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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 17, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

CANCELLATION OF BLUEGRASS MUSIC BY WAMU

Mr. COBLE. Mr. Speaker, several years ago when I arrived in Washington as a newly elected Congressman and an unabashed bluegrass and country music enthusiast, one of my first non-congressional, self-appointed assignments was to identify the right radio station. WAMU 88.5 was that station.

Ray Davis and Jerry Gray, genial down-home hosts, escorted us through bluegrass country Monday through Friday. At that time the bluegrass program, as I recall, was aired from noon until 6 p.m. That time slot subsequently was reduced by half running them from 3 until 6 p.m. I did not take umbrage with this change and concluded it was not unreasonable. Six hours is, after all, a formidable block of time and reducing it to 3 hours appeared to be a fair compromise.

The recent heavy-handed action taken by WAMU is neither fair nor a compromise; and as I told a Washington Post reporter recently, as we say in the rural South, I am hopping mad about it.

The powers that be at WAMU have eliminated the Monday through Friday bluegrass that we so much enjoyed with Ray Davis and Jerry Gray. What were 3 hours of bliss have become 3 hours of painful silence; and it appears this silencing exercise was executed abruptly, with precision and with no advanced warning.

Were Ray Davis and Jerry Gray afforded the courtesy of saying good-bye to their host of loyal listeners? Obviously not.

I am told that now in the D.C. listening area we have two giants of public radio both supported by taxpayers, presumably tax exempt, broadcasting identical programs an hour apart and both broadcasting these programs twice to captive drive-time audiences. What became of diversity, the commodity so frequently promoted by public radio?

Many listeners of WAMU have contacted me about this matter and most of these listeners are versatile in their musical tastes. They enjoy bluegrass and country, as do I, but they enjoy the classics as well, as do I. But the WAMU decision-makers have made the former more difficult to receive than the latter. We no longer hear Jim and Jesse and the Virginia Boys play and sing Paradise or Better Times A Comin'. We no longer hear Earl Scruggs, ably backed by Lester Flatt and the Foggy Mountain Boys as he plays the Flint Hill Special. During December's yuletide season, the Monday through Friday bluegrass fans will be deprived of Christmas Time A Comin' by Bill Monroe and the Bluegrass Boys or the Country Gentlemen's version of Back Home at Christmas Time.

We, the Monday through Friday group, will have to make adjustments. As a member of Congress, I have consistently contributed to WAMU's various campaigns. I may have to direct my future contributions elsewhere because I do not appreciate the manner in which it appears WAMU terminated the Monday through Friday bluegrass programs.

Ray Davis and Jerry Gray deserve better. WAMU's listeners deserve better. These listeners, by the way, are intensely loyal. So WAMU may be pursuing a volatile course.

Again, Mr. Speaker, drawing from my days in the rural South, when youngsters misbehaved they were taken to the woodshed. You know, perhaps the WAMU management team members need to be introduced to the woodshed. For it is my belief they have misbehaved to the detriment of many innocent observers.

A BAD OMEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, the trial of Slobadon Milosevic threatens U.S. sovereignty. The fact that this trial can be carried out, in the name of international justice, should cause all the Americans to cast a wary eye on the whole principal of the U.N. War Crimes Tribunal. The prosecution of Milosevic, a democratically elected and properly

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disposed leader of a sovereign country, could not be carried out without full U.S. military and financial support. Since we are the only world superpower, the U.N. court becomes our court under our control. But it is naive to believe our world superpower status will last forever. The precedence now being set will 1 day surely come back to haunt us.

The U.S. today may enjoy dictating policy to Yugoslavia and elsewhere around the world, but danger lurks ahead. The administration adamantly and correctly opposes our membership in the permanent International Criminal Court because it would have authority to exercise jurisdiction over U.S. citizens without the consent of the U.S. government. But how can we, with a straight face, support doing the very same thing to a small country, in opposition to its sovereignty, courts, and constitution. This blatant inconsistency and illicit use of force does not go unnoticed and will sow the seeds of future terrorist attacks against Americans or even war.

Money, as usual, is behind the Milosevic's extradition. Bribing Serbian Prime Minister Zoran Djindjic, a U.S.-sponsored leader, prompted strong opposition from Yugoslavian Prime Minister Zoran Zizic and Yugoslavian President Vojislaw Kostunica.

A Belgrade historian, Aleksa Djilas, was quoted in The New York Times as saying: ''We sold him for money, and we won't really get very much money for it. The U.S. is the natural leader of the world, but how does it lead? This justifies the worst American instincts, reinforcing this bullying mentality.''

Milosevic obviously is no saint but neither are the leader of the Croates, the Albanians or the KLA. The NATO leaders who vastly expanded the death and destruction in Yugoslavia with 78 days of bombing in 1999 are certainly not blameless. The $1.28 billion promised the puppet Yugoslavian government is to be used to rebuild the cities devastated by U.S. bombs. First, the American people are forced to pay to bomb, to kill innocent people and destroy cities, and then they are forced to pay to repair the destruction, while orchestrating a U.N. kangaroo court to bring the guilty to justice at the Hague.

For all this to be accepted, the press and internationalists have had to demonize Milosevic to distance themselves from the horrors of others including NATO.

NATO's air strikes assisted the KLA in cleansing Kosovo of Serbs in the name of assisting Albanian freedom fighters. No one should be surprised when that is interpreted to mean tacit approval for Albanian expansionism in Macedonia. While terrorist attacks by former members of the KLA against Serbs are ignored, the trial of the new millennium, the trial of Milosevic, enjoys daily support from the NATO–U.S. propaganda machine.

In our effort to stop an independent-minded and uncooperative with the international community president of a sovereign country, U.S. policy was designed to support an equally if not worse organization, the KLA.

One of the conditions for ending the civil war in Kosovo was the disbanding of the KLA. But the very same ruthless leaders of the KLA, now the Liberation Army of Presovo, are now leading the insurrection in Macedonia without NATO lifting a finger to stop it. NATO's failed policy that precipitated the conflict now raging in Macedonia is ignored.

The U.N. War Tribunal in the Hague should insult the intelligence of all Americans. This court currently can only achieve arrest and prosecution of leaders of poor, small, or defeated nations. There will be no war criminals brought to the Hague from China, Russia, Britain, or the United States no matter what the charges. But some day this approach to world governing will backfire. The U.S. already has suffered the humiliation of being kicked off the U.N. Human Rights Commission and the Narcotics Control Commission. Our arrogant policy and attitude of superiority will continue to elicit a smoldering hatred toward us and out of sheer frustration will motivate even more terrorist attacks against us.

Realizing the weakness of the charges against Milosevic the court has quietly dropped the charges for committing genocide. In a real trial, evidence that the British and the United States actually did business with Milosevic would be permitted. But almost always, whoever is our current most hated enemy, has received help and assistance from us in the past. This was certainly the case with Noriega and Saddam Hussein and others, and now it's Milosevic.

Milosevic will be tried not before a jury of his peers but before a panel of politically appointed judges, all of whom were approved by the NATO countries, the same countries which illegally bombed Yugoslavia for 2½ months. Under both U.N. and international law the bombing of Serbia and Kosovo was illegal. This was why NATO pursued it and it was not done under a U.N. resolution.

Ironically, the mess in which we've been engaged in Yugoslavia has the international establishment supporting the side of Kosovo independence rather than Serbian sovereignty. The principle of independence and secession of smaller government entities has been enhanced by the breakdown of the Soviet system. If there's any hope that any good could come of the quagmire into which we've rapidly sunk in the Balkans, it is that small independent nations are a viable and reasonable option to conflicts around the world. But the tragedy today is that no government is allowed to exist without the blessing of the One World Government leaders. The disobedience to the one worlders and true independence is not to be tolerated. That's what this trial is all about. ''Tow the line or else,'' is the message that is being sent to the world.

NATO and U.S. leaders insist on playing with fire, not fully understanding the significance of the events now transpiring in the Balkans. If policy is not quickly reversed, events could get out of control and a major war in the region will erupt.

We should fear and condemn any effort to escalate the conflict with troops or money from any outside sources. Our troops are already involved and our money calls the shots. Extricating ourselves will get more difficult every day we stay. But the sooner we get out the better. We should be listening more to candidate George Bush's suggestion during the last campaign for bringing our troops home from this region.

The Serbs, despite NATO's propaganda, will not lightly accept the imprisonment of their democratically elected (and properly disposed) president no matter how bad he was. It is their problem to deal with and resentment against us will surely grow as conditions deteriorate. Mobs have already attacked the American ambassador to Macedonia for our inept interference in the region. Death of American citizens are sure to come if we persist in this failed policy.

Money and power has permitted the United States the luxury of dictating terms for Milosevic's prosecution, but our policy of arbitrary interventions in the Balkans is sowing the seeds of tomorrow's war.

We cannot have it both ways. We cannot expect to use the International Criminal Tribunal for Yugoslavia when it pleases us and oppose the permanent International Criminal Court where the rules would apply to our own acts of aggression. This cynical and arrogant approach, whether it's dealing with Milosevic, Hussein, or Kadafi, undermines peace and presents a threat to our national security. Meanwhile, American citizens must suffer the tax burden from financing the dangerous meddling in European affairs, while exposing our troops to danger.

A policy of nonintervention, friendship and neutrality with all nations, engagement in true free trade (unsubsidized trade with low tariffs) is the best policy if we truly seek peace around the world. That used to be the American way.

INTRODUCTION OF LOWER LOS ANGELES RIVER AND SAN GABRIEL RIVER WATERSHEDS STUDY ACT OF 2001

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 5 minutes.

Ms. SOLIS. Mr. Speaker, today I rise to bring forward legislation that I want to introduce regarding the Lower Los Angeles River and the San Gabriel River Watershed Study Act of 2001.

Mr. Speaker, I grew up in the shadow of one of the largest landfills in the country, communities exposed to high levels of smog, and one of the largest Superfund sites in the region. All this has inspired my passion to preserve our remnants of open space.

Today, children in my district are still living next to this landfill, and their playgrounds are often small concrete slabs with little green space. With this knowledge, today I introduce the Lower Los Angeles River and San Gabriel River Watershed Study Act of 2001. The bill will study the Lower Los Angeles River and the San Gabriel

River and portions of the San Gabriel Mountains for potential inclusion in the National Parks Service system.

The bill will direct the National Park Service to study the area and its natural, historic, scenic, recreational, and national significance.

If deemed appropriate, I plan to introduce a bill that will officially designate the area. Thus, laying the groundwork for open space preservation, environmental revitalization, curbing urban sprawl, and giving communities of color the option of experiencing more than car horns and skyscrapers.

Currently, there are only five national recreation areas near urban centers. Such urban parks combine scarce spaces with the preservation of significant historic resources and important natural areas in locations that can provide outdoor recreation for large numbers of people. The population growth in California, as you know, is projected to double in over the next 40 years. It is of critical importance to plan for the future of open space.

Study after study find that open space creates high property values, more community-oriented events, and safer environments for our families. It is estimated that there are less than one-half acre square space per 1,000 residents in low-income areas, and up to 1.7 acres in West Los Angeles. Yet, three to four acres of open space per 1,000 residents is what is recommended by our Park Service.

After the 1992 riots in Los Angeles, nearly 77 percent of neighborhood residents when asked what they felt was most important felt that improved parks and recreation facilities was absolutely critical and important to the restoration of their communities.

There is a growing concern that poor planning has resulted in the loss of too much open space in the San Gabriel Valley and in the foothills of the San Gabriel Mountains. The threat of the total buildout of the last remnants of open space has increased concern about the cumulative impacts of that buildout on what little remains of our natural resources.

This concern has reached a critical mass, sparking community action to form local conservancies. In fact, I was a partner in helping to establish one of the largest urban conservancies in the State of California effecting well over 6 million people.

There is a need out there to provide open space. People in my community and across the country want to see that there is some preservation and some area for families to recreate. As a California State Senator, I was proud to have introduced that piece of legislation last year.

There are over 30 local community governments and organizing groups that are now waiting for us to move ahead at the Federal level to create this park service area.

Mr. Speaker, I would like to insert the following editorial published on May 30, 2001 of the San Gabriel Valley Tribune.

It is time for the Federal Government to offer the next step for protection and revitalization in the San Gabriel Valley. This study is the first step in accomplishing that venture.

[From the San Gabriel Valley Tribune, May 30, 2001]

OUR VIEW: BUSH SHOULD JOIN SOLIS PARK PLAN

The president was in town this week visiting Camp Pendleton and meeting with Gov. Gray Davis in Los Angeles on energy issues. Some say President George W. Bush should use this visit to improve his standing on the environment, an issue dear to Golden Staters. Specifically, he should support Rep. Hilda Solis' idea to declare the San Gabriel River—and 2,000 acres around it—a national recreation area.

Solis, who has not formalized her idea, but rather is sending it up as a trial balloon, wants to siphon federal dollars into making the river a national park. Last year, $1.38 billion was available through the National Park Service. While we support the preservation and maintenance of more traditional national parks, we believe the feds should change direction and provide for creation of closer-in, urban green spaces.

Efforts are under way to restore the 29-mile San Gabriel River, which runs from the Angeles National Forest to the beach. Our river, and our forest for that matter, are visited by just as many people as many national parks—eight million a year visit the Angeles, which includes the river's West Fork and the East Fork regions. Creating more urban recreation areas can be more important than preserving chunks of wild lands in remote parts of the country because these are closer to millions of people who need a green space to de-stress, relax and get away from the burdens of everyday life.

In addition, it seems as if the new San Gabriel and Lower Los Angeles Rivers and Mountain Conservancy started by Solis and Sally Havice is stalled, but it's nothing that a little federal momentum could not kick start.

We would like to see an education center, more bike trails and more river access for hikers, horseback riders, birders, mountain bikers, picnickers and all.

Likewise, to the west, the Arroyo Seco should be restored. The Arroyo Seco Foundation and North East Trees are working on a plan to make the river that runs through Pasadena, South Pasadena to Los Angeles a place of beauty instead of a concrete channel off-limits to visitors.

These are projects that are not about saving a species of frog or fish but rather, about saving a quality of life for almost 2 million San Gabriel Valley residents who increasingly spend more time in their cars in traffic than in nature. Many have come here from Mexico, as the new census figures show, living in poorer and middle-class neighborhoods of South El Monte, El Monte, Pico Rivera, Northwest Pasadena, El Sereno, Azusa and Duarte and rarely go beyond the streets where they live.

Most do not have the means to travel to Yosemite, Mammoth Lakes and other spots that are favorites of the Valley's more well-to-do population. Hence, more than 75 percent of those who visit the East Fork, Whittier Narrows, Marrano Beach and Santa Fe Dam are Latino.

The Bush Administration can't miss this chance to start working on an urban, national park that will benefit Latinos in California.

It's an opportunity for Bush to improve his image in the state and at the same time work with Democrat Solis in a bipartisan effort. Sounds like win-win-win to us.

INTRODUCTION OF ABUSIVE TAX SHELTER SHUTDOWN ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, most of us can appreciate the feeling of the fellow who declared, ''I am proud to be paying taxes, but I could be just as proud for half the money!''

Some taxpayers have, in fact, discovered a way to get out for half the money by exploiting abusive tax avoidance schemes, gimmicks, and tax shelters. For the millions of Americans who are paying their fair share of taxes, it is long past time to plug some of the loopholes and eliminate the tax inequities that threaten public confidence in our tax system.

Today, together with the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means and a number of my Democratic colleagues on the committee, I am introducing the Abusive Tax Shelter Shutdown Act to address these concerns.

With the Bush administration already dipping into the Medicare trust fund to pay for its many undertakings, we face a challenge. To implement a patients' bill of rights, to ensure that the dipping into the Medicare trust fund does not extend to an invasion of the Social Security trust fund, and to provide reasonable tax relief, we must ensure that lower tax revenues are offset. We must secure what are known around this House as ''pay-for's'' to pay for the enactment of any new initiatives.

With the bill that we are introducing today, we say: what better place to start than with the high rollers who are cheating and gaming our tax system.

This new bill represents a refinement of legislation that I originally introduced in 1999. The Washington Post, the Los Angeles Times, and several other newspapers have already endorsed that initiative. The abuses that it addresses were first brought to my attention by a constituent in Austin who directed my attention to this Forbes magazine. Forbes, which proudly proclaims itself ''the capitalist tool,'' did a cover story called ''Tax Shelter Hustlers'' with a fellow in a fedora on the cover, and stated, ''Respectable accountants are peddling dicey corporate loopholes.'' Inside, that cover story begins, ''Respectable tax professionals and respectable corporate clients are exploiting the exotica of modern corporate finance to indulge in extravagant tax dodging schemes.''

Forbes reported that Big 5 accounting firms require staffers, in one case, to come up with at least one new corporate tax dodge per week. The literal

hustling of these improper tax avoidance schemes is so commonplace that the representative of one major Texas-based multinational indicated that he gets a cold call every day from someone hawking such shelters.

As Stefan Tucker, former Chair of the American Bar Association Tax Section, a group comprised of 20,000 tax lawyers across the country, told the Senate Finance Committee: ''[T]he concerns being voiced about corporate tax shelters are very real; these concerns are not hollow or misplaced, as some would assert. We deal with corporate and other major taxpayer clients every day who are bombarded, on a regular and continuous basis, with ideas or ''products'' of questionable merit.''

Two years later, we have this sequel from Forbes which raises the question, ''How to cheat on your taxes?'' It concludes that the marketing of push-the-edge and over-the-edge tax shelters ''represent the most striking evidence of the decline in [tax] compliance'' in our country today. The ''outrageous shelters'' that it reports about in its cover story are literally ''tearing this country's tax system apart.'' It raises the question that more and more taxpayers are asking: ''Am I a chump for paying what I owe?''

Here is basically what this bill seeks to do: First, it seeks to stop these schemes that have no ''economic substance.'' That is, deals that are done not to achieve economic gain in a competitive marketplace or for other legitimate business reasons but to generate losses that offer a way to avoid the tax collector.

Second, it prevents tax cheats from buying the equivalent of a ''get-out-of-jail-free'' card to protect themselves in the unlikely event that they get caught. Some fancy legal opinion cannot be used as insurance against penalties for tax underpayments on transactions that have no economic substance.

Third, the bill increases and tightens penalties for tax dodging so that there is at least some downside risk to cheating.

Fourth, it requires the promoters and hustlers who market tax shelters to share a little of the penalty themselves with the offending taxpayer.

Fifth, it punishes the lawyers who write ''penalty insurance'' opinions that any reasonable person would know are unjustified.

Sixth, it penalizes those who fail to follow the disclosure rules. It recognizes that too often secrecy is the growth hormone for these complex tax-cheating shelter gimmicks.

Seventh, it expands the types of tax shelters that must be registered with the IRS, thereby facilitating tax enforcement.

Finally, it targets a few of what some might view as ''attractive nuisances.'' That is, tax code provisions that are particularly subject to manipulation and misuse.

Battling these shelters one at a time, through years of costly litigation, has not prevented the steady growth in abusive practices. Indeed, the creativity and speed with which new and more complicated tax shelters are devised is remarkable. Following judicial and administrative rulings, tax shelters are repackaged and remarketed with creative titles like sequels to bad movies.

One type of gimmickery, called LILO, has been used by an American company, which rents a Swiss town hall, not for any gathering, but only to rent it immediately back to the Swiss. The corporation takes a deduction from current taxable income for the total rental expense, while deferring income from its ''re-rental'' until far into the future. Within months of Treasury shutting down such abusive LILO transactions, products were soon being sold as the ''Son of LILO,'' with only a modicum of difference from the previous version.

I have modified this legislation to take into account the comments that were raised at a November 1999 Committee on Ways and Means hearing. I have incorporated recommendations from the American Bar Association tax section, and bipartisan suggestions from leaders of the Senate Finance Committee last year. This bill has been carefully designed to curtail egregious behavior without impacting legitimate business deals.

Most of these refinements have had a very plain purpose: eliminate the excuse for inaction. This bill should now be acceptable to everyone but most blatant shelter hustlers. But that may not be the case.

Treasury Secretary Paul O'Neill recently gave an interview to a London newspaper in which he favored eliminating corporate taxation. If that is the ultimate objective, if he just waits a little while maintaining the same attitude of indifference in the face of rapidly proliferating shelter schemes it may eventually be accomplished. This will leave just a few ''corporate chumps'' paying anything close to their fair share.

Most taxpayers realize that if someone in the corporate towers or just down the street is not paying their fair share, you and I, and the others who play by the rules, must pay more to pick up the slack. And that slack, that loss of revenue to abusive tax shelters, is not estimated to exceed $10 billion per year.

