that, if we have a terrorist and we have information about them, there is a very good chance that revealing that information would pose harm to people.

Mr. SANFORD. Mr. Chairman, reclaiming my time, I think that the problem of this in this case, in the story that I just read, we have an embittered former wife accusing a person of being a terrorist and, as a result, through no action of his own, he is incarcerated for 19 months of his life.

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

Mr. SANFORD. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, the argument of the gentleman could just as well be made about a citizen. The gentleman could be here saying, those terrorists who blew up the Oklahoma Federal Courthouse, to protect ourselves from them, we needed to get secret evidence and spirit them away as quickly as possible.

We solve this in our Constitution. We have said, no, even to make ourselves more secure against a bombing of that nature, we do not violate the fundamental right of freedom.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. WEINER) has expired.

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

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

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

Mr. WEINER. Mr. Chairman, I think that the gentleman from California (Mr. CAMPBELL) is exactly right. I believe that there are and may be cases where this causes an uncomfortable sense for us.

But this is not a unique thing we do in our Government. We take people's rights away all the time to know exactly where the Government dollars are spent.

Mr. SANFORD. Mr. Chairman, reclaiming my time, I think the opposite is true. The gentleman made the very point that it is an extremely unique event in the fact that only 11 folks have been charged with this particular provision of law. And then to suggest that it is not at all unusual I think is arguing both sides of the equation.

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Mr. WEINER. The point I was making is that this is not a unique section of law, but where there are times, very rare times that we say, the overall defense of the Nation and national security dictate that sometimes we have this tug of war between our rights.

Mr. SANFORD. Reclaiming my time, I would say that that is ultimately what we disagree on, because I do not think that again the rights of the majority in this case supersede the rights of the individual.

Mr. CAMPBELL. Let us consider, as the gentleman points out, if in every other case the Justice Department seems able to handle the concerns of the United States without recourse to secret evidence, then the argument surely is difficult to say that it was absolutely necessary in the case of the 11.

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

Mr. Chairman, I rise in reluctant opposition because it sounds like there is an inequity here that needs to be addressed by the authorizing committee, the Committee on the Judiciary. There is a reason why there is a rule of this House that you shall not legislate on an appropriations bill, and I think we are seeing a good example of that tonight. This is a matter that needs to be heard and aired in the right forum, with the right machinery in place so that we can make the right decision. And so I would hope that we would reject the amendment on this appropriations bill in favor of hearing the matter in the Committee on the Judiciary where it belongs, in the gentleman from Texas's (Mr. SMITH) subcommittee or whatever subcommittee of the Committee on the Judiciary it belongs in.

In fact, I understand that H.R. 2121 has been referred to the Committee on the Judiciary and addresses the issue of this so-called secret evidence matter. I would dearly hope that we would do that and address it quickly and adroitly and expertly and with knowledge, weighing all of the factors involved in the right forum.

Number two, I realize this is a symbolic amendment. It is not going to change anything if you pass it. It merely would cut $173,480 out of the Bureau of Prisons salaries and expenses. And that you are using this as a vehicle to get this issue elevated and aired and I salute you for that. But I would hope you would not be serious about cutting BOP's salaries and expenses.

In the first place, you are cutting the wrong people. INS, if anybody, is at fault here; and you are not cutting INS. You are cutting the poor old BOP. They do not house these prisoners. INS houses the people that you are talking about, not poor old BOP who are hurting for money to house the legitimate detainees that we have sentenced to our Nation's prisons. And so do not punish the innocent party here in an effort to right a wrong that you see that perhaps needs to be righted but in the right place, in the authorizing committee.

So while I salute you and I appreciate the gentleman bringing this very horrible-sounding issue before us, I would hope that you would choose the right forum and not punish innocent people in the process.

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

Mr. ROGERS. I yield to the gentleman from California.

Mr. CAMPBELL. The gentleman has been gracious throughout. I would make two points, though. We have had hearings in the Committee on the Judiciary and in the subcommittee as well; and I am grateful to the gentleman from Illinois (Mr. HYDE) and to the gentleman from Texas (Mr. SMITH) for allowing that. So we have done all we can except for scheduling a markup in that committee. Secondly, the cost that we are proposing here is less than one-half of one-thousandth of a percent of the Department of Justice budget, and so I doubt that it really will have anything more than the symbolic value which is the entire purpose of my amendment.

Mr. ROGERS. But the gentleman understands that the Bureau of Prisons has nothing to do with this; it is the INS, if anybody's fault, and BOP has nothing to do with it.

Mr. CAMPBELL. If the gentleman will continue to yield, I understand that is actually not the case, that the cost of the incarceration is a charge to the Bureau of Prisons. The INS incurs the cost of arresting, the cost of prosecuting; but the cost of incarceration is all I am after in this particular bill, in this particular effort, because it is the incarceration of people on the basis of evidence that they cannot see that strikes me as the least fair of all.

Mr. ROGERS. INS pays for the detention of all these people. It is not BOP. It is the INS. You are punishing the wrong people. If you were punishing INS, I might join you because I have got my complaints there, too.

Mr. CAMPBELL. If the gentleman will yield further, would the gentleman accept a unanimous consent request to go after INS instead? I do not think he would. The truth is the Bureau of Prisons houses prisoners, and we have to go after them.

Mr. ROGERS. This belongs in the right forum, over there in the Committee on the Judiciary where you can debate this for all that it is worth, and it is worth a lot it sounds like; but please do not burden this bill with another rider.

I urge the rejection of the amendment, Mr. Chairman.

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

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

Mr. DINGELL. Mr. Chairman, I rise in strong support of the amendment. I commend the two authors. We owe them a great debt. We have been waiting a long time to have this kind of legislation on the floor so that we could address a very basic wrong which is being done in violation of the fundamental principles of the Constitution.

Let me quote from one of the Founding Fathers. His picture is on the wall outside this Chamber. His name was Ben Franklin. He had this to say: ''They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor justice.''

I ask my colleagues to hear that and to listen. His picture is out there. It is a great picture, done by Howard Chandler Christy in 1936 to celebrate the 150th anniversary of the United States Constitution. He is surrounded by men who knew and understood for what this Nation stood and for what they fought. I ask you to note that those were men who had undergone the rule of King George where you had ex post facto laws, bills of attainder. Men were detained by the King's men without any excuse or reason, and they were simply locked up and perhaps at some later time they were released. Perhaps not.

You can say this is just a matter which relates to immigrants and that the constitutional protections of due process under the fifth amendment and the 14th amendment do not apply to them. And you can say, well, it is just a little bit. Or that this is to protect ourselves. I want my colleagues who feel differently than I do to continue to hold that. It is their right. But I will tell you one thing, that a government which has the power to detain, without showing a reason therefor, any of its citizens or noncitizens, whether they are good or bad, is a greater danger to me, to us, and to our liberties than is the presence of a few who might be terrorists or who might constitute some risk to those of us who are proud to be Americans.

This is a deplorable practice. It certainly evades and defiles the purposes and meaning of the due process clause. Secret evidence is an embarrassment to us all. At least 20 individuals are now being held hostages in prisons and deprived of liberty, some for as long as 2½ years. Interestingly enough, I am not describing here the justice system in China, the justice system in Cuba, or the justice system in the old Russian Communist system. This is the American justice system which I am describing at this time, and it is one which flouts the basic principle for which Ben Franklin and Tom Jefferson and George Washington and all the other great Americans stood. It is something which serves as a threat not just to immigrants but indeed as threats to each and every one of us. Due process is being denied here, and it has been used in a discriminatory manner.

One interesting thought. In every case stemming from the 1996 secret evidence rule which I opposed, only immigrants of Arab descent have been detained. Does that tell you that this rule of law, if such it can be called, is being fairly applied? I think, Mr. Chairman, it is time for us to stand up for our fundamental American values. We should stand up for liberty, for freedom, because the threat to the freedom of one is indeed the threat to all, to each and every one of us.

We have not been able to get this matter to the floor as a part of a regular freestanding piece of legislation, and certainly we should have been able to do so. We have finally been forced to consider this important matter under this kind of situation. And while I would prefer much more to have a debate which addressed these questions under the regular order, I have to say that this is an important enough matter affecting the freedom and the liberty of too many people to be denied that kind of opportunity to bring it up as we do tonight.

I hope that if we are successful, since this is in good part symbolic, that we will see something happen in the Committee on the Judiciary so that we can address this. Perhaps there is something that we should do to protect the United States and our security. But I do not believe that what we are doing or what we are attacking here tonight is something that protects the liberties of the American people or by dealing with the question of terrorists in any intelligent fashion. I am much more afraid of having a situation where Americans can be charged without any knowledge of why they are charged or with what they are charged than I am of having something of this kind going on.

Mr. Chairman, I rise in strong support of the amendment sponsored by the gentleman from California (Mr. CAMPBELL) and my distinguished colleague from Michigan (Mr. BONIOR). I applaud their efforts to end a deplorable practice that violates the spirit and clear meaning of the 5th Amendment's due process clause. The use of ''secret evidence'' is an embarrassment to the U.S. justice system. It has unfairly targeted individuals solely on the basis of their nationality, and flies in the face of the values Americans hold most sacred.

Today, at least 20 individuals are being held hostage in prisons and deprived of liberty, some for as long as 2½ years. They have not been charged with committing any crime, nor have they had a trial. They have not even been informed as to why they are being held and their lawyers have been denied access to the evidence being used against them.

Mr. Chairman, am I describing the justice system in China? Or in Cuba? Or the justice system in post-communist Russia? No! I am, unfortunately, describing the American justice system, the very system that prides itself on protecting individuals' freedoms and liberties and, under the 5th Amendment, the due process right afforded to all persons whether they are citizens or immigrants.

The secret evidence rule was created to allow the Immigration and Naturalization Service to deport those suspected of terrorist activities. I understand the need for America to protect itself from the growing terrorist threat. Terrorism will continue to grow as a threat, as cowards—both abroad and domestic—look to solve their differences with our government by targeting innocent civilians.

But protection from potential harms is no reason to deprive people of their liberty. By adopting the tactics of the enemies of freedom, we are losing our own. Depriving one of their liberty is far greater a threat to America than terrorists. As Benjamin Franklin once said, ''They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor justice.''

In addition to depriving individuals of due process rights, secret evidence has been used in a discriminatory manner. I have the privilege and honor of representing the largest Arab-American community in the nation, and I have heard from my constituents of the discriminatory application of the secret evidence rule. I would note that in every case stemming from the 1996 secret evidence rule, only immigrants of Arab descent have been detained. This is wrong, unjust and a gross violation of civil rights.

Mr. Chairman, let us stand up for our fundamental American values. Let us stand up for justice, liberty and freedom. We must guarantee that all persons in America are given the due process rights they are afforded in the Constitution. Vote yes on the Campbell-Bonior amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I certainly do appreciate the dean of this Congress, this House, eloquently going to the floor and explaining why so many of us support this amendment in this form.

Let me thank the gentleman from Michigan (Mr. BONIOR) and the gentleman from California (Mr. CAMPBELL) for this amendment. I am delighted to acknowledge that I am a cosponsor of this amendment along with several of my colleagues, and as well that the proponents of this legislation have done anything that they could to follow regular order, that is, that they have been before the Committee on the Judiciary with a hearing; and, I might add, a very effective hearing.

If you would have listened to the recounting of families whose loved ones have been locked up for a period of time such as their families have disintegrated, they are not able to take care of their normal basic needs of housing and food and protecting their children, then you would argue as well that we discard the regular order.

It certainly has come to my attention on this floor today that it is easy to throw Members and their positions and the advocacy of their position to the rules of this body and discount the importance of their issues. I take issue with that, but that will be another day. I will see that another day. But I am willing to ignore the regular order because this is an amendment that I believe has an important cause, and, that is, that if we ask any American what rights they have, they believe that they have a right to confront their accuser, they believe that they have a right to hear the evidence, and they certainly believe that they have a fundamental right to a speedy trial.

In the case of secret evidence, it reminds me of countries where we have heard stories told that people disappear into the night and we never see them again. I remember hearing the recounting of the President of the United States, President Johnson, calling one of the Senators from the State of Mississippi during that time about the three civil rights workers that had disappeared, they were missing for 2 weeks and there was a question about what was going on; and the response from that Senator at that time was, ''It's just a bunch of rumors. I don't think they're really missing. I just think it's something, a publicity stunt.''

That was the America of that day, when no one cared about people who were advocating for civil rights and they could be in a condition of peril and have lost their life and some official would represent that it was just a

rumor, it was just something we should discount. That is why we fought in this country for civil rights and laws that would protect individuals who advocate positions that we might not like. But here now we have individuals who just because of their heritage and because of maybe some remark or some accusation are being able to be kept without a trial, without being able to confront their accuser, and certainly without the opportunity to hear the evidence. This is the right direction and this is a time to hopefully secure the support of our colleagues that regular order should not be the call of the day but actually justice.

Quoting from Supreme Court Justice Jackson in a dissenting opinion in Knauff v. Shaughnessy, he said:

''The plea that evidence of guilt must be secret is abhorrent to free men, because it provides a cloak for the malevolent, the misinformed, the meddlesome and the corrupt to play the role of informer undetected and uncorrected.''

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I would rather today stand in this body on the side of those who believe that this country has a higher moral ground. It does not hide people. It does not support missing people and missing evidence. It does not put people in corners and leave them to their own devices. This is a country that believes in due process and the right to confront one's accuser.

I believe that this legislation and this amendment that addresses a minuscule part of this appropriations is the right direction to go. It addresses the issue of incarcerating people without their opportunity to address the question.

Mr. Chairman, I yield to the gentleman from California (Mr. CAMPBELL) simply for a question. It is usually our responsibility to fix broken problems. Someone might say that this has reached a magnitude that warrants this Congress addressing it.

I know that the gentleman has engaged or been involved in this for a long time. Is this of the magnitude, because the gentleman has already noted that this takes only a small portion of this appropriations, but do you consider this of the magnitude that we need to fix this problem?

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

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

Mr. CAMPBELL. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, it is of that magnitude. We know 26 times already this process has been used to put people in jail in this country. INS claims that there are only 8 left. We do not know that for sure. I think that the magnitude was reached the first time that a person in the United States of America was put in jail on the basis of evidence he or she could not see, certainly if that is not enough for everyone to agree, 25, 26 people is.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, let me also say that I want to thank the minority whip, the gentleman from Michigan (Mr. BONIOR) for his advocacy, his passion and his leadership. We need to vote on this amendment and vote yes.

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

Mr. Chairman, I am particularly sensitive to the authorizing on appropriations to which the able chairman of the committee, my good friend, the gentleman from Kentucky (Mr. ROGERS) raised, but I do think there are two exceptions in this particular case, the first being a major exception, and that is what my good friend, the gentleman from Michigan (Mr. DINGELL) has referred to; that is, the consequences that this particular action has for our basic freedoms as an American society.

The second is that usually when such issues are raised about authorizing on an appropriation bill, we have the authorizers come here in unanimity, and that is not the case on this particular amendment.

Mr. Chairman, in 1996, Congress did enact the so-called Antiterrorism and Effective Death Penalty Act, which contained a provision that may have been well intended at the time, but which, in fact, was ill-conceived, encroaching on our cherished constitutional rights against secret evidence and anonymous accusers.

Under this provision, immigrants to this country are being jailed based on ''secret evidence,'' and these people are given no opportunity to face their accusers as we have so well heard in the debate so far this evening, nor are their lawyers allowed to see this so-called secret evidence against their clients.

Today we have an amendment pending that will repeal this unwarranted, dangerous celebration of secret evidence, and it is an urgent matter. If for no other reason, vote for this amendment, because the government's duty is not to win cases, but to see justice done.

My colleague and a cosponsor of the amendment, my colleague, the gentleman from Michigan (Mr. BONIOR) has already adequately described as has the gentleman from California (Mr. CAMPBELL), the case of Mr. Najjar and others, the tremendous family situations that it has placed them in and not being able to see their families, because of their being held on secret evidence.

Recently in New Jersey, a judge ordered the release of an immigrant who had been in jail for 19 months based on secret evidence. We heard that case already, but here is what the judge said in his action to order this man's release and I quote,

> The court cannot justify the Government's attempt to allow persons to be convicted on unsworn testimony of witnesses, a practice which runs counter to the notions of fairness on which our legal system is founded.''

Mr. Chairman, I am not of a legal mind, as my good friend, the gentleman from New York (Mr. NADLER) who has spoken in favor of this amendment, nor do I sit on the Committee on the Judiciary, but this is a judge, sworn to uphold the laws of our land, that issued such an opinion.

This individual, as we have already heard, was placed in jail for 19 months based on testimony of an estranged wife. We have heard often about how labels are used in this country and, in this case, we are talking about a label; that label being immigrants and how such a label can put a man or women behind bars or cause them to be deported or even worse.

Have we forgotten when the label ''Jew'' was attached to a whole people and because that was the label given them, it sentenced them to concentration camps in most cases absolute death. Have we forgotten about the account written in history, and I quote,

> When Hitler attacked the Jews, those who were not a Jew, therefore, were not concerned. And when Hitler attacked the Catholics, those who were not Catholic, therefore, were not concerned. And when Hitler attacked the unions and the industrialists, those who were not a member of the union, therefore were not concerned. Then, Hitler attacked me and the Protestant church, and there was nobody left to be unconcerned.

Lest we forget the historic lessons learned from the Spanish Inquisition and the Holocaust, let us vote to repeal the secret evidence law that attacks those who are labelled as immigrants. If we do this, perhaps then our government will never some day come for us.

It is all about that incrementalism that we heard earlier from the gentleman from New York, (Mr. HINCHEY). Incrementalism, that is what we are talking about here.

Mr. Chairman, I know there are people in this country and in this body who are concerned and we are not going to let this happen. We despise the use of secret evidence to put people in jail, to deport them from a homeland they have adopted and where they have lived in freedom for many years.

Ask yourselves if our government can legally allow this to happen to immigrants, who are living the American dream, when will they come for us?

Be concerned, vote yes for the Bonior-Campbell amendment.

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

Mr. Chairman, I have had a chance to take a hard look at this issue and came to the conclusion that it was time, really overdue time, to act; and, therefore, I rise in strong support of this amendment.

The American system of justice is based on the principle of due process. This principle is enshrined, and I emphasize that, enshrined in the fifth amendment to the Constitution that requires that no person shall be deprived of liberty without due process. Indeed, it is precisely our Nation's

commitment to due process that separates our beloved country from undemocratic, authoritarian governments in other parts of the world.

No fewer than four Federal courts have ruled that secret evidence is unconstitutional. Secret evidence has allowed people to be held for months, even years, without any opportunity to confront their accusers or to examine the evidence against them. Too often, secret evidence has later turned out to be no evidence at all, but rather unsubstantiated hearsay that failed to stand up to the full light of day.

The use of secret evidence to detain and deport legal immigrants should stop. To that end, I have cosponsored H.R. 2121, the Secret Evidence Repeal Act. The amendment that we are considering now further underscores our determination to terminate this abuse of fundamental fairness.

Mr. Chairman, I strongly urge my colleagues to support the Bonior-Campbell amendment.

Mr. ACKERMAN. Mr. Chairman, I am pleased to rise in support of the Bonior-Campbell amendment, which is an absolutely necessary measure to root out an on-going government practice which should be offensive to all of us as sworn defenders of the Constitution.