And that lost revenue could be put to better use. The bipartisan leaders of the managed care reform bill in the last Congress relied upon this proposal to offset any reduced federal revenues associated with adopting the Patients Bill of Rights. Although blocked procedurally, Representative CHARLIE NORWOOD (R–GA) got it right in telling the House Rules Committee, ''There is a large difference in what you call a tax increase and stopping bogus tax shelters. That is really two different things. They aren't just asking them to pay more taxes, we are trying to keep them from cheating the system.''

Today, we sponsors of this legislation offer a constructive way of correcting abusive tax shelters, described by former Treasury Secretary Larry Summers as ''the most serious compliance issue threatening the American tax system.'' Battling corporate tax cheats is not a partisan issue, it is a question of fundamental fairness. This Congress should promptly respond.

TECHNICAL EXPLANATION OF H.R. , THE ''ABUSIVE TAX SHELTER SHUTDOWN ACT OF 2001''

TITLE I—CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE (SEC. 101)

PRESENT LAW

In general

The Internal Revenue Code (''Code'') provides specific rules regarding the computation of taxable income, including the amount, timing, and character of items of income, gain, loss and deductions. These rules are designed to provide for the computation of taxable income in a manner that provides for a degree of specificity to both taxpayers and the government. Taxpayers generally may plan their transactions in reliance on these rules to determine the federal income tax consequences arising from the transactions.

Notwithstanding the presence of these rules for determining tax liability, the claimed tax results of a particular transaction may be challenged by the Secretary of the Treasury. For example, the Code grants the Secretary various authority to challenge tax results that would result in an abuse of these rules or the avoidance or evasion of tax (Secs. 269, 446, 482, 7701(l)). Further, the Secretary can challenge a tax result by applying the so-called ''economic substance doctrine.'' This doctrine has been applied by the courts to deny unwarranted and unintended tax benefits in transactions whose undertaking does not result in a meaningful change to the taxpayer's economic position other than a purported reduction in federal income tax. Closely related doctrines also applied by the courts (sometimes interchangeable with the economic substance doctrine) include the so-called ''sham transaction doctrine'' and the ''business purpose doctrine''. (See, for example, *Knetsch* v. *United States*, 364 U.S. 361 (1960) denying interest deductions on a ''sham transaction'' whose only purpose was to create the deductions.) Also, the Secretary can argue that the substance of a transaction is different from the form in which the taxpayer has structured and reported the transaction and therefore, the taxpayer applied the improper rules to determine the tax consequences. Similarly, the Secretary may invoke the ''step-transaction doctrine'' to treat a series of formally separate ''steps'' as a single transaction if the steps are integrated, interdependent, and focused on a particular result.

Economic substance doctrine

The economic substance doctrine is a common law doctrine denying tax benefits in transactions which, apart from their claimed tax benefits, have little economic significance.

The seminal authority for the economic substance doctrine is the Supreme Court and Second Circuit decisions in *Gregory* v. *Helvering* (293 U.S. 465 (1935), *aff'g* 69 F.2d 809 (2d Cir. 1934). In that case, a transitory subsidiary was used to effectuate a tax-advantaged distribution form a corporation. Notwithstanding that the transaction satisfied

the literal definition of a tax-free reorganization, the courts denied the intended benefits of the transactions, stating: ''The purpose of the [reorganization] section is plain enough, men [and women] engaged in enterprises—industrial, commercial, financial, or an other—might wish to consolidate, or divide, to add to, or subtract from, their holdings. Such transactions were not to be considered 'realizing' and profit, because the collective interests still remained in solution. But the underlying presupposition is plain that the readjustment shall be undertaken for reasons germane to the conduct of the venture in hand, not as an ephemeral incident, egregious to its prosecution. To dodge the shareholder's taxes is not one of the transactions contemplated as corporate 'reorganizations'.'' (69 F.2d at 811).

The economic substance doctrine was applied in the case of *Goldstein* v. *Commissioner* (364 F.2d 734 (2d Cir. 1966)) involving a taxpayer who borrowed to acquire Treasury securities. Under the law then in effect, she was able to deduct a substantial amount of prepaid interest. Notwithstanding that the Code allowed a deduction for the prepaid interest, the Court disallowed the deduction stating: ''this provision [sec. 163(a)] should not be construed to permit an interest deduction when it objectively appears that a taxpayer has borrowed funds in order to engage in a transaction that has no substance or purpose other than to obtain the tax benefit of an interest deduction.''

Likewise in *Shelton* v. *Commissioner* (94 T.C. 738 (1990)), a taxpayer borrowed money to purchase Treasury bills. Under the law at that time, the interest on the borrowing was deductible, but interest on the Treasury bills did not have to be accrued currently. The taxpayer deducted the interest on the borrowing currently and deferred the interest income. The court, as in the *Goldstein* case, disallowed the interest deduction because the transaction lacked economic substance. Similarly, the economic substance doctrine has been applied to disallow losses in cases where taxpayers invested in commodity straddles (*Yosha* v. *Commissioner*, 861 F.2d 494 (7th Cir. 1988)).

Recently, the courts have applied the economic substance doctrine to deny the benefits of an intricate plan principally designed to create losses by investing in a partnership holding debt instruments that were sold for contingent installment notes. Both the Tax Court and the Court of Appeals for the Third Circuit held that the transaction lacked economic substance and thus disallowed the ''artificial loss'' (*ACM Partnership* v. *Commissioner*, 157 F.3d 231 (3d Cir. 1998), *aff'g* 73 T.C.M. 2189 (1997)). The Tax Court opinion stated: ''the transaction must be rationally related to a useful nontax purpose that is plausible in light of the taxpayer's conduct and useful in the light of the taxpayer's economic situation and intentions. Both the utility of the stated purpose and the rationality of the means chosen to effectuate it must be evaluated in accordance with the commercial practices in the relevant industry . . . A rational relationship between purpose and means ordinarily will not be found unless there was a reasonable expectation that the nontax benefits would at least be commensurate with the transaction costs.''

Courts have likewise denied the tax benefits in cases involving the misuse of seller-financed corporate-owned life insurance (*Winn-Dixie Stores, Inc.* v. *Commissioner*, 113 T.C. No. 21 (1999); *American Electric Power Inc.* v. *United States* (S.D. Ohio, No. C2–99–724, Feb. 20, 2001)) and foreign tax credits (*Compaq Computer Corp.* v. *Commissioner*, 113 T.C. No. 17 (1999). However, see *IES Industries* v. *United States*, 2001 U.S. App. LEXIS 12881 (8th Cir. June 14, 2001) for a contrary decision) in transactions the court determined were lacking economic substance.

Business purpose doctrine

The courts use the business purpose doctrine (in combination with economic substance) as part of a two-prong test for determining whether a transaction should be disregarded for tax purposes: (1) the taxpayer was motivated by no business purpose other than obtaining tax benefits in entering the transaction, and (2) the transaction lacks economic substance (*Rice's Toyota World*, 752 F.2d 89, 91 (1985)). In essence a transaction will be respected for tax purposes if it has ''economic substance or encouraged by business or regulatory realities, is imbued with tax-independent consideration, and is not shaped solely by tax-avoidance features that have meaningless label attached.'' (*Frank Lyon Co.* v. *Commissioner*, 435 U.S. 561 (1978)).

EXPLANATION OF PROVISION

In general

Under the bill, the economic substance doctrine is made uniform and is enhanced. The bill provides that in applying the economic substance doctrine, a transaction will be treated as having economic substance only if the transaction changes in a meaningful way (apart from Federal income tax consequences) the taxpayer's economic position, and the transaction has a substantial nontax purpose which would be reasonably accomplished by the transaction. This aspect of the bill clarifies the judicial application of the economic substance doctrine and would overturn the results in certain court cases, such as the result in *IES Industries* (see above). The bill provides that if a profit potential is relied on to demonstrate that a transaction results in a meaningful change in economic position (and therefore has economic substance), the present value of the reasonably expected pre-tax profit must be substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected. The potential for a profit not in excess of a risk-free rate of return will not satisfy the test. In determining pre-tax profit, fees and other transaction expenses and foreign taxes are treated as expenses.

Under the bill, a taxpayer may rely on factors other than profit potential for a transaction to have a meaningful change in the taxpayer's economic position; the bill merely sets forth a minimum profit potential if that test is relied on to demonstrate a meaningful change in economic position.

In applying the profit test to the lessor of tangible property, depreciation and tax credits (such as the rehabilitation tax credit and the low income housing tax credit) are not to be taken into account in measuring tax benefits. Thus, a traditional leveraged lease is not affected by the bill to the extent it meets the present law standards.

Except as the bill otherwise specifically provides, judicial doctrines disallowing tax benefits for lack of economic substance, business purpose, or similar reasons will continue to apply as under present law.

Transactions with tax-indifferent parties

The bill also provides special rules for transactions with tax-indifferent parties. For this purpose, a tax-indifferent party means any person or entity not subject to Federal income tax, or any person to whom an item would have no substantial impact on its income tax liability, for example, by reasons of its method of accounting (such as mark-to-market). Under these rules, the form of a financing transaction will not be respected if the present value of the tax deductions to be claimed is substantially in excess of the present value of the anticipated economic returns to the lender. Also, the form of a transaction with a tax-indifferent party in excess of the tax-indifferent party's economic gain or income or if it results in the shifting of basis on account of overstating the income or gain of the tax-indifferent party.

EFFECTIVE DATE

The provision applies to transactions after the date of enactment.

TITLE II—PENALTIES

1. Modifications to accuracy-related penalty (sec. 201)

PRESENT LAW

A 20-percent penalty applies to any portion of an underpayment of income tax required to be shown on a return to the extent that it is attributable to negligence or to a substantial understatement of income tax. For purposes of the penalty, an understatement is considered ''substantial'' if it exceeds the greater of (1) 10 percent of the tax required to be shown on the return, or (2) $5,000 ($10,000 in the case of a C corporation that is not a personal holding company).

The penalty does not apply if there was reasonable cause for the understatement and the taxpayer acted in good faith with respect to the understatement. In addition, except in the case of a tax shelter, the substantial understatement penalty does not apply if there was substantial authority for the tax treatment of an item or if there was adequate disclosure of the item and reasonable basis for the treatment of the item. In the case of a tax shelter of a noncorporate taxpayer, the substantial authority exception applies if the taxpayer reasonably believed that the claimed treatment was more likely than not the proper treatment. For this purpose, a tax shelter means a partnership or other entity, plan or arrangement, if a significant purpose of the entity, plan or arrangement was the avoidance or evasion of Federal income tax.

EXPLANATION OF PROVISION

Enhanced penalty for disallowed noneconomic tax attributes

The bill increases the accuracy-related penalty for underpayments attributable to disallowed noneconomic tax attributes. The rate of the penalty is increased to 40 percent unless the taxpayer discloses to the Secretary of the Treasury or his delegate such information as the Secretary shall prescribe with respect to such transaction. No exceptions (including the reasonable cause exception) to the imposition of the penalty will apply in the case of disallowed noneconomic tax attributes.

The enhanced penalty applies to the extent that the underpayment is attributable to the disallowance of any tax benefit because of a lack of economic substance (as provided by the bill), because the transaction was not respected under the rules added by the bill relating to transactions with tax-indifferent parties, because of a lack of business purpose or because the form of the transaction does not reflect its substance, or because of any similar rule of law disregarding meaningless transactions whose undertaking were not in the furtherance of a legitimate business or economic purpose.

Modifications to substantial understatement penalty

The bill makes several modifications to the substantial understatement penalty. First, the bill treats an understatement as substantial if it exceeds $500,000, regardless of whether it exceeds 10 percent of the taxpayer's total tax liability. Second, the bill treats tax shelters of noncorporate taxpayers the same as the present law treatment of corporate tax shelter; thus the exception from the penalty for substantial authority (under section 6662(b)(2)(B)(i)) will not apply.

Third, the bill provides that the determination of the amount of underpayment shall not be less than the amount that would be determined if the items not attributable to a tax shelter or to a transaction having disallowed noneconomic tax attributes (discussed below) were treated as being correct. Finally, an underpayment may not be reduced by reason of filing an amended return after the taxpayer is first contacted by the IRS regarding the examination of its return.

EFFECTIVE DATE

The enhanced penalty applies to transactions after the date of enactment. The modifications to the substantial understatement penalty apply to taxable years ending after the date of enactment.

2. Promoter penalties (sec. 202)

PRESENT LAW

Any person who (1) organizes any partnership, entity, plan, or arrangement, or (2) participates in the sale of any interest in such a structure, and makes or furnishes a statement (or causes another to make or furnish a statement) with respect to any material tax benefit attributable to the arrangement or structure that the person knows (or has reason to know) is false or fraudulent is subject to a penalty. The amount of the penalty is equal to the lesser of (1) $1,000 or (2) 100 percent of the gross income derived by the promoter from each activity (sec. 6700(a)). There is no statute of limitations on the assessment of a penalty under section 6700 (*Capozzi* v. *Commissioner*, 980 F.2d 872 (2nd Cir. 1992); *Lamb* v. *Commissioner*, 977 F.2d 1296 (8th Cir. 1992)).

EXPLANATION OF PROVISION

The bill imposes a penalty on any substantial promoter of a tax avoidance strategy if the strategy fails to satisfy any of the judicial doctrines that may be applied in the disallowance of noneconomic tax attributes (as described in section 201 of the bill).

A tax avoidance strategy means any entity, plan, arrangement, or transaction a significant purpose of which is the avoidance or evasion of Federal income tax. A substantial promoter means any person (and any related person) who participates in the promotion, offering, or sale of a tax avoidance strategy to more than one potential participant and for which the person expects to receive aggregate fees in excess of $500,000.

The IRS can assess a penalty on a promoter independent of the taxpayer's audit, and the promoter can challenge the penalty prior to a final determination with respect to the taxpayer's disallowed tax benefit. The promoter can challenge the imposition of the penalty in court independent of any litigation with the taxpayer.

The amount of the penalty equals 100 percent of the gross income derived (or to be derived) by the promoter from the strategy. This would include contingent fees, rebated fees, and fees that are structured as an interest in the transaction. Coordination rules are provided to avoid the imposition of multiple penalties on promoters (i.e., the penalty does not apply if a penalty is imposed on the substantial promoter for promoting an abusive tax shelter under present-law section 6700(a)). As under present-law section 6700, there is not statute of limitations on the assessment of the penalty.

The bill also increases the present-law promoter penalty to the greater of $1,000 or 100 percent of the gross income derived (or to be derived) by the promoter from each activity.

EFFECTIVE DATE

The penalty for promoting tax avoidance strategies applies with respect to any interest in a tax avoidance strategy that is offered after the date of enactment. The increase in the present-law penalty for promoting abusive tax shelters applies to transactions after the date of enactment.

3. Modifications to the aiding and abetting penalty (sec. 203)

PRESENT LAW

A penalty is imposed on any person who aids, assists in, procures, or advises with respect to the preparation or presentation of any return or other document if (1) the person knows (or has reason to believe) that the return or other document will be used in connection with any material matter arising under the tax laws, and (2) the person knows that if the portion of the return or other document were so used, an understatement of the tax liability would result (sec. 6701). An exception is provided for individuals who furnish mechanical assistance with respect to a document.

The amount of the penalty is $1,000 for each return or other document ($10,000 in the case of returns and documents relating to the tax of a corporation).

EXPLANATION OF PROVISION

The bill modifies the aiding and abetting penalty as it relates to any person who offers an opinion regarding the tax treatment of an item attributable to a tax shelter or any other transaction involving a noneconomic tax attribute.

Under the bill, a penalty is imposed on any person who is involved in the creation, sale, implementation, management, or reporting of a tax shelter, or of any partnership, entity, plan or arrangement that involves the disallowance of a noneconomic tax attribute (as described in section 201 of the bill), but only if (1) the person opines, advises, or indicates that the taxpayer's treatment of an item attributable to such a transaction would more likely than not prevail or not give rise to a penalty, and (2) the opinion, advice, or indication is unreasonable. If the opinion involved a higher standard (for example, a 'should opinion), and the opinion was unreasonable, then the person who offered the opinion would be subject to the proposed penalty. An opinion would be considered unreasonable if a reasonably prudent and careful person under similar circumstances would not have offered such an opinion.

The amount of the penalty is 100 percent of the gross proceeds derived by the person from the transaction. In addition, upon the imposition of this penalty, the Secretary is required to notify the IRS Director of Practice and any appropriate State licensing authority of the penalty and the circumstances under which it was imposed. Also, the Secretary must publish the identity of the person and the fact that the penalty was imposed on the person.

EFFECTIVE DATE

The provision applies to transactions entered into after date of enactment.

4. Penalty for failure to maintain list of investors (sec. 204)

PRESENT LAW

Any person who organizes a potentially abusive tax shelter or who sells an interest in such a shelter must maintain a list that identifies each person who purchased an interest in the shelter (sec. 6112). A potentially abusive tax shelter means (i) any tax shelter with respect to which registration is required under section 6111, and (ii) any entity, investment plan or arrangement, or any other plan or arrangement that is of a type that has a potential for tax avoidance or evasion and that is designated in regulations issued by the Secretary. The investor list must include the name, address and taxpayer identification number of each purchaser, as well as any other information that the Secretary may require. The lists must generally be maintained for seven years.

The penalty for any failure to meet any of the requirements of this provision if $50 for each person with respect to whom there is a failure, up to a maximum of $50,000 in any calendar year. The penalty is not imposed where the failure is due to reasonable cause and not due to willful neglect. This penalty is in addition to any other penalty provided by law.

EXPLANATION OF PROVISION

The bill increases the penalty for the failure to maintain investor lists in connection with the sale of interests in a tax shelter (as defined in section 6662(d)(2)(C)(iii) or in any partnership, entity, plan or arrangement that involves the disallowance of a noneconomic tax attribute (as described in section 201 of the bill). In these cases, the penalty is equal to the greater of 50 percent of the gross proceeds derived (or to be derived) from each person with respect to which there was a failure (with no maximum limitation).

EFFECTIVE DATE

The increased penalty applies to transactions entered into after date of enactment.

5. Penalty for failure to disclose reportable transactions (sec. 205)

PRESENT LAW

A taxpayer must file a return or statement in accordance with the forms and regulations prescribed by the Secretary (including any required information). (See Section 6011). In February 2000, the Treasury Department issued temporary and proposed regulations under section 6011 that require corporate taxpayers to include in their tax return information with respect to certain large transactions with characteristics that may be indicative of tax shelter activity.

Specifically, the regulations require the disclosure of information with respect to ''reportable transactions.'' There are two categories of reportable transactions. The first category covers transactions that are the same as (or substantially similar to) tax avoidance transactions the IRS has identified in published guidance (a ''listed'' transaction) and that are expected to reduce a corporation's income tax liability by more than $1 million in any year or by more than $2 million for any combination of years. (Treas. Reg. sec. 1.6011–4T(b)(2) and –(b)(4)). The second category covers transactions that are expected to reduce a corporation's income tax liability by more than $5 million in any single year or $10 million for any combination of years and that exhibit at least two of six enumerated characteristics. (Treas. Reg. sec. 1.6011–4T(b)(3) and –(b)(4)).

There is no penalty for failing to adequately disclose a reportable transaction. However, the nondisclosure could indicate that the taxpayer has not acted in ''good faith'' with respect to the underpayment. (T.D.8877).

EXPLANATION OF PROVISION

The bill imposes a penalty for failing to disclose the required information with respect to a reportable transaction (unless the failure was due to reasonable cause and not due to willful neglect). The amount of the penalty is equal to the greater of (1) five percent of any increase in Federal income tax which results from a difference between the taxpayer's treatment of the items attributable to the reportable transaction and the proper tax treatment of such items, or (2) $100,000. If the failure to disclose relates to a listed transaction (or a substantially similar transaction), the percentage rate is increased to 10 percent of any increase in tax from the transaction (or, if greater, $100,000).

The penalty for failure to disclose information with respect to a reportable transaction is in addition to any accuracy-related penalty that may be imposed on the taxpayer.

EFFECTIVE DATE

The provision applies to transactions entered into after date of enactment.

6. Registration of certain tax shelters offered to non-corporate participants (sec. 206)

PRESENT LAW

A promoter of a confidential corporate tax shelter is required to register the tax shelter with the IRS (sec. 6111(d)). Registration is required not later than the next business day after the day when the tax shelter is first offered to potential users. For this purpose, a confidential corporate tax shelter includes any entity, plan, arrangement or transaction (1) a significant purpose of which is the avoidance or evasion of Federal income tax for a direct or indirect participant that is a corporation, (2) that is offered to any potential participant under conditions of confidentiality, and (3) for which the tax shelter promoters may receive aggregate fees in excess of $100,000.

The penalty for failing to timely register a confidential corporate tax shelter is the greater of $10,000 or 50 percent of the fees payable to any promoter with respect to offerings prior to the date of late registration unless due to reasonable cause (sec. 6707(a)(3)). Intentional disregard of the requirement to register increases the 50-percent penalty to 75 percent of the applicable fees.

EXPLANATION OF PROVISION

The bill deletes the requirement that a direct or indirect participant must be a corporation. Thus, the provision extends the present-law registration requirements to include a promoter of any confidential tax shelter (regardless of the participant). The penalty for failing to timely register a confidential tax shelter remains unchanged (i.e., the greater of $10,000 or 50 percent of the fees payable to any promoter with respect to offerings prior to the date of late registration).

EFFECTIVE DATE

The provision applies to any tax shelter interest that is offered to potential participants after the date of enactment.

TITLE III—LIMITATIONS ON IMPORTATION AND TRANSFER OF BUILT-IN LOSSES

1. Limitation on importation of built-in losses (sec. 301)

PRESENT LAW

Under present law, the basis of property received by a corporation in a tax-free incorporation, reorganization, or liquidation of a subsidiary corporation is the same as the adjusted basis in the hands of the transferor, adjusted for gain or loss recognized by the transferor (Secs. 334(b) and 362(a) and (b)). If a person or entity that is not subject to U.S. income tax transfers property with an adjusted basis higher than its fair market value to a corporation that is subject to U.S. income tax, the ''built-in'' loss would be imported into the U.S. tax system, and the transferee corporation would be able to recognize the loss in computing its U.S. income tax.

EXPLANATION OF PROVISION

The bill provides that if a net built-in loss is imported into the U.S. in a tax-free organization or reorganization from persons not subject to U.S. tax, the basis of all properties so transferred will be their fair market value. A similar rule will apply in the case of the tax-free liquidation by a domestic corporation of its foreign subsidiary.

Under the bill, a net built-in loss is considered imported into the U.S. if the aggregate adjusted bases of property received by a transferee corporation subject to U.S. tax from persons not subject to U.S. tax with respect to the property exceeds the fair market value of the properties transferred. Thus, for example, if in a tax-free incorporation, some properties are received by a corporation from U.S. persons, and some properties are relieved from foreign persons not subject to U.S. tax, this provision applies to the aggregate properties relieved from the foreign persons. In the case of a transfer by a partnership (either domestic or foreign), this provision applies as if the properties had been transferred by each of the partners in proportion to their interests in the partnership.

EFFECTIVE DATE

The provision applies to transactions after the date of enactment.

2. Disallowance of partnership loss transfers (sec. 302)

PRESENT LAW

Contributions of property

Under present law, if a partner contributes property to a partnership, generally no gain or loss is recognized to the contributing partner at the time of contribution (Sec. 721). The partnership takes the property at an adjusted basis equal to the contributing partner's adjusted basis in the property (Sec. 723). The contributing partner increases its basis in its partnership interest by the adjusted basis of the contributed property (Sec. 722). Any items of partnership income, gain, loss and deduction with respect to the contributed property is allocated among the partners to take into account any built-in gain or loss at the time of the contribution (Sec. 704(c)(1)(A)). This rule is intended to prevent the transfer of built-in gain or loss from the contributing partner to the other partners by generally allocating items to the noncontributing partners based on the value of their contributions and by allocating to the contributing partner the remainder of each item. (Note: where there is an insufficient amount of an item to allocate to the noncontributing partners, Treasury regulations allow for reasonable allocations to remedy this insufficiency. Treas. Reg. sec. 1–704(c) and (d)).

If the contributing partner transfer its partnership interest, the built-in gain or loss will be allocated to the transferee partner as it would have been allocated to the contributing partner (Treas. Reg. sec. 1.704–3(a)(7). If the contributing partner's interest is liquidated, there is no specific guidance preventing the allocation of the built-in loss to the remaining partners. Thus, it appears that losses can be ''transferred'' to other partners where the contributing partner no longer remains a partner.

Transfers of partnership interests

Under present law, a partnership does not adjust the basis of partnership property following the transfer of a partnership interest unless the partnership has made a one-time election under section 754 to make basis adjustments (Sec. 743(a)). If an election is in effect, adjustments are made with respect to the transferee partner in order to account for the difference between the transferee partner's proportionate share of the adjusted basis of the partnership property and the transferee's basis in its partnership interest (Sec. 743(b)). These adjustments are intended to adjust the basis of partnership property to approximate the result of a direct purchase of the property by the transferee partner. Under these rules, if a partner purchases an interest in a partnership with an existing built-in loss and no election under section 754 in effect, the transferee partner may be allocated a share of the loss when the partnership disposes of the property (or depreciates the property).

Distributions of partnership property

With certain exceptions, partners may receive distributions of partnership property without recognition of gain or loss by either the partner or the partnership (Sec. 731 (a) and (b)). In the case of a distribution in liquidation of a partner's interest, the basis of the property distributed in the liquidation is equal to the partner's adjusted basis in its partnership interest (reduced by any money distributed in the transaction) (Sec. 732(b)). In a distribution other than in liquidation of a partner's interest, the distributee partner's basis in the distributed property is equal to the partnership's adjusted basis in the property immediately before the distribution, but not to exceed the partner's adjusted basis in the partnership interest (reduced by any money distributed in the same transaction)(Sec. 734(a)).

Adjustments to the basis of the partnership's undistributed properties are not required unless the partnership has made the election under section 754 to make basis adjustments (sec. 734(a)). If an election is in effect under section 754, adjustments are made by a partnership to increase or decrease the remaining partnership assets to reflect any increase or decrease in the adjusted basis of the distributed properties in the hands of the distributee partner (Sec. 734(b)). To the extent the adjusted basis of the distributed properties increases (or loss is recognized) the partnership's adjusted basis in its properties is decreased by a like amount; likewise, to the extent the adjusted basis of the distributed properties decrease (or gain is recognized), the partnership's adjusted basis in its properties is increased by a like amount. Under these rules, a partnership with no election in effect under section 754 may distribute property with an adjusted basis lower than the distributee partner's proportionate share of the adjusted basis of all partnership property and leave the remaining partners with a smaller net built-in gain or a larger net built-in loss than before the distribution.

DESCRIPTION OF PROVISION

Contributions of property

Under the bill, a built-in loss may be taken into account only by the contributing partner and not by other partners. Except as provided in regulations, in determining the amount of items allocated to partners other than the contributing partner, the basis of the contributed property shall be treated as the fair market value on the date of contribution. Thus, if the contributing partner's partnership interest is transferred or liquidated, the partnership's adjusted basis in the property will be based on its fair market value at the date of contribution, and the built-in loss will be eliminated. (Note: it is intended that a corporation succeeding to attributes of the contributing corporate partner under section 381 shall be treated in the same manner as the contributing partner).

Transfers of partnership interests

The bill provides that the basis adjustment rules under section 743 will be required in the case of the transfer of a partnership interest with respect to which there is a substantial built-in loss. For this purpose, a substantial built-in loss exists where the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds 110 percent of the transferee partner's basis in the partnership interest in the partnership. Thus, for example, assume that partner A sells his partnership interest to B for its fair market value of $100. Also assume that B's proportionate share of the adjusted basis of the partnership assets is $120. Under the bill, section 743(b) will apply and require a $20 decrease in the adjusted basis of the partnership assets with respect to B, so that B

would recognize no gain or loss if the partnership immediately sold all of its assets for their fair market value.

Distribution of partnership property

The bill provides that the basis adjustments under section 734 are required in the case of a distribution with respect to which there is a substantial basis reduction. A substantial basis reduction means a downward adjustment to the partnership assets (had a section 754 election been in effect) greater than 10 percent of the adjusted basis of the assets.

Thus, for example, assume that A and B each contributed $25 to a newly formed partnership and C contributed $50 and that the partnership purchased LMN stock for $30 and XYZ stock for $70. Assume that the value of each stock declined to $10. Assume LMN stock is distributed to C in liquidation of its partnership interest. As under present law, the basis of LMN stock in C's hands if $50. C would recognize a loss of $40 if the LMN stock were sold for $10.

Under the bill, there is a substantial basis adjustment because the $20 increase in the adjusted basis of asset 1 (sec. 734(b)(2)(B)) is greater than 10 percent of the adjusted basis of partnership assets of $70. Thus, the partnership would be required to decrease the basis of XYZ stock (under section 734(b)(2)) by $20 (the amount by which the basis LMN stock was increased), leaving a basis of $50. If the XYZ stock were then sold by the partnership for $10, A and B would each recognize a loss of $20.

EFFECTIVE DATE

The provision applies to contributions, transfers, and distributions (as the case may be) after date of enactment.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 22 minutes a.m.) the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 10 a.m.

PRAYER

Rabbi Mitchell Wohlberg, Beth Tfiloh Congregation, Baltimore, Maryland, offered the following prayer:

I come from a tradition where Tuesdays are considered most propitious: weddings, moving to a new home, good things are to take place on Tuesday.

It goes all the way back to the first week of creation, where we note that, unlike other days of that first week, on the second day, on Monday, the Bible does not tell us ''and God saw that it was good,'' while on the next day, the first Tuesday, two times it says, ''and God saw that it was good.''

According to the Talmud, this is because on the second day of the week the waters were parted. That symbolizes the division. That is no good. On the first Tuesday, the third day of the week, the waters were brought together again, and that symbolizes unity, and that is doubly good.

In this spirit, we pray: Almighty God, may a unity of purpose bring together all the esteemed Members of the United States House of Representatives. Let all its Members realize that we can disagree without being disagreeable, that we can walk shoulder to shoulder without seeing eye to eye on every subject.

Together let us pray for the day which will witness the prophetic dream of a world in which none shall hurt, none shall destroy, for the Earth will be filled with the knowledge of Thee as the waters cover the sea.

And let us say Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO RABBI MITCHELL WOHLBERG

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

Mr. CARDIN. Mr. Speaker, I feel privileged to know Rabbi Mitchell Wohlberg. Since 1978, he has been the spiritual leader of Beth Tfiloh congregation, the largest Orthodox Jewish congregation in Baltimore, the congregation of which I am a member.

Let me tell the Members a little bit about Rabbi Wohlberg. I have known Rabbi Wohlberg for many years and have often sought his guidance and counsel. He is a spellbinding speaker, and is famous for his thoughtful sermons that are able to clarify complicated issues.

Rabbi Wohlberg is also known for his involvement in the Jewish communal life. He has been a board member at The Associated Jewish Community Federation of Baltimore; a member of the executive committee of the Rabinnical Council of America, and is a recipient of the humanitarian award for the Louis Z. Brandeis District of the ZOA.

He comes from a committed and unique family where his father (of blessed memory) was and his two brothers were and also are Rabbis, all ordained by the Yeshiva University. Rabbi Wohlberg is a driving force behind the Beth Tfiloh School, an outstanding Jewish day school in Baltimore.

I know all my colleagues will join me in thanking Rabbi Wohlberg for offering this morning's opening prayer.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

RITA MIREMBE REVELL

The Clerk called the Senate bill (S. 560) for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

There being no objection, the Clerk read the Senate bill, as follows:

S. 560

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

SECTION 1. PERMANENT RESIDENT STATUS FOR RITA MIREMBE REVELL (A.K.A. MARGARET RITA MIREMBE).

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required visa fees not later than 2 years after the date of enactment of this Act.

(b) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent residence to Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe), the Secretary of State shall instruct the proper officer to reduce by the appropriate number, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RABON LOWRY

The Clerk called the bill (H.R. 807) for the relief of Rabon Lowry of Pembroke, North Carolina.

There being no objection, the Clerk read the bill as follows:

H.R. 807

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

SECTION 1. SATISFACTION OF CLAIM.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Rabon Lowry of Pembroke, North Carolina, individually and as president of Pembroke Machine Company, Inc., the sum of $1,000,000 for damages he incurred as a result of a breach of Government Contract number DAAA09–85–C–0630 by the Department of the Army.

(b) CONDITIONS OF PAYMENT.—The payment shall be in full satisfaction of any claims Rabon Lowry or Pembroke Machine Company may have against the United States arising from Government Contract number DAAA09–85–C–0630.

SEC. 2. LIMITATION ON AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount that exceeds 10 percent of the sum described in section 1 to be paid to or received by any agent or attorney for any service rendered in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

APPLAUDING SNOWFLAKES ADOPTION PROGRAM FOR GIVING EMBRYOS A CHANCE AT LIFE

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

Mr. RYUN of Kansas. Mr. Speaker, many of my colleagues have recently called for Federal funding to destroy human embryos for research. They cite the fact that stem cells obtained from these embryos could give life.

They are forgetting two vital facts: One, stem cells can be acquired from adults; and two, these human embryos are life and deserve our care and protection.

There are thousands of embryos in existence, each one waiting in what some called frozen orphanages for a chance at life. For them, I support alternatives that do not destroy them, alternatives like Snowflake Adoption Program.

Embryo adoption affirms life while providing a family the opportunity to welcome a child into their family. Some say these human embryos can give life, if only we could use Federal funds to destroy them.

We must remember that these embryos are already life, and I applaud the Snowflakes Adoption Program for giving many of them a chance.

PRESIDENT SHOULD ADDRESS ENERGY CRISIS IN CALIFORNIA

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

Mr. FILNER. Mr. Speaker, I have say to the President, hello. We in California and the rest of the Nation are still facing an energy crisis.

Fifty-five percent of the small businesses in my community of San Diego face bankruptcy this year because of the high prices, and yet, not one of the 105 recommendations in the President's energy plan deal with this situation in California and the West.

None of the President's speakers sent out over the weekend came out West. Why not, Mr. President? We are facing a crisis of price. Please address this crisis. Please institute cost-based rates for electricity in California and refund the criminal overcharges that we have been paying since last June.

Mr. President, hello. We in California are still suffering.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise the Members that when addressing the House, remarks should be addressed to the Speaker, not to a member of the Executive Branch or a Member of the Senate.

ENERGY SECURITY ACT WILL DIVERSIFY OUR SUPPLY

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

Mr. GIBBONS. Mr. Speaker, no one can argue and no one can deny that the skyrocketing oil and gas prices and the rolling blackouts throughout the West do demonstrate the critical need to increase and diversify our energy production.

Alternative fuels, such as wind and solar and geothermal, can produce the energy of that future. Abundant on our public lands, these resources are clean alternatives that can be produced with minimal environmental impact and no emissions.

In fact, every time we use these fuels, we actually reduce emissions by minimizing the need to burn oil and coal to produce the same amount of energy otherwise.

Alternative energies are highly abundant on our public lands, especially in my home State, Nevada, which boasts the highest amount of geothermal resources in the Nation. The development of geothermal and other alternative energies will provide Americans with an additional clean energy supply that will help in lowering the prices and reducing our dependence on foreign sources.

The Energy Security Act recognizes the potential of alternative fuels, and provides the opportunity to finally develop these clean energy resources on our public lands.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken later today.

HONORING PAUL D. COVERDELL

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 360) to honor Paul D. Coverdell.

The Clerk read as follows:

S. 360

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

SECTION 1. PEACE CORPS HEADQUARTERS.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the headquarters offices of the Peace Corps, wherever situated, shall be referred to as the ''Paul D. Coverdell Peace Corps Headquarters''.

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the headquarters or headquarters offices of the Peace Corps shall, on and after such date, be considered to refer to the Paul D. Coverdell Peace Corps Headquarters.

SEC. 2. WORLD WISE SCHOOLS PROGRAM.

Section 603 of the Paul D. Coverdell World Wise Schools Act of 2000 (title VI of Public Law 106–570) is amended by adding at the end the following new subsection:

''(c) NEW REFERENCES IN PEACE CORPS DOCUMENTS.—The Director of the Peace Corps shall ensure that any reference in any public document, record, or other paper of the Peace Corps, including any promotional material, produced on or after the date of enactment of this subsection, to the program described in subsection (a) be a reference to the 'Paul D. Coverdell World Wise Schools Program'.''.

SEC. 3. PAUL D. COVERDELL BUILDING.

(a) AWARD.—From the amount appropriated under subsection (b) the Secretary of Education shall make an award to the University of Georgia to support the construction of the Paul D. Coverdell Building at the Institute of the Biomedical and Health Sciences at the University of Georgia.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 360.

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

There was no objection.

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

Mr. Speaker, I am proud to rise today to call up S. 360, a bill to honor the late Senator from Georgia, Paul Coverdell. I believe the enactment of this legislation is a fitting and appropriate way to memorialize Senator Coverdell and his work.

We were all shocked and saddened last July when he died so unexpectedly. The State of Georgia lost one of its greatest public servants, a soft-spoken and tireless public servant who served the people first and politics second.

In a public career spanning three decades, from the Georgia Senate to the Peace Corps to the U.S. Senate, he served with dignity and earned everybody's respect.

Mr. Speaker, this resolution has three components. The bill names the Washington headquarters of the Peace Corps after Paul Coverdell. The legislation reaffirms language approved at the end of last year to ensure that the Peace Corps World Wise Schools Program will carry his name, as well.

Senator Coverdell created the program during his tenure as Peace Corps director. The World Wise Schools initiative links Peace Corps volunteers serving around the globe with the classrooms here in the United States. Senator Coverdell correctly saw that such an effort would promote cultural awareness and foster an appreciation for global connections.

Finally, the legislation authorizes an appropriation of $10 million, to be augmented by $30 million of State and private funds to construct the Paul D. Coverdell building for biomedical and health sciences at the University of Georgia.

Senator Coverdell was a tireless supporter of education in Georgia, and this building will be a living memorial to him, and an unparalleled resource for the students, researchers, and educators of his State and our Nation.

I can believe there can be no more fitting tribute to Senator Coverdell and to all he achieved for the people of Georgia and the country that he loved and served until the day he died.

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

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

Mr. Speaker, I rise in strong support of this bill. Mr. Speaker, S. 360 honors our former colleague, Senator Paul Coverdell, for his service to the country. Senator Coverdell served the citizens of the State of Georgia and the United States for over three decades as a State legislator, as Peace Corps director, and as United States Senator. I believe that this bill is a fitting and appropriate way to memorialize Paul Coverdell's work and service to our Nation.

This legislation, introduced by the distinguished minority leader of the Senate, TRENT LOTT, has three components. The bill names the Washington headquarters of the Peace Corps after Paul Coverdell, and ensures that the Peace Corps' World Wise Schools program will carry his name, as well.

Senator Coverdell served as Peace Corps director from 1989 to 1991, critical years during which we witnessed the implosion of the Soviet Union and the opening up of Eastern Europe.

When the Berlin Wall came down, Senator Coverdell seized the opportunity to move the Peace Corps into Eastern Europe to promote freedom and democracy. This move not only broadened the agency's mission, but also increased et cetera prestige across the globe.

During his tenure as Peace Corps director, Senator Coverdell established the widely-acclaimed World Wise Schools program.

□ 1015

Under this program, Mr. Speaker, Peace Corps volunteers who have returned to the United States visit schools to give their students impressions and lessons from their overseas service. Senator Coverdell correctly saw that such an effort would promote cultural awareness and foster appreciation of global connections.

Finally, Mr. Speaker, our legislation authorizes funds to construct the Paul Coverdell Building for Biomedical and Health Sciences at the University of Georgia. Paul was a tireless supporter of education in Georgia, and this building will be a living memorial to him and an unparalleled resource for the students, researchers, and educators of his State and of our Nation.

Mr. Speaker, this is a fitting tribute to a great man and a good friend. I urge all of my colleagues to support this legislation.

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

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I first met Paul Coverdell in 1972. He was one of few Republicans in the Georgia State Senate, soon to become its Republican leader, a position he served in for 15 years.

He had come to Georgia as a teenager from Iowa. He then attended the University of Missouri, graduated with a degree in journalism, and he went from there to the Army and was stationed at Okinawa and Taiwan. When he returned to Atlanta, he involved himself in a very, ultimately very, successful insurance business, the Coverdell Insurance Company, and continued his activities in politics.

In 1989, as has been said, he received an appointment as the head of the Peace Corps from President George Bush. I was curious as to why that was the position he wanted, since he could have had many others. He and President Bush were very close friends for very many years. But he told me that things were changing all over the world; that socialism and communism were going to ultimately be extinct. He had watched the uprisings in Poland in 1980. And, of course, it was not long after he became the head of the Peace Corps that the walls came down. He sent, through the Peace Corps, its first volunteers to Bulgaria, the Czech and Slovak Republics, Hungary, Poland and Romania. And he also paved the way for the establishment of Peace Corps programs in China and Mongolia.

When he stepped down from the Peace Corps, he ran for the United States Senate and won. So he won four elections that year. He came very close in a primary, a primary runoff, a general election, and a general election runoff. And one of the first assignments he sought when he came to the Senate was the Committee on Agriculture, an industry that is so important to our State.