The very idea of ''secret evidence'' should alarm us as a nation that cherishes the rule of law. That our government, a government built on transparency and due process, should incarcerate people indefinitely and by executive fiat, and deprive them of the basis to defend themselves, is an affront to the Constitution.

Our nation's justice system is a source of pride, not because of the efficiency of its operations, or its effectiveness in convicting the guilty, important as these things are. We are appropriately proud of our justice system because of its unyielding insistence on due process for the individual against the state; because of its strict adherence to Constitutional requirements necessary for government action and limitations on state authority. In criminal matters, before the federal government deprives anyone, citizen or non-citizen, of their right to life, liberty or property, the Constitution demands—demands, not requests, not suggests, not proposes—demands, that the government detail the charges to be prosecuted; produce its witnesses for cross-examination; provide compulsory means for the defense to obtain its own witnesses; and settle the matter of guilt or innocence by decision of a jury of ordinary citizens. This is the American standard of justice.

Some will argue that detention and treatment of aliens is a category of government action apart from Constitutional mandates. I disagree. The Constitution is not to be considered mute as a matter of convenience. The actions of the executive branch are always bound by the strictures of the Constitution; there is no free-play zone for non-citizens.

A decision by the Federal Government to deport, to grant asylum or residency, or to detain a non-citizen does not exist in some extra-Constitutional universe. The Executive Branch is not compelled by law to hold people on secret evidence. There is no legal obligation for the government to detain aliens indefinitely. If the state is concerned that judicial proceedings would require the disclosure of classified information to the detriment of the nation, the government always has the flexibility not to act. Prosecution is a political decision and is done at the discretion of the government's attorneys. Hard choices are part of life.

It may be that precluding the use of secret evidence will lead to the release of some dangerous individuals. This is a regrettable but necessary price we must pay for a free society bound by the rule of law. Sometimes releasing the guilty or the dangerous is the unfortunate result of limited government. The threat of terrorism is real, and our government should do all it can to preempt and punish those who would do violence to our people and interests. But in doing so, we must not do harm to the Constitution, which is exactly what the use of secret evidence does.

I urge my colleagues to support the Bonior-Campbell amendment.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Bonior-Campbell amendment.

The American system of justice is based on the principle of due process. This principle is enshrined in the Fifth Amendment to the Constitution that requires that no person shall be deprived of liberty without due process. Indeed, it is precisely our nation's commitment to due process that separates the United States from undemocratic, authoritarian governments in other parts of the world.

No fewer than four federal courts have ruled that secret evidence is unconstitutional. Secret evidence has allowed people to be held for months, even years, without any opportunity to confront their accusers or examine the evidence against them. Too often, secret evidence has later turned out to be no evidence at all, but rather unsubstantiated hearsay that fails to stand up to the full light of day.

The use of secret evidence to detain and deport legal immigrants must stop. To that end, I have cosponsored H.R. 2121, the Secret Evidence Repeal Act. The amendment we are considering now further underscores our determination to end this abuse of fundamental fairness.

I urge all of my colleagues to support the Bonior-Campbell amendment.

Mr. GEPHARDT. Mr. Chairman, terrorism is the scourge of the modern world, and we must do everything in our power to deter and punish those who would commit such heinous acts. Our efforts in Congress must include support for all federal agencies and foreign allies who are engaged in the fight against terrorist and their protectors. And we must continuously seek to improve the laws that enable our democracy to effectively counter the threat of terrorism and preserve our freedom.

In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act in an attempt to further combat terrorism against the United States. It also contained provisions that were intended to balance legitimate national security interests with our desire—and responsibility—to protect individual liberties.

Since the enactment of this legislation, it has become evident that the provisions of law designed to protect individual rights in such matters have not been implemented properly. Our government's use of ''secret evidence'' authorities to detain the accused has caused many civil rights advocates to question the constitutionality of these practices and to urge for reform.

The questions raised about the current application of secret evidence statutes have been validated recently by four federal courts, which have all ruled the practice unconstitutional.

At a recent House Judiciary Committee hearing, both supporters and critics of existing secret evidence statutes recognized the deficiencies of current practices, as well as the need to reform or refine them. There was also agreement that more work is needed to sufficiently balance our national security interests with the need to protect individual rights.

The National Commission on Terrorism also concluded earlier this month that the legal protections afforded to the accused in these circumstances are not being used properly, if at all. The Commission further stated that, ''The U.S. Government should not be confronted with the dilemma of unconditionally disclosing classified evidence or allowing a suspected terrorist to remain at liberty in the United States. At the same time, resort to use of secret evidence without disclosure even to cleared counsel should be discontinued, especially when criminal prosecution through an open court proceeding is an option.''

Mr. Chairman, this amendment will not result in the release of suspected terrorists from America's prisons. If it did, I would oppose it vigorously.

Instead, my support for this minute reduction in the Justice Department's budget is intended as a call to the relevant committees of Congress to accelerate their deliberations on legislation to refine and improve existing laws. It is also a call to our government—and the Justice Department in particular—to address the legitimate concerns that have been raised about the use of secret evidence without appropriate measures to protect individual rights.

Clearly, it would be a serious mistake to unduly restrict our government's ability to protect its citizens against terrorism. At the same time, we must find a way to protect the rights of those whom our legal system deems innocent until proven guilty. And there must be no winners or losers in this debate; otherwise, the critical balance between freedom and security that we cherish will be undone. Instead, we must all work together to forge a consensus that advances both goals in the most effective manner possible.

Mr. CONYERS. Mr. Chairman, our system of judicial review and due process is not a luxury or a gift to be awarded to a chosen few for political advantage. It is the very foundation of our system of government and justice. The use of secret evidence in INS detention proceedings makes a mockery of this basic principle of our legal system. I support the Campbell-Bonior Amendment that would eliminate funding for detaining defendants based upon secret evidence.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 eliminated court appeal rights relative to judicial review of asylum determinations, decisions on apprehension and detention of aliens, document fraud waivers, orders issued in a absentia and denial of request for voluntary departure. The statute also broadened the range of proceedings where secret evidence can be used against an immigrant.

The result has been manifest injustice. No person should be held in solitary confinement for nearly three years while trying to defend against unknown charges. But that was the

experience of Nasser Ahmed, a 38-year-old Egyptian. He was denied bond and asylum based on secret evidence. When his case was finally heard, an immigration judge rejected the secret evidence against him as double and triple hearsay.

If Mr. Ahmed had been allowed to see and respond to the secret evidence that the government was using to block his asylum application in a timely manner, he could have won his case sooner and been spared years of unjust incarceration.

The experience of Mr. Ahmed is not as isolated incident. Another case involves 19-year old Mazen Al-Najjar, a stateless Palestininan in Tampa, Florida. He is about the mark his 1,000th day of detention based on secret evidence.

The D.C. Circuit has aptly equated the INS's use of secret evidence with the situation of the accused—Joseph K.—from Kafka's book, The Trial. Like that character, Mazen Al-Najjar could not only prevail by rebuting evidence that he was not permitted to see. The D.C. Circuit observed that, ''It would be difficult to imagine how even someone innocent of all wrongdoing could meet such a burden.''

Due process is not just a tool of fairness and equity, it also is an efficiency tool that makes national uniformity possible and is an essential component of our constitutional system of government. As a Congress, we have both a moral and constitutional duty to correct the abuses around the use of secret evidence and to ensure that our fundamental values of due process are applied fully and without favor. The Campbell-Bonior Amendment is a good first step in that direction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

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

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

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from California (Mr. CAMPBELL) will be postponed.

AMENDMENT NO. 29 OFFERED BY MR. MCGOVERN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. MCGOVERN:

Page 23, line 2, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

Page 50, line 4, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Mr. MCGOVERN. Mr. Chairman, fire fighters throughout the country risk their lives every day to protect our families and safeguard our neighborhoods. Last year, over 100 fire fighters died in the line of duty.

The City of Worcester, Massachusetts, in my district, suffered the tragic loss of six fire fighters on December 3, 1999. Fire fighters Paul Brotherton, Jeremiah Lucey, Timothy Jackson, Jay Lyons, Joseph McGuirk and Lieutenant Thomas Spencer. These brave men made the ultimate sacrifice and died doing the job that they loved. They left behind 17 children, and they left behind a grateful community.

Mr. Chairman, I would urge all of my colleagues to pick up the July issue of Esquire magazine. There is an incredibly well-written and very moving account of this terrible tragedy which took place in Worcester.

Mr. Chairman, this tragedy brought together fire fighters from across the Nation and around the world, and we gathered on that day in December to honor their memories and pay tribute to their heroism. The best way Congress can honor the memory of all fallen fire fighters is by working to prevent such tragedies from ever happening again.

Fire fighters are always there when we need them. We need to return this commitment and demonstrate our gratitude for the job that they do, and that is why I am proud to offer this amendment with my colleague, the gentleman from Indiana (Mr. PEASE).

The Building and Fire Research Laboratory at the National Institute of Standards and Technology is in the process of developing fire safety technology that would make firefighting safer. Recent developments in the area of infrared sight technology would make it possible for fire fighters to more successfully, and safely, maneuver in a burning structure filled with thick smoke.

Had such technology been available to all fire fighters, many recent tragedies, such as the loss in Worcester might have been avoided and lives could have been saved.

This amendment would provide the National Institute of Standards and Technology with the funds needed to continue the progress they have already made in fire safety research and technology. It provides for an increase of $1 million to the Building and Fire Research Laboratory at the NIST.

The offset is from the Federal Bureau of Prisons, Salaries and Expense Account. Last year, approximately $70 million of the bureau's almost $4 billion budget went unspent, and it was our goal to use a small portion of this overflow to help protect our Nation's fire fighters.

Simply put, this is a modest amendment that will actually save lives. I strongly believe that we have a responsibility to make sure that our fire fighters have access to the most up-to-date technology possible. It is the least we can do for these brave individuals who do so much.

Mr. Chairman, this amendment not only has bipartisan support, but it is supported by the National Association of State Fire Marshals.

In conclusion, let me just say that I hope that no Member of this Congress will ever have to witness what I did in Worcester last December 3. Nothing we can do here today can change that tragedy, but we can take a step, albeit a small step, toward trying to prevent such catastrophes in the future. We on the Federal level need to do much more, I believe, very much more. I think we can do much more.

Mr. Chairman, I urge my colleagues to vote yes on the McGovern-Pease amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment. I have the highest respect for the distinguished chairman of the subcommittee and the ranking member, but this is a small, small token on behalf of America's real heroes.

The best example of what America is all about are the 1 million men and women who serve this country in 32,000 departments every day responding to disasters. They do not just respond to fires. They respond to hurricanes, to earthquakes, tornados. They respond to subway collapses. They respond to highrise conflagrations. They respond to HAZMAT incidents, refinery explosions and they have done it for the last 250 years, longer than the country's been a country.

Each year we lose 100 of them, most of them volunteers, because 85 percent of the 1 million fire fighters in this country are volunteers, they are not even paid for what they do. I cannot think of any other volunteer group that loses 100 people every year, every year. I have been down in that ceremony in Emmitsburg more than I want to be there, and I have seen the anguish in the family's eyes of those who have lost their loved ones.

Mr. Chairman, I spoke at the D.C. fire fighters' funeral that were killed last year in a fire. I understand what our friend and colleague is talking about when he talks about the loss of life in his own home district.

Mr. Chairman, this is the least we can do, a million dollars to give to the NIST organization to help on the research on thermal imagers. As a former volunteer fire chief, I can tell my colleagues the importance of thermal imagers. When the fire fighters go into a building and they are overcome by smoke, they collapse. There is no way available to go in and find them in a smoke-filled room, except for this new breakthrough technology that we developed for the military called the thermal imager.

Now, as the chairman of the research committee on the military side, I have supported the funding for the research for our military. What this funding would do would be to help take that technology and make it available for the fire fighters.

Mr. Chairman, our colleagues will say wait a minute, the Federal Government should not be involved in the fire service; well, hold it. Let us get real. This bill has billions of dollars of money for law enforcement.

I am a supporter of the police as a former mayor, but we pay half the

costs of the vests for police officers who might be shot.

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Cut me a break. We are going to pay for half of the cost of a police vest, and we cannot put $1 million into research for thermal imagers for fire fighters.

The last time I checked, law enforcement was a local responsibility. We are not talking about $1 million. This bill has billions of dollars for local police officers, billions and billions of dollars for local police, for training, for equipment, for meetings, half of the cost of police vests. But not one dime of money for the Nation's fire fighters. Nothing. Nada. And these fire fighters, who are largely volunteer, save taxpayers money, because if we do not support them, you are going to have to hire full-time paid fire fighters to replace them.

Every one of my colleagues in this room has fire departments in their districts. There are 32,000 departments, in every State, they are in every county, they are in the most rural community, and they are in our largest urban city, and they all have the same challenges. The least we can do is set aside $1 million in an account where there is a surplus this year to help get our Federal agency to provide research money to take this technology and use it for the fire service itself.

Billions of dollars for law enforcement, which I support; nothing for the fire fighters of this Nation. The only pittance we put forward is about $30 million a year for the U.S. Fire Administration and the NATA Fire Training Center at Emmitsburg. That is it.

Yes, we have a responsibility. I say to my colleagues, this is an easy vote. If we cannot support something like this, a bipartisan amendment offered by my friend, the gentleman from Massachusetts (Mr. MCGOVERN), and my friend, the gentleman from Indiana (Mr. PEASE), then shame on us.

I say to this body, support the real heroes in America, the unsung heroes. Support the men and women of the fire service, who day in and day out protect your towns, who protect your cities. Most of them do it as volunteers.

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

Mr. Chairman, I want to begin with an acknowledgment of my gratitude to the chairman and the ranking member and to acknowledge publicly my greater understanding and much greater appreciation for the challenge that they face in and the work that they do in preparing a bill to bring to this floor. The work that the gentleman from Massachusetts (Mr. MCGOVERN) has given leadership to and which I have supported is only one very small piece of a very large bill, and the difficulties that we have encountered in trying to balance priorities only makes me appreciate more the difficulties the committee faces in trying to balance their priorities every day.

I want to acknowledge the leadership of the gentleman from Massachusetts (Mr. MCGOVERN) on this very important issue and thank him for the work he has done and for including me and others in that work.

What we hope to do with this amendment is to continue the work of NIST in infrared technology for fire safety and those people that defend us and our property on a daily basis. It is a $1 million appropriation. It comes from the Bureau of Prisons.

I have this greater appreciation of their difficulties, if for no other reason than I have a very large Federal prison in my district which I have given great support to. But the fact is the Bureau of Prisons last year did not expend over $70 million of their S&E budget. This is 1.5 percent of their unspent funds from last year, which seems to us a minimal amount and, quite honestly, a very reasonable amount to invest in fire safety on behalf of those many folks who defend us and defend our property on a daily basis.

If I could engage the chairman in a colloquy on this issue, I would like to do so.

Mr. Chairman, the gentleman from Massachusetts (Mr. MCGOVERN) and I have spoken with you and the gentleman from New York (Mr. SERRANO) and the staffs of the committee about your continued willingness to work with us on this issue. We know it is a challenge, just from work we have done in the last few days.

My question is whether the chairman and the gentleman from New York (Mr. SERRANO) are willing to continue to work with us as this bill progresses on this issue, understanding that no final commitments can, of course, be made at this moment?

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

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

Mr. ROGERS. Mr. Chairman, we will be delighted to work with the gentleman. The gentleman has raised a very important issue in this amendment, and we will be delighted to continue to work with the gentleman as the bill progresses through the House and conference with the Senate in addressing the issue that the gentleman has brought up.

Mr. PEASE. Mr. Chairman, reclaiming my time, I thank the chairman. The gentleman from Massachusetts (Mr. MCGOVERN) and I, as a sign of our good faith in your willingness to continue to work with us and with the fire fighters on this issue, have discussed withdrawing the amendment at this time, but before I make that commitment, I would like to yield to the gentleman from Massachusetts (Mr. MCGOVERN) for a moment.

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

Mr. PEASE. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I want to thank my colleague for his support of this amendment. I want to thank the chairman for his generosity, as well as the ranking member. I feel passionately about this issue because this terrible tragedy happened in my city, and I continue to see the faces of those kids who lost their fathers in that terrible fire. I made a commitment to them that I would do everything I possibly could to make sure that their loved ones did not die in vain. So I appreciate the gentleman's commitment.

Mr. PASCRELL. Mr. Chairman, I rise to strike the last word as the author of legislation that relies on research such as that being fought for right now on the floor. I commend Mr. MCGOVERN and Mr. PEASE.

My legislation, the ''Firefighter Investment and Response Enhancement Act,'' or ''The Fire Bill,'' will provide competitive grants directly to the over 32,000 paid, part-paid and volunteer fire departments across America.

The money could be used for personnel, equipment, vehicles, training, health and safety initiatives and prevention programs.

The Building and Fire Research Laboratory at the National Institute of Standards and Technology (NIST) is in the process of developing fire safety technology that would make fire fighting safer.

They are developing precisely the equipment that I wrote my bill to enable fire fighters around the country to purchase. This equipment will make fire fighting safer.

For example, NIST is developing infrared sight technology that will make it possible for firefighters to successfully, and safely, operate in a burning structure filled with thick smoke.

Had such technology been available to firefighters, many recent tragedies could have been avoided and lives could have been saved.

The McGovern-Pease amendment would provides $1,000,000 to the NIST to help them continue their work in this area.

I have said before that our firefighters are the forgotten part of our public safety equation. Congress should make a commitment to those who make a commitment to us every single day.

We need to show that it is no longer acceptable to pay lipservice to the firefighters in our districts on the weekend. . . . and not put our money where our mouth is during the week.

That is why you must vote in favor of the McGovern-Pease amendment. By supporting this funding, you will be laying the groundwork for safe fire fighters by enabling NIST to continue to develop the best technology to protect them.

I urge you all to support our fire fighters by supporting this amendment.

Mr. MCGOVERN. Mr. Chairman, I ask unanimous consent to withdraw the amendment. Hopefully, we can work this out.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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, $835,660,000, to remain available until expended, of which not to exceed $14,000,000 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 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

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 (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 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 (''the 1968 Act''), 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, $155,611,000, 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 by Public Law 102–534 (106 Stat. 3524).

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

Mr. Chairman, I would like to engage the chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations in a brief colloquy.

I rise to commend the subcommittee for generously increasing funding in the Immigration and Naturalization Service budget so this new agency can hire new inspectors to serve at our Nation's airports. While I am supportive of this increase, I am concerned about the disparity of INS inspector staffing that exists between the New York Metropolitan Airport relative to other airports.

Detroit Metro Airport desperately needs additional inspectors. The INS has not kept up with the great increase of passengers at this booming airport, and has let the number of staff at Detroit decrease relative to other international airports. Hartsfield Atlanta International Airport has 2.1 million inspections per year with 78 inspectors on staff. Both Dallas Fort Worth and Dulles International Airports each have 2 million inspections each year, with 78 and 74 inspectors on staff respectively. In comparison, Detroit Metro Airport has 1.8 million inspections per year with only 47 inspectors. Relative to other major airports, Detroit inspectors have to process almost 40 percent more people per inspector. Clearly the INS has understaffed the Detroit Metro Airport.