He got himself involved behind the scenes in the Senate as a hard worker. And those of us who have known him for all these years knew, he had always been a hard worker and he liked to work behind the scenes. It became part of the lore of the Senate that whenever a sticky issue came up, the Senate leader TRENT LOTT would say, ''Send it to Mikey.'' There was a commercial at the time saying ''Mikey will do anything; Mikey will eat anything.'' But the funny part of the story was that Paul had never heard of Mikey. He just thought it was a neat idea he was given all these challenges.

He focused on education, and it was his savings accounts targeted at children and children through high school that passed, along with Senator TORRICELLI. They were the authors of the A-Plus Accounts, or Education Savings Accounts. They now allow for a $2,000 education savings account so parents can set aside for public or private K through 12 expenses tax free.

He was also a leader in Latin American drug enforcement, authoring a Federal law requiring the annual listing of the world's top suspected drug dealers in 1999, the Foreign Narcotics Kingpin Designation Act.

This bill is a tribute to a lifetime of hard work for the people of this country, the people of Georgia, and for his party, in that order. The $10 million authorization for the University of Georgia to construct the Paul D. Coverdell building at the Institute of Biomedical and Health Sciences at the University of Georgia is one-fourth of the cost of that project. Our Governor has committed $10 million in State matching funds, and the University of Georgia has already arrived at the other $20 million privately to build this living memorial, as the gentleman from California (Mr. LANTOS) said, to a lifetime of service.

I recall waking up the morning that I heard that Paul had died and felt that there was a huge hole in my life because he had been a large part of it for 25 years. I am most sad that most of America will never know how much he is missed because his work was so quiet and so behind the scenes. I thought

sometime ago that I cannot, over 25 years of working with this man, think of a single former friend of Paul's, not a single one, who ever left his side in anger, because Paul was such a decent and gentle man. This is a fitting tribute to that decent and gentle man.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to my distinguished colleague and good friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I hesitate to do this, and I will probably be the only member in this body to do so, but I oppose this resolution.

I am sure that Paul Coverdell was a far more accomplished politician than I will ever be and that many in this body will ever be; but I do not consider him to be a great man, I do not consider many people in our generation to be great, and certainly not this generation of political leaders. And that is what I would like to speak to today.

I think we are a self-indulgent generation that operates on the assumption that the heroes in our experience are the only ones that matter. We build buildings on every piece of prime open space and name buildings after people in our experience rather than leave their legacy to the test of time. We put our own spin on history.

We have been blessed with the longest period of sustained peace and prosperity that any generation has ever experienced that they did not have to struggle for, and yet we reward ourselves by spending our surplus and giving ourselves deep tax cuts all at the expense of our children and grandchildren. We operate under the assumption that subsequent generations will never have heroes as great as those in our experience, and that is self-indulgence and self-deception.

Specifically to the Peace Corps Building, why not name it after Mrs. Ruppe, who headed the Peace Corps for 8 years under the Reagan administration, who for 2 years did not take a salary because she did not feel she understood the Peace Corps well enough. There are many people who deserve it, for example Sargent Shriver, who started it. But most importantly, all those Peace Corps volunteers who struggled and sacrificed and who made a real difference in the lives of the poor and oppressed around the world, what they want is for the building to continue to be named the Peace Corps Building after the organization, the mission and the volunteers, and that is as it should be.

And thus, I will oppose this resolution.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague from Illinois, the chairman of the Committee on International Relations, for bringing this bill to the floor today, and I do think that it is certainly fitting.

I also want to thank my colleagues from the Georgia delegation for their hard work. Our committee shared some of this jurisdiction early on, and in an effort to move this bill today, I yielded to the gentleman from Illinois to bring this bill up. Why? Because Paul Coverdell was our friend. Not only was he a director of the Peace Corps under President George Bush's reign in the late 1980s and early 1990s, he was a respected member of the Georgia legislature.

Paul was an insurance agency owner. He understood the private sector. I know Paul because he and I worked closely during my years in the Republican leadership here in the House, with Paul representing the Republican leadership in the Senate. We worked closely in a meeting that occurred every single week for about 4 years. I can tell my colleagues that Paul Coverdell was a man of great integrity, someone who worked very hard on behalf of his constituents and on behalf of his Members of the Senate. Not only did he work with his Republican Members but with his Democrat Members as well.

And when I look back through the 10 years I spent in this Congress, I can tell my colleagues that there are but few people who rise to the stature of former Senator Paul Coverdell. Why? Not just because he worked there, not just because he worked with all his colleagues on both sides of the aisle, but because Paul Coverdell was a man of great integrity who believed strongly in the words of freedom. He understood the private sector, understood the need to allow the genius of the private sector and individuals to be all that they can be and stood up proudly for that each and every day.

We miss Paul Coverdell here in the halls of Congress. I rise today to support this resolution to honor him as a man that we all can look up to, not only today but for generations to come.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to my good friend and distinguished colleague, the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, today I rise to oppose S. 360, the bill sent to us from the other body, to place the name of the late Senator Paul Coverdell on the Peace Corps headquarters. While I did not know Senator Coverdell, my opposition to this bill is not intended to show any disrespect upon a man that served our Nation with honor and dignity and proud public service.

Senator Coverdell, as the Peace Corps' 11th director, and as a United States Senator from Georgia, was an advocate for the agency, for volunteers, for the value returned volunteers contribute to our communities here at home. Mr. Speaker, the National Peace Corps Association, which advocates on behalf of the agency and returned volunteers, opposes placing the name of Senator Coverdell on the Peace Corps headquarters.

Mr. Speaker, I submit for the RECORD the following letter from the National Peace Corps Association.

NATIONAL PEACE CORPS ASSOCIATION,
Washington, DC, July 17, 2001.

Hon. BETTY MCCOLLUM,
Longworth House Office Building, Washington, DC.

DEAR REP. MCCOLLUM: We have just learned that you plan to address the House regarding House bill S–360, which includes a provision to rename the Peace Corps Headquarters, wherever sited, after the late Senator Paul Coverdell. The National Peace Corps Association, the alumni organization of former Volunteers and staff of the Peace Corps with more than 13,000 members, opposes that section of the bill. We believe, based on the reactions of former Volunteers around the country, that this position reflects the view of a clear majority of former Peace Corps Volunteers.

We have great respect for the late Senator Coverdell and the leadership that he provided as Peace Corps Director. We note especially his establishment of the World Wise Schools Program (now named after him), which brings the Peace Corps experience directly into classrooms here in the United States.

However, it is the view of the National Peace Corps Association that, as the heart of the Peace Corps is the Volunteers themselves, the headquarters should not be named after any single director, no matter how distinguished.

We have no objection to the other parts of the bill.

Thank you.

DANE F. SMITH,
President.

Mr. Speaker, returned volunteers from my Minnesota district have contacted me, and they do not want the Peace Corps headquarters named for any individual. They oppose this legislation.

Mr. Speaker, I am also submitting for the RECORD at this point the following constituent letters from the returned Peace Corps volunteers.

ST. PAUL, MN,
March 2, 2001.

I am a returned Peace Corps Volunteer (Zaire 1973–75) and wish to express my very strong opposition to the bill which was passed by the Senate and referred to the House, S. 360. RFH. This bill would name the new Peace Corps building in Washington after Senator Paul Coverdell. Senator Coverdell was a brief and undistinguished director of the Peace Corps. If the building is to be named, it should be for people who made a major contribution: President Kennedy set it up, Hubert Humphrey supplied the suggestion, Sargent Shriver was the first and very dynamic director, and Loret Ruppe (if they want a Republican) was also a very dynamic and much appreciated director. I have received many communications from other former Volunteers and the opposition to naming the building after Coverdell is very strong among all I have heard from. There are over 5,000 former volunteers in Minnesota, and about 160,000 nationwide. It would be an insult to all of us to let the Peace Corps headquarters be used in this political way. Thanks,

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ST. PAUL, MN,
March 1, 2001.

Re: S. 360.RFH.

Happy Peace Corps Day!

Today is the 40th anniversary of the founding of the United States Peace Corps! Since

then about 161,000 Americans, young and old and in-between, have represented the best of our country around the world, sharing their expertise in helping the poorest of nations develop, and, just as important, sharing the friendship of the American people. The recruiting slogan of the Peace Corps ''The toughest job you'll ever love,'' is true—although full of rewards, this is not easy work! Over 300 Peace Corps volunteers have even died while in service (mostly in auto crashes).

But I am writing you now about a proposal by Senators Trent Lott and Phil Graham to name the Peace Corps building in Washington after the late Senator Paul Coverdell, who served as Peace Corps director for barely two years in the early '90s. This is a slap in the face of Peace Corps' 161,000 alumni. It is not that Coverdell was that bad Peace Corps director; it's just that he wasn't a distinguished one. And it appears that he wasn't even that interested in the job, using the office to campaign for his Senatorial seat.

There are far more appropriate people to name the building after, like JFK, who founded the Peace Corps, or Sargent Shriver, it's first director, or the late Loret Ruppe, a director who was at once both warm and supportive to the volunteers in the field, and shrewdly effective on Capitol Hill. Or it could be named after all 161,000 of us who served, with special attention to the 300 who died while serving.

Naming it after Coverdell would be an extreme insult to us.

Sincerely,

_____,

RPCV Lesotho, 1987–90.

P.S. I just heard that this bill has already passed the Senate. Thus it even more critical that you try to stop it. The bill number is S. 360.RFH.

Mr. Speaker, I stand here today opposed to S. 360 because it places the name of one man on the Peace Corps headquarters, and it is very clear that the Peace Corps was never intended to be about one person.

The Peace Corps is about the 7,300 Americans that are currently serving our Nation with pride and distinction in more than 77 countries. The Peace Corps is about the more than 163,000 Americans, including 5,000 Minnesotans, that have served as volunteers in the most remote corners of the planet.

The Peace Corps is about all 15 directors and the thousands of dedicated staff, past and present, that have supported volunteers abroad and returned volunteers at home. And sadly, the Peace Corps is also about the 300 men and women that have died serving their country as volunteers.

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Mr. Speaker, today we are asked to place the name of a former Peace Corps director on the agency's headquarters. Yet this administration has still not seen fit to nominate a director to go inside and work in the Peace Corps headquarters to lead the agency forward.

As we celebrate the 40th anniversary of the Peace Corps this year, President John F. Kennedy stated that the Peace Corps, ''is not designed as an instrument of diplomacy or propaganda or ideology conflict. It is designed to permit our people to exercise more fully their responsibilities in the great common cause of world development.''

Mr. Speaker, I ask my colleagues in the House to respect the thousands of former volunteers and their service to America by not naming the Peace Corps headquarters. Please oppose S. 360, and let us find another way to honor and respect the memory of the late Senator Coverdell.

Mr. HYDE. Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Illinois and the gentleman from California (Mr. LANTOS) and the gentleman from Ohio (Mr. BOEHNER) for their support of this legislation and for moving it forward.

Mr. Speaker, I am a friend of Paul Coverdell's family, his wife Nancy, and certainly was a good friend of Mr. Coverdell; and I am proud to stand in support of this. I am saddened and disturbed by those who are in opposition of this legislation. I would ask, Mr. Speaker, is there a road, is there a bridge, is there a building in the United States of America that was built by one person, one personality, one act of one man? I would say certainly there is not. Yet routinely we in this body name roads, bridges and buildings after one person. It is symbolic. It does not say there was no one else involved in it. It only says here was somebody who was typical of the spirit of that group or that organization.

Mr. Speaker, we cannot name every building after everybody. It is too bad because we know all great acts and great institutions have myriads players. That is what we are doing today, not to slight others, but to commemorate many through naming it for one person.

Mr. Speaker, I would ask my colleagues who are opposed to this to abandon their pettiness and ask them to abandon a little veiled partisanship that seems to be taking place. If this is their standard, it must disturb them greatly when we name the post offices and buildings and roads and bridges which we routinely do under the suspension calendar.

I want to talk a little bit about Paul Coverdell. I first learned about him in 1974. At that time, he was a candidate for the Georgia Senate; and my mother, who was urging me to look into a political career or be interested in politics, she cut out an article from the Atlanta Constitution about a guy running for the Senate. And this guy was doing something unconventional. Rather than just working the good old boys barbecue circuit and going to the back room power brokers, he was a reformer. He was standing by the side of the road and knocking on doors and going direct to the voters, the unknown and the unnamed and untitled voters, to say, ''I am Paul Coverdell. I would like to be Georgia's next senator. Here is what I stand for. Do you have any questions?'' In 1974, that was an unconventional campaign.

Mr. Speaker, when Paul got to the Georgia Senate, at that time there were only three Republicans in the Georgia Senate. When I joined it in 1984, and I was a member of the General Assembly with the gentleman from Georgia (Mr. ISAKSON), the gentleman from Georgia (Mr. LINDER) and the gentleman from Georgia (Mr. COLLINS), there were nine Republican Senators. Paul Coverdell was the minority leader; and yet, despite the numerical odds against him, he never was without ideas. He played in the arena. He was a force in the arena because of his ideas.

Mr. Speaker, I remember one idea he had on DUI legislation. His approach, rather than just keep increasing the DUI penalties, he said a lot of these repeat offenders are alcoholics. Why not require an assessment and then rehabilitation. That was a new idea, but that was typical of Paul Coverdell.

Mr. Speaker, when he came to the United States Senate and when he served in the Peace Corps, he was also a man of ideas. As a Peace Corps director, he had a world vision. So many directors prior to him used this as a political plum for backing the right candidate for President, but not Paul Coverdell.

Mr. Speaker, he went into the most difficult and remote places and countries and said, ''How can we help with health care? Are there better farming techniques out there? Is there a way to get cleaner water? What can we do for the children?''

I remember during that period of time when he was director of the Peace Corps, we had a meeting at our house. We had all kinds of Peace Corps volunteers there. It is interesting to hear some of the comments today. I do not remember any of those volunteers being resentful of Paul Coverdell's leadership. They loved the fact that he would ask former volunteers what they thought.

Mr. Speaker, we were in the middle of our meeting and Mr. Coverdell was giving a world view wrap-up, and my little girl who was 4 years old came running into the room. She had been playing out in the backyard with the other kids, and she said, ''Mom and Dad, I fell off the slide, and I hurt my heinie, and all the other children are laughing at me.'' The room full of grown-ups fell silent; and all eyes went to the little girl who was at the foot of this soon-to-be U.S. Senator, a very dignified and somewhat sophisticated man and a tad old-fashioned in his mannerisms, to a very positive extent, I might add, and he looked down at her and smiled. It said it all. Everything was fine, and the little girl got herself back together and ran back out on the playground with the rest of the kids.

Mr. Speaker, that was the grace and charm of Paul Coverdell. Here is a man with a world view but could look at a 4-year-old girl and say, everything is okay. That is what made Paul Coverdell special.

Mr. Speaker, when he came to Washington both with the Peace Corps and

as a U.S. Senator he worked for farmers and veterans. He worked for education. He was a member of the back rooms with the high and connected, yet he never forgot the common person.

Mr. Speaker, I am proud to support this legislation, and I think those who will study the life of Paul Coverdell will also be proud to support it as well.

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

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Illinois (Mr. HYDE) and I thank the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, for their hard work and the gentleman from Georgia (Mr. LINDER) for his hard work on this bill.

Mr. Speaker, this is the people's House, and I would like to answer the question asked in the limited objection to this bill: Did Paul Coverdell possess the greatness to receive this honor?

Mr. Speaker, if I ask any woman in America what is great about a man, they would say one that is a man of fidelity and lives true to his values and his marriage throughout his career, and Paul did that to Nancy.

Mr. Speaker, if I ask a bureaucrat what is great about an American, they would say give me a director who not only talks the talk but walks the walk; and Paul Coverdell walked Eastern Europe, he walked battlefields, he walked back jungles.

If I ask a legislator what is greatness, they would say someone who is willing to reform and stand against great odds.

Mr. Speaker, Paul Coverdell was the minority leader of the Georgia House when the odds politically were 11–1. He passed drunk driving laws and tolerance laws that brought about reform in our State, saving of lives and addressing the appropriate way one should behave.

Mr. Speaker, if I ask a man or woman in the U.S. military what is greatness, they would say give me a politician who served his country and risked his life; and Paul Coverdell served with distinction as an officer in the United States military.

Mr. Speaker, in this day and time when the failures of a few elected politicians become fodder for nightly television and coffee-table discussions, it is appropriate that S. 360 recognizes one of us whose life was an example of greatness, a man who dispelled all of those images some like to portray of us.

Mr. Speaker, Paul Coverdell did it with an articulate voice, with hard work and dedication and with commitment. Personally, I am sorry we are here today for this because I wish Paul Coverdell was alive. I wish he was right here. God took him far too soon. But I am pleased we honor him with this recognition of the Peace Corps building, and I am pleased we honor him with this great building at the University of Georgia.

Mr. Speaker, I appreciate the opportunity to commend my friend, a great person, Paul Coverdell.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I rise in support of the authorization for funds for the Paul D. Coverdell Building at the Institute of Biomedical and Health Sciences at the University of Georgia.

It is appropriate because this man we seek to honor, Paul Coverdell, was a teacher's teacher. He led by the strength of his character and the strength of his ideas. He never missed an opportunity to educate his colleagues, the press and the public. He was a hard-working, thoughtful legislator who was a leader, a good man and a very good public servant.

To me, Paul Coverdell was more than a colleague. He was a true friend, a mentor.

Mr. Speaker, when I was first elected to the Georgia State Senate, we walked together through his neighborhood so he could educate me on the difficulty of serving in the Georgia State Senate as one of the 11 that were mentioned earlier. But that was his style. He was quiet, purposeful. He was a teacher, someone who was more concerned about getting the job done than who received credit.

Mr. Speaker, the job of a scientist or doctor researching medicine and health is long, hard and painstaking. It is also often a labor in obscurity. The fruits of research, however, can have a major impact on lives today and in the future. This building's dedication to education, to improve people's lives and the future of this country is why those of us who knew Paul Coverdell believe this building is an appropriate monument to a real patriot, Paul Coverdell.

Mr. HYDE. Mr. Speaker, I have only one further request for time.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time, and it is an honor to speak on this measure before the House today.

Mr. Speaker, exactly 20 years ago this month we had completed the first legislative session in which I participated as a freshman member of the Georgia Senate. When I arrived there, Paul Coverdell was already entrenched in that body. He and I were on different sides of the political spectrum, but I soon learned that he was a man that everyone respected first for his integrity and, secondly, for his willingness to work without regard for personal gratification or recognition.

Mr. Speaker, it is appropriate that we dedicate this building and this entire enterprise to his memory today. For those that suggest that we are self-indulgent by recognizing one of our own generation, I would simply say a generation that is without heroes or models of public service is indeed a bankrupt generation. Thankfully, we have the Paul Coverdells of our day. It is appropriate that we take action to recognize him.

Mr. NORWOOD. Mr. Speaker, today we approve important legislation in honor of Paul Coverdell, a sterling example of what a U.S. Senator should be about. And this measure we pass is more than a gesture, it is legislation of substsance. I believe Senator Coverdell would be quite pleased with that fact.

We honor his memory by designating that Peace Corps Headquarters be named in his honor.

We honor his legacy of achievement by appropriating funds for the completion of a state of the art health research center at the University of Georgia, one that will provide benefits for all the people of America for generations to come.

Why do we so honor this man? Paul Coverdell provided the kind of leadership for Georgia, America, and the world, that will be sorely missed.

Paul Coverdell was unshakable in his resolve to support the right policies for Georgia and America. Yet in 6 years of serving with him in Congress, I never heard him utter an unkind word toward an opponent.

He was a man of reason and principle, and provided a shining example of civility in action in the arena of public debate.

He never backed down on principle, yet he held his ground with dignity and respect for the positions of those who disagreed. And he never gave up.

Since coming to Washington in 1993, Senator Coverdell fought to improve the education of America's children. That fight continues today. Because of his efforts, I believe that fight will eventually be won. When it is, the final product will have the fingerprints of Paul Coverdell on every page.

Senator Coverdell was likewise a champion of those who have served this country in our armed forces.

When Congress forgot the promises made to our veterans, Paul Coverdell reminded us all of those commitments. His legislation to restore those promises is still pending in both chambers.

In this House, 305 members have cosponsored this legislation, The Keep Our Promises To America's Military Retirees Act. The finest tribute we could all pay to this true statesman would be to pass that measure into law before this session ends. Today, I recommit myself to helping make that happen.

There are far too many issues to mention in which Senator Coverdell played a decisive role. But we do need to reflect on Paul Coverdell's public service before he became a Senator, for it reflects a lifetime of public service.