I had requested the chairman correct this problem by allocating specific inspectors to Detroit Metro Airport. I can appreciate the difficulty of my request and the committee's position that they cannot earmark new inspectors for individual airports. However, I am encouraged that the report language dealing with this account says: ''The recommendation includes $18,489,000 for adjustments to base; and $12,186,000, 154 positions and 77 FTE to increase primary inspectors at new airport terminals. INS is expected to consult with the committee prior to the deployment of these new positions.''

I ask for assurances from the chairman of the subcommittee that when the INS consults with the subcommittee, he will specifically encourage the INS to address the staffing problems, the staffing shortfall, in Detroit, and give the airport due consideration for these new positions.

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

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

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding. I appreciate the gentleman's interest in the issue and his understanding that the subcommittee cannot specify how many inspectors should be allocated to individual airports across the country. It is best to leave those decisions to the INS. But the gentleman is correct, we have specifically asked that the INS consult with this subcommittee before they locate the new agents that we fund in this act.

I agree with the gentleman that the Detroit Metropolitan Airport is understaffed relative to other airports, and I assure the gentleman that they will receive due consideration from this subcommittee during the consultation process with the INS.

Mr. EHLERS. Mr. Chairman, reclaiming my time, I thank the chairman for his assurance. I look forward to working with him on this issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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, $152,000,000, to remain available until expended.

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''), $2,823,950,000, 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, Guam shall be considered a ''State'', 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 $50,000,000 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; 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 $35,000,000 shall be available for the Cooperative Agreement Program; 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 $52,000,000 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 $207,750,000 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 $35,250,000 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, 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 2001 and Guam shall be considered a ''State'' for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1977: *Provided further*, That funds made available in fiscal year 2001 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. 22 OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HINCHEY:

Page 27, line 4, after the dollar amount, insert the following: ''(reduced by $49,500,000)''.

Page 28, line 5, after the dollar amount, insert the following: ''(reduced by $49,500,000)''.

Page 43, line 24, after the dollar amount, insert the following: ''(increased by $49,500,000)''.

Mr. HINCHEY. Mr. Chairman, first I want to express my appreciation to the chairman of the subcommittee for the very diligent and effective work that he has done in putting this bill together and bringing it to the floor. And I am sure the vast majority of the Members of the House very much appreciate the effort and energy and wisdom that has gone into putting this bill together.

I have a very modest change that I would like to make in the bill. This change would take $49.5 million out of prison construction and transfer it to the Economic Development Administration.

I know that the chairman and other Members of the House have a keen appreciation for the very valuable work that is done by EDA. EDA, in many regards, is one of the most effective economic engines that we have in the Federal Government. Not only has it provided over the years a substantial number of loans and other economic incentives for communities around the country, but all of that money that EDA has put in, the public money, has generated enormous amounts of private investment that have far and away by orders of magnitude surpassed the amount of funds that were provided from public sources. Many jobs have been created, much wealth has been created, and economic growth has been experienced in communities all across the country as a result of the work of EDA.

The EDA in this particular budget is flatlined essentially from last year, and it is my hope that the chairman and the majority of the Members of the House will join me in accepting this amendment to take $49.5 million out of prison construction and put it into the good work that can be accomplished through EDA. Even with the removal of this $489.5 million from prison construction, there will still remain $637 million for the construction and upgrading of prisons around the country.

I happen to believe, Mr. Chairman, that we may be spending too much on prison construction. We have now in this country almost 2 million people locked behind bars; and it seems that the more prisons we construct, the more people we find to fill them.

I believe that we ought to engage in this effort, which, while taking some small amount of money from prison construction, will put it into the kinds of efforts that will generate jobs, and hopefully thereby will alleviate the need for additional prison space and will reduce the number of people who find themselves in that situation.

Mr. Chairman, I offer this amendment with a great deal of respect and admiration for the work that has been accomplished in this bill, and I hope that the chairman and the majority of the Members will join me in supporting it.

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

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This amendment would cut State local law enforcement assistance grants to provide an additional $49 million for the Economic Development Grant programs.

Specifically, this amendment would cut the Criminal Alien Assistance program. That is a program that reimburses States for a portion of their costs in jailing criminal aliens. It is a program that is widely supported by the Members of this body, by the governors, by mayors, and local law enforcement people throughout the country. It is especially critical along the southwest border where the criminal alien population is exploding and the States need some financial assistance from the U.S. Government to fund the jailing costs for jailing not just illegal immigrants, but criminal illegal aliens.

This amendment does not state what the increased funding would be used for; just to be put into the EDA.

We already provide in the bill, Mr. Chairman, $362 million for the EDA that goes to provide assistance to communities that are struggling with long-term economic downturns as well as sudden and severe economic downturns. This committee and the Committee on Transportation and Infrastructure have worked with EDA to reauthorize the program, to reform the EDA, to ensure that monies that we provide are targeted to the most severely distressed areas. Without EDA, these communities would have little access to resources for critical infrastructure development and capacity building. The funding in this bill is sufficient to provide the seed capital to distressed areas to allow those local communities to increase their ability to create new economic opportunities.

So this committee, we think, has provided sufficient resources for the EDA, and, on top of that, I am deeply opposed to cutting the assistance to our States and localities in dealing with jailing the criminal illegal aliens that they are having to imprison, and they blame the U.S. for not protecting the borders to keep those people out in the first place.

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

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

Mr. HINCHEY. Mr. Chairman, I just want to make it clear of what my intentions are here in this amendment. My intentions are that the money that I am suggesting, $49.5 million to be put into the Economic Development Administration, be taken out of the construction program for prisons; not for the purposes which the chairman was addressing, but wholly, completely and exclusively from the amount of money that has been provided for prison construction.

Now, that amount is very substantial, $687 million. We would leave $637 million. But the money that I am seeking to take out would be funding that would come only exclusively and wholly from the construction program and nothing but the construction program.

Mr. ROGERS. Mr. Chairman, reclaiming my time, that is an equally

dangerous place to take money. The State prison grant program is a program that we passed here to encourage States to imprison people for 70 percent of their sentence. Many States have taken advantage of that and secured these State prison construction funds, and we are still shorthanded. That fund is underfunded as it is. We were not able to fully fund the State prison assistance grant program, so I would object very strongly to taking the money, equally strongly, out of that account. On top of that, again, the money that the gentleman would place in EDA is not specified as to what it would be used for, and, as I say I think we have adequately funded EDA already.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

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

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT NO. 36 OFFERED BY MR. SCOTT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Mr. SCOTT:

Page 27, line 20, after the dollar amount, insert the following: ''(increased by $60,812,500)''.

Page 28, line 5, after the dollar amount, insert the following: ''(reduced by $121,625,000)''.

Page 30, line 10, after the dollar amount, insert the following: ''(increased by $60,812,500)''.

Mr. SCOTT. Mr. Chairman, I am offering this amendment with the gentlewoman from New Mexico (Mrs. WILSON) to transfer one-half, or approximately $122 million, of Truth in Sentencing prison grant funds to Boys and Girls Clubs and drug court programs.

Mr. Chairman, the so-called ''truth''-in-sentencing is actually a ''half-truth''-in-sentencing. Proponents of truth-in-sentencing will tell us that nobody gets out early. That is the half truth. The whole truth is that no one is held longer, either.

When States adopt truth-in-sentencing schemes, the first thing they do is to reduce the length of sentences that judges have been giving out under the parole system and then direct the defendant to serve all of the reduced sentence.

For example, under a parole system, if a judge says 10 years, the average defendant will serve about 3½ years. Some will get out earlier, some will get out later. The more dangerous criminals can be held longer. But under truth-in-sentencing, everybody gets 3½ years. Those who could have gotten out early are held to the full 3½ years, but those who could not have made parole, those that would have served 10 years, get out in the same 3½ years.

The problem is that the lower-risk prisoners will serve more time and the most dangerous will serve less time. Even if we were to double the average time served and double the prison budget so that everybody serves 7 years, the worst criminals will still get out earlier than they would under the parole system.

So under truth-in-sentencing, the less dangerous criminals get punished severely, but actually rewards the most dangerous, hardened criminals who could never have made parole.

Furthermore, Mr. Chairman, we know that prison education and job training are the most effective ways of reducing the chances that someone might return to a life of crime after they get out. But when we abolish parole, we eliminate the incentive they had to get that education and job training, and that is why a Rand study last year concluded that truth-in-sentencing does not reduce crime.

Finally, not all States qualify for truth-in-sentencing grants, whereas all States qualify for crime prevention programs. And the few States that do qualify for truth-in-sentencing funds can only use those funds for prison construction.

At this point, some States have actually overbuilt prison space. My own State of Virginia, in fact, is trying to lease out prison beds to other States. We have an excess of about 3,000 excess prison beds that we are trying to lease out. So there is no reason for us to give money to States to build prison beds that they do not even need.

Mr. Chairman, States are already spending tens of billions of dollars on prison construction every year, so this $121 million spread out amongst the 30 or so States that qualify for truth-in-sentencing funds cannot possibly make any measurable difference in the number of beds built and, in fact, like the Rand study concluded, cannot make any measurable difference in crime. But if that money is spent on boys and girls clubs and drug courts, we can certainly make a difference in the crime rate.

We know that housing projects with Boys and Girls Clubs experience a dramatic decline in drug activity. In fact, Boys and Girls Club participants had less truancy and were more likely to graduate from high school. The Department of Justice reports the presence of Boys and Girls Clubs in public housing reduced juvenile crime 13 percent and reduced drug use 22 percent. Studies of drug court programs have repeatedly shown that drug offenders subject to drug court programs have a lower recidivism rate than those who are sentenced to prison. Studies have shown that the drug courts are so effective, in fact, that they save more money than they cost.

So, Mr. Chairman, it is time to stop throwing money away on bad crime policy. The evidence shows that truth-in-sentencing has not reduced crime, but we do know that drug courts and Boys and Girls Clubs will reduce crime, and that is why I hope my colleagues will support this amendment.

Mrs. WILSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleague from Virginia for his leadership on this issue and also thank the chairman and the ranking member for their hard work on this appropriations bill.

I am a supporter of judicial discretion, and I am also a supporter of tough penalties for those who commit violent crimes. But I am also a supporter of prevention and intervention programs that work, particularly programs for children, and I have seen them work in my own State.

In the period from 1993 to 1997 in this country, we did a lot of prison construction. That era is largely over in this country, and in many States, there is an excess of prison beds. The truth-in-sentencing money that is available through the Federal Government is not available to all States, and many States have exhausted their intentions to build more prison space. I believe it is far beyond time to shift our priorities to pragmatic things that work, and I think we have identified two in this budget that deserve more emphasis than they are currently getting in the budget as it is constructed.

The first is drug courts. It is a growing trend in justice in this country. There are about 300 drug court programs now in America, and they are growing every year, commingling together grants from private sources and money from administrative offices of the courts. The idea is with judicial supervision for somebody on parole, for somebody who is committed to trying to turn their life around, who is willing to undergo random drug testing, who will accept escalating sanctions and treatment and incentives to try to get them back on the right track and get them clean.

The good thing about them is that they are working. It is that combination of treatment, immediate sanctions, and incentives, with a lot of supervision, that is working, and it is working in my hometown of Albuquerque, where we not only have started an adult drug court, and the judge there who is doing very well with it, but we are looking at expanding that to other parts of the State and also starting a juvenile drug court to reach kids earlier.

The other program that does work and I think needs to be supported deals with kids. I used to be the head of the Children Youth and Families Department in the State of New Mexico. We had responsibility for child welfare and also for the juvenile justice system.

Kids need a safe place to be, and they need a caring, responsible adult in their lives. All of us would hope that that responsible adult is a parent or a

grandparent, but it is not always that way.

There are a lot of programs that deal with kids that provide mentors for kids: 4–H and the Boy Scouts and children's youth groups at church, and Future Farmers of America; we have seen them all in all of our communities. But the things that the Boys and Girls Clubs seems to do better than most is reach the kids in most need. They are in the housing projects. Sixty-one percent of the kids in Boys and Girls Clubs are minority; half of them come from single-parent families. They are in 50 States and in Puerto Rico and in the Virgin Islands and serve 3.1 million children in America, giving them a safe place to be and positive, caring adult role models and constructive things to do.

I met a lot of kids, mostly boys, in the juvenile justice system in the State of New Mexico. Most of them were involved in gangs. Half of them had a parent with a drug or alcohol problem.

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Almost all of them had little or no contact with their dads. Sometimes they were tough, violent thugs. Then, in a moment, you would see a boy.

We need to work with these kids while we still have the chance to help them turn their lives around before they throw them away and send all of us the bill.

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

Mr. Chairman, this amendment would cut the Local Law Enforcement Block Grant by $60.8 million, and that program is critical to our State and local law enforcement fight against crime. It is a very popular program with local communities.

The amendment would add funding to the Boys and Girls Clubs to help at-risk youth and increase funding for the drug courts, both of which this subcommittee has dramatically increased funding for over the last couple of years.

In fact, more funding has been provided in our bill for these activities than was requested of us by the administration. At-risk youth funding includes $50 million for the Boys and Girls Clubs. That is up from I think it was $40 million a couple of years ago. There are $250 million for Juvenile Accountability Block Grants that the Administration proposed to eliminate altogether, and there are $287 million for Juvenile Justice programs. Those amounts do not include the nearly $200 million that is in the COPS program for school violence programs.

So we have funded and funded and funded programs for at-risk youth. We have also funded big increases for drug courts. That has been one of the shining examples of bipartisan cooperation here in this body in our subcommittee, because drug courts have come from nowhere in the last 3 years in funding.

Our bill includes $40 million in direct appropriation for the drug courts program. It also includes $523 million for the Local Law Enforcement Block Grants, again, which the administration proposed to eliminate. Historically, communities spend between $10 million and $15 million of their local law enforcement block grants on drug courts each year.

Our bill also includes $250 million for the Juvenile Accountability Block Grant program, which could be used to fund the juvenile drug courts. This program is also proposed to be eliminated by the Administration.

As for reducing the State Prison Grant program, which this amendment would also do, a Bureau of Justice Assistance report from last year concluded that the requirements of a State Prison Grant program have resulted in increases in the time violent offenders actually served behind bars. This program keeps our streets safe by keeping violent offenders behind bars.

There may be several reasons for the recent drop in violent crime. The fact remains, whether we like it or not, prison works. We now have the lowest level of violent crime in America's recorded history. A good part of that is because we have beefed up these accounts in this bill against amendments just like this.

Historic figures show that after incarceration rates have increased, crime rates have moderated. The need for additional prison capacity remains. While some States may have excess prison capacities, others are a long way from reducing their overcrowding problems.

So to conclude, Mr. Chairman, in total, our bill provides increases over the Administration's request for at-risk youth and drug courts, and we have to fulfill our commitment to the States to continue the State Prison Grant funding program, which we promised them in our law a few years back. I urge a rejection of this amendment.

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

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I would ask the gentleman, the amendment was designed to take money out of the truth-in-sentencing grant and not the law enforcement block grant, but specifically, just the truth-in-sentencing grant money that all States do not even qualify for.

Mr. ROGERS. The gentleman may have improperly drafted the amendment, because he may intend to cut from something else, but the fact is that he cut the Local Law Enforcement Block Grant.

Mr. SCOTT. We asked Legislative Services to draft it such that only the truth-in-sentencing block grant was implicated, and we have been advised by them that that is what it does.

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

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

Mrs. WILSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from New Mexico.

Mrs. WILSON. Mr. Chairman, as I understand it, one of the points of confusion may be here that this is the Scott-Wilson second amendment, not the first amendment. The money is taken from page 28, line 5, which I think is the truth-in-sentencing grant.

Mr. ROGERS. Reclaiming my time, I am sure the intent is as the gentleman has said, but the earmark increased the amount for Boys and Girls Clubs, which is an earmark within the local law enforcement block grant program, but they did not increase the local law enforcement block grant program by that amount, which means that the money is coming out of the local law enforcement block grant program. So that is the effect of the amendment.

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

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, the reduction is on page 28, line 5.

Mr. ROGERS. Nevertheless, Mr. Chairman, regardless of this question, the fact remains that we have funded the Boys and Girls Clubs generously in the bill, and we have funded the drug courts generously in the bill, and the cuts that the gentleman is proposing would come from programs that are desperately needed and underfunded as they are.

Mr. Chairman, I would urge a rejection of the 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 529, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

AMENDMENT NO. 35 OFFERED BY MR. SCOTT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. SCOTT:

Page 27, line 4, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 28, line 5, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 32, line 14, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Page 32, line 23, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Mr. SCOTT. Mr. Chairman, this amendment would move $10 million from the truth-in-sentencing prison grant funding to the community-oriented police services crime identification technology program. The money

would be there for use of States to use for eliminating their DNA testing backlogs, including the backlog of rape evidence cases.

Mr. Chairman, I would advise the minority that the Congressional Quarterly inadvertently said it came out of another fund, but the amendment is supposed to come out of the truth-in-sentencing money and go to the community-oriented policing services crime identification technology program.

Mr. Chairman, over the last 10 years, DNA has moved the role of forensic laboratories from bit player to star player in the criminal justice system. I am proud to say that my State of Virginia has been a leader in the use of DNA evidence. Our crime lab, under the professional direction of Paul Ferrara, was one of the first to use DNA testing for criminal justice purposes.

Not only has the DNA analysis proved to be an efficient and convincing way of identifying perpetrators of serious and sometimes heinous crimes, but it has also proved a convincing way to exonerate the wrongfully accused and sometimes imprisoned individuals.

For example, DNA played a prominent role in the recent moratorium on executions instituted by the Governor of Illinois after the Innocence Project established that 13 people on death row in that State were actually innocent. It is bad enough, Mr. Speaker, to have an innocent person wrongly convicted, Mr. Chairman, but it also means that the real perpetrator remains free to commit more crimes.

Just this morning a man from Montgomery County, Maryland, a few miles from here, was released from rape and murder charges based on DNA analysis, and another person who was currently being held on the charge of rape in another case was apparently implicated.

Currently there are hundreds of thousands of collected but untested DNA samples from offenders and suspects from around the country. Last week during consideration of a bill to address the backlog our colleague, the gentleman from New York (Mr. WEINER), reported that New York City alone has over 16,000 unprocessed rape kits.

No one in this House, Mr. Chairman, has been a stronger advocate for more funds for DNA testing than our friend and colleague, the gentleman from New York (Mr. WEINER).

None of the proposals before the House at this time are sufficient to address the backlog fully, but several bills are being considered by the Committee on the Judiciary, and one of which was reported from subcommittee included a $10 million authorization, and therefore, the $10 million request in this amendment.

Mr. Chairman, the truth-in-sentencing prison grant program can only be used for prison construction, so the money is sending tens of millions of dollars to a few eligible States, some of which, like my State of Virginia, do not even need the money for that purpose.

Virginia has thousands of beds that it rents out to other States or keeps empty. Other States have accumulated truth-in-sentencing money because they are not currently building prisons, and many States do not even qualify for any of the money at all, but all of the States qualify for DNA testing and have DNA testing backlogs.

Mr. Chairman, tragically, because of the DNA backlog, thousands of individuals who have committed serious crimes remain free while police waste their time, as well as waste the time and lives of innocent suspects.

In the meanwhile, we are sending money for States for prison building, whether they need it or not. To add insults to injury, a recent study by the Rand Corporation on truth-in-sentencing prison incentive programs concluded that it was not reducing crime at all.