He began adult life by serving America in the U.S. Army in Okinawa, Korea, and the Republic of China.

He served his State in the Georgia Senate for nearly two decades.

He served America and the world as Director of the Peace Corps, where his leadership in building democracy was vital in reclaiming much of Eastern Europe from the dictatorship of communism.

Paul Coverdell can no longer be with us in body. But the wisdom, generosity, civilty, patriotism, and dedication that he brought to this Congress will never die.

We honor his memory today through enactment of this important legislation.

But I say we should continue to honor his life's work by seeing his missions through—from giving our children a choice in education, to restoring the health care of the defenders of America.

Mr. Speaker, let us pay tribute to a great leader, by not only passing this bill today, but also redoubling our efforts to see all the reforms of Senator Paul Coverdell enacted into law.

Mr. SHOWS. Mr. Speaker, I rise today in support of S. 360, which honors the memory of our esteemed colleague, Paul Coverdell.

As a respected Member of the U.S. Senate and leader of the Peace Corps, Paul Coverdell's devotion to public service knew no partisan bounds. It is fitting that we consider a measure honoring him.

But rather than having buildings named after him, I believe a more fitting tribute would be to finish the work he helped start, to restore health care to America's military retirees.

Paul Coverdell was one of the four original sponsors of The Keep Our Promise to America's Military Retirees Act. Along with Senator TIM JOHNSON, Congressman CHARLIE NORWOOD and myself, Senator Coverdell introduced the bill that is largely credited with giving rise to Tricare for Life.

TFL will go a long way to restoring earned health care to many elderly military retirees, but we need to keep our promise to all military retirees.

TFL does not help military retirees who don't qualify for Medicare and don't have access to quality care at military bases. We need to keep our promise to them.

And retirees who entered the service prior to 1956 actually had heath care benefits taken away from them. We need to keep our promise to them, too. That is what Paul Coverdell wanted and that is what we should do.

Paul Coverdell would prefer a legacy of helping restore health care to people who need it, who earned it and were promised it.

We should honor the memory of our late colleague by passing the Keep Our Promise to America's Military Retirees Act.

Mr. LEVIN. Mr. Speaker, I rise in respectful opposition to S. 360. Let me make it clear that my opposition to this measure is in no way, shape or form a reflection on Senator Paul Coverdell or his memory. Paul Coverdell was an able Senator and dedicated public servant. He deserves to be honored by the Congress of the United States; indeed, we did so last year when we passed the Paul Coverdell National Forensic Sciences Improvement Act. This was a fitting tribute as Senator Coverdell made the improvement of forensic science services one of his highest priorities.

The Congress frequently names buildings, post offices and bridges after individuals. The Peace Corps is different. This organization is the work of thousands of dedicated men and women who volunteer to serve in the most remote corners of our planet. The Peace Corps is the sum of their efforts, not the work of any individual.

I received a letter on this subject from one of my constituents who was himself a Peace Corps volunteer. He writes, "As a former Peace Corps Volunteer, I am requesting that S. 360 not be brought to the House floor as a non-controversial bill. I, along with what I suspect is a majority of former volunteers, am against the idea of naming the Peace Corps Headquarters after the late Senator Coverdell. I have nothing against the late Senator. It's my understanding that he was a good man who did his best as a Senator and a Peace Corps Director. However, the Peace Corps building should not be named after any one single person . . . ."

In the memory of the thousands of men and women, including Paul Coverdell, who have served the Peace Corps, I urge my colleagues to join me in opposing this legislation.

Mr. BARR of Georgia. Mr. Speaker, today we honor Senator Paul D. Coverdell for a lifetime of service to the people of Georgia and this country. S. 360 dedicates the U.S. Peace Corps Volunteers Headquarters, the World Wise Schools Programs, and a yet to be constructed building at the University of Georgia, to this outstanding public servant. Paul Coverdell was an honorable man and this is the least we can do for someone who gave so much of his life to serving the community and the nation.

Known for his unfailing work ethic, the Senator was not one to let grass grow under his feet. A veteran of the U.S. Army and the Peace Corps, Senator Coverdell was elected to Georgia State Senate in 1970 where he served as minority leader for 15 years. He was then appointed director of the U.S. Peace Corps Volunteers in 1989, a position from which he initiated the World Wise Schools Programs, pairing students with Corps volunteers, to give them a personal experience serving the world's less fortunate. It is only fitting we rename the Peace Corps Volunteers Headquarters Building and the World Wise Schools Programs, in his honor.

Deeply concerned with education policy, Senator Coverdell chaired the Senate Republican Task Force on Education, in addition to drafting legislation to create Education Savings Accounts. He was also a strong proponent of drug policy reform—he defended the decision to continue U.S. support for the fight of the Colombian drug trade; and he authored the 1999 Foreign Kingpin Designation Act.

I am proud to have served with my fellow Georgian, Senator Paul D. Coverdell. Though we can never replace him, he will not be forgotten. On this day, I ask my colleagues to remember him as a man of principle and conviction, and offer S. 360 as a small token of our appreciation for his life and legacy.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 360.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1045

REPORT ON H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2002

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–142) on the bill (H.R. 2506) making appropriations for Foreign Operations, Export Financing, and Related Programs, and for sundry independent agencies and corporations for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. ISAKSON). Under clause 1 of rule XXI, all points of order are reserved.

MAKING IN ORDER ON JULY 18, 2001, OR ANY DAY THEREAFTER, CONSIDERATION OF H.J. RES. 50, AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

Mr. LINDER. Mr. Speaker, I ask unanimous consent that it be in order at any time on July 18, 2001, or any day thereafter, to consider in the House the joint resolution (H.J. Res. 50) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China;

That the joint resolution be considered as read for amendment;

That all points of order against the joint resolution and against its consideration be waived;

That the joint resolution be debatable for 2 hours equally divided and controlled by the chairman of the Committee on Ways and Means (in opposition to the joint resolution) and a Member in support of the joint resolution;

That pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and

That the provisions of section 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China for the remainder of the first session of the 107th Congress.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.J. RES. 36, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute, if offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 189 is a modified closed rule providing for the consideration of a constitutional amendment which would authorize Congress to ban the physical desecration of the American flag.

H. Res. 189 provides for 2 hours of debate in the House of Representatives, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

Upon the adoption of this rule, H.J. Res. 36 is made in order and considered as read. The rule also makes in order a substitute amendment if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be separately debatable for 1 hour, equally divided between a proponent and an opponent. All points of order are waived against this amendment.

Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, this rule would allow Congress to debate legislation that protects our American heritage by protecting one of our most important symbols, our flag. Most Americans look to the flag as a symbol of our unity, our sovereignty and our democracy. Throughout the years, millions of Americans have fought and died for this country, and they look to the flag as the embodiment of our country's values.

Two reasons for supporting this measure come to mind as we consider this legislation: first, from a logical standpoint, if we prohibit the destruction of U.S. currency by law, then surely protecting our symbol of freedom and democracy is just as important.

The second reason is a more powerful one. Many Members believe it is the duty of Congress to protect the integrity of our heritage from individuals who disrespect this country.

It is in the best interests of the American people to pass this legislation, and I wholeheartedly support it. In fact, I am an original cosponsor of H.J. Res. 36.

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

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

First, Mr. Speaker, let me thank the gentleman for yielding me this time. It is a pleasure to serve on the Committee on Rules with the gentleman from Georgia (Mr. LINDER).

Mr. Speaker, I rise in strong opposition to House Joint Resolution 36. I firmly believe that passing this constitutional amendment would abandon the very values and principles upon which this country was founded.

Make no mistake, I deplore the desecration of the flag. The flag is a symbol of our country and a reminder of our great heritage. I find it unfortunate and repugnant that a few individuals choose to desecrate that which we hold so dear. However, it is because of my love for the flag and the country for which it stands that, unfortunately, I have no choice but to oppose this well-intentioned yet misguided, in my view, legislation.

Our country was founded on certain principles. Chief among these principles is freedom of speech and expression. These freedoms were included in the Bill of Rights because the Founding Fathers took deliberate steps to avoid creating a country in which individuals' civil liberties could be abridged by the Government. Yet that is exactly what this amendment would do. It begins a dangerous trend in which the Government can decide which ideas are legal and which must be suppressed.

Ultimately, we must remember that it is not simply the flag we honor but, rather, the principles it embodies. To restrict people's means of expression would do nothing but abandon those principles, and to destroy these principles would be a far greater travesty than to destroy its symbol. Indeed, it would render the symbol meaningless.

Earlier this month, Mr. Speaker, I was with a group of 15 Members of Congress who were visiting the American cemetery in Normandy, France. There we saw the graves of more than 9,000 men and women who gave their lives not just for the liberation of Europe but in defense of an idea: democracy, and all that it stands for. What democracy stands for is forever enshrined in our Constitution. These men and women who died for an idea, and the patriots who came before and after them, understand that idea.

I brought back these two flags, this one especially, the American flag. The other is the flag of France. I hold it here to remind myself of what others gave so that I may be here today in this country which protects individual rights and liberties more than any other country in the world. Understand, though, this flag itself has little inherent value. It is cloth attached to a piece of wood. The value of this cloth is in the messages that it conveys and the country that it stands for and the people who have fought and died to keep this flag and others like it flying high and free. Those men who died storming Omaha and Utah Beaches did not fight for a flag; they fought for the idea that our flag represents. This amendment, in my view, would diminish what those brave men and women fought and died for.

The last time Congress debated a similar bill, retired four-star general and current Secretary of State Colin Powell said that he would not support amending the Constitution to protect the flag. In fact, General Powell said, ''I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.''

We are too secure as a Nation to risk our commitment to freedom by endeavoring to legislate patriotism. If we tamper with our Constitution because of the antics of a handful of thoughtless and obnoxious people, we will have reduced the flag as a symbol of freedom, not enhanced it.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule. The American flag serves a unique role as the symbol of the ideals upon which America was founded. It is a national asset that helps to preserve our unity, our freedom, and our liberty as Americans. This symbol represents our country's many hard-won freedoms paid for with the lives of thousands and thousands of young men and women over this Nation's history. For years, 48 States and the District of Columbia enforced laws prohibiting the physical desecration of the American flag. In the 1989 Texas v. Johnson ruling, the United States Supreme Court in a 5–4 vote overthrew what until then had been settled law and ruled that flag desecration as a means of public protest is an act of free expression protected by the first amendment to the U.S. Constitution. A year later, essentially reiterating its Johnson ruling,

the court in U.S. v. Eichman, another 5–4 ruling, by the way, struck down a Federal statute prohibiting the physical desecration of the flag despite the court's own conclusion that the statute was content-neutral.

In the years since these two rulings were handed down, 49 States have passed resolutions calling upon this Congress to pass a flag protection amendment and send it back to the States for ratification. Although a constitutional amendment should be approached only after much reflection, the U.S. Supreme Court's conclusions in the Johnson and the Eichman cases have left the American people with no other alternative but to amend the Constitution to provide Congress the authority to prohibit the physical desecration of the American flag. The amendment enjoys strong support throughout the Nation, indicating that it will likely be adopted by the States should this Congress approve the language.

I urge my colleagues to approve this rule and move to full debate and pass H.J. Res. 36.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise in opposition to the rule.

Mr. Speaker, this rule allows the well-settled law of this nation to be called into question at the whim of special interest groups who disagree with the value we Americans place on freedom of speech. By allowing this debate to occur, the leadership has signaled its intention to favor its ideological companions without regard for legal precedent or constitutional muster.

In 1989 the Supreme Court was faced with a difficult balancing test. *Texas v. Johnson,* 491 U.S. 397, forced the court to examine whether the interests of this nation in protecting the symbol of its freedom are outweighed by the individual freedoms of its citizens. The Court did not shy away from this dilemma, holding that the government cannot prohibit the expression of an idea society finds offensive, and that not even the flag is recognized as an exception to this principle.

Following this rights-affirming decision, Congress passed the ''Flag Protection Act of 1989,'' which attempted to criminalize the conduct of those who might use the flag for free speech purposes. The next session the Supreme Court invalidated this law on the same grounds it ruled on during its previous session. The Court held that attempting to preserve the physical integrity of the flag is only related to the flag as an article of speech or conduct in *United States v. Eichman,* 496 U.S. 310 (1990).

Now, Mr. Speaker, over ten years later, Congress is again attempting to impermissibly affect the ability of citizens to speak freely by taking the normously grave step of amending the Constitution of the United States. Supporters of this amendment argue that the step is warranted considering the Supreme Court's opinion on the flag; I contend the Supreme Court's opinion requires my opposition to this rule.

Mr. Speaker, it has almost become cliche to point out that we are a nation of laws, not persons. However, in this circumstance, that is exactly my point. The Supreme Court has spoken in an unambiguous way about the balancing of interests between the flag and the rights of individuals. On two separate occasions the right of individuals to speak has won.

Instead of honoring the decisions of the Court, and thereby respecting the separation of powers within the federal government, the House leadership instead chose to play politics with the law. On this day we begin subjecting legal opinions to the whims of the legislative branch in a new and chilling way. Any coalition with close enough ties to the majority might hope to see their pet project ratified as an amendment to our Constitution.

Mr. Speaker, not only this resolution, but also this very debate cast a long shadow over our long history of separation of powers. I contend it is our rights as citizens and our legal system that suffer. I oppose this rule.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING MILITARY AND DEFENSE CONTRACTOR PERSONNEL RESPONSIBLE FOR SUCCESSFUL BALLISTIC MISSILE TEST

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) commending the United States military and defense contractor personnel responsible for a successful in-flight ballistic missile defense interceptor test on July 14, 2001, and for other purposes.

The Clerk read as follows:

H. RES. 195

Whereas at 11:09 p.m., eastern daylight time on July 14, 2001, the United States successfully tested an interceptor missile against a target Minuteman intercontinental ballistic missile in flight;

Whereas the target missile was launched from Vandenburg Air Force Base, California, and was traveling at approximately 140 miles above the Earth at a speed of greater than 11,000 feet per second, which is more than three times faster than a high-powered rifle bullet, when struck by the interceptor missile;

Whereas the interceptor missile was also traveling at a speed greater than 11,000 feet per second at the time of impact;

Whereas more than 35,000 Americans contributed to the successful test, including the Air Force team which launched the target missile from Vandenburg Air Force Base and the Army team which developed the radar and kill vehicle, the Navy and Coast Guard team which provided security for the test, the Ballistic Missile Defense Organization team which supervised the testing program, and the contractor team consisting of thousands of American scientists, engineers, and blue collar workers employed by the prime contractors and hundreds of small businesses; and

Whereas the House of Representatives understands that testing of ballistic missile defenses will involve many failures as well as successes in the future, the House of Representatives nonetheless commends the effort and ingenuity of those who worked so hard to make the test a success: Now, therefore, be it

Resolved, That the House of Representatives thanks and commends the thousands of United States military and Government personnel, contractors, engineers, scientists, and workers who worked diligently to make the July 14, 2001, missile defense intercept test a success.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

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

Mr. Speaker, Americans sometimes do great things. At 11:09 p.m. Eastern Standard Time last Saturday, the work of some 35,000 Americans, including service personnel from the Air Force, the Navy, the Coast Guard, and the Army combined to produce a wondrous success in our missile defense testing program.

□ 1100

It was extraordinary, Mr. Speaker. We had an interceptor that was launched from Vanderbilt Air Force Base in California, heading west, achieving a speed of some 11,000 feet per second, or more than three times faster than a high powered rifle bullet; and an interceptor was launched from Kwajalein Island, also achieving a speed of close to 11,000 feet per second, also going much faster than a rifle bullet; and at 11:09 eastern time that interceptor successfully hit the target vehicle and destroyed it 148 miles above the Earth over the Western Pacific.

Mr. Speaker, I think Americans need to draw a number of conclusions from this very successful test. First, it is absolutely appropriate that we in the House of Representatives commend all the great people who worked on this program, and we intend to do that fully. Of course, the Army developed the radar and the kill vehicle working from their missile defense headquarters in Huntsville, Alabama. The Air Force in this case launched the Minuteman missile, which was the target missile, from Vanderbilt Air Force Base. We had Navy and Coast Guard monitoring and providing security in the Pacific. So we had thousands and thousands of men and women in uniform supporting these tests, all the way from folks who were doing basic security work to folks who were doing some very high-level physics work.

Along with that, we had lots of Americans, scientists, engineers, blue-collar workers, some working for major contractors and others working for small business. One thing we have learned in this missile defense business is that the innovators, sometimes the smartest guys, are in the companies with 20, 30, 40, 50 people, and all of these people combined to produce a success that was stupendous. It was remarkable.

The idea that people, you could raise two high-powered rifles, so to speak, farther apart than Los Angeles and New York, and shoot at a point toward the center of the country, and those two high-powered rifle bullets would hit precisely together at a point over the Midwest, is an extraordinary thing. It is something that many people thought was impossible.

So I think it is entirely appropriate for the full House, on both sides of the aisle, regardless of what your position is on the ABM treaty or missile defense, to commend the wondrous efforts of the men and women of our uniformed services, and also all the folks working in business to make this thing work, all the contractor personnel who made it go.

Secondly, I think we have to acknowledge we have got a long road ahead in this program. As our resolution states, we are going to have lots of successes; we are going to have lots of failures. I am reminded that with Polaris, the Polaris tests numbered over 120, and it failed more than 50 percent of the time. The first time we put up surveillance satellite capability, our first 11 launches failed before we succeeded. Yet that was a very important capability to achieve.

So you have to have lots of failures. In fact, if you test rigorously, if you make these tests as difficult as you possibly can, while still learning a lot, you are going to have failures. I think we will have failures in the future, just as we are going to have failures with our other theater missile defense systems. But, nonetheless, Mr. Speaker, we have proven that not only can you hit a bullet with a bullet, but you can hit something going three times as fast as a bullet with an interceptor going three times as fast as a bullet, and that is truly extraordinary.

Mr. Speaker, this is a good day for America. It is a great milestone in this missile defense program that we have. We have a lot of hard work ahead. We have got lots of challenges, these tests will get tougher and tougher; and in the future, of course, we will have failures as well as successes.

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

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

Mr. Speaker, I am glad to join the gentleman from California (Mr. HUNTER) in support of this bill, as a cosponsor of the bill, as well as the floor manager for the bill on our side of the aisle.

The road to Saturday's successful intercept has been long and arduous; and we have miles to go before we can say we have gotten there, even gotten to the point where we have what we call a limited defense system capable of defending us against rogue missile attacks, simple rogue missile attacks, or perhaps unauthorized or accidental strike. We have a long way to go, and we should not let the euphoria of this moment obscure that fundamental fact.

Indeed, if we have learned anything since March 23, 1983, when Mr. Reagan made his speech and proposed what became the Strategic Defense Initiative, it is that missile defense is not likely, unfortunately, to make nuclear weapons impotent and obsolete. It may enhance deterrence, but it is unlikely to replace deterrence. That is a fundamental point.

Nevertheless, I think enhancing deterrence is a worthy goal. I think that if we can prove through testing, like the tests that we held Saturday night, rigorous testing, that gets more and more demanding and challenging with each test, that eventually takes on countermeasures as well, if we can prove after this kind of rigorous testing that we have a system worthy of deploying, that will give us limited protection against the kind of threat I just described, it is worth deploying; and I think it is worth observing what was accomplished Saturday night, because it moves us in that direction.

Let me emphasize that testing is critical. I have been a long-time supporter of that. We do not want to fool ourselves into thinking that we have got a system that can take on this daunting challenge when, in fact, it can easily be overcome or is not capable of what it is touted to be. We do not want to fool ourselves by deploying some kind of scarecrow system.

We associate ballistic missile defense with Mr. Reagan's speech on March 23, 1983; but in truth both administrations, the Clinton administration, the Reagan administration, the Bush administration, going all the way back to Lyndon Baines Johnson in 1967, have supported missile defense in one form or another.

Indeed, the safeguard system originated in 1967 with President Johnson's administration. It was taken to the point that it was deployed. The Spartan system failed a number of times. No one felt that it was a complete and good defense system; and after spending what would amount in today's money of about $20 billion, we abandoned the system in North Dakota.

We kept spending money on ballistic missile defense in Democratic and Republican administrations. There were systems that have long been forgotten, like the BAMBI, which was a boost-phase interceptor, which was abandoned because it could not be proven to be invulnerable to counterattacks in fixed orbits in space.

Indeed, the path to Saturday night is littered with systems that simply could not meet the mettle. We have spent a lot of money, $60 billion since 1983, to get where we have gotten; but we have had some successes, and I think it is right to take some time aside to savor those success.

I think the gentleman from California (Mr. HUNTER) would agree we should not forget that this was not the first intercept with this system. Indeed, the first intercept occurred 2 years ago under the Clinton administration. This was a Clinton administration system. They in effect brought the technology to the point where it could be tested Saturday night and proven to work at least in those circumstances.