Mr. Chairman, I would hope that we would better prioritize our scarce resources for protecting public safety and properly administering criminal justice by putting them first to use in sorting the guilty from the innocent and apprehending the guilty.

Accordingly, Mr. Chairman, I ask my colleagues to support this amendment.

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

Mr. Chairman, there is already in this bill in the COPS program $130 million for the Criminal Identification Technology Act, the CITA programs, which the gentleman has just described, very vital to the Nation's criminal system. The COPS program includes $130 million. There is plenty of money there.

The way the States go after that money, they go through the Office of Justice Programs, which administers the COPS grants. The money then goes to the local areas. The distribution is equitable across geographic lines. So there is already money there.

Number two, the gentleman's amendment would again cut the State Prison Grant program, a commitment made by this Congress years ago to help States build prisons to house the State prisoners, provided they require the prisoners to stay there for a goodly percentage of the time they were sentenced for.

So I would urge that we reject this amendment. There is already plenty of money in the CITA program, within the COPS program administered by OJP, and the cuts would come from every State in the Union participating in the State prison construction program.

I urge a no vote.

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

Mr. Chairman, I rise in support of the Scott amendment to address the enormous DNA backlog problem that police departments have all across the country. While we have heard many comments about how there is money in this program or that program, the Scott amendment specifically targets the DNA backlog.

I have been working on this issue for some time, and last fall the gentleman from New York (Mr. GILMAN) and the gentleman from Minnesota (Mr. RAMSTAD) and I introduced a bill to cut down on the DNA backlogs that exist in our police departments all across the country.

We have been successful in getting this issue heard, and now I hope tonight we will be successful in getting this issue funded.

I am pleased to report that the Subcommittee on Crime of the Committee on the Judiciary has been moving this issue forward, thanks to the efforts of the gentleman from Virginia (Mr. SCOTT) and other Members of the Committee.

Right now State and local police departments cannot deal with the number of DNA samples from convicted offenders and unsolved crimes. These States simply do not have enough time, money, or resources to test and record these samples.

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In Michigan, my home State, from 1998 to 1999, around 5,000 samples sit on a shelf unanalyzed. In Virginia, where the gentleman from Virginia (Mr. SCOTT) is, 191,762 cases of DNA sit in the backlog. In California, 132,000 cases sit unanalyzed. The source of this information is the FBI Lab Survey of Criminal Laboratories in the summer of 1999. Nationwide, that backlog is over 700,000 cases.

Unanalyzed and unrecorded DNA samples are useless to law enforcement and to criminal investigators.

An example, John Doe is a convicted offender serving time for sexual assault. By law, his DNA has been collected. But because of the backlog, it has not been tested and is not in the law enforcement database. John Doe gets out of jail, he commits another sexual assault, and gets away, unidentified by the victim. Even if the police collect his DNA from the crime scene, he will not be caught, and his DNA will not be matched up, because his previous DNA sample is sitting on the shelf somewhere waiting to be tested. John Doe will stay on the streets, and he will commit more crimes.

We need these funds. Because every day that goes by, a real John Doe is out there, committing more rapes, robberies, murders, when he could have been stopped if we just put a little bit of resources into the DNA backlog.

This amendment answers a call by the police, communities, and victims. We need to stop the criminals that until now have been able to strike and strike again at our society without being caught.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment that the gentleman from Virginia (Mr. SCOTT) has offered. Mr. Chairman, we have spent too short a time dealing with the questions of innocence. We have spent a lot of time putting the burden of proof on the defendant when it actually should be on the prosecution in a criminal case. That is the system of governing that we have that the State comes into the courtroom with a burden. That burden is enhanced by the technology and the equipment that our law enforcement officers have.

I am delighted to see the gentleman from Michigan (Mr. STUPAK) stand as a former police officer and head of the Law Enforcement Caucus. I think there is no question that our law enforcement officers want to be able to investigate with the tools that will allow them to find the perpetrator, the one who committed the crime, versus the innocent. Law enforcement officers are committed to making sure that the victims are not further victimized.

I think the gentleman from Virginia (Mr. SCOTT) has a very good amendment, because, in fact, we have seen in hearings and data of the backlog of the need for DNA testing, whether it is from a rape charge or whether it is in another charge.

I have been on this floor today because this is the Commerce, Justice, State appropriations bill; but at the same time, we are dealing with an execution pending in the State of Texas. In that case, with Mr. Graham, there was no physical evidence and no need for DNA testing. There was, however, ballistics testing that was never presented in his trial.

It is clear that we have a broken system when we cannot find the support elements that are needed for law enforcement and for our legal justice system to go into court armed with the strongest evidence that presents the innocence or guilt of the individual being tried.

I believe that a mere $11 million is truly an insufficient amount to add to the question of helping to aid in someone's innocence. I would ask that our colleagues support the Scott amendment. It is a good amendment, and it adds to the justice for which we all advocate.

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

Mr. Chairman, in a nondescript building in Long Island City, in Queens, in New York City, a warehouse, in fact, evidence from crime scenes is collected and stored. It is everything from people who had sold umbrellas and videotapes illegally on the streets to people who had committed more serious crimes.

In the back of this warehouse are two giant refrigerated rooms, larger than one would find in any restaurant. In those rooms is a hall of horrors, 16,000 rape kits, evidence that was collected at rape scenes. Each one of those kits represents a crime waiting to be solved. Each one of those kits represents a woman who was victimized who has not found justice.

The reason they are stored there is they are awaiting DNA tests. The gentleman from Michigan (Mr. STUPAK) spoke eloquently about the need to clear the backlog of those who are convicted offenders who have given their blood to be loaded on to the crime computers for evidence. But every one of those evidence kits is also awaiting analysis, DNA analysis to be matched hopeful to find the criminal who committed those crimes.

Unfortunately, the bill that we are considering today does nothing to assure that any dollars, not even a single one would necessarily go to the localities to help them deal with that backlog. They have that backlog in New York City and elsewhere because of money, plain and simple. It is more expensive to test evidence than it is to convict offenders.

The present block grant system which provides money to the States could very easily not trickle down at all to localities, because that is the way it is happening now. In fact, the present law that allows the money to be used for convicted offenders does not allow it to be used to test evidence kits. It does not allow localities to get access to the money to test to find out if we can match that crime scene with someone who is already in our prisons who has passed through the system in the past.

That is why the amendment of the gentleman from Virginia (Mr. SCOTT) is so very valuable. It is just the tip of the iceberg. $10 million is even less than some of the bills that we are marking up in the Committee on the Judiciary.

I believe that it is a small incremental step. I must confess that I regret that it has come from the source it is coming from. This entire bill, the levels, it is kind of like taking one tiny level and reducing it to even a tinier level to make one almost invisible level visible.

But the fact remains this is a problem that needs to be solved. It is also a problem that we cannot afford to wait on. Virtually every State in the Union has statute of limitation laws governing rape and sexual abuse. The clock is ticking. Every single day in New York, six rape kits, six groups of evidence, six women awaiting justice are not able to get the justice because we do not have the resources to test those kits.

Now, some prosecutors have become innovative and have started indicting and pressing charges against John Doe, just filing charges against DNA and nothing else. But this amendment is a small and modest step to allow us to begin to do some of this DNA analysis.

I have got to tell my colleagues the gentlewoman from Texas (Ms. JACKSON-LEE) who just spoke about this being used to exonerate the innocent. But I tell my colleagues what is going to happen when they do these tests of these evidence kits, we are going to find a hit.

We just had one in Yonkers, New York where, by happenstance, there was an evidence test done by a locality with money in their local budget, and it was a hit against someone in New York State's prison. If my colleagues think this is only a problem in New York City, I can tell my colleagues rapists are recidivists. They rape again and again and again, and they cross State lines to do it.

One of the benefits of the Scott amendment, it would load the data about the DNA onto the NCIC computers so to allow someone in Texas who is investigating a rape to test against convicted offender samples in Dallas and also convicted offender samples in Delaware.

What his amendment would allow also, and perhaps even more importantly, is to test some of the evidence that has been gathered at crime scenes.

Mr. Chairman, this is not an academic issue to a woman who has been raped 4 years ago and 6 months. Because for her, in 6 months, in the State of New York, the statute of limitations will lapse, and she is going to lose the chance.

I urge my colleagues to support the Scott amendment to fund DNA testing on some of this evidence, something that is not funded in the bill presently.

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

Mr. Chairman, I rise to support the amendment of the gentleman from Virginia (Mr. SCOTT) to increase funding for crime prevention programs.

This amendment we are addressing now, as my colleagues know, takes $10 million from the Truth in Sentencing Fund and applies it to the COPS program for DNA testing. Our colleagues, particularly the gentleman from Michigan (Mr. STUPAK), who was a law enforcement veteran, have spoken eloquently about this amendment.

I would like to talk about the previous amendment of the gentleman from Virginia (Mr. SCOTT) in conjunction with this and commend him for his leadership on both of them.

The Scott amendment that was already addressed by this House would provide $121 million for crime prevention programs to assist young Americans to stay out of trouble and become responsible adults. This investment would provide $60.8 million to Boys and Girls Clubs of America and the same amount, $60.8 million, to the national Drug Courts program to continue their excellent programs. Those courts have made a tremendous difference.

For the last 13 years, the Boys and Girls Clubs of America have worked with at-risk youth living in or near America's public housing and now have more than 300 affiliate clubs. These clubs provide a safe haven, constructive programs, and have proven positive results. An independent analysis

by Columbia University demonstrated that these clubs had a significant impact on juvenile criminal activity, which dropped 13 percent, on drug activity which dropped 22 percent, and on the presence of crack cocaine which dropped 25 percent.

The 400 Drug Courts throughout America prevent crime effectively. These locally driven Drug Courts employ experienced criminal justice professionals and substance abuse counselors to work individually with Drug Court enrollees. In 1998, Columbia University's independent analysis demonstrated that Drug Courts reduced drug use and criminal behavior substantially. In addition to directly benefiting our youth, the Drug Court system's annual costs are less than $2,500 per person, significantly less than the $20,000 to $50,000 annual cost to incarcerate drug-using offenders.

To fund these investments, the Scott amendment provides responsible offsets. Specifically, this one taps half the funds from the Truth in Sentencing program and leaves adequate Truth in Sentencing funds. In 1999, only 30 States were even eligible for these funds. Furthermore, Truth in Sentencing funding is available for only one use, prison construction. This amendment provides an opportunity to shift our juvenile justice policy from incarceration to a policy of prevention, assistance, and rehabilitation. Before we build more prisons, we should invest in youth. We get more value for the dollar spent. For the same amount of money invested in prisons, we do not go very far, and we do not prevent very much crime. For the same amount of money invested in youth, we have very, very positive results.

In addition to benefiting our youth, this amendment benefits States with added flexibility. It addresses the problem in current law that limits TIS funding to prison construction only. It eases this restriction by enabling States to invest in proven prevention programs. For example, the State of Virginia, the Truth in Sentencing State, has excess prison capacity and is currently trying to lease 3,200 prison beds to other States. We should not penalize Virginia or other States that do not want more prevention. States with excess prison capacity should be allowed to invest in proven crime prevention programs. We should support State and local decision-making on this issue.

At a time today especially very significantly, Mr. Chairman, when we are all engrossed in watching the actions in Texas related to the death penalty case and whether Gary Graham will be executed tonight, the need for us to have more funding for DNA testing is even more important.

So this amendment that is before the House right now is a very important one. I urge my colleagues to support it and support the amendment that the gentleman from Virginia (Mr. SCOTT) has called for a vote on, the previous amendment heard by the House.

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

The amendment was rejected.

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 27, line 4, insert after the dollar amount the following: ''(increased by $8,000,000)''.

Page 29, line 2, insert after the dollar amount the following: ''(increased by $8,000,000)''.

Page 79, line 16, insert after the dollar amount the following: ''(decreased by $8,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I intend to withdraw this amendment, but I do want to speak to it and, as well, another issue that is extremely important. This is an important issue, and it has to do with providing monies to fund the Violence Against Women grants, additional monies.

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The reason that this amendment was offered is because this program is in great need to fund such programs like STOP programs, Services Training Officers/Prosecutors. So I would have offered this amendment so we could continue the civil legal assistance programs to address domestic violence in programs like Safe Start that provide direct intervention and treatment to youth who are victims or even perpetrators of violent crimes.

The dynamics of domestic violence are all encompassing and usually start as emotional abuse that evolves into physical abuse that can result in serious injury or death on not only women but also children. In the Committee on the Judiciary we are now reauthorizing the Violence Against Women Act. The Violence Against Women grants also fund victims of child abuse programs and training programs that serve the young victims of domestic violence that either experience or witness violence.

It is alarming to note that, according to the National Coalition of Domestic Violence, between 50 and 75 percent of men who abuse their female partners also abuse their children. Moreover, at least 3.3 to 10 million American children annually witness assaults by one parent against another. Consequently, the children of domestic violence are at a high risk of anxiety and depression and often experience delayed learning skills.

Domestic violence affects women of all cultures, races, occupations, and income levels. Ninety-two percent of reported domestic violence incidents involve violence against females. Although domestic violence affects women across all racial and economic lines, a high percentage of these victims are women of color. African American women account for 16 percent of the women who have been physically abused by a husband or a partner in the last 5 years. African American women were victims in more than 53 percent of the violent deaths that occurred in 1997.

This amendment would have provided vital services that provide much-needed civil and legal assistance to the victims of domestic violence. This is an important issue in my State. In Texas, there were 75,725 incidents of family violence in 1998, an estimated 824,790 women were physically abused in Texas in 1998. Of all of the women killed in 1997, 35 percent were murdered by their intimate male partners. In 1998, 110 women were murdered by their partners.

An example of the importance of this legislation is the impact that the Violence Against Women Act grants have had on services in local communities. In Houston we have the Houston Area Women's Center, which operates a domestic violence hot line, a shelter for battered women and counseling for violent survivors. The center provides all of its services for free.

Mr. Chairman, I would like to enter into a colloquy with the ranking member, the gentleman from New York (Mr. SERRANO). I know that the gentleman has worked on this issue dealing with violence against women, and I would hope that as we move this bill through conference that we can all look for opportunities to ensure that these efforts for funding for these special programs are funded at at least the maximum amount that will get the most amount of services throughout this Nation.

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, I would advise the gentlewoman that this is an issue of great concern to all of us on this side, and certainly to a lot of Members in the House; and it is our intent, as we go through the conference procedure, to see to it that special care is taken in paying special attention to these issues so that these programs can be funded at the proper level.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Chairman, I thank the gentleman very much.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, in a moment I will be asking to withdraw the amendment, but before I do, I would also like to acknowledge an amendment that I had intended to offer, and I will put the statement regarding that amendment in the RECORD.

It is unfortunate that this amendment was not allowed to be brought to the floor because of the funding question. Again, we know that points of order can be waived, but we must surely realize that we are doing a disservice

to many of these issues because points of order are being offered against crucial issues that we are facing.

I am particularly facing such an issue in Texas, with the need for increased border patrol presence along 8,000 miles of international land and water boundaries through the areas of Arizona and Texas. We have already found immigrants buried in the border areas because of the tragedy of the encounters at the border.

We know our border patrol agents are doing the very best job that they can, but I had offered legislation to increase the amount of border patrol agents in the Border Patrol Recruitment and Retention Act of 1999. I would have wanted to restore the $24 million that would have increased their salaries as well as their training.

I look forward to working with my Senator, Senator HUTCHISON, to do this on the Senate side because it is a very important issue. I will put my statement in the RECORD, but I am disappointed that we were not able to positively respond to the needs of these border patrol agents. My commitment to them is that we will continue to work with them to encourage this funding to occur during this time frame.

Mr. Chairman, I take the floor of the House today to address an issue that I have been interested in since I have become Ranking Member of the Subcommittee on Immigration and Claims. Early in the 106th Congress I sponsored a bill, along with Congressman REYES, H.R. 1881 the ''Border Patrol Recruitment and Retention Act of 1999.''

This legislation provided incentives and support for recruiting and retaining Border Patrol agents. This legislation increased the compensation for Border Patrol agents and allowed the Border Patrol agency to recruit its own agents without relying on personnel offices of the Department of Justice or INS.

The ''Border Patrol Recruitment and Retention Enhancement Act'' moved Border Patrol agents with one year's agency experience from the federal government's GS–9 pay level (approximately $34,000 annually) to GS–11 (approximately $41,000 annually) next year.

However, this year Mr. Chairman, $24 million is missing to give these Border Patrol men and women upgrades. The INS included a pay reform proposal for Border Patrol Agents and Immigration Inspectors as a part of its 2001 budget. This proposal was to upgrade the salaries of Border Patrol Agents from GS–9 to GS–11. Additionally, funds ($50 million) to support the upgrades were included in the 2001 budget. The Border Patrol upgrades cost $24 million. My amendment will restore the $24 million back into the budget, specifically the Border and Enforcement Affairs Account.

The subcommittee report indicating the recommended level does not assume the proposed increase in the journeyman level for Border Patrol Agents and Immigration Inspectors.

We are a nation of immigrants and a nation of laws. The men and women of the United States Border Patrol put their lives on the line every day of their lives. The present force of 8,000 members is responsible for protecting more than 8,000 miles of international land and water boundaries, and work in the deserts of Arizona and Texas.

These proposals must be enacted and funds provided, if INS is to retain the current workforce and continue hiring more Border Patrol Agents.

Mr. Chairman, I ask unanimous consent to withdraw the amendment offered to increase funding to the Violence Against Women Act grants.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

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 inter-governmental 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), $595,000,000, to remain available until expended, of which $384,500,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, including up to $180,000,000 to be used to combat violence in schools; and of which $210,500,000 is for innovative community policing programs, of which $45,675,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug ''hot spots'', $5,000,000 shall be used to combat violence in schools, $130,000,000 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 $29,825,000 shall be expended for program management and administration: *Provided*, That of the unobligated balances available in this program, $150,000,000 shall be used for innovative 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, $100,000,000 shall be used for a law enforcement technology program, $15,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, and $10,000,000 shall be used to combat violence in schools.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. LOWEY:

Page 32, line 14, after the dollar amount, insert the following: ''(increased by $150,000,000)''.

Page 33, line 2, before the comma, insert the following: '', $150,000,000 shall be for the State and Local Gun Prosecutors program, for discretionary grants to State, local, and tribal jurisdictions and prosecutors' offices to hire up to 1,000 prosecutors to work on gun-related cases''.

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

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

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY) for 5 minutes.

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

Mrs. LOWEY. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, may I ask the gentlewoman to yield for a moment. I believe that my amendment is on a line ahead of hers; and I would ask, just so we do not go out of order, if she would withdraw.

Mrs. LOWEY. Which page is the gentleman's amendment on?

Mr. WEINER. I believe mine is line 11. I am not sure.

The CHAIRMAN. The Chair would advise the Members that both amendments are in the same paragraph, and in deference to the senior New Yorker that is why the Chair recognized the gentlewoman from New York.

Mr. WEINER. I understand. I thank the Chair. I just wanted to make sure I was not losing my place, and I apologize, with all due deference, to the senior Member.

Mrs. LOWEY. I certainly accept the apology of my colleague, the gentleman from New York; and I am delighted that he is a member of our delegation.