Mr. Speaker, when the test was concluded, General Kadish, who is doing a commendable job as the manager of this program, a very practical, pragmatic man, told everybody there, all the press there, when they asked him what should we deduce from the success we just had, he said if you just lower the level a little bit and let us proceed in a rigorous disinterested way, let us not get too excited about this thing, let us do our work, we think we can prove to you that we have got something worthy of deploying.

I think it is very, very fitting and very, very appropriate for us to rise today to commend the thousands of people who have made this a success.

While we are at it, I think we might commend a lot of other people in the so-called military-industrial complex, which is what we call them when we are usually disappointed, when we are usually confounded by the bills they present us, when we are usually suspicious of what they are up to.

When they succeed like Saturday night, we call them the arsenal of America. There are a lot of people out there are working in the arsenal of America making the F–22 meet its test every day. There are a lot of them working in other programs, like the THAAD, which was almost discarded. We gave it some extra money and another chance. They went out and made it work. They have just brought to fruition the PAC–3.

So there are successes, and we should commend them for their enormous technological capability, their perseverance and ability that brought us this far. I hope that this sort of bipartisan occasion today is an example of how we can treat ballistic missile defense in the future. It has been a political totem, frankly. I would like to see it treated like any other weapons system, the F–22, the C–17, you name it. If it meets the mettle, we go forward with it; but it if it does not, it should be held to the same standards, truly with the same sort of rational examination and expectation we would any military system.

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

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, leaders of China and Russia have just kissed, signed an agreement, and referred to Uncle Sam as an imperialist. China got our secrets from spies and from buying, with the help of Janet Reno. Russia got them from the FBI and Robert Hanssen. All of our enemies know our technology.

I was not an original supporter of the Star Wars initiative, but I am now. America cannot be defended by the neighborhood crime watch. When they took our spy plane, I do not know what

the big crisis was; China made everything that was in it.

We have got a tremendous problem on our hands, and the only way to protect the American people is to continue with our technology buildup to provide a reasonable shield.

This test, and I commend all of those involved, gives us hope for the beginning of an initiative started by former President Reagan, and I commend him here today. He had the vision and the foresight to see that America would be challenged by maybe even rogue nations with nuclear capability that was illegally gained from America.

Beam me up here.

I want to join the gentleman from California (Mr. HUNTER) in saluting all of those involved, and recommend to the Congress of the United States that we go forward and continue to fund this initiative. Our number one priority is national security, and we should get that job done.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman from South Carolina for yielding me time.

Mr. Speaker, apparently I am the only person who is going to come out here and raise a question. Everybody who has watched the military industrial complex develop weapons systems must be amazed that the day after something happens in the Pacific, we run out on the floor in this virtual reality Congress to make a PR event, which will be in the newspapers, as though we have succeeded. Now we must put out $60 billion or $100 billion.

If you listen carefully to the words of the gentleman from South Carolina (Mr. SPRATT), this thing has failed over and over again. This is only the second time out of four, in a system where you put the problem out there and you have the answer, and you shoot at it, and two out of four times you have missed.

Now, how can anybody be excited about a system like that? If I know what the pitcher is going to throw and I stand here, I am going to hit it. Everybody knows that. That is why they hide the pitcher's signals between the catcher's legs. They do not want people to know at bat what the pitcher is going to throw. But here we have this system, right here and right here, and twice we missed it; and we are out here congratulating.

I do not say anything about the employees. Boeing has worked on all kinds of these programs, but we never came out and congratulated them the first time they succeeded. This is simply to build up a momentum in this society for a system which, as the gentleman from Ohio (Mr. TRAFICANT) says, is driving the Chinese and the Russians together.

To put this system up, we have to tear up the ABM treaty. The Russians have said do not do it; it has kept peace for 50 years. The Chinese have said do not do it.

□ 1115

Why are we out here whipping up the public to believe this is a good idea?

I am going to vote against the resolution; not against the people, but against the purpose of it.

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

I think one aspect of this resolution that the gentleman from South Carolina (Mr. SPRATT) and I have coauthored is that it does not speak to the politics of missile defense or the ABM Treaty or the relationship of the Soviet Union and the United States. What it does speak to is a technological challenge that we gave lots of people, many of whom make great sacrifices to work in the uniform of the United States or who go to work everyday in various places around this country, working either for the government or for private business, whether they are physicists or engineers or blue collar workers, working on a program that I would state again is monumental in its success.

Once again, both of these systems were going three times faster than a high-powered rifle bullet, and they collided 148 miles above the earth, some 4,800 miles off into the Pacific, an extraordinary thing. It is like having somebody stand in San Diego with a high-powered rifle shooting to the center of the country and somebody standing in New York doing the same thing, except the high-powered rifles really went three times as fast as an ordinary high-powered rifle, and having those little bullets collide in midair.

Now, I think that is an extraordinary thing. Indeed, it is something that a lot of critics of this system said was impossible: hitting a bullet with a bullet. But I think if we look at the resolution that the gentleman from South Carolina (Mr. SPRATT) and I have cosponsored, it does not say that this is the end of the line and that somehow we have now achieved absolute defense against incoming ballistic missiles.

What it does say, and I quote: ''The House of Representatives understands that testing of ballistic missile defenses will involve many failures as well as successes in the future. The House of Representatives, nonetheless, commends the effort and ingenuity of those who worked so hard to make the test a success.''

Mr. Speaker, when Billy Mitchell came back to the Coolidge administration in the 1920s, one of his messages was that we had entered the age of air power, whether Americans liked it or not. He recommended to a then Republican administration that they spend a lot of money developing air power. Well, we had a number of budget hawks who did not want to do that, and we did not do as much as we should have. As a result of that, we were not as ready as we should have been for World War II.

Well, today, Mr. Speaker, and particularly since the Gulf War when Americans were killed for the first time with ballistic missiles fired by Saddam Hussein, we realize that we live now not in the age of air power but in the age of missiles. When we look at the array of military systems across the board that we have, and the gentleman from South Carolina and I work on a daily basis with lots of other great Democrat and Republican members of the Committee on Armed Services, we know that we build systems to stop ships. We build systems to detect submarines. We build systems to handle tactical aircraft, fighter aircraft. We build systems to take down bombers. We build systems to handle and that can handle capably just about every type of offensive weapon that an enemy could throw at us, except one.

So the one question I have always asked the Secretary of Defense when he appears before myself and the other members of the Committee on Armed Services is: Could you today, could you today stop a single incoming ICBM, Intercontinental Ballistic Missile, coming into an American city? And the answer always is, whether it is a Democrat or Republican administration: No; today we cannot do that.

Well, that is what we are working toward, Democrats and Republicans, people in uniform and people out of uniform, is to achieve that capability.

I think that it is very important for us to understand, and the reason the gentleman from South Carolina (Mr. SPRATT) and I put this language in, acknowledging that there are going to be failures in this testing program as well as successes and the difficulty of this program. We are going to have decoys. That is, when the offensive missile puts its warhead, projects its warhead off of the booster system, it is going to have perhaps decoys that would attract the interceptor missile; and the interceptor missile would end up hitting decoys, not being able to discriminate between a decoy and a real warhead. We have to work that problem. We have to be able to handle that problem.

We are going to have, in some cases, perhaps evasive maneuvers. We are going to have lots of problems. We are going to have in some cases multiple shots; that is, a number of warheads coming in that we have to handle at one time. We may have to handle the effects of a nuclear burst at some point.

On the other hand, Mr. Speaker, the alternative is for us to do nothing. The old saying is, ''You don't do anything until you can do everything, so you do nothing;'' and I think that is an inappropriate position for the United States to take. If we do not try to build a defense and do not try to develop this interception capability, this will be the first time in this century that the United States has looked at a weapon, at an offensive weapon, and decided that they are not going to try to learn how to defend against it. I think that would be a mistake.

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

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

Let me just take a minute to comment on the legislative history of this resolution.

I first learned of this resolution when I got a call yesterday afternoon from the gentleman from California (Mr. HUNTER) on the golf course. He had his staff busy at work on this, and he wanted to send me a copy of it. Over the evening, we proposed a number of changes to the preamble and to the resolving clause. The gentleman from California (Mr. HUNTER), to his credit, acknowledged our purpose, which was to confine this resolution to the purpose at hand; that is, commending those who have accomplished what is a daunting feat. It is done every day, but this is a particularly daunting feat. It was a big challenge. So we want to send them a message of commendation. We took out references as to how much we should infer or read from this particular success as to whether or not we would one day have a big missile field over the country so that those who disagree could at least send a word of commendation to the people who have so ably pulled off this test.

Mr. Speaker, I commend the gentleman from California (Mr. HUNTER) for working with me, but I want to say to my side that this is a much paredback resolution which we resolved through genuine compromise and I agreed to cosponsor about 1 minute before this debate began.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, that was a good decision, I might say to the gentleman.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Although I am proud of the men and women in our military service and those working for defense contractors who were part of this success, I have to rise in opposition to the resolution for several reasons, first, in terms of process. As the gentleman from South Carolina said, this resolution was never considered by the Committee on Armed Services. It was just brought to the attention of the minority yesterday at 5 o'clock. There was no consultation with the minority until then. I think many Members really do not have a grip on the implications of what it is we are voting on.

Second, precedent. This resolution commends the U.S. military personnel and contractors for the apparently successful national missile defense tests of last Saturday. BMDO says it will conduct 10 more tests in the next year. So do we pass a resolution each time it hits? Should we pass a resolution each time it misses? Because there are some Members who would want to do that, although I am not one of them. Would the majority support their right to offer such a resolution? What kind of precedent are we setting? Will we feel compelled to vote every time a major weapons system passes a milestone? The F–22, for example. Why not pass a resolution every time a community gets a COPS grant or a housing grant?

My third objection is substance. General Kadish, in the post-test briefing, cautioned that scientists could need months to finish analyzing the test results: ''We do not know for certain that every objective was met,'' he said. ''In all probability, some of them were not.'' I believe it is irresponsible to put the House on record before there has been a full analysis.

Now, the gentleman from Pennsylvania (Mr. WELDON) on the Republican side, who has worked on this issue for years, and I do not see eye to eye on missile defense very much, but together we sent a ''Dear Colleague'' last week urging Members not to rush to judgment on the test results, positive or negative. We quoted General Kadish: ''I do not believe it is helpful to overplay our successes or failures.'' This resolution runs counter to the spirit of his plea. It is not productive. When the gentleman from Pennsylvania (Mr. WELDON) and I can actually agree on something related to missile defense, we hope a few other Members will listen.

Finally, politics. This resolution will not help solve NMD's technological problems. It will not resolve the ABM Treaty issues. It will not get us to deployment any faster. In my opinion, it serves no purpose other than a political one. The best thing we could do for national missile defense is to reduce the political and idealogical motivation and focus on the technology, on the strategic and security issues.

For those reasons, I believe this resolution is ill-advised and should be withdrawn or defeated.

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

Let me just remind my colleague who just spoke that there are a couple of things that General Kadish did agree on with respect to the test. First, the intercept was made. The interceptor missile, traveling three times the speed of a high-powered rifle bullet, fired from Kwajalein Island did intercept a target missile coming from Vandenburg that also was going three times the speed of a high-powered rifle bullet. Literally, a bullet hit a bullet 138 miles above the earth in the mid-Pacific. That is a fact.

It is true that we monitored this test with a lot of technology, that it is an in-depth test. There is a lot of analysis going on right now, and we are going to see how much information we harvest from this. But I would just tell my friend that I went on record before this test happened saying that I was going to support the continued funding of this program, whether it succeeded or failed, because I believe that this is an important national priority. That is my position.

But, nonetheless, if the gentleman looks at the enormity of American effort that went into this test, over 35,000 people in the uniformed services and out participating; and if this was a space shot, if this was an exploratory shot into space involving the Challenger or some other aspect of what I would call domestic space exploration, this test would have been given great publicity and great kudos by the media and the United States. I would remind my colleagues, these folks in the uniformed services who work on missile defense work just as hard, put in just as many hours and are just as ingenious as the folks that work on domestic space exploration.

I thought it was absolutely fitting, and I still do, to give them recognition. We have made it very clear. We say that there are going to be lots of failures as well as successes, and we understand that. This is not an attempt to change the ABM Treaty. It is an attempt to acknowledge the American genius that played itself out on Saturday night.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank my colleagues for bringing this very important resolution to the floor.

I think about what I have heard this morning, and it occurs to me that some things that we debate here are not very clear, but others are quite clear. National security is spoken of in the Constitution as one of our primary responsibilities.

I do not really see this as a political or as a public relations issue. It is a philosophical issue. The gentleman from California (Mr. HUNTER) and others and myself believe that strong national security, the protection of our families and our country against foreign aggression with missiles is very important to our future. This was a milestone. A technically very difficult assignment was met. It was successful, and we are moving in the right direction.

In this day and age, when philosophies clash here, I think it is important to set the record straight: This is about sound science; this is not science fiction. We have the ability to produce this protective system. It can be done only by continued effort to protect this country and future generations. And I applaud the gentleman from California (Mr. HUNTER), I applaud our men and women in uniform, and I think it behooves us to continue to support this resolution and to make sure that this country, both space and space inside and outside, are protected. I think this resolution is very timely.

□ 1130

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I sent a letter to Secretary Rumsfeld today which cites reports that certain modifications were

made to the test vehicle and warhead to greatly increase the likelihood of success.

In the letter, I state that Congress must know which modifications were made, how they contributed to the success, and the likelihood that such modifications could be used in a real engagement of the missile defense system.

I asked if the kill vehicle or dummy warhead employed a GPS, global positioning system, and if so, at what stages was the GPS system used.

I asked, did the kill vehicle or dummy warhead employ a C-band radar system, and if so, at what stages was the C-band radar system used.

I asked, did either the GPS system or C-band radar system communicate with or reveal any information to the Target Object Map.

I asked if the software modifications to the tracking computer or infrared tracking system provided information to the kill vehicle not normally available in a real-life scenario.

I think before Congress acts on such a resolution, it would be nice to get an answer to some of these questions. Otherwise, what we have is a situation here where we are into a dark fantasyland, where the threat of a nuclear strike against the United States is being exaggerated or it is nonexistent.

Our task as Nation and as a world should be to get rid of existing nuclear arms, to stop nuclear proliferation to new countries, to deal with arms control and arms elimination.

We have people who are actually predicting nuclear war in the future. We are back to the days of the Cold War. We have a responsibility to work for peace, not through nuclear proliferation, not through nuclear rearmament, not through building bigger and better missile systems or systems which defeat the ABM treaty or the nonproliferation treaty, but through the painstaking work, the daily work of diplomacy, of human relations, of seeking cooperation between nations.

It is fascinating that we have technology to restart the arms race, that we have technology which violates the nonproliferation treaty, that we have technology which violates the ABM treaty. But it would be even more fascinating if we used this opportunity to start a new dawn of peace where we get rid of nuclear weapons once and for all.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, today we are debating a resolution commending defense contractors and the military for the ballistic missile defense test of July 14, 2001. This test, not the personnel, mind you, but this test, is really something to condemn, not to commend.

The defense industry and the Pentagon have now passed their half-scaled-down, simplified test. This is really nothing to celebrate. When our schools have that failure rate, the President wants to close them down. The military-industrial complex is apparently held to a much lower standard.

More fundamentally, this test moves us ever closer to violating the anti-ballistic missile treaty. We signed and ratified the ABM because we recognize that missile defense systems could destabilize more than they could protect.

We cannot go back on our word and abandon this treaty. Peace is really our national security. We cannot be a nation that approaches nonproliferation while really practicing escalation, and that is what this test has taken us down the road to. Instead of leading the way towards responsible disarmament, we are unraveling arms control agreements.

We must be a nation that decides where we really want to go. Do we want to go down a path to a new arms race, or forward to a real post-Cold War peace?

Attempts to build a national missile defense system are really not enhancing our national security, they are destabilizing the world, which I heard over and over again just 2 weeks ago from our European allies. Violating treaties does not make the world a safer place.

Congress should not be celebrating spending billions and billions of dollars on national missile defense. We should be standing by our treaty agreements, we should be working to end nuclear proliferation, and we should be spending that money on vital national needs, such as health care, education, and housing.

Yes, there are dangers in the world, but missile defense systems will spark new arms races, nuclear proliferation, violated treaties, and destabilizations, and also billions in spending. These are the fruits of missile defense. That is nothing to celebrate.

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

Mr. Speaker, I would say that all Americans remember the fact that some 19 Americans were killed in Desert Storm by ballistic missiles. Those Americans who were killed by those incoming Scuds were not killed by tanks, they were not killed by machine gun fire, they were not killed by fighter attack aircraft, they were killed by ballistic missiles.

Those Scud missiles were going faster than a bullet, and we threw up some Patriot missiles, defending against those incoming Scuds. We got some, we missed some. There is a discrepancy as to how many we got and how many we missed. But at the end, when the smoke cleared, 19 Americans were dead and some 500 were wounded.

We have troops around the world, and at some point, and I think we have reached that point, we have to acknowledge that we are squarely in the age of missiles. Missiles will kill Americans in the future, I think we can predict that, unless we build defenses.

The idea that unless we build a perfect defense, we do not have any defense, does not make any sense. Certainly some of those young people who were in Saudi Arabia who were the targets of those Scud missile attacks did come home alive because some of those Patriot missiles that we had defending against the attacks did hit their targets, and some of those Scuds were knocked out of the sky before they could kill Americans.

We have slow missiles, the Scuds; we have medium-speed missiles, the missiles like the SS–20s; and we have very high-speed missiles, like the Minuteman missiles like the target we shot at over the Pacific.

It is very clear these tests are going to get tougher. They have to get tougher to replicate what we think will be operational conditions. We are going to have lots of misses in the future. But for us to not pursue this capability to defend our troops and our people in American cities would be disregarding our obligation as a Congress of the United States to preserve national security.

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

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

Mr. Speaker, on Saturday night, in the euphoria after the test, General Kadish warned against reading too much into this single test. He warned specifically that we have a long way to go before we have a system we can deploy.

I think, at this moment and in days ahead, we should bear his caution in mind and take his prudence to heart. This test shows that the technology for an operational system is within our reach, and that is good news. This was a daunting feat. That is why I support this commendation. But it is not yet within our grasp.

We should continue with this ground-based system, we should commend the people who were developing it, testing it. They are working hard, and they deserve our gratitude. But we should not fool ourselves. Challenges remain. This system should be held to the same standards as any other weapons system before we make the decision to deploy.

Mr. Speaker, I think it would probably be appropriate to quote Churchill after North Africa at this point, who was asked, ''What does this signify?'' He said ''It is not the end. It is not even the beginning of the end. It is, perhaps, the beginning of the beginning.''

Maybe we are a bit farther ahead than that, but that is where we stand. We should not get too carried away or euphoric about one single test. There are many more to come.

This resolution itself says we had better be prepared for failures, because they are likely to happen, particularly if the program does what we have asked it to do, and that is begin with the simple and move to the complex; add with each test more rigor, more

difficulty, countermeasures, and other things. We are going to see failures before we have a system that we can judge.

One further point, and it is a critical point. This system, the ballistic missile system and all its components, is different from other weapons systems in the sense that it is affected and controlled by a treaty called the ABM treaty of 1972.

This treaty, some support it, some do not, but in any event, it is an integral part of our arms control relationship with the Soviet Union and today with Russia. It underlies START II, it makes possible START III, and we must be careful not to create a rupture with Russia over the provisions of the treaty. In anything we do, we should try to make it treaty compliant, or at least make it possible by a mutual amendment to the treaty.

If we deploy this system and create a rupture in our relationship with Russia, if we abrogate the ABM treaty and simply walk away from it defiantly, we can see the Russians, as they have threatened, pull out of START II, forego START III, and call an end to cooperative threat reduction, which has removed hundreds of warheads that were a menacing threat to us.

If we did that, if that was the end result, then the net result for our national security would be a greater threat and not a lesser threat as a result of deploying ballistic missile defense. Those sober words need to be borne in mind as we pass this celebratory resolution.

Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. Kucinich).

Mr. KUCINICH. I think we can all appreciate the work of all Federal employees who work in defense-related matters, but that is not really what this resolution's subtext is about. This is an attempt to approve a process which violates the ABM treaty and which, in its essence, will restart the arms race.

There is no reason for the United States and Russia and China to be engaged in a showdown over nuclear arms. We need to get rid of nuclear weapons, we need to enforce our arms treaties, and we need not to move forward with this Star Wars program which wastes taxpayer dollars and which diverts us from the necessary work of building a new peace in our world.

Mr. HUNTER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding time to me.

I think it is interesting, the debate over this system, as to whether the science is there or not, because I recall a time 30 years ago when President Kennedy, with great courage, said, ''We will put a man on the moon by the end of this decade,'' and we did not have any of that science, but we achieved it.

When this Nation can put itself behind a project, it will succeed.

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

Mr. Speaker, to conclude this debate, we are saying to the men and women of the Armed Services, to the men and women of the Ballistic Missile Defense Organization, and all those folks in big and small businesses, the 35,000 people that made this test a success, good work. It was a job well done. Now let us roll up our sleeves and go on to the next challenge.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to to revise and extend their remarks on this legislation.

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

There was no objection.

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

Mr. Speaker, the gentleman from South Carolina (Mr. SPRATT) mentioned a golf course. The Republicans did beat the Democrats in the annual golf tournament yesterday, with the leadership of the gentleman from Ohio (Mr. OXLEY). I know he will be interested in that.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, House Resolution 195.

The question was taken.

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

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

The yeas and nays were ordered.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

CONTINUING NATIONAL EMERGENCY WITH RESPECT TO SIERRA LEONE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–102)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sierra Leone that was declared in Executive Order 13194 of January 18, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 17, 2001*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately noon.

Accordingly (at 11 o'clock and 44 minutes a.m.), the House stood in recess until approximately noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at noon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in following order:

S. 360, by the yeas and nays;

H. Res. 195, by the yeas and nays.

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

HONORING PAUL D. COVERDELL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 360.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 360, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 330, nays 61, answered ''present'' 11, not voting 31, as follows:

[Roll No. 229]

YEAS—330

Ackerman	Barton	Boswell
Aderholt	Bass	Boucher
Akin	Bentsen	Boyd
Allen	Bereuter	Brady (PA)
Andrews	Berry	Brady (TX)
Armey	Biggert	Brown (FL)
Baca	Bilirakis	Brown (SC)
Bachus	Blagojevich	Burr
Baird	Blumenauer	Burton
Baker	Blunt	Buyer
Baldacci	Boehlert	Callahan
Ballenger	Boehner	Calvert
Barcia	Bonilla	Camp
Barr	Bono	Cannon
Bartlett	Borski	Cantor

Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rangel
Regula
Rehberg
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Upton
Velazquez
Walden
Walsh
Wamp
Watson (CA)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—61

Abercrombie
Baldwin
Berkley
Brown (OH)
Capuano
Conyers
DeFazio
DeLauro
Doggett
Dooley
Eshoo
Farr
Fattah
Flake
Frank
Frost
Hastings (FL)
Hinchey
Honda
Jackson (IL)
Kennedy (MN)
Kennedy (RI)
Kerns
LaFalce
Lee
Levin
Lofgren
Luther
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
Meehan
Miller, George
Mink
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Paul
Payne
Price (NC)
Rahall
Ramstad
Rivers
Royce
Sabo
Schaffer
Schakowsky
Sherman
Slaughter
Stark
Tancredo
Thompson (CA)
Tierney
Visclosky
Waxman
Wu

ANSWERED ''PRESENT''—11

Barrett
Becerra
Bonior
Clayton
Hinojosa
Hoekstra
Jones (OH)
Menendez
Petri
Shays
Watt (NC)

NOT VOTING—31

Berman
Bishop
Bryant
Coyne
DeGette
Delahunt
Gephardt
Herger
Hostettler
Hutchinson
Jefferson
Kind (WI)
Kleczka
LaTourette
McInnis
Neal
Owens
Platts
Putnam
Reyes
Riley
Sanders
Sawyer
Scarborough
Schiff
Spence
Towns
Udall (CO)
Vitter
Waters
Watkins (OK)

□ 1230

Mr. STARK, Mr. GEORGE MILLER of California, Ms. LEE, Ms. LOFGREN, Mr. WU, Mr. CAPUANO, Ms. BERKLEY, Mr. LUTHER, Ms. DELAURO, Mr. MEEHAN, Mr. MARKEY, Ms. ESHOO, Ms. MCCARTHY of Missouri, Messrs. KERNS, MORAN of Virginia, MCDERMOTT, THOMPSON of California, SHERMAN, DOOLEY of California, HASTINGS of Florida, KENNEDY of Minnesota, Mrs. MINK of Hawaii, Ms. SLAUGHTER, and Messrs. RAMSTAD, FROST, JACKSON of Illinois, and FATTAH changed their vote from ''yea'' to ''nay.''

Mr. STUPAK and Ms. ROYBAL-ALLARD changed their vote from ''nay'' to ''yea.''

Mr. PETRI, Mrs. CLAYTON, Mr. BONIOR, and Mr. WATT of North Carolina changed their vote from ''yea'' to ''present.''

Mr. GUTIERREZ changed his vote from ''present'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

COMMENDING MILITARY AND DEFENSE CONTRACTOR PERSONNEL RESPONSIBLE FOR SUCCESSFUL BALLISTIC MISSILE TEST

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 195.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, H. Res. 195, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 321, nays 77, answered ''present'' 6, not voting 29, as follows:

[Roll No. 230]

YEAS—321

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
McNulty
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink

Mollohan	Roemer	Stenholm
Moore	Rogers (KY)	Strickland
Moran (KS)	Rogers (MI)	Stump
Moran (VA)	Rohrabacher	Sununu
Morella	Ros-Lehtinen	Sweeney
Murtha	Ross	Tancredo
Myrick	Rothman	Tanner
Napolitano	Roukema	Tauscher
Nethercutt	Roybal-Allard	Tauzin
Ney	Royce	Taylor (MS)
Northup	Ryan (WI)	Taylor (NC)
Norwood	Ryun (KS)	Terry
Nussle	Sanchez	Thomas
Ortiz	Sandlin	Thompson (MS)
Osborne	Saxton	Thornberry
Ose	Schaffer	Thune
Otter	Schrock	Thurman
Oxley	Scott	Tiahrt
Pallone	Sensenbrenner	Tiberi
Pascrell	Serrano	Toomey
Pence	Sessions	Traficant
Peterson (MN)	Shadegg	Turner
Peterson (PA)	Shaw	Upton
Petri	Shays	Walden
Phelps	Sherman	Walsh
Pickering	Sherwood	Wamp
Pitts	Shimkus	Watts (OK)
Platts	Shows	Waxman
Pombo	Shuster	Weldon (FL)
Pomeroy	Simmons	Weldon (PA)
Portman	Simpson	Weller
Price (NC)	Skeen	Wexler
Pryce (OH)	Skelton	Whitfield
Quinn	Smith (MI)	Wicker
Radanovich	Smith (NJ)	Wilson
Rahall	Smith (TX)	Wolf
Ramstad	Smith (WA)	Wu
Regula	Snyder	Young (AK)
Rehberg	Souder	Young (FL)
Reynolds	Spratt	
Rodriguez	Stearns	

NAYS—77

Ackerman	Hoekstra	Oberstar
Allen	Holt	Olver
Baird	Honda	Pastor
Baldacci	Jackson (IL)	Paul
Baldwin	Jones (OH)	Payne
Barrett	Kaptur	Rangel
Blumenauer	Kilpatrick	Rivers
Bonior	Kucinich	Rush
Brown (FL)	LaFalce	Sabo
Brown (OH)	Larsen (WA)	Sawyer
Capuano	Lee	Schakowsky
Cardin	Levin	Slaughter
Clay	Lewis (GA)	Solis
Clayton	Luther	Stark
Clyburn	Markey	Stupak
Conyers	McCarthy (MO)	Thompson (CA)
Davis (IL)	McCollum	Tierney
Doggett	McDermott	Udall (NM)
Eshoo	McGovern	Velazquez
Farr	McKinney	Visclosky
Filner	Meehan	Watson (CA)
Frank	Meek (FL)	Watt (NC)
Gutierrez	Meeks (NY)	Weiner
Hastings (FL)	Miller, George	Woolsey
Hilliard	Nadler	Wynn
Hinchey	Neal	

ANSWERED ''PRESENT''—6

Crowley	Jackson-Lee (TX)	Pelosi
DeFazio	Obey	
Dingell		

NOT VOTING—29

Berman	Hostettler	Sanders
Bishop	Israel	Scarborough
Bryant	Jefferson	Schiff
Burr	Kleczka	Spence
Coyne	LaTourette	Towns
DeGette	McInnis	Udall (CO)
Delahunt	Owens	Vitter
Gephardt	Putnam	Waters
Harman	Reyes	Watkins (OK)
Herger	Riley	

□ 1240

So, (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 189, I call up the joint resolution (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 189, the joint resolution is considered read for amendment.

The text of House Joint Resolution 36 is as follows:

H.J. RES. 36

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

The SPEAKER pro tempore. After two hours of debate on the joint resolution, it shall be in order to consider an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr. CONYERS), or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour of debate on the joint resolution.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 36.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, House Joint Resolution 36 proposes to amend the United States Constitution to allow Congress to prohibit the physical desecration of the flag of the United States. The proposed amendment reads, ''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''

The amendment itself does not prohibit flag desecration; it merely empowers Congress to enact legislation to prohibit the physical desecration of the flag and establishes boundaries within which it may legislate.

The American flag serves as a unique symbol of the ideas upon which America was founded. It is a national asset that helps preserve our unity, our freedom, and our liberty as Americans. This symbol represents our country's many hard-won freedoms, paid for with the lives of thousands of young men and women. The American people want their elected representatives to protect this cherished symbol.

Prior to the Supreme Court's ruling in 1989 in Texas v. Johnson, 48 States and the Federal Government had laws prohibiting desecration of the flag. Since that ruling, however, neither the States nor the Federal Government have been able to prohibit its desecration. In Johnson, the court, by a 5 to 4 vote, held that burning an American flag as part of a political demonstration was expressive conduct protected by the first amendment.

In response to Johnson, Congress overwhelmingly passed the Flag Protection Act of 1989, which amended the Federal flag statute to focus exclusively on the conduct of the actor, irrespective of any expressive message he or she might be intending to convey.

In 1990, the Supreme Court, in another 5 to 4 ruling, in U.S. v. Eichman, struck down that act as an infringement of expressive conduct protected by the first amendment, despite having also concluded that the statute was content-neutral. According to the Court, the Government's desire to protect the flag ''is implicated only when the person's treatment of the flag communicates a message to others.'' Therefore, any flag desecration statute, by definition, will be related to the suppression of free speech, and, thus, run afoul of the first amendment.

Prohibiting physical desecration of the American flag is not inconsistent with first amendment principles. Until the Johnson and Eichman cases, punishing flag desecration had been viewed as compatible with both the letter and spirit of the first amendment, and both Thomas Jefferson and James Madison strongly supported government actions to prohibit flag desecration.

The first amendment does not grant individuals an unlimited right to engage in any form of desired conduct. Urinating in public or parading through the streets naked may both be done by a person hoping to communicate a message; yet both are examples of illegal conduct during which political debate or a robust exchange occurs.

□ 1245

As a result of the Court's misguided conclusions in Johnson and Eichman, however, flag desecration, or what Justice Rehnquist described as a ''grunt,''

now receives first amendment protection similar to that of the pure political speech that the first amendment speech clause was created to enhance.

In the years since the Johnson and Eichman rulings were handed down, 49 States have passed resolutions calling upon Congress to pass a constitutional amendment to protect the flag and send it back to the States for ratification. Although a constitutional amendment should only be approached after much reflection, the Supreme Court's conclusions in Johnson and Eichman have left the American people with no other alternative but to amend the Constitution to provide Congress the authority to prohibit the physical desecration of the American flag.

In a compelling dissent from the Johnson majority's conclusion, Chief Justice Rehnquist, joined by Justices O'Connor and White stated: ''The American flag, then, throughout more than 200 years of our history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with almost mystical reverence, regardless of what sort of social, political, or philosophical beliefs they may have.''

Mr. Speaker, this proposed amendment is bipartisan legislation supported by Americans from all walks of life because they know the importance of this cherished national symbol. I urge my colleagues to support this important constitutional amendment.

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

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

Mr. Speaker, if one does not have much to do today, this is a great way to spend the afternoon, discussing for the fifth time whether the Congress should amend the Constitution with reference to flag desecration. Now, the answer has been ''no'' all of these other times. So I ask the House rhetorically, why does not the other body take this measure up first, for once, instead of us? Is there some protocol not known to the ranking member of the committee? There are many other things that could be done in the interest of furthering the democratic spirit of the United States.

Now, on behalf of everybody in the House, I would like to be the first to assert the boilerplate language so that my colleagues will not all have to repeat it again. I deplore desecration of the flag in any form, but I am strongly opposed to this resolution because it goes against the ideals and elevates a symbol of freedom over freedom itself.

I would like unanimous consent to say that for everybody that is going to want to say that, to make sure that everybody understands that those who oppose this measure are patriotic and are not by implication, direct or otherwise, supporting any kind of desecration of the flag. We do not do that. That is not what we are here for.

So that leaves two other points to be made, the same ones made before. The first is Justice Oliver Wendell Holmes. This is 1929: ''The Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought we hate.'' Okay, got that? All right. That is five times in my career that we go through this.

Then the final point that should be made is that, in 1989, the Supreme Court said that all the State laws in the country banning flag-burning and making it illegal are themselves illegal. Then the Congress tried to do it. And the Supreme Court, not the most progressive part of the Federal system, said, no, you cannot do it, Congress.

And now, for the fifth time, we do not even agree on it ourselves. We do not want to do it. Basically, the legislative body of the United States of America does not want to make an amendment to our Constitution appropriate to accomplish what State laws tried and what Justice Oliver Wendell Holmes talked about, and many others.

In effect, what we are trying to do is not to punish those who feel differently about these matters. The better course is to persuade them that they are wrong. We can imagine no more appropriate response to burning a flag than waving our own flag; no way to counter a flag-burner's message than by saluting the flag. We do not consecrate the flag by punishing its desecration because, in doing so, we dilute the freedom that this cherished emblem represents.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the principal author of this very important resolution.

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

Mr. CUNNINGHAM. Mr. Speaker, I do not believe that the primary threat to our country comes from a bomb, or hostile nation. I do believe that the threat to this Nation comes from within, from those that would taint the values of this country of religion and our beliefs and our flag. Mr. Speaker, 23 nations, 23 civilizations have been destroyed from within for this very type and form of demagoguery; degradation of values.

Mr. Speaker, this is not political to us that support the flag. I have lists here of every single ethnic group in the United States, gender groups, children, senior citizens that support the amendment.

The other side just stated, there is not much to do today, if one wants to listen to this, to trivialize the event. To us, to every single veterans' group, to 80 percent of the American people, 49 States that had laws on the books was overruled of 200 years of history, 200 years of tradition, by a one-vote margin in our courts. Is it wrong because nine people in a 5 to 4 decision decided otherwise? Yes. That is why we are here today. We believe that it is wrong.

It is not hard to make this decision when one knows what their values are, and one cannot rule by ''but.'' People say, well, I deplore the burning of the American flag, but. It is not hard to make the decision when one knows their values and what they are by deed heart; mind.

I have in this folder literally hundreds of letters from third graders, from fourth graders, from fifth graders about what the flag means to them. This is more than just a piece of cloth. It is something that our children, our grandchildren, our grandparents have thought and talk about what it means to them. To watch somebody burn the American flag represents a destruction of those values, of those ideas and of those thoughts. That is why we are opposed to it.

I was witness to a young Hispanic that was protesting proposition 187. He was opposed to the proposition. But in his midst, there was a group of Hispanics that turned to burn the American flag. This young Hispanic grabbed the flag and protected it and was beaten by the group that was burning the American flag.

If we take a look at our Nation, every ethnic group stood behind this flag, every veterans' group. Mr. Speaker, 372 Members of this body, 372, voted for this amendment, and it will pass today. But yet, there is a group out there that would fight against it.

Mr. Speaker, if one has nothing more to do, watch us today? I hear that in disgust.

Mr. Speaker, as an example of what the flag means, I was overseas and there was a friend of mine that was a prisoner of war for 7 years. It took him 5 years to knit an American flag on the inside of his shirt, and he would share that flag with his comrades until the Vietnamese guards broke in, and they saw the POW without his shirt. They ripped the flag to pieces, and they threw it on the ground. They took him out, and they beat this POW for hours, and they brought him back, unconscious to the point where his comrades thought that he was not going to survive. His comrades comforted him as much as they could, and they went about their work. A few moments later, they saw this broken, bodied POW crawl to the center of the floor and watched him as he started gathering those bits of thread to knit another flag.

Mr. Speaker, we are not here just to waste time. This is what this country stands for, its flag, whether it is the right to be able to say a prayer, to honor our flag, or to honor our traditions.

Mr. CONYERS. Mr. Speaker, I hope that my distinguished friend from California, I hope that his moving plea is

taken over to the other body, which every year turns back this work.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), the distinguished ranking member of the subcommittee.

□ 1300

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would say to my esteemed and honorable friend, the gentleman from California (Mr. CUNNINGHAM), his cause is extremely noble. I honor him as I honor those who have served in the United States military and those who sit as Americans with the privilege and freedom of pledging allegiance to the flag of the United States, a nation representing the freest persons in the world.

Humbly I say in debate that I love America and I love the flag. I come from a generation that required the pledge of allegiance every single morning, and through the process of the Committee on the Judiciary, I have come to understand the value of the Constitution of the United States and the privileges that are given.

Might I say that I also stand here as an American who did not come to this Nation free. I realize the importance of changing laws, for this Constitution declared me as three-fifths of a person, and the early history of this flag had slavery.

In spite of all of that, in a tumultuous civil rights movement, I can frankly say, I love America. But I am warned and cautious about what America stands for. I believe that America stands for freedom of expression, freedom of choices, freedom of the ability to express one's religion, and, as well, to express one's opposition.

In the last 20 years, I do not think any one of us could count a time that we have seen a flag-burning. I would simply say that the very moving story of my colleague suggested that, in fact, there might be question as to whether or not desecrating a flag includes sewing it into one's pocket.

This Constitution and the symbol of the flag represents who we are as a nation. The flag is a symbol. This legislation which would require, an amendment to the Constitution of the United States counter what our Constitution stands for. If we just think about it, it counters what the flag stands for freedom and justice.

Let me read very briefly the words of a veteran, a constituent of mine who writes to urge us to oppose House Joint Resolution 36, the proposed constitutional amendment to outlaw desecration of the United States flag.

He agrees with other veterans, such as General Colin Powell and Senator John Glenn, that ". . . such legislation is an unnecessary intrusion and a threat to the rights and liberties I chose to defend during my military service. Those who favor the proposed amendment say they do so in honor of the flag, but in proposing to unravel the first amendment, they desecrate what the flag represents and what I swore to defend and risked dying for when I took my military oath of office, the Constitution and the principles of liberty and freedom."

Mr. Speaker, that is why I am here on the floor of the House, not to desecrate the flag or disrespect it, but to defend the principles of liberty and freedom. Do we need language to tell us how cherished and precious our flag is? Do we need to deny someone else their right to the opposition?

I am reminded of the tenets of Christianity. It is not by the word we speak, but by our deeds. And if, in fact, our deeds are honoring the flag of the United States, then it will counter those deeds of someone else who we believe dishonors that flag, because we have the right to express our freedom and our beliefs, and they likewise have the right to express theirs.

I call upon this Congress, though I know this House has repeatedly voted three or four times on this particular resolution and it has not prevailed, but the Supreme Court, with which I have agreed and disagreed, twice has said the rules to eliminate the desecration of the symbol of the flag take away the rights under this Constitution and the principles we hold so dear.

I would much rather defend, if I was given the privilege, the gentleman's right to speak in opposition to me, as opposed to upholding a cloth which I believe stands brightly and boldly on its own without intrusion by legislation which denies the privilege of the rights of freedom and dignity.

I submit for the RECORD the letter to which I referred earlier, as follows:

HOUSTON, TX,
June 6, 2001.

Hon. SHEILA JACKSON LEE,
Cannon House Office Building, House of Representatives, Washington, DC.

REPRESENTATIVE JACKSON LEE: As your constituent, I strongly urge you to oppose HJ Res. 36/SJ Res. 7, the proposed constitutional amendment to outlaw desecration of the United States flag. I agree with other veterans such as General Colin Powell and Senator John Glenn that such legislation is an unnecessary intrusion and a threat to the rights and liberties I chose to defend during my military service. Those who favor the proposed amendment say they do so in honor of the flag. But in proposing to unravel the First Amendment, they desecrate what the flag represents, and what I swore to defend—and risked dying for—when I took my military oath of office: the Constitution and its principles of liberty and freedom.

While flag burning is rare, it can be a powerful and important form of speech. As a patriotic American, I may be deeply troubled by the content of this political speech.