The CHAIRMAN. The gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, I want to express my deep disappointment that this bill does not include the President's request for $150 million to fund 1,000 State and local prosecutors in high gun violence areas. And I want to thank my good friend and colleague, the gentlewoman from New York (Mrs. MCCARTHY), the gentlewoman from Michigan (Ms. STABENOW), and the gentlewoman from Connecticut (Ms. DELAURO) for their important work on this issue.

If there was one thing it seemed most Members of this Congress agreed on, it was the important role that enforcement of gun laws plays in making our

communities safer. My amendment would provide funding for this purpose.

Of course, I believe, as does the majority of the American people, that tough enforcement, with common sense gun safety measures, go hand in hand. We need to punish those who break existing laws, but we also need to put in place new preventive measures, like closing the gun show loophole and keeping guns out of the hands of children and criminals. But not only have we failed to pass such common sense measures, we are now neglecting to fund critical law enforcement of existing gun laws.

I am delighted to see that this bill funds the hiring of additional Federal prosecutors for gun crimes, and I commend the subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS), and the ranking member, the gentleman from New York (Mr. SERRANO), for that. But without community-based initiatives, without State and local prosecutors able to attack this problem on a smaller more focused scale, we are not doing nearly enough.

It is absolutely critical that we focus more funding on the prosecution of gun crimes if we are going to wage a strong fight against gun violence in this country. So I urge my colleagues to vote for the Lowey, McCarthy, DeLauro, Stabenow amendment to boost our investment in the safety of our communities and our children.

The CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. ROGERS. I reserve the point of order.

Ms. STABENOW. Mr. Chairman, I rise in support of the amendment that the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from New York (Mrs. MCCARTHY), and the gentlewoman from Connecticut (Ms. DELAURO) and myself have introduced.

This is a very, very important amendment; and as my colleagues will speak tonight, this speaks to something we should all agree on. Regardless of which side Members of the House are on as it relates to other issues relating to gun safety, we all agree that strong enforcement of gun laws is absolutely critical to protect our children and our families. In this vein, I have introduced H.R. 4456, which would similarly to this amendment authorize $150 million for local prosecutors to focus on gun violence.

In my district in Michigan I have frequently sat down with my sheriffs and prosecutors and police chiefs and others and asked them what we can do to support their efforts. And just as they strongly support community policing and what has been done by adding more officers in our neighborhoods and communities across the United States, they have been saying loudly that they need additional resources to focus on local prosecution and State prosecution of our gun laws.

We understand that there is a serious issue here. Those that are violating our gun laws need to be prosecuted quickly, and our communities are telling us they need more resources to do that. Let us join together this evening, let us show this evening that regardless of the side that an individual is on on other measures relating to gun safety, we all can come together around this amendment and understand that with additional resources to our States and our local communities that we can reduce gun violence, we can prosecute those who are committing crimes with guns, and we can make our streets safer for our children.

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

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

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

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding to me; and, Mr. Chairman, I do continue to reserve the point of order, but let me say this about the substance of the amendment.

This program is neither authorized or even well defined. No one knows what we are talking about here. What is a high gun violence area? There has to be some definitions so we can administer a law when it is passed. No one knows what that means. Does it mean three guns per square mile or 5,000 guns per square mile?

I am just tempted to think that this is not thought out very well. In fact, I question whether the $150 million requested for so-called gun prosecutors could even be awarded in fiscal 2001. In fiscal 1999 and in fiscal year 2000 we appropriated a total of $15 million for the Community Prosecutors program; and through April of this year, Department of Justice has yet to award all of its 1999 funding, much less the 2000 year funding. And they tell us that only about 140 communities will apply for funding in fiscal year 2000. Well, if only 140 communities are interested in this program, and they have not spent 1999 monies, why do we need more money in fiscal 2001?

In fact, I say to my colleagues, Mr. Chairman, that the block grant programs which the Administration proposed to eliminate, that goes to State and local communities for law enforcement, a total of $523 million, is in this bill that could be used for that purpose if they want to. There is plenty of money here sloshing over the sides for local law enforcement to use for these purposes. We do not need another program, especially one that is unauthorized and, two, that cannot be defined.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

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

Mrs. LOWEY. Mr. Chairman, before we hear from my other colleagues, I would just like to respond to our distinguished chairman that I am delighted to know that there is some money in the budget; but this President has made a very, very forceful commitment to go after these criminals and, as I understand it, my colleagues on the other side of the aisle share that commitment.

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield to me.

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

Mr. ROGERS. Mr. Chairman, I would simply respond to the gentlewoman that this President zeroed out the $523 million that we provided, the Congress provided, for local law enforcement block grants. He said zip. Zero. It is gone.

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Now, if my colleagues want to talk about who is committed to wiping out gun violence, let us talk about the fact that the Congress has funded, as I said before, $15 million as long ago as 2 years ago and they have yet to spend it. The Administration has yet to make those grants. They have got money laying there. They cannot even give the money out they have got laying there. On top of that, we are piling more money on this year in this bill and they cannot spend it. They cannot or they will not. I do not know what the case is.

But the point I wanted to make is, they do not need any more money. They have got plenty laying down there they will not give out to these communities to prosecute gun violence.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Lowey-McCarthy-DeLauro-Stabenow amendment. We are hearing constantly that we are not doing enough to certainly enforce the laws that are on the books. I think that what we have been hearing constantly, even from their side of the aisle and actually from everywhere, is that we are not doing it.

So what I am saying is that taking this amendment and taking the money and putting it into local. And as far as saying we do not have any statistics, I can tell my colleagues, we can probably talk to any mayor or any local community and they can tell us where they need the help the most as far as local prosecutors go.

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

Mrs. MCCARTHY of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the point I want to make was that there is $523 million in this bill for local law enforcement block grants that goes to local police forces, that goes to local sheriffs, that goes to community police forces, that they can use for whatever purpose they want. Prosecute gun violence. The money is there.

Why do they need more money?

Mrs. MCCARTHY of New York. Mr. Chairman, reclaiming my time, I think the problem is right there when we talk about the block grants. I know my local police, certainly on the block

grants, I know what they use it for. They are certainly using it for the community policing and they have done a tremendous job as far as working into the community. They also have set up different funds as far as domestic violence and everything else.

What I am saying is we should be taking this money and target it just exactly, not a block grant, but target it exactly for prosecution of gun violence.

Mr. ROGERS. Mr. Chairman, if the gentlewoman would continue to yield, the money can be done that way. I mean, the monies are available for whatever they want to use it for. Let them target it as they see fit, locally. If they think there is a gun problem in their community, use the money for that purpose.

I would point out also, there is the Local Law Enforcement Block Grant program, $523 million; and, also, there is the COPS program, another $500-something million for hiring cops for whatever purpose they wanted.

On top of that, there is zillions of dollars for Violence Against Women Act, there is Juvenile Justice block grants, there are block grants and grants that are not spent, including the money I mentioned, the $15 million a year, for community prosecutors for the last 2 years, all of which has not yet been spent.

Mrs. MCCARTHY of New York. Mr. Chairman, reclaiming my time, again I will say to the chairman, the monies that we have given to our local communities, it has been wonderful, but a lot of times I know my local communities are making choices of where to put the money.

What I am saying is certainly all of our larger cities, especially, could use these prosecutors so they can go only strictly after the guns and still have the monies, because we know there is never enough money for anything, and have those community programs still on base.

Mr. Chairman, I yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I want to observe that the grants under the bill have to pass through the States to get to the localities.

The great success of the COPS program is that it takes police departments, even the smallest police departments, for example, and targets the assistance directly to them.

What the amendment of the gentlewoman would do would allow small localities, and very often the States cherry-pick these things, that is what is going to happen with the DNA funding.

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

Mrs. MCCARTHY of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the local law enforcement block grants go through no State government. They go directly from here to their local police force, to their local sheriff, to their community police force. There is nobody in between. They can use it as they see fit in their application for the grant.

Mrs. MCCARTHY of New York. Mr. Chairman, reclaiming my time, obviously, it is always good to have a debate like this. I know that monies are short. I know that, through my community especially, even though they are going for the grants, because we help them write the grants to get the monies for the local communities, I am saying that we can always do a better job.

I know the incidence of gangs on Long Island is increasing constantly; and I know if we had more prosecutors, we could work with the local communities and actually get these young people off the streets because they have possession of guns.

With that being said, I think that we should be doing more and more, as much as we can do, and get tough on gun crime. This is one part of what a lot of us believe in on enforcing the laws that are out there. And with that, we do need this money.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) continue to reserve his point of order?

Mr. ROGERS. Yes, Mr. Chairman, I do.

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

Mr. Chairman, I rise in support of the Lowey-McCarthy-Stabenow-DeLauro amendment and the strongest possible enforcement of our gun laws.

For more than a year, the Republican leadership and the gun lobby have delayed and they have denied attempts to strengthen our laws to keep guns out of the hands of kids and criminals. All the while they claim we are doing nothing to enforce existing laws.

Their mantra on the enforcement issue is a smoke screen, pure and simple. Their strategy: if they twist the truth, they confuse the issue.

This issue is a question of balance. We all agree no law is worth being on the books if it is not enforced effectively. That is why we need to strengthen the law and strengthen enforcement. We have asked for simple enhancements in our gun safety laws. Close the gun show loophole, put child safety locks on guns, and ban the importation of high-capacity ammunition clips.

To complete the balance, we must also help the men and women of law enforcement do their job. Today we have the opportunity to do that by funding the President's request for $150 million to fund a thousand State and local prosecutors in high gun violence areas.

But once again, the Republican leadership and the gun lobby oppose both sides of the balance, both stronger laws and stronger enforcement. That is a lethal combination for our children and for our police on our streets.

The gun lobby has spent millions telling Americans that we do not need any new gun safety laws when we do not enforce the laws already on the books. At the same time, they have also fought enforcement tooth and nail. For years they attacked the Bureau of Alcohol, Tobacco and Firearms, the lead agency for enforcement of Federal gun laws.

As a result of the gun lobby's attack against the ATF, it has not had enough resources to effectively do what they are charged to do, which is to enforce our gun laws.

But suddenly, over the past year, the gun lobby changed their tune. Now they are all for enforcing the laws they so vehemently opposed for decades. The hypocrisy should be obvious.

The reality is that our existing gun laws are being enforced. This administration's strategy of strengthening our laws and empowering law enforcement has worked. Since 1992, violent crime has dropped 20 percent and violent crimes committed by guns fell by more than 35 percent.

Investment in State and local law enforcement is up nearly 300 percent since 1993, allowing Federal, State and local law enforcement to create strategic alliances to combat gun crimes. Federal prosecutions of firearms laws have risen 16 percent since 1992.

The results are clear. Tougher laws, stronger enforcement, safer streets.

This amendment would provide a much needed increase in our support for gun crime prosecutors. Now is the time to stop talking about enforcement and start doing something about it. We have that opportunity here tonight to increase the opportunity of local law enforcement to commit themselves to making sure that our gun laws are enforced through support.

If my colleagues support stronger enforcement and safer streets, then they will support this amendment tonight.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) continue to reserve his point of order?

Mr. ROGERS. Yes, I do, Mr. Chairman.

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

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

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment offered by my friends from New York and Michigan and Connecticut.

Last year we had a debate over a very divisive and emotional issue about adding a new Federal protection to regulate the sale of guns at gun shows. And I remember that night, I think all of us remember that night, the very moving and personal and eloquent statement of our friend, the gentlewoman from New York (Mrs. MCCARTHY). And I thought one of the most disappointing moments of that night, because her position did not prevail, was the excuses that were given.

We were told last year that a new Federal prohibition or regulation of

guns was unnecessary because there were so many State gun laws that were effective so we did not need a Federal law. And we were told that we did not need a new Federal law closing the gun show loophole because what we really needed was more enforcement of those existing State gun laws.

Well, Mr. Chairman, we have a chance tonight to find common ground on an issue that is very often divisive, because the amendment that my friends are offering offers that common ground. It says to those who were in opposition to the position of the gentlewoman from New York (Mrs. MCCARTHY) last year, closing the Federal gun show loophole, they say that they want greater reliance on State laws, here it is. Because this amendment is about greater enforcement of existing State gun laws. And they say the problem is not adding new gun control measures, it is enforcing existing gun control measures.

Well, Mr. Chairman, here it is. Because what this amendment does is to enforce more expeditiously and more aggressively existing gun control measures.

I believe that this vote tonight is a test of the true position of those who oppose the position of the gentlewoman from New York (Mrs. MCCARTHY) last year. If it is really true that their objection to closing the gun show loophole was that State law should take priority, if it is really true that their opposition was based on the fact that more enforcement of existing laws is the right way to go, Mr. Chairman, here is the chance to prove it. Because what this amendment does is to say, we will put more fire power, for prosecutorial muscle, at the State and local level, not into new laws, not into new Federal laws, but into the enforcement of existing State and local gun laws.

Now, if this amendment is not successful tonight, and I hope that it is successful tonight, I would ask, what is it, then, that those who oppose our position really want? Is it that they just want a different kind of public protection for gun safety or that they do not really want public protection for gun safety at all?

I thank my friends for offering this amendment because it will be a litmus test of where people really stand on this very pressing issue of suppressing gun violence in our country.

I urge support of the amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of Budget Totals for fiscal year 2001 on June 21, 2000 (H.Rept. 106–686). This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

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The CHAIRMAN. The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentlewoman from New York would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

AMENDMENT NO. 12 OFFERED BY MR. WEINER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. WEINER:

Beginning on page 32, strike line 11 and all that follows through page 33, line 14, and insert the following:

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act''), $1,335,000,000, to remain available until expended: *Provided,* That the Attorney General may transfer any of these funds, and balances for programs funded under this heading in fiscal year 2000, to the ''State and Local Law Enforcement Assistance'' account, to be available for the purposes stated under this heading: *Provided further,* That administrative expenses associated with such transferred amounts may be transferred to the ''Justice Assistance'' account. Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $650,000,000 as follows: not to exceed $36,000,000 for program management and administration; $20,000,000 for programs to combat violence in schools; $25,000,000 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, as amended; $17,000,000 for program support for the Court Services and Offender Supervision Agency for the District of Columbia; $45,000,000 to improve tribal law enforcement including equipment and training; $20,000,000 for National Police Officer Scholarships; and $30,000,000 for Police Corps education, training, and service under sections 200101-200113 of the 1994 Act;

(2) for crime-fighting technology, $350,000,000 as follows: $70,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601; $15,000,000 for State and local forensic labs to reduce their convicted offender DNA sample backlog; $35,000,000 for State, Tribal and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as improvements to State, Tribal and local forensic laboratory general forensic science capabilities; $10,000,000 for the National Institute of Justice Law Enforcement and Corrections Technology Centers; $5,000,000 for DNA technology research and development; $10,000,000 for research, technical assistance, evaluation, grants, and other expenses to utilize and improve crime-solving, data sharing, and crime-forecasting technologies; $6,000,000 to establish regional forensic computer labs; and $199,000,000 for discretionary grants, including planning grants, to States under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which up to $99,000,000 is for grants to law enforcement agencies, and of which not more than 23 percent may be used for salaries, administrative expenses, technical assistance, training, and evaluation;

(3) for a Community Prosecution Program, $200,000,000, of which $150,000,000 shall be for grants to States and units of local government to address gun violence ''hot spots'';

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $135,000,000 as follows: $35,000,000 for a youth and school safety program; $5,000,000 for citizens academies and One America race dialogues; $35,000,000 for an offender re-entry program; $25,000,000 for a Building Blocks Program, including $10,000,000 for the Strategic Approaches to Community Safety Initiative; $20,000,000 for police integrity and hate crimes training; $5,000,000 for police recruitment; and $10,000,000 for police gun destruction grants (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (Public Law 106–113)).

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

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

Mr. WEINER. Mr. Chairman, at the outset I would like to commend the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) for their acknowledgment in this bill of the success of the COPS program and the allocation of $595 million for that program similar to last year's levels. My amendment brings the funding levels up to the budget request of the President to fully fund the COPS program.

First, I think that it is an important threshold that we have reached in this body that both sides of the aisle now embrace the COPS program, a program that once was extraordinarily controversial; and there are still Members who are grudging in their support of this program. It is a program that has funded police officers at the local level throughout this country, police departments big and small. It has been an unqualified success. But this amount still underfunds one of our most important law enforcement programs.

I am curious why, Mr. Chairman, the majority has decided to slash by more than half the amount requested by the President for COPS. Late last year the Justice Department released statistics showing that serious crime declined for the seventh year in a row. Today the crime rate is at a 26-year low, the murder rate is at a 31-year low. The rising tide of crime in the 1980s has clearly turned, and the COPS program deserves at least some of the credit.

Five years into the life of the COPS program, over 100,000 officers have been funded. Over 60,000 new officers are on the streets today. Within the next 3 years when the hiring, training and deploying cycle which has been slowed,

frankly, by the economy that all local police departments must go through is completed, over 100,000 officers will be patrolling our streets. But the bill we are considering today does not contain the funds necessary to continue this success. The bill eliminates funding for community prosecutors, cuts funding for critical technology like DNA analysis as we spoke about earlier and backlog reduction that would reduce crime and provides no increase for funds to expand community-based crime prevention.

The chairman of the subcommittee earlier characterized this bill as sloshing with money. That is exactly how it is being allocated, in giant splashes as we throw large sums of money at States; and we hope and we pray and we wish and we grimace and we say maybe some of it will go to DNA testing, maybe some of it will go to community courts.

This amendment makes sure that the COPS program is fully funded. I would hope that the chairman would withdraw his point of order. The amendment I am offering today along with the gentlewoman from Michigan (Ms. STABENOW) would fully fund the President's request for COPS. Our amendment provides funds to add up to 7,000 additional officers and includes $350 million for crime fighting technology as well as $200 million for community prosecutors. We set some of these targets so that local government can better address gun violence hot spots.

Today's bill includes no increase in funds to expand community-based crime prevention. Our amendment changes this. We put $135 million in for prevention activities like school safety programs, police integrity and hate crimes training and gun destruction grants. Full funding of these programs requested by the President is critical if the Nation is going to continue to see drops in crime. This administration has seen perhaps the most dramatic reductions in crime, the most dramatic increase in prosecutions at all levels of government of any administration in recent memory.

I would note, Mr. Chairman, that one of the majority's objections to fully funding COPS is that language to authorize these programs has not been introduced. That is not true. The gentlewoman from Michigan and I introduced H.R. 3144, a bill that would authorize all of the programs funded in our amendment. H.R. 3144 has 166 cosponsors. We look forward to its consideration in the Committee on the Judiciary.

Finally, Mr. Chairman, I would point out that I approached the Committee on Rules and asked that this be made in order. It is subject to a point of order. I would ask the chairman not to insist upon that point of order.

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

Mr. Chairman, I am in opposition, of course, to the amendment; and I will insist upon the point of order. But before doing so, let me correct a couple of pieces of information.

Like all other State and local law enforcement grant programs, COPS in this bill is funded at the same level as the fiscal year 2000 bill was. Our bill provides $745 million, of which $595 million is direct appropriations, the same level as fiscal year 2000, and $150 million is unobligated balances. That level continues to fund the existing COPS programs, including $385 million for hiring cops and $360 million for continuation of the successful nonhiring technology and crime prevention programs. Our hiring number is within $30 million of the Administration's request after funding for all of the unauthorized and relaxed hiring provisions are withdrawn.