However, it is a far worse crime against this country and dishonors veterans that Congress annually attempts to take away our right to freedom of expression.

Again, I urge you to oppose HJ Res. 36/SJ Res. 7. Of the gallant Americans who fought and died in the service of our country within the last 200 years, I tell you this: They did not die defending the flag. They died defending our freedom and the ideals upon which our country was founded. Don't cheapen their sacrifice by supporting this misguided amendment.

I look forward to hearing your thoughts on this proposed constitutional amendment.

Respectfully,

CHARLES A. SPAIN, Jr.

Mr. Speaker, I rise, once again, in opposition to this amendment to the Constitution to prohibit physical desecration of the flag of the United States because it is unnecessary and is a flagrant chilling of free speech protected by the First Amendment.

Supporters of this constitutional amendment are responding to the 1989 and 1990 Supreme Court decisions that struck down state and federal statutes that barred flag desecration on constitutional grounds that they chilled our First Amendment right to free speech and expression. The Court was right then, and we should follow its example today.

Mr. Speaker, make no mistake about it: this amendment compromises the Bill of Rights, which is fundamental to our freedom of speech and expression. These are, perhaps, our most basic tenets and pillars of our American democratic system.

In *West Virginia Board of Education* v. *Barnette,* 319 U.S. 624 (1943), esteemed Justice Jackson wrote the following warning for those in government who would seek to force their thoughts upon the citizenry: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein." Id., at 642. The resolution on the floor today amends the Bill of Rights for the first time in 210 years, and would set a dangerous precedent by opening the floodgates for the restructuring of our democracy by eroding the basic tenets of freedom and liberty that define our Nation.

Furthermore, this amendment would open the door to excessive litigation because the wording is vague on its face. For example, the amendment fails to define "flag" and "desecration" which are at the very heart of the amendment. These alone are reason enough to strike down the amendment on vagueness grounds.

Supporters of this amendment to constrain speech and dissent based on its content have read *United States* v. *Eichman,* 496 U.S. 310 (1990), as meaning that sweepingly general language is somehow less of an affront to free speech than specific prohibitions like those in the repealed "Flag Protection Act of 1989." The opposite is true: the amendment is overbroad, giving Congress the power to criminalize political and expressive acts of speech and expression that fall short of flag burning. Thus, the amendment we discuss today will result in a sweeping abridgment of the whole Bill of Rights. This body cannot be responsible for such a reckless act.

Mr. Speaker, I believe that our flag is a symbol of our freedom, our liberty, and our system of justice. I personally find flag burning and desecration to be offensive and disgraceful. But I stand with the Supreme Court in my belief such conduct falls within the scope of the First Amendment, the lynchpin of our democracy. So while it hurts to watch a few individuals who publicly desecrate our flag, the fact that we allow such speech is what makes us free and what makes us great as a nation.

If we are truly concerned about honoring the flag and the millions of Americans who have fought under it for the freedom that it represents, we must, above all else, protect the

Constitution and the Bill of Rights, and oppose such efforts to diminish the historical precedent that they represent. As one of our nation's greatest patriots, Colin Powell, recently stated about this amendment, ''I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.''

Mr. Speaker, our flag is a symbol of our freedom, not freedom itself. I encourage my colleagues to avoid the unwise path of unnecessarily amending the Constitution, and I urge them to vote ''no'' on H.J. Res. 36.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership in pushing for this amendment to be argued and debated today on the floor of the House.

I also want to thank the principal sponsor of this constitutional amendment, the gentleman from California (Mr. CUNNINGHAM), who spoke with such emotion and so eloquently just a few moments ago. No one is more qualified in actually putting his life on the line for his country than the gentleman from California (Mr. CUNNINGHAM). I want to thank him for that.

The flag is the most powerful symbol of the ideals upon which America was founded. It is a national asset that helps to protect and preserve our unity, our freedom, and our liberty as Americans.

As our country has grown and welcomed those from diverse religious and cultural backgrounds, the flag's power to unify our Nation has become even more evident, bringing together all Americans, young and old, to champion those principles upon which this country was built, principles for which our servicemen and women have fought and died, and principles that have moved so many individuals throughout history to leave their homes and families and travel to America to build a new life. A symbol that binds a nation together, as our flag does, already fulfills a unique role in our democratic process.

Since 1994, however, there have been at least 86 reported incidences of flag desecration. These incidences have occurred in 29 States. They have occurred here in the District of Columbia. They have occurred in Puerto Rico. Since the U.S. Supreme Court ruled in Texas v. Johnson that burning an American flag as part of a political demonstration was expressive conduct protected by the first amendment to the United States Constitution, the States have been powerless to prevent the physical desecration of this most valued symbol.

In response to Johnson in September, 1989, Congress overwhelmingly passed the Flag Protection Act of 1989, which amended the Federal Flag Statute to focus exclusively on the conduct of the act, irrespective of any expressive message he or she might be intending to convey.

Later that year, however, in another five to four ruling in the U.S. Supreme Court, United States v. Eichman, they struck down that act as an infringement of expressive conduct protected by the first amendment.

Because of the Johnson and Eichman decisions, the only remedy left to Congress to protect the flag from acts of desecration is a constitutional amendment. Many would argue that we should not amend the Constitution for this purpose. This is the only way that we can protect the flag.

The amendment before the House would restore to Congress the authority to prohibit the physical desecration of the flag. The amendment, as the chairman stated, itself does not prohibit flag desecration. It merely empowers Congress to enact legislation to prohibit the physical desecration of the flag, and establishes boundaries within which it may legislate. Work on a statute will come at a later date, after the amendment is ratified by three-fourths of the States.

Vigilant protection of freedom of speech and, in particular, political speech is central to our political system. Until the Johnson and Eichman cases, however, punishing flag desecration had been viewed as compatible with both the letter and the spirit of the first amendment.

The first amendment freedoms do not extend and should not be extended to grant an individual an unlimited right to engage in any form of desired conduct under the cloak of free expression. Both State and Federal criminal codes are full of examples of conduct that is prohibited in our country, regardless of whether it is cloaked in the first amendment.

Furthermore, obscenity laws, libel and slander laws, copyright laws, and even perjury laws, they all reflect the fact that some forms of expression and sometimes even the content of that expression may be regulated and even prohibited without violating the first amendment.

We cannot burn our draft cards. We cannot burn money. There are many acts we cannot perform. The flag protection amendment simply reflects society's interest in maintaining the flag as a national symbol by protecting it from acts of physical desecration. It will not interfere with an individual's ability to express his or her ideas, whatever they may be, by any other means.

This amendment has been approved by this Chamber twice and enjoys the support of a supermajority of the House of Representatives. It is supported by a majority of the United States Senators and 49 out of 50 State legislatures, which have passed resolutions calling on Congress to pass the amendment and send it back to the States for ratification.

Perhaps, most importantly, the amendment is supported by an overwhelming majority of the American people. It is time for Congress to answer their calls to preserve and protect the one symbol that embodies all that our Nation represents.

For the veterans who risked their lives for our country and our freedoms, for our children who view our flag with admiration and devotion, and for every American who believes that our flag deserves protection, I urge my colleagues to support this important amendment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN), an able member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, I think all of us have had this experience walking into the Capitol, especially at night when we are in session, and we see our beautiful American flag flying over the Capitol of the freest country in the world, and it is so moving it is almost hard to keep walking by.

I think no matter where one comes down on this amendment, there is not a single Member of Congress who thinks it is good or right to deface or in any way dishonor the flag of the United States. If we felt that, we would not be elected to Congress. We would not be here serving the Nation in the freest legislative body in the world.

Every day, we start our legislative session with these words: ''I pledge allegiance to the flag of the United States of America and to the Republic, for which it stands, one Nation, under God, with liberty and justice for all.''

The flag stands for something. It stands for the freest country in the world. Our country is free for a lot of reasons. It is free because brave men and women went out and heard the call to protect us, to take up arms, and to protect us over the decades and centuries when our country was attacked by those who would not allow us to have our freedom.

But we are also free because we live under the rule of law. One of the most important aspects of that is the first amendment. Let me just refresh our memory on what the first amendment says.

It says: ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or of the right of the people peaceably to assemble and to petition the government for a redress of grievances.''

The Supreme Court, which has been the interpreter of our Constitution since the beginning of our Republic, has said that destruction or wrongdoing towards our flag is protected by the first amendment. These are not liberal, wild-eyed justices, but Justice Scalia, probably the most conservative member of the Supreme Court, signed the opinion saying that flag-burning is protected by the first amendment.

All of us, when we became Members of this body, took an oath of office. We

said: ''I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and in this case domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office in which I am about to enter,'' and then we say, ''so help me God.''

I am not going to turn my back on the Constitution today.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, the Old Glory Condom Corporation lost the decision. They were not allowed to sell red, white, and blue condoms, so they appealed. They said their red, white, and blue condoms were a patriotic symbol, and, yes, Members guessed it, the U.S. Trademark Office of Appeals agreed. The panel said the Old Glory condom is not unconstitutional. One can wear it.

If that is not enough to constipate our veterans, two men from Columbus, Ohio, were recently charged with burning a gay pride flag during a parade. Think about it. It is illegal to burn leaves and trash in America. It is illegal to damage a mailbox. Now it is illegal to burn a gay pride flag. And it is completely legal and patriotic to wear a red, white, and blue condom.

Beam me up, Mr. Speaker. I think if American citizens want to make a political statement, they should burn their brassieres, burn their boxer shorts, but leave Old Glory alone, period.

I support this resolution. It is about time. A people that do not honor and respect their flag do not honor and respect their neighbors nor their country. This is more than about a flag. The gentlewoman from California is right, we pledge allegiance to the flag and to the Nation for which the flag stands; the flag, which our veterans carried in the war, those who were shot down, only to have it picked up by somebody else, surely to be shot down again. It should not be treated like an Old Glory condom.

□ 1315

I also urge this House to take up H.R. 2242 that would make June 14, Flag Day, a national holiday. I think the flag should be set apart, and it is certainly not going to violate anybody's first amendment rights to do so.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a senior member of the Committee on the Judiciary.

Mr. FRANK. Mr. Speaker, the remarks of the gentleman from Ohio give us a chance to deal with the common misapprehension and misunderstanding that somehow we have more rights to burn a flag than we have to burn other things. That simply is not true; and indeed, presumably the person who burned a gay pride flag had burned someone else's gay pride flag. It is entirely legal, I am sure, for someone to burn their own gay pride flag. It is not legal to burn someone else's flag. If, in fact, we burn someone else's American flag, we are guilty of theft, destruction of property, vandalism; and that, of course, can be punished.

We had an incident described where someone disrupted the funeral of a man who had been shot by a police officer and burned a flag. That was a violation of law on many counts. So we are not here advocating a policy whereby we can burn a flag when we cannot burn anything else. Yes, there are many cities and States and communities that have laws against burning in certain seasons. No, the flag is not an exemption to that. So let us put that to rest. It is not a case where we have more protection to burn other things. Any law against vandalism, disturbing the peace, theft, destruction of someone else's property, that applies whether it is a flag or anything else.

What we are opposed to, those who oppose this amendment, is the notion that because some people seek to express views that almost all of us find terribly obnoxious, in the most offensive possible way, namely, by burning a flag, that we should make it illegal. And here is why: first, this takes what I would have thought was a very unconservative position. It takes a very expansive view of government. What it says is, that which the Government does not prohibit it condones.

We are told that if we do not make it illegal for people to burn the flag, we are somehow allowing that and maybe even showing it is okay. No, I hope we live in a society in which we make laws to protect people from being interfered with by others; but we do not take the view that whatever the Government does not outlaw, it is somehow condoning. That is an extraordinarily expansive view of government that would erode liberty. So we ought to be clear that the absence of a law that says something is illegal is in no sense an approval of it.

People who say, yes, but still this is so offensive, burning a flag, desecrating a flag to express oneself, that we have to make it illegal. Okay, this is then the theory. The theory is that if we do not make it illegal to destroy or desecrate a particular symbol, we are devaluing that symbol. The problem with that is that it does not go far enough. The flag is a very dear symbol to many Americans; perhaps to most it is the most important symbol. But are there not people in this society who we admire because they think some other symbol is more important? What about religious symbols? Must people be told in their hierarchy of symbolic value that State comes above church; that the embodiment of the Government somehow is entitled to more protection than the embodiment of their religious faith?

The Supreme Court did not just say we could burn a flag; it said also that we could burn a cross. There was a Supreme Court decision in which a conviction was overturned of someone who burned a cross. Now, once again, it had better have been his cross on his property. We cannot go burning someone else's cross. But the Supreme Court said the symbolic act of burning a cross is constitutionally protected.

What we will do today if we ratify this amendment, or send it for ratification, is to say we will protect the American flag but not the cross. Because once we have put forward the principle that, if the Government thinks something is terrible it should outlaw it, then what do we say to people who think it is terrible to burn a cross? The cross is a symbol of a powerful religion, a religion that has, undoubtedly, had more impact on humanity than any other; and people who burn it are turning this profound religious symbol of all of man's best instincts, of man's tribute to the best in the universe, people are turning it into a symbol of racism, because the burning of the cross has become associated with racism.

Now, the Supreme Court said that is okay. Do those of us who support that decision think it is okay? No, we think it is despicable. But we think it is a mark of a free society that despicable people are allowed to express themselves in despicable ways, as long as they have not taken anybody else's property or otherwise injured anybody. We do not simply punish expression. But for those who want to ratify this amendment, do we now get an amendment that overturns the decision that says it is okay to burn a cross? Or do we say that we, the Government of the United States, protect the flag because that is a symbol of our Nationhood, but the cross, that symbol of some of the most profound values human beings are capable of conceiving, it is okay to burn that? It is not only okay to burn that, it is okay to take that wonderful symbol and turn it into a reminder of the worst aspect of American history: racism.

So that is what we are dealing with today. We have a choice of saying that we will continue the situation in which we believe in limited government, in which government intervenes when one individual's rights are threatened by another, in which we protect private property and we prevent disruption of the peace, but in which we say if some individual, choosing to be as vile as can be and give offense by his or her means of expression, chooses to burn his or her own flag on his or her own property, that we are going to penalize that criminally. But if that individual decides to burn a cross to symbolize racism, if that individual decides to destroy or deface any other symbol, no matter how profound, that is okay.

It seems to me that leaves us in an untenable position. Because either we believe that what an individual does to express himself or herself is not a matter for the law, or we say we value this one symbol but we devalue all the others. I think we are better off as a society letting people express themselves as freely as possible and having the rest of us argue against it. The alternative is to set the principle that if the Government does not outlaw something, it is somehow condoning it. And if it does not outlaw the desecration of a particular symbol, it somehow devalues that symbol.

I think that will do more damage because it will leave more valuable symbols in fact devalued by being excluded from this new form of protection. So I hope the amendment is defeated.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I stand in support of H.R. 36, to give Congress the power to outlaw flag burning.

As a veteran, this issue is very important and close to my heart. As we look at it not only as a veteran but as we look at what has been said right now, people have talked about the constitutional amendment dealing with expression, freedom of expression, the right to liberty. We also have the right to interpret, when we look at the Constitution, to examine what our forefathers, who wrote the legislation sometime ago, actually meant. And sometimes there is time for a change, and this is a time for a change that we have to realize.

As a symbol, many of our veterans have fought for our country. Because of the sacrifices they have made, we enjoy peace and freedom today. Because of that symbol many individuals have died. When we look at someone who has been buried and the flag is turned over to the family, it is that symbol that is turned over. When I turn around and look at the flag behind me, it is that symbol I salute. When I attend a service, it is that symbol I salute. When I see the changing of the colors, it is that symbol, it is what America is. It is what this country was founded on.

To everyone who has fought for us, from the beginning to now, in each and every one of our wars, it is a form of expression. It is one we should have. We should never ever desecrate the flag.

When we look at many of the veterans that are willing to sacrifice and stand up and fight for us, what have they done? Are we going to say that they have gone out and fought in every war and that we do not realize there is a symbol? When someone fell with that flag and someone else picked it up and they charged, why did they do that? Because it is a symbol of freedom, freedom of expression for our area.

We must stand up and protect the flag. And let me tell my colleagues, anyone who desecrates the flag, shame on us, shame on them. It is time for a change. We have to make the change to protect what America was built on; those freedoms that are very important to us. That flag is part of that freedom and that symbol and represents every American, every individual in this country.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. NADLER), the ranking member on the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I rise in opposition to this misguided constitutional amendment and urge my colleagues to vote against it.

We are faced today with a choice that will be, for many Members of this body, a difficult one. The choice, put simply, is between a symbol, a revered symbol, and the fundamental values it represents. The flag of the United States is a symbol. It is a symbol that has the power to move people deeply. When we see the picture of the flag being raised by the Marines over Mt. Suribachi or when we see it draped over a casket or when we see it being carried in the streets as a symbol of the fight for social justice, as it was by Dr. King and so many other courageous individuals over the years who fought to ensure that America would one day live up to its promise, it is hard not to be moved.

Indeed, Mr. Speaker, as we stand here today debating what would be the very first amendment to the Bill of Rights, I feel humbled to look at the flag hanging behind you in this Chamber and know that a very heavy responsibility weighs on every Member of this House.

We have heard and will hear many moving arguments about the sacrifices made for the flag, of the people who died for the flag, the soldiers, of the importance of the flag to so many Americans. But the real significance of the flag is those important values, the fundamental freedoms, and the way of life it represents. That is why so many have sacrificed so much. Not for the peace of colored cloth, but for those values. And we dishonor their sacrifice, we ensure that those sacrifices were made in vain if we now start down the road to undermine the freedoms the flag represents, allegedly to protect the flag.

Let us not revere the symbol over what it represents. Let us not render our flag a hollow symbol. It has been said that the sin of idolatry is the sin of elevating the symbol over the substance. The substance we are talking about is liberty and freedom of expression. It is that that we must protect, and it is that which this amendment jeopardizes.

Mr. Speaker, veterans, General Colin Powell, religious leaders, and many other Americans understand how important our freedom of expression really is, even if that expression is sometimes politically unpopular, even if it may offend people, even if it makes people angry, even if it costs votes. If those who came before us were willing to place their lives, their fortunes, and their sacred honor for those freedoms, I think we can risk some votes to secure their continuance.

We have debated this amendment many times. We all know the arguments. It might be easy to trivialize the question we have debated so many times, but this is serious business because we are talking about amending the first amendment, the queen of the amendments that have protected our freedoms since the beginning of our Nation.

If any Member has any doubts about whether this amendment is about protecting the flag or is really about constraining freedom of expression, they should ask themselves, what is the difference between burning an old tattered flag, which U.S. law and the American Legion tell us is the appropriate, respectful way to dispose of a flag, and burning it at a protest rally? There is only one difference, and that is the opinion, the political opinion, the message being conveyed, and we are criminalizing the message.

We have all seen, I would assume everyone in this Chamber has watched movies over the years, and we have seen movies in which actors play enemy soldiers, Nazi soldiers, Chinese Communist soldiers in Korea; and during that movie they desecrate the American flag, they tear it to bits or trample upon it or spit upon it or burn it. No one suggests we ought to arrest the actors. No one suggests the actors have committed a crime because they are playing a role. The only crime this amendment seeks to create is not for those actors to destroy the flag in some future movie, it is for someone to burn the flag or otherwise disrespect it in the course of a political protest.

That is why the Supreme Court, quite rightly, said we cannot make that illegal because it is the core political speech that we would be making illegal. It is not the flag at issue; it is the opinion being expressed.

Do my colleagues know current Federal law makes it a crime to use the flag in advertising, including political advertising? That is current law because Congress thought it was disrespectful to use the flag in advertisements. If this amendment passes, that law will be enforceable. Now it is not because it is unconstitutional. Yet I would venture to say that most Members of this Congress have violated that law by using the flag in political ads. Is it the intent of the sponsors to crack down on that form of flag desecration?

Mr. Speaker, our freedoms are more important than any one individual who wants to make a point by burning a flag. Our country has survived those few individuals who want to burn the flag.

□ 1330

Our country will rise above it in the future.

The real damage to the flag is that too many people may be willing to

desecrate our Bill of Rights to make a political point. That is something that will be very hard for this Nation to rise above, and that is why this amendment must be defeated.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise today to pledge my enthusiastic support for the flag protection amendment. I will be darned if I am going to accept the technicalities that we talk about and we have heard this afternoon.

I know the law is technical, but we are bogged down in technicalities. There is a breeze, a gentle breeze going through these Chambers today. Seven hundred thousand brave men and women gave their lives since the beginning of this Republic. We ought to seize back the responsibilities given to us by the voters. We should never kowtow to any other branch of government, regardless of their decision.

The Supreme Court is not absolute. Only God is absolute