We continue successful nonhiring programs such as bulletproof vests, COPS technologies and Crime Identification Technology Act grants, that is CITA, that is for DNA testing and the like, police courts and the methamphetamine cleanup program which is so important to so many Members of this body.

Funding is not included, however, for new unauthorized and unproven programs, but COPS is funded at the same level as this year.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

''No amendment to a general appropriation bill shall be in order if changing existing law.''

This amendment gives affirmative direction. In effect, it imposes additional duties, and it modifies existing powers and duties.

I ask for a ruling from the Chair.

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

Ms. STABENOW. Mr. Chairman, I would ask to speak on the point of order and ask that this very, very important program be allowed to proceed. I would ask the chairman to withdraw. I appreciate the comments that he has made, but he is speaking on a baseline that basically cut the program in half last year, so to say we are funding it at the same level does not give us what our communities need.

In Michigan we have seen over 3,400 police officers added to our communities. It has dramatically reduced crime. It is critical for the communities and the families in Michigan that we fully fund community policing with all of the technology, all of the other efforts to make sure that this moves forward at its complete and fully funded level. I would ask the chairman to withdraw that in keeping with the strong support for fully funding of what is the most important crime-fighting effort we have seen in this country in many, many years, which is the community policing program.

The CHAIRMAN. Do any further Members wish to be heard on the point of order?

Ms. BROWN of Florida. Mr. Chairman, I rise in strong support of this amendment. Let the record show that this is one of President Clinton's first and most successful initiatives. Police chiefs, sheriffs, and criminal justice experts across the country join me today in my strong support of the COPS program. This program provides grants to local police departments to increase the number of officers patrolling our neighborhood streets. It has directly contributed to reducing the Nation's crime rate to a 26-year low. The COPS program is a prime example of a successful partnership between the Federal Government and police forces at the local level.

For example, in Florida's third district, the Jacksonville Sheriff's Department has received a total of $13 million in COPS grants which has led to more officers on the beat and less crime. It is no coincidence that there has been a decrease in crime across the State of Florida. At the same time there has been an increase in the number of local police officers. This is now the eighth consecutive year that the crime rate has dropped and the COPS program has served police departments by providing them with the necessary funds, technical assistance and support the local departments need to keep our Nation's communities safe. COPS has put more police in our Nation's schools at a time when school violence has escalated.

It is clear where the priorities of the majority party lie. Instead of focusing on enforcement and crime prevention, the funding in this bill goes toward expanding juvenile detention centers. Instead of increasing funding for drug rehabilitation programs, they are appropriating money to lock up more of our Nation's citizens by funding items like State prison grants and expanded correctional facilities by more than nine times the amount requested by the President.

Again, I urge my colleagues to support the COPS grants and to vote no on overall passage of this unjust bill. Someone seems to have missed the important point. More prevention, not more prisons, should be the message that Congress sends to our Nation, especially to our children. The secret is to fight crime before it happens and not afterwards. One way to do this is with community policing.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Ms. LEE. Mr. Chairman, I rise on the point of order. I would like to be heard on the point of order.

The CHAIRMAN. Does the gentlewoman wish to address the body?

Ms. LEE. On the point of order.

The CHAIRMAN. The Chair is prepared to make an announcement on the point of order.

Ms. LEE. I would like to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized.

Ms. LEE. Mr. Chairman, I rise in strong support of the Weiner-Stabenow amendment which would provide this badly needed increase in funding for the COPS program. The COPS program has been a valuable tool to increase peace and safety in communities across the country. Cities and communities across the Nation are turning to community policing.

Mr. ROGERS. Point of order. The gentlewoman must confine her remarks to the point of order.

The CHAIRMAN. The point of order is sustained. The gentlewoman should confine her remarks to the point of order. She may strike the last word after the Chair rules.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction to a Federal official. The amendment therefore constitutes legislation. The point of order is sustained. The amendment is not in order.

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

Community policing is a strategy that builds on fundamental policing practices with an emphasis on crime prevention and lasting solutions to problems. It works. It requires new resolve from citizens and new thinking from police officers.

On May 12, 1999, the United States Department of Justice and COPS reached an important milestone by funding the 100,000th officer ahead of schedule and under budget. But we must not stop here. We must maintain our investment in this very worthwhile program. Funding for COPS will provide many thousands of additional officers on our Nation's streets and will provide safety in our schools.

COPS grants are also used to invest in the technology needed to solve crime and reduce the current backlog. This program is important because the funding is used to prevent crime and violence, and it fosters better relations between our police officers and the public. In many of our urban communities, tensions have mounted between police and minority communities. We must do everything we can to reduce these tensions. Increasing funding for community policing really will help do this. Through the school and value-based partnership initiatives, COPS will also reach out to our youth before they become entwined in criminal activity. The COPS program is about law enforcement, training, support, prevention, and most importantly safer communities.

For these reasons, we must provide additional funding. I stand in strong support of this amendment and encourage my colleagues to join me in supporting this worthy program.

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

Mr. Chairman, I support the Weiner-Stabenow amendment to increase the appropriations for Community Oriented Policing Program, COPS. The amendment includes funds for law enforcement in Indian country.

We believe that public safety is important to all of us. We believe that public safety is important not only in training and prevention and public safety in our schools, it is important that we provide adequate funding. As we look across the Nation, across the States, that is one of the highest priorities that we have is public funding and public safety and funding for law enforcement.

The Commerce, Justice, State appropriations bill provides zero funding for Indian country law enforcement initiatives, zero funding for tribal courts, zero funding for COPS grants set aside for Indians.

We have the responsibility for Native American Indian as well, to every other individual as well. What we basically do is we provide public safety in other areas but when it comes to tribal, we do not provide the funding here. This is wrong. We must fund these programs. It is important that we recognize Native American Indians who have given to this country.

For this reason, earlier this year, I introduced H.R. 487 to honor Native Americans. Native Americans have shown their willingness to fight and die for our Nation in foreign lands.

Native Americans honor the American flag at every pow wow and a lot of us have attended those. It is shameful that the Republican leadership zeroed out funding for Native American law enforcement in this bill.

This funding is critical in light of the information from the Justice Department and the confirmation that while national crime continues to drop, crime rates continue to rise and continue to rise in Native American sovereign country.

Violence against women, juveniles and gang crime and child abuse remains a serious problem. It does not matter where it is at, it is a problem that exists, and we must provide public safety.

We need to support funding for Native American laws and enforcement. It is the right thing to do, and this bill would provide the funding in that area. It is the just and right thing to do.

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 to 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, $11,000,000 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, $8,500,000, 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 strikes section 103 from title 1 of the general provisions of the Department of Justice. In effect, this amendment strikes the language in the bill which prohibits the use of Federal funds for abortion services for women in Federal prison.

Mr. Chairman, unlike other American women, who are denied Federal coverage of abortion services, most women in prison are indigent, they have no access to outside financial help, and they earn extremely low wages in prison jobs.

They are also incarcerated in prisons at great distance from their customary support system of family and friends. As a result, inmates in the Federal prison system are completely dependent on the Bureau of Prisons for all of their needs, including food, shelter, clothing and all of the aspects of their medical care.

These women are not able to work at jobs that would enable them to pay for

medical services, including abortion services. The overwhelming majority of women in Federal prisons work on a general pay scale and earn from 12 cents to 40 cents an hour or roughly $5 to $16 per week.

The average costs of an early, outpatient abortion ranges from $200 to $400. Abortions after the 13th week of pregnancy cost $400 to $700. Even if a woman in the Federal prison system earned the maximum wage on the general pay scale and worked 40 hours a week, which many prisoners do not, she would earn enough in 12 weeks to pay for an abortion in the first trimester if she so chose. After that, the costs of an abortion rises dramatically, and the woman is caught in a vicious cycle. Even if she saved her entire prison income, every single penny, she could never afford an abortion.

If Congress denies women in Federal prison coverage of abortion services, it is effectively shutting down the only avenue these women have for their constitutional right to pursue an abortion.

Let me remind my colleagues that it is still legal in this country. Let me also remind my colleagues that for the last 27 years, women in America have had a constitutional right to choose an abortion, which does not disappear when a woman walks through the prison doors.

The 3rd Circuit Court of Appeals has ruled on this very point. Nonetheless, the consequence of this funding ban is that inmates who have no independent financial means are foreclosed from the choice of an abortion in violation of their rights under the 14th amendment of the Constitution.

With the absence of funding by the very institution prisoners depend on for their health services, many pregnant prisoners are, in fact, coerced to carry unwanted pregnancies to term. The antichoice movement in Congress decries coverage for abortion services to women in the military, women who work for the government, poor women and women ensured by the Federal Employees Health Plan.

I vehemently disagree with all of these restrictions. I think they are wrong and mean-spirited. But when Congress denies abortions for women who are incarcerated, the Congress is in effect denying women their fundamental right to choose, and that is wrong.

Let me spend a moment to talk about the kind of women in the Federal prison system. Many are victims of physical and sexual abuse, that is how they got pregnant in the first place, and, unfortunately, this cycle can continue once they are incarcerated by abuse by correctional staff as reported in a recently released GAO report. Two-thirds of the women are incarcerated for nonviolent drug offenses.

Many of them are HIV-infected or have full-blown AIDS, and Congress thinks I guess that it is in the best interests of the country to force these women to have children.

This debate is not about the parenting abilities of women in prison. It is about forcing some women to have a delayed abortion at a greater risk to their health. It is about forcing some women against their will to bear a child in prison when that child will be taken from her at birth or shortly thereafter.

In the latter case, it is unfair and 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 children who are born to prisoners? Will they be raised by the relatives who do not care about them? Will they be sent to an agency to become a ward of the State? What will happen to them?

I doubt that those opposed to this amendment have any real serious answer to this question. In 1993, Congress did the right thing when it overturned this barbaric policy.

Mr. Chairman, I urge my colleagues to do the same and support the DeGette amendment. Let us stop the rollbacks on a women's reproductive system.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe that there is no denying a compelling yet somewhat underpublicized trend in America today: Americans in increasing numbers are profoundly disturbed over the killing of unborn children. 40 million babies have been killed to date, and Americans are rejecting in increasing numbers the violence of abortion.

Americans, especially women, recognize that abortion is indeed violence against women. A recent nationwide Los Angeles Times poll, conducted just a few days ago in June, confirms that a significant majority of both men and women now recognize abortion to be the murder of an innocent and defenseless child.

The LA Times poll found that in an astounding 61 percent—let me say that again—61 percent of the women of America say abortion is murder. Giving that finding, it is not surprising that the LA Times poll, a nationwide poll, found that support for Roe v. Wade, the infamous Supreme Court decision that legalized abortion on demand, is declining in a big way.

The headline of the LA Times story that appeared in my newspaper at home, the Trenton Times, said support for Roe v. Wade is softening. I hope as lawmakers and as politicians we recognize this trend that is staring us right in the face.

In addition, the poll also found that only 43 percent of the respondents supported Roe v. Wade, and that compares with 56 percent back in 1991. In other words, my colleagues, there has been a 13 percent drop in support for Roe v. Wade over the last 10 years.

Mr. Chairman, the word is getting out: Abortion is violence against children, and it hurts women. The inherent value and worth of a baby is in no way diminished because the child's mother happens to be incarcerated.

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 in the violence against children.

Mr. Chairman, I urge a very strong no on this amendment. Mr. Chairman, I think we have got to face the truth, a truth that this poll clearly suggests: abortion, whether it be dismemberment or the killing of a child by way of injections of salt poisoning which literally burns that child to death—we have to look at the methods and the act of abortion itself. What does it entail? High powered suction machines, 20 to 30 times as powerful as a vacuum cleaner, with razor blade tipped ends that slice and dismember the legs, the arms, the body, the head, and kill the baby in a very, very cruel fashion. That is the reality that the DeGette amendment says we ought to pay for.

I, like many Americans, profoundly reject that. Let me also point out that the poll showed as well most Americans do not want their tax money being used to subsidize abortions.

We have had, I say to my colleagues, this amendment before us before. It has been soundly rejected. I hope that we will have the wisdom of those previous votes. Hopefully we will look at the way the polls are going, because Americans are waking up. The megatrend, if you will, is in favor of life.

Let us enfranchise both mother and baby, let us provide protection for both. Vote against this amendment, it will lead to more killing of more babies.

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

Mr. Chairman, I rise in strong support of the DeGette amendment and want to thank her for her leadership once again this year on this issue. This amendment would strike the language banning the use of Federal funds for abortion services for women at Federal prisons.

Through our judicial system, we certainly try to seek appropriate responses to illegal actions. Women in prison are being punished for the crimes that they committed, whether we agree with the fairness of the criminal justice system or not, they are doing their time, that is a fact.

However, we are addressing a different issue 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, whether my colleagues agree with it or not. It is a legal option. 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.

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 are 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 a basic reproductive choice would only make matters worse than the crisis in essence that the women are already faced with by being in the Federal prison system.

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The ban on the use of Federal funds is a deliberate attack by the anti-choice movement to ultimately derail all reproductive options for all women. As we begin chipping away basic reproductive services for women, I ask my colleagues, what is next? The denial of OB-GYN examinations and mammograms for women inmates? Who is next?

Limiting choice for incarcerated women puts other populations at great risk. This dangerous slippery slope erodes the right to choose little by little. Freedom of choice 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. PITTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the DeGette amendment. The DeGette amendment is public funding of abortions. We should never forget that abortion is the most violent form of death known to mankind. It is death by dismemberment, by decapitation, by horrible violence; and it is outrageous that the pro-abortion radicals would want to force the American taxpayers to pay for the abortion of Federal prisoners.

Instead of sending a message to Federal prisoners that the answer to their problem is to kill the baby, they should be shown to take responsibility, to consider what is best for the child they are carrying. While these women in prison deserve our sympathy, our compassion, paying for an abortion will neither show them that we are concerned for their well-being nor will it help them put their lives back together.

By offering care, not abortions, to prisoners and their unborn babies, these women will see that problems are not solved by eliminating other human beings, and men and women should be taking responsibility and consider what is best for the child they conceived.

The children of prisoners are of no less value than any other children. No child should be treated like a throwaway. Being the child of an incarcerated woman does not make anyone less human.

Mr. Chairman, someone said in the debate when we were debating this last session, who will speak for these children, and went on to say we must speak for these children. Well, if that is true, that we must speak for these children, then I guess the supporters of the DeGette amendment believe that unborn children of Federal prisoners want to be killed by their mothers. In fact, children must desire death so much that the American taxpayer should be forced to fund it.

We should not be punishing the baby for the crimes or sins of their mothers. I ask my colleagues to vote no on the death of unborn children at the expense of all Americans. I urge a no vote on the DeGette amendment.

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

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

A woman's sentence to prison should not include the penalty of depriving her of her constitutional right to decide for herself whether to carry her pregnancy to term. Most women in prison are poor, have little or no access to outside financial help, and they earn extremely low wages from prison jobs. Inmates in general work up to 40 hours per week and earn up to 12 to 40 cents an hour. They are totally dependent for the health services they receive on their institutions. Most female prisoners are unable to finance their own abortions, should they choose them, and, therefore, in effect are denied their constitutional right to an abortion if they choose them.

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 big numbers. Statistics show that in 1997, for example, of the approximately 8,000 women in Federal prison, 16, one-six, had abortions, and there were 75 births. So it is a small number of people we are talking about, 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 in a difficult situation.

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 by the popular will of the American people who overwhelmingly support freedom of choice, they have instead targeted their restrictions on women in prison, women in prison who are perhaps the least likely to be able to object.

Let me also comment on some of the statements we have heard in this debate so far. We know that some people believe, and obviously the authors of this ban, and we heard some of them say so a few minutes ago, that abortion, all abortion, is taking of innocent human life, is murder. That is a legitimate, defensible point of view; but that is all it is, a point of view. It is not a fact.

There are some people who believe that a person is a full human being at conception, that there are some religions that teach that. There are other religions that teach that life in effect begins at some later stage of pregnancy. Those are religious points of view. They are not susceptible to scientific decision.

For myself, I do not know where life begins. I do know that I could not countenance, that I see no difference between a 9-month term baby the moment before it is delivered and the moment after it is delivered. On the other hand, I see no human value, no sacred spark of light that must be protected at all cost in a 10 or 8 or 16 cell blastula, and somewhere in between those two stages something changes. Perhaps when the fetus develops feelings, I do not know.

But these are very personal questions, and questions that nobody has the right to impose an answer on for someone else. And that is why we favor choice. Let each individual woman who has to struggle with that pregnancy and with that decision make her own moral decision.

Nobody has the authority to tell that woman, to impose on that woman, their own view of when that fetus, when that blastula, when that embryo, when that zygote becomes a human being and force that decision on her. None of us has that authority; none of us has that wisdom.

Some of us have the thought that we should impose our own thoughts or religious views on the woman. I do not think we have the right to do so, and the Supreme Court has said we do not have the right to do so, and that reduces this debate to a debate over whether we should use our ability to control some funds to impose on a few unfortunate women in prison our opinion as to when the life begins in their uterus and our opinion or our fiat that they should be deprived of their constitutional right to make that moral and humbling choice for themselves. I do not think we ought to do that.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend from New York for yielding.

Mr. Chairman, just let me ask my friend, is there any point in the pregnancy, any point in the 9 months, the

normal gestational period, at which time the gentleman believes that child is sufficiently formed, sufficiently mature, that all the body systems are working, as we all know with ultrasound, is there any point where the child deserves protection?

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

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

Mr. NADLER. Mr. Chairman, the answer is yes, I do. As I said a moment or two ago, I do not see a difference between the baby a moment before or a moment after delivery at full term. When that dividing line is, I do not claim to know. I certainly do not claim to impose my opinion on any woman who has to make that decision for herself with respect to her own pregnancy. She must make the decision as to the morality and the rightness of what she chooses to do, and that is why I favor freedom of choice, because I cannot impose my opinion on that question on anyone else. I am not even sure of the answer for myself.

Therefore, this comes basically down to just another way of trying to get around a woman's constitutional right to make that choice for herself, and to impose some of our opinions, some of the opinions of those of us in this Chamber on every individual woman, and that we have no right, no moral right, and the Supreme Court has said to us we have no constitutional right to do; and that is why this amendment should be adopted.

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, as I listened to her statement, I thought it was exceedingly well presented in terms of the total facets of making sure that women in prison have constitutional rights too.

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 the 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 thereby denies them their rights under the Constitution.

There has been a 75 percent increase in the number of women incarcerated in the Federal Bureau of Prison facilities over the last decade, twice the increase of men. Most women in prison are young and have frequently been unemployed. Many have been victims of physical or sexual abuse. Additionally, the rate of HIV and AIDS 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. It has been for over 25 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 on the right to choose. I urge my colleagues to join me in supporting the DeGette amendment.

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

Mr. Chairman, I rise in strong support of the DeGette amendment. Quite simply, this amendment offers women in prison, who are solely dependent on Federal health services, their constitutional right to reproductive services.

Women in prison have no resources, no means to borrow money, very little support from the outside. In fact, 6 percent of incarcerated women are pregnant when they enter prison; and we know that women become pregnant in prison, from rape or from having a relationship with one of the guards.

This ban to deny abortion coverage is another direct assault on the right to reproductive choice. It is time to honor the Supreme Court decision of Roe v. Wade by acknowledging it is every woman's right to have access to safe, reliable abortion services.

We must stop the rollback on women's reproductive freedoms, we must provide education and resources to prevent unwanted pregnancies, and we must vote on the DeGette amendment and protect all women's rights to reproductive choice.

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

Mr. Chairman, I rise in support of the DeGette amendment. I rise in support not to make the case. As a matter of fact, the case has been adequately made, eloquently made. But I think it is important that we note, increasingly are people becoming incarcerated, increasingly are females becoming incarcerated in this country; and it would seem to me that if we value rights, then the right to health care should not be denied any person, no matter where they are.

So as women are in prison, they, too, should have the right to make decisions, to make choices, to make determinations; and I would urge that we not deny them the right to make a choice, to decide, to make a decision about their own health and the health care that they will receive.

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

Mr. Chairman, abortion is a legal health care option for women in this country and has been for almost 30 years, and this right should be no different for Federal prisoners. For that reason, I rise in strong support of the DeGette amendment.

Mr. Chairman, we have all heard all of the arguments I think, but I want to tell my colleagues about an experience that I had when I was in the State legislature in Illinois. We wanted to talk about real options for mothers in prison, or women who gave birth in prison. All of those who are so in favor of taking away the constitutional rights of women to have an abortion, to choose an abortion, ought to think about what happens when that woman does have the baby.

I had legislation that would have offered women in prison who were nonviolent, short-term offenders, that is their prison sentence was less than 7 years, to be in residential settings where they could be mothers and could be with their children and could prepare for a life after prison to be with their children. That is not at all what happens, and that bill did not even get out of committee to be considered on the floor, because oh, no, we are going to punish these women, and now we are going to punish them to the extent that we are going to force them to have that child, but that child is going to be immediately ripped away from that mother whether she wants that baby now or not, is going to be put into a foster care system which throughout the country is known to be inadequate; this child is going to begin life at an enormous disadvantage. I would like to see if somebody cares about what happens to that child after birth, not just from conception to birth, but what happens to that child after that child is born.

So not only are we stripping these women of their constitutional right to make a choice, but in many ways, we condemn the outcome of that, the child that is born to a life of deprivation.

Mr. Chairman, I think we have to begin by doing what is right and allowing the constitutional rights of those women to be exercised when they are in prison, and to continue to give them reasonable options, if they want to carry that baby to term, to be able to have a setting in which motherhood and childhood can thrive and survive.

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

Mr. Chairman, I would rather not be here this time of the evening having to strike the last word to stand up for women who cannot stand up for themselves, but since there are those who have chosen to pick on the most vulnerable women, women in prison, those of us who are free, those of us who have a voice, must take this time to speak for those women.

It is about time that we show some compassion and understanding regarding this very personal issue. I think it is time that we talk about this issue, at least in ways that we can respect everybody that is involved. Why would

this Congress insist on bearing its weight again on this vulnerable population in our Federal prisons?

Consider the plight of some of these women. Yes, it has been said here this evening, for whatever reasons, the numbers of women incarcerated is increasing. Those numbers, for whatever reasons, are getting higher and higher. Many of them are being convicted on conspiracy charges. Many of these women have not been proven to be guilty of anything. Many of them are the mates or the spouses of others, of men, who are involved in drug trafficking and they get caught up in this web through the surveillance techniques and all of those things that we have. So they are there. Many of them, yes, are HIV infected and some of them happen to be pregnant women, but pregnant women who are incarcerated.

I do not believe that I have the right to force my will on this woman regarding the choice to bring a child into the world. I believe that woman, like her peers outside of the criminal justice system should have a choice, a say regarding the decision to carry to term the child.

We talk about how much we love these children, but what happens to them? What happens to these children that are born unwanted? What happens to these children that sometimes are born HIV infected to drug-infected women? We do not know what happens to them, and I say to my colleagues, I believe that there are many who do not care what happens to them. They go out somewhere, maybe if they are lucky, they get into foster care. These are children that are doomed to poverty, doomed to the inability to have a decent life.

So, that is not our choice, it is the choice of the woman who finds herself in this unfortunate predicament.

It has been found that many female prisoners enter prison suffering from a marriage of physical and psychological ailments, and many are pregnant before they enter prison. I know that the issue of abortion is one that has deep religious and philosophical implications. Notwithstanding, abortion is legal in this country, and it is still a legal health care option for women in this country, whether we like it or not.

Mr. Chairman, I would urge my colleagues to vote yes on the DeGette amendment. Women in prison deserve to have access to needed health care services, and they deserve to have choice.

Mr. Chairman, those of us who have been involved in this struggle so that women have the right to choice can stand here and make this argument, and my colleagues cannot do anything to us, they cannot pick on us. They have lost the fight. Abortions are legal. So what are they doing? They are moving to this vulnerable population because they think they cannot do anything about it. Are we not brave? Are we not great public policymakers? We can get those women in prison. However, they cannot do anything about all of those women who come to the floor, all of those women out there who are organized, all of those women who can stand up for their rights. They lost that battle a long time ago, but yes, women in prison, aha, we found somebody that we can take away this constitutional right, this guaranteed right.

Mr. Chairman, I would ask my colleagues to vote aye on the DeGette amendment. It is the only fair thing to do. It is the only reasonable thing to do. It is the only thing that good public policymakers, good public policymakers who would know how to use their power in a much better fashion than this, not picking on the vulnerable, not picking on those who cannot stand up for themselves. I think my colleagues deserve to treat yourselves better than that.

Let us vote for this amendment and put it behind us.

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

Mr. Chairman, I rise in opposition to the DeGette amendment. The DeGette amendment would strike section 103 which prohibits Federal funding of abortions, except where the life of the mother would be endangered, or in the case of rape.

As I understand it, while legalized abortion may be somewhat controversial in America, there is very little controversy over the use of U.S. taxpayer dollars for the purpose of performing an abortion. The vast majority of Americans are very, very strongly opposed to this, and many of those people are pro-choice. I believe the reason why many people who are pro-choice are opposed to Federal funds being used for an abortion is because they recognize that it is the taking of a human life, and I think out of the respect of those who have very strong opposition to this, they think it is a reasonable thing that we should not be taking tax money from these people who believe that abortion is evil and use it for the purposes of performing an abortion.

Just because these women happen to be incarcerated, I believe that it in absolutely no way undermines the sanctity of the human life that is in the womb. Indeed, when I am in Washington here, I stay around the corner from the Capitol, and my wife was watching this debate with me, and she asked me to come down because she felt so compelled that the arguments that were being made were just so ludicrous.

I could go on and on and on. But there is a person I would like to quote from who I believe is a much more powerful person to speak on this issue, Mother Teresa who, of course, has gone on to be with the Lord. But in 1994 at the National Prayer Breakfast Mother Teresa said, ''please don't kill the child. I want the child.'' She went on to say, ''We are fighting abortion with adoption.''

It has been said this evening, what will happen to these kids? Most of them get adopted or they go to be with the family of the incarcerated inmate. Mother Teresa went on to say, ''The greatest destroyer of peace today is abortion because it is war against the child, a direct killing of an innocent child.'' She then urged all Americans and diplomats who were assembled at that meeting to more fully understand the linkage of abortion with other forms of violence. She said, ''Any country that accepts abortion is not teaching people to love, but to use violence to get what they want. That is why the greatest destroyer of peace and love is abortion.''

Now, I believe Mother Teresa was right in saying those words. I am a physician. My mother was pro-life, but when I was in school, I came under the influence of a lot of liberal thinking and I began to question, indeed, whether or not legalized abortion should not be okay. But then I had an experience as a medical student of actually seeing an abortion and realizing that it was the killing of an innocent human life.

We as physicians, we are frequently asked to pronounce people dead who have expired, and what do we do? We listen for heart beats. In people who have had serious brain injuries, we look for brain waves. All of these children have beating hearts and brain waves. Many of my pro-choice physician colleagues, when I talk with them about this issue and they explain to me why they think legalized abortion should be available, they always close their arguments with this statement, they always say: though I believe it should be legal, I would never perform an abortion. Now, why do they say that? Because they know exactly what it is. It is the taking of a human life.

It has been said tonight that this amounts to only 15, 50, 100, 75 a year. Nobody would propose a lax attitude if a new drug came out, certified by the FDA, but had a side effect of killing 15, 20, 30 people, or if our food safety system was sufficiently compromised that 50 or 100 people were to die a year. I think one life saved is worth the sacrifice, and I think one life saved is worth the argument, and I strongly encourage my colleagues on both sides of the aisle to reject this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the DeGette amendment. Here we go again, Mr. Chairman. This time it is an amendment to lift a restriction on access to abortion for women in Federal prisons. Today marks the 146th vote on choice since the beginning of the 104th Congress when the Republican Party gained the majority in this House. Each of these votes is documented on my Choice Report which can be found on my web site, www.House.gov/Maloney.

Access to abortion has been restricted by this Congress bill by bill,

vote by vote. The majority is chipping away at a woman's right to choose procedure by procedure. The DeGette amendment seeks to correct one of these attacks on American women.

Women in Federal prison do not check all of their rights at the prison door. Six percent of incarcerated women are pregnant when they enter prison. Do they not deserve this legal medical care just like they would receive for any other medical condition? The answer is yes.

Federal prisoners must rely on the Bureau of Prisons for all of their health care. So if this ban passes, it would continue to 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.

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Most women prisoners are poor when they enter prison and cannot rely on anyone else 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.

Current law, tragically, ignores these women, and it also tragically ignores children born to women in prison. These children are taken from their mothers, who cannot raise them in a family environment or a stable environment. What kind of life are we providing for them? I urge a ''yes'' vote on the DeGette amendment.

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

Mr. Chairman, I did not want to get into this debate. It is very late. But it is difficult to remain silent when so many things are being said about such an important subject. And there is no more important subject, there really is not, because this concerns the nature of man. This concerns the value we assign to that tiny little minute little beginning of human life in the womb. Is that something we can throw away and destroy because it is now inconvenient or is that a human life and as a member of the human family entitled to life, liberty, and the pursue happiness?

I suggest to my colleagues that that little defenseless, powerless, voiceless little preborn child deserves the protection of society, not its enmity. Rather than picking on the most vulnerable by trying to impose our will on a pregnant woman in jail, we are defending the most vulnerable, which is the unborn child, who has nobody to defend him or her, more likely her than him. It is defending the powerless that we seek to do in not using and withholding taxpayers' money to pay for abortions.

Now, nobody is denying the constitutional right to an abortion. More is the pity. That is one of the tragedies of our time, that our Supreme Court has said it is all right to exterminate another human being for almost any reason during the 9 months. That is what the substance of that decision is. And any more than one had to agree with Dred Scott, one does not have to agree that Roe v. Wade is a good decision. It is not. It is a tragic decision.

But because we have the constitutional right does not mean we have a right to have it paid for, to have its implementation, its exercise paid for by the public purse. We have a right to free speech, but we do not have a right to the Government buying us a megaphone. So make the distinction. No one says they do not have the right, but who should pay for it? The public ought not to have to pay to exterminate innocent children.

My colleagues call it health care. It is not very healthy for the unborn child, abortion. It is terminal. Capital punishment is a popular cause now, and people are rallying to the defense of prisoners who have been convicted beyond a reasonable doubt of murder. Well, the unborn child has committed no crime. It has been brought into the world without any option on his or her part, and she or he is there, defenseless; and it is my colleagues' job and it is my job not to impose a religious view on anybody but to follow the founders of our country who said that we all have an inalienable right to life, liberty, and the pursuit of happiness.

My colleagues can escape this, I suppose, by defining the unborn as not yet human, as one of our good friends did over there when he said he did not know when human life begins. It begins at the beginning. When a woman is pregnant, she is pregnant with what? She is pregnant with life, human life. And that is not animal, mineral or vegetable; it is a tiny member of the human family. And if my colleagues are ambiguous as to when that little tiny entity becomes a beneficiary of the Constitution, then they have not thought about it, and they have a failure of imagination.

No, that little life is a human life. It is vulnerable, it is powerless, and somebody has to defend it. We have to defend it. It is innocent and deserves protection. So I hope this amendment, well-intentioned as it is, but terribly, tragically misguided, is defeated.

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

My colleagues, I rise in support of the DeGette amendment, and I want to thank my colleague for her strong leadership on this issue.

A woman's right to make a private decision to terminate a pregnancy is the law of the land. The prohibition on prisoners' access to abortion services in Federal prison facilities contained in this bill does not make it impossible for women in prison to obtain an abortion; but it deliberately makes it more expensive, more difficult, and less private. In my view, the only reason the ban does not go further and ban abortion outright is because Americans do support a woman's right to choose.

I respect my good friend and my colleague's views. These are very personal decisions. But we cannot impose our personal views, in my judgment, on the next person. I know that my colleagues would vote, many of them, to overturn Roe v. Wade. In fact, they would probably do it immediately, if they thought they could. But they do not go that far because Americans would not let them do it. Instead, those who oppose a woman's right to choose take every opportunity to make the decision ever more difficult, dangerous, and expensive.

I support the DeGette amendment because I believe that my colleagues' approach is the wrong one. If we agree that there should be less abortions, and I think we all do, we can work and should work together to make the decision to terminate a pregnancy less necessary. The policy we are debating in this amendment, which allows women in Federal prison to pay for an abortion outside but not obtain one inside the prison system, only makes the decision to terminate harder.

What should we do to make the need for terminating a pregnancy less necessary? We can work together to promote contraception access and use. We could work harder to educate people about taking responsibility for protecting themselves from unintended pregnancies. We could do more, my colleagues, to prevent sexual abuse, rape and incest. We could work together, as our constituents clearly would like us to do, to insure that most women never have to make the most personal decision about terminating their pregnancy. Less necessary, not more harassing and less private.

I ask my colleagues to join me in supporting the DeGette amendment. It is the right thing to do. Let us work together to make abortions less necessary. We can do that together.

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

Mr. Chairman, I rise in support of the amendment that is offered by my colleague, the gentlewoman from Colorado (Ms. DEGETTE), and I wanted to thank her for her leadership on this issue. Once again we are forced into a debate about the access to a legal medical service for those whose voices are often ignored and whose rights are neglected.

Regardless of our views on abortion, the Supreme Court has been very clear. The law of the land remains that women have a legal right to choose an abortion. This right remains intact even if a woman is incarcerated. For women in Federal prisons, the Bureau of Prisons is their sole option for health care.

There are also extensive studies about women in prisons who are victims of sexual misconduct. The reality is that most women who enter the prison system are poor and many are isolated from family support. According to the terms of this bill, they are effectively excluded from their legal right

to an abortion if they are unable to come up with the money to pay for one of their own.

Some of my colleagues question why we should feel any sympathy for a woman in prison trying to get an abortion. Yes, it is true she may have broken the law. It is true she must give up certain rights. But the courts, the courts have ruled that she does not have to give up her right to an abortion or her right to adequate medical care.

This is not about having sympathy; it is our obligation to provide these women with the reproductive health rights to which they are rightfully entitled under our Constitution. This bill effectively strips that right for the vast majority of female prisoners who are unable to earn enough in prison jobs to pay for private medical services.

That is why we should approve the DeGette amendment today. I ask my colleagues to stop, stop the erosion of this legal right. Stop restricting women's access to health care services. Vote ''yes'' on the DeGette amendment.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the most important, private decisions that a woman has to make in her life, a gift given to her only by God and that only women can participate in, is the right to bear a child. I rise in support of the DeGette amendment.

Regardless of what our personal views are on that very personal decision that women have to make, abortion is lawful in our country. Women who find themselves incarcerated in the Federal system ought to be allowed to have a procedure that is lawful and, at the same time, use funding that is available through our tax dollars that would allow that lawful procedure to take place.

It is unfortunate that people in this Chamber want to restrict women in several ways and, as we have discussed with the DeGette amendment tonight, a woman's right to choose. Now, whether we personally believe that is a right that is given every woman by God, it is that woman's decision. To restrict it, to withhold funding for a lawful procedure that a woman wants to make with her God and her man or husband or significant other, I think, is appalling.

The DeGette amendment is a good one. The procedure is a legal one. Who gives us the right to determine that we should take the money away from a woman after she has made that most very special important decision? It is not right. I hope we will adopt the DeGette amendment. I hope we will give women who find themselves incarcerated and who will soon be coming back into society, hopefully whole and free and healthy, to make the decision that they see fit for themselves in their lifetime at that time.

Mr. Chairman, I rise to support the DeGette amendment. I thank the gentlewoman for offering the amendment. It is important that we allow women to make this decision. Again, God has chosen her to bear children. Only women can do that. Allow us to make that decision for ourselves.

Ms. PELOSI. Mr. Chairman, I rise to support Rep. DEGETTE's pro-choice amendment to strike this bill's language banning the use of federal funds for abortion services for women in federal prisons. Currently, the law prohibits the use of federal funds to perform abortions in health facilities in federal prisons, except in cases of rape or life endangerment. For women who can afford to pay for a private abortion, the Bureau of Prisons must provide transportation to a private facility. However, other women are denied their rights and the opportunity to make vital decisions determining their own health care.

Women deserve access to the full range of available reproductive health care services, including abortion. Unfortunately, the anti-choice movement continues to deny coverage for abortion services to women who are dependent on federal resources. This includes women in the military, female government employees, poor women, and incarcerated females. These existing restrictions are draconian and problematic and we must fight them all.

The ban on abortion for women in federal prisons is perhaps the most tragic because it denies incarcerated women their fundamental rights and denies them the ability to make their own health care decisions concerning their own medical needs. In federal prisons, federal funds cover inmates' food, shelter, clothing and all health care services. Why do we draw this line in the middle of health care services for women?

Existing law punishes impoverished women and marginalized women. It is an unfair and inhumane law. Women in prison lack the ability to borrow and frequently lack an outside support network. We should not punish these women for their poverty.

I stand with the American Civil Liberties Union and NARAL in support of this amendment. I urge my colleagues to vote for the DeGette amendment and for the rights of all women.

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 529, further proceedings on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) will be postponed.

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

Mr. Chairman, I wonder if I could have the attention of the distinguished chairman of the Committee on Appropriations and the chairman of the subcommittee, as well as the distinguished ranking member.

Mr. Chairman, on each of the last three appropriation bills, we were asked by the majority to agree to an overall time limit so that we could finish the bills on a reasonable time schedule, and we agreed on all three of those bills. Last night, at the close of business, at the direction of the minority leader, I went to the majority and indicated that we would appreciate it if at the beginning of business today, sometime between 9 a.m. and 10 a.m., that the majority would present to us a proposal for time limits on all amendments pending on the bill so that we could get some kind of time agreement so that Members would know where they were, and we could finish this bill at a reasonable time.

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We did not receive an offer until fairly late, as you can see, this evening.

I asked the majority leader why it took so long before we could begin negotiations on this bill, and the response that I got was that sometimes bills have to ripen. I, frankly, think that this debate and this bill at this point is over ripe. And we believe on this side that we ought to vote on the pending amendments, that we ought to rise, and that tomorrow morning we ought to come back prepared to get a time agreement to limit debate on all amendments to the bill.

We believe that to prevent amendments from breeding and multiplying that we ought to have an understanding that there would be no further amendments that could be offered from this point on. And we would ask the majority the same request that we asked them last night, if they could present us tomorrow morning with a proposal for time limits on all remaining amendments to this bill.

What we would suggest, after we have discussed this with the gentleman from California (Mr. WAXMAN), who, as you know, feels very strongly about his amendment. He has indicated to us that he would be willing to limit debate on that amendment to an hour.

There has been some expression of concern that that might be too long; and so, he has reluctantly agreed that he would be willing to debate that amendment tomorrow morning for 40 minutes.

And so, what I would urge is that the majority agree to a proposition under which we would vote tonight, come back tomorrow morning, have an understanding yet tonight that when we resume tomorrow morning that the Waxman amendment would be pending for no longer than 40 minutes, and that during that time we could work out a remaining agreement on the rest of the bill so that we could guarantee that the bill would be finished by Monday night.

In that way, everyone can have their say in an orderly way, Members can know when they can catch their planes, Members will know when they have to be here for amendments, Members will also know and the Committee will know that there will not be any additional amendments.

I am sure the majority does not want amendments to be still coming into the

desk over the weekend, which is why we are prepared, in an agreement tomorrow morning, to settle all remaining time differences.

I would urge the majority to consider that so that we can be back here at 9 o'clock tomorrow morning ready with an understandable arrangement.

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

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

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding. I want to thank the gentleman again for his willingness to work on this. We have all worked hard on it.

As I understand, we are talking about probably propounding a unanimous consent after this next series of votes that would close out the filing of any amendments, in which case we would also ask for a 40-minute debate on the Waxman amendment as the first order of business tomorrow morning then, during that time, work out a unanimous consent agreement that would cover remaining pending amendments that would allow us to finish the bill while rising at 2 o'clock tomorrow, finish the bill Monday evening, perhaps with the Committee resuming work Monday afternoon for votes to be rolled after 6 o'clock and then completing the work Monday evening, hopefully at a reasonable hour.

Is that correct, to the gentleman's understanding?

Mr. OBEY. Yes, it is. The only loose end is the question of when you would want to begin Monday. Because, obviously, Members are going to be coming back on their planes and, so, they will not be able to start until mid-afternoon on Monday. Would the gentleman suggest 4 o'clock, or what?

Mr. ARMEY. Mr. Chairman, if the gentleman would continue to yield, I think the chairman and ranking member have been consulting on this. We will talk to other Members who might be critical to that interest.

Mr. OBEY. Mr. Chairman, I am sorry, I could not hear what the gentleman just said.

Mr. ARMEY. Mr. Chairman, if the gentleman, I said, will yield, I think both the chairman and ranking member have been consulted about this. We will, of course, go through the courtesy of checking with other Members. But we would propose resuming the debate around 4 o'clock on Monday, holding any votes that are ordered until the 6 o'clock period of time when Members are back from their flights, and then cleaning up all votes that are remaining and then returning and completing the bill Monday evening.

Mr. OBEY. So we would begin the debate at 4 o'clock with no votes before 6 o'clock on Monday.

Mr. ARMEY. Right. And then, of course, Members with amendments that would be up at that time would be advised so that they could be here and finish that night.

Mr. OBEY. If that is acceptable to the majority, then I would urge that the Committee rise and we vote on the pending amendments.

Mr. ARMEY. If the gentleman would continue to yield, I think the appropriate order would now be for the Committee to take the votes that are pending at this time and then we would work out the formal language of the UC that would cover that business that would take us through the amendment in the morning.

Mr. OBEY. Well, what would be left to decide? I mean, we do not want to keep Members hanging around here another hour while we fine-tune something.

Mr. ARMEY. Mr. Chairman, if the gentleman would continue to yield, I believe we have two or three votes that are ordered now. We could at this time, I believe the debate is completed on the amendment that was pending, take those votes, during the period of those votes get the formal writing of the unanimous consent that would take us through the evening into the 40-minute amendment in the morning, and then get that propounded and more or less get ourselves locked in for a fresh start in the morning.

Mr. OBEY. So what we would agree to tonight is that there would be no further business tonight, that the Waxman amendment would be pending for 40 minutes tomorrow, and that no further amendments would be in order other than those already at the desk, and then tomorrow morning we will work out the remainder of the unanimous consent agreement.

Mr. ARMEY. Absolutely right.

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

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

Mr. SERRANO. Mr. Chairman, I certainly do not want to be a stumbling block here, and I would agree to what we have to. But I would hope that for future bills we set up a system by which from the beginning we know we are going to head into this situation and treat the folks that are at the end of the bill with amendments the same way we treat the folks that are at the beginning.

I was lucky, I got my two amendments up front and we are under the 5-minute rule. Now people that will come later will be treated differently.

So if we know that we are always going to run into this, why can we not start off a bill knowing that this is the way we are going to have to treat it rather than have to play this game at this end.

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

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

Mr. ARMEY. Mr. Chairman, let me just say to the ranking member, your point is well-taken. We try to be as courteous and considerate of all the Members as we can and also of the floor managers' ability to get their bill up and move it along. But, again, your point is well-taken.

Let me again emphasize the point. As we work this thing through, it will be necessary for us to complete the work on this bill Monday night. I believe, with all good diligence and cooperation, we could do that at a reasonable hour Monday night. But we will want to finish it Monday night.

Mr. OBEY. Mr. Chairman, reclaiming my time, with that understanding, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have listened attentively to this discussion between the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Texas (Mr. ARMEY), and I would like to suggest that the complaint that we have used too much time on this bill and the two previous bills is valid. We have used too much time on the bill. But I would offer to my friend from Wisconsin that the vast majority of that time was consumed by your side and most of the rhetoric was pure political rhetoric.

Now, we have been very accommodating. We have allowed the debate to go on and on and on on amendments that were truly in violation of the rule and that were subject to a point of order. We did not raise the point of order. We reserved the point of order so you could continue the debate. We have been very accommodating.

We have now had an offer for an hour's debate on the Waxman amendment. We have already debated that amendment twice this week. We do not need an hour on that amendment. I suggested 30 minutes, and then the response was, well, 46 minutes. That is nitpicking. Thirty minutes is more than enough on a subject that has already been debated twice.

Now, if we can reach an accommodation and if we can reach an agreement that is going to be fair to both sides, then I will agree to it. But if we do not, I will object to it and we will just continue the dialogue for however long it takes. But what is fair is fair. What is fair to that side has got to be fair to my side. And that is the way it is going to be. And if we cannot get a fair agreement, there will be no agreement.

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

Mr. Chairman, I would just say to my good friend the chairman, and I understand the emotion here, all of us want to go home, but I will just tell him, at the end of the Interior bill, if he goes back and looks where those amendments were, they were all on his side of the aisle. Vote after vote after vote, we revoted things.

And so, do not say this is not even-handed. They use their tactics whenever they think it is going to do them an advantage. And the gentleman from Washington knows just how exactly that felt.

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

Mr. DICKS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say that I am glad my friend

from Florida has gotten things off his chest. We know what the facts are. I am not going to bother to debate them. We are trying to cooperate here and to help the majority do the job that the majority has, which is to try to get bills through the House.

We are trying to work that out. If the gentleman would like to accept the offer that we have raised, we are willing to proceed now. I had assumed, given the fact that the majority leader indicated what he just described, that that is what we had agreed to. I assume that still stands.

Mr. DICKS. Mr. Chairman, reclaiming my time, on these unanimous consent agreements these amendments have been on both sides of the agreement. Republicans have had them and Democrats have had them. I think it has been very fair.

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

Mr. DICKS. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I want to thank everybody again. We have worked hard on this. I think we have got a good agreement. I think the Members are ready for us to move forward on it.

The Members should be advised that the gentleman from Kentucky (Chairman ROGERS) has a limited supply of Krispy Kreme doughnuts that would be available during the vote right here at the desk.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 529, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 19 offered by the gentleman from California (Mr. CAMPBELL), amendment No. 22 offered by the gentleman from New York (Mr. HINCHEY), amendment No. 36 offered by the gentleman from Virginia (Mr. SCOTT), and the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

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

AMENDMENT NO. 19 OFFERED BY MR. CAMPBELL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 19 offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated 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 239, noes 173, not voting 22, as follows:

[Roll No. 315]

AYES—239

Abercrombie
Ackerman
Allen
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gonzalez
Graham
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hastings (FL)
Hayworth
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rivers
Rodriguez
Roemer
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shays
Sherwood
Simpson
Skelton
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Watts (OK)
Weldon (PA)
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu

NOES—173

Aderholt
Andrews
Archer
Armey
Baker
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Collins
Combest
Cramer
Crane
Crowley
Cubin
Davis (FL)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Emerson
Engel
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Hill (MT)
Hilleary
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kolbe
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
McInnis
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Morella
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Salmon
Saxton
Schaffer
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shows
Sisisky
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Tancredo
Tauzin
Taylor (MS)
Terry
Thornberry
Thune
Thurman
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Wicker
Young (AK)
Young (FL)

NOT VOTING—22

Berman
Coburn
Cook
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Rangel
Roybal-Allard
Shuster
Slaughter
Vento
Wise
Wynn

2320

Messrs. LINDER, PALLONE, ADERHOLT, DIAZ-BALART, GALLEGLY, FOSSELLA and RILEY and Ms. ROS-LEHTINEN changed their vote from ''aye'' to ''no.''

Messrs. GRAHAM, HALL of Texas, BARCIA, PETRI, STRICKLAND, WATTS of Oklahoma, MCCRERY, MORAN of Kansas, GREENWOOD, DICKS, NETHERCUTT, HERGER and BENTSEN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

REDUCING NEXT VOTE TO 5 MINUTES

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the Chair be authorized to reduce the next vote to a 5-minute vote.

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

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike the last word in order to discuss this evening's schedule and tomorrow's schedule and to reemphasize to Members a discussion that we had earlier this evening. Perhaps some Members did not hear it and would need to hear it.

There was a unanimous consent agreement that has been discussed that

will do the following: the votes that will be cast now will be the final business of the evening, with three more votes to follow. Tomorrow morning the body will reconvene at 9 o'clock to resume business on this bill, in which case the Waxman amendment would be the first order of business. There is a time limit on that amendment of 40 minutes, 20 to a side.

For the remainder of the amendments to the bill, in order for any further amendments to be considered as part of that agreement they must be submitted before the close of business today. Tomorrow, time agreements will be reached concerning each of the amendments on the list, which is the universe for the bill.

The majority leader also reiterated that we would finish this bill Monday night, and that could be a late night. The agreement is that we would resume business on the bill at 4 o'clock Monday afternoon, with votes rolled at least until 6 p.m. Monday evening to accommodate Members' travel plans. The bill would then be finished Monday night on the amendments that are remaining at that time.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I wonder if the gentleman would explain in a little more detail about the potential time limits on amendments for tomorrow and Monday? That seemed to be a little vague there.

Mr. ROGERS. Mr. Chairman, reclaiming my time, the understanding I had of the unanimous consent request was that the majority leader, the chairman and the ranking member of the full committee and the subcommittee, myself and the minority leader would reach agreement on the amount of time that each amendment would be considered. That is as far as the conversation went at the time of the unanimous concept request. That is about all I can say that I know about.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, when does the gentleman plan to propound his unanimous consent request?

Mr. ROGERS. That is being prepared. When the Committee rises this evening, we would propound the unanimous consent request on the amendments, and then tomorrow morning the unanimous consent would be propounded on the time balance on the rest of the amendments.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair 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 NO. 22 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 22 offered by the gentleman from New York (Mr. HINCHEY), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated 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 128, noes 284, not voting 22, as follows:

[Roll No. 316]

AYES—128

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bishop
Blumenauer
Bonior
Boyd
Brady (PA)
Brown (OH)
Campbell
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Engel
Eshoo
Evans
Farr
Fattah
Ford
Frank (MA)
Gejdenson
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Pomeroy
Rahall
Reyes
Rivers
Rodriguez
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shimkus
Stark
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey

NOES—284

Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Paul
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—22

Berman
Boucher
Coburn
Cook
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Rangel
Roybal-Allard
Shuster
Slaughter
Vento
Wynn

2333

Mrs. MEEK of Florida changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 36 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 36 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 redesignate the amendment.

The Clerk redesignated 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 184, noes 226, not voting 24, as follows:

[Roll No. 317]

AYES—184

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Bilbray
Bishop
Blumenauer
Bonior
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dicks
Doggett
Dooley
Duncan
Dunn
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Foley
Ford
Frank (MA)
Frost
Goodling
Granger
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoekstra
Holt
Hooley
Houghton
Hoyer
Hutchinson
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Price (NC)
Quinn
Rahall
Rivers
Rodriguez
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Shays
Sisisky
Skelton
Snyder
Souder
Spratt
Stark
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey

NOES—226

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dingell
Doolittle
Doyle
Dreier
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Largent
Larson
Latham
LaTourette
Lazio
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCarthy (NY)
McCrery
McHugh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Ney
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Wise
Wu
Young (AK)
Young (FL)

NOT VOTING—24

Berman
Cannon
Coburn
Cook
Diaz-Balart
Dixon
Filner
Gordon
Hall (OH)
Jones (OH)
Klink
Kuykendall
Lewis (CA)
Martinez
McCollum
McIntosh
Meeks (NY)
Myrick
Rangel
Roybal-Allard
Shuster
Slaughter
Vento
Wynn

2342

Mr. PALLONE 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 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 254, not voting 24, as follows:

[Roll No. 318]

AYES—156

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
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
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Ford
Frank (MA)
Frelinghuysen
Frost
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)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy
Kilpatrick
Kind (WI)
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moran (VA)
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Reyes
Rivers
Rodriguez
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Shays
Sherman
Sisisky
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu

NOES—254

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Collins
Combest
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)
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins

John	Northup	Simpson
Johnson, Sam	Norwood	Skeen
Jones (NC)	Nussle	Skelton
Kanjorski	Oberstar	Smith (MI)
Kaptur	Ortiz	Smith (NJ)
Kasich	Ose	Smith (TX)
Kildee	Oxley	Snyder
King (NY)	Packard	Souder
Kingston	Paul	Spence
Kleczka	Pease	Stearns
Knollenberg	Peterson (MN)	Stenholm
Kolbe	Peterson (PA)	Stump
Kucinich	Petri	Stupak
LaFalce	Phelps	Sununu
LaHood	Pickering	Sweeney
Lampson	Pitts	Talent
Largent	Pombo	Tancredo
Latham	Pomeroy	Tauzin
LaTourette	Portman	Taylor (MS)
Lazio	Pryce (OH)	Taylor (NC)
Leach	Quinn	Terry
Lewis (CA)	Radanovich	Thornberry
Lewis (KY)	Rahall	Thune
Linder	Ramstad	Thurman
Lipinski	Regula	Tiahrt
LoBiondo	Reynolds	Toomey
Lucas (KY)	Riley	Traficant
Lucas (OK)	Roemer	Turner
Manzullo	Rogan	Udall (NM)
Mascara	Rogers	Upton
McCrery	Rohrabacher	Visclosky
McHugh	Ros-Lehtinen	Vitter
McInnis	Roukema	Walden
McIntyre	Royce	Walsh
McKeon	Ryan (WI)	Wamp
McNulty	Ryun (KS)	Watkins
Metcalf	Salmon	Watts (OK)
Mica	Sanford	Weldon (FL)
Miller (FL)	Saxton	Weldon (PA)
Miller, Gary	Scarborough	Weller
Moakley	Schaffer	Weygand
Mollohan	Sensenbrenner	Whitfield
Moore	Sessions	Wicker
Moran (KS)	Shadegg	Wilson
Murtha	Shaw	Wolf
Neal	Sherwood	Young (AK)
Nethercutt	Shimkus	Young (FL)
Ney	Shows	

NOT VOTING—24

Berman	Klink	Rangel
Coburn	Kuykendall	Roybal-Allard
Cook	Martinez	Serrano
Dixon	McCollum	Shuster
Filner	McIntosh	Slaughter
Gordon	Meeks (NY)	Thomas
Hall (OH)	Myrick	Vento
Jones (OH)	Obey	Wynn

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So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KUYKENDALL. Mr. Chairman, I was unavoidably detained attending my son's high graduation and missed roll call votes 311–318. If I had been here, I would have voted in the following manner:

Rollcall 311: ''Yes'' (rule regarding H.R. 4615, Legislature Branch Appropriations).

Rollcall 312: ''Yes'' (Ryan lockbox amendment).

Rollcall 313: ''Yes'' (final passage, H.R. 4615, Legislature Branch Appropriations).

Rollcall 314: ''Yes'' (rule, H.R. 4690, Commerce-Justice-State Appropriations).

Rollcall 315: ''Yes'' (Campbell resolution cutting salaries and expenses for prison industries).

Rollcall 316: ''No'' (cutting state criminal alien apprehension program).

Rollcall 317: ''No'' (cutting truth in sentencing grants).

Rollcall 318: ''Yes'' (regarding abortions for female prison inmates).

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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. PEASE) 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. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITATIONS ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4690, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4690 in the Committee of the Whole pursuant to House Resolution 529:

(1) no further amendment to the bill shall be in order except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII on or before June 22, 2000, which may be offered only by the Member who caused it to be printed or his designee, shall be considered as read, shall not be subject to amendment except pro forma amendments for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole;

(2) the Clerk be authorized to print in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII all amendments to H.R. 4690 that are at the desk and not already printed by the close of business this legislative day; and

(3) before consideration of any other amendment, it shall be in order to consider the amendment offered by the gentleman from California (Mr. WAXMAN) to section 110, which shall be debatable for only 40 minutes equally divided and controlled by the proponent and an opponent.

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

There was no objection.

PIKETON PLANT TO CLOSE

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

Mr. STRICKLAND. Mr. Speaker, the hour is late, but I think it is important that I share with my colleagues the headline from the Columbus Dispatch today, which says ''Piketon Plant to Close: 2,000 Workers Will Lose Jobs Because of Shutdown.'' And then it says, ''Less than 2 years ago, the United States Enrichment Corporation, which was privatized 2 years ago, vowed to keep the Piketon Plant and a sister facility in Paducah, Kentucky, open until at least 2005.

It is late, but I hope the Vice President is awake and listening tonight. I hope the Secretary of the Treasury is awake and listening tonight. Because it was on their watch that this decision has been made and my workers and my community have been let down.

Mr. Speaker, this Congress has an obligation to protect this industry, which provides 23 percent of the electricity generated within this country.

CITIZENS OF BUFFALO, NEW YORK DO NOT WANT ''FULL MONTE''

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

Mr. QUINN. Mr. Speaker, I rise today on behalf of the good citizens of Buffalo, New York.

As some of my colleagues might be aware, a new theatrical performance entitled the ''Full Monte'' based on the success of the 1997 film is headed to Broadway.

While the film used a small, economically depressed town in England as its setting, the new play changes the backdrop to my hometown of Buffalo, New York.

While I applaud the success and appreciate the artistic endeavor of the playwrights, I am extremely concerned that the use of Buffalo as the setting will tarnish the image of a wonderful city going through a rebuilding process.

I respectfully request that the creative minds of this play reconsider their choice of Buffalo as the new setting. Instead, I suggest that they choose a fictional name for their setting. A fictional city name would prevent them from harming not only the image of Buffalo and its good residents but any locality in America.

In closing, I wish the ''Full Monte'' the greatest success as it moves from San Diego to Broadway but not at the expense of the good name of my hometown of Buffalo, New York.

EXECUTION OF GARY GRAHAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, tonight Gary Graham, a constituent of mine, was executed.

My statement this evening is not in any way to diminish the tragedy of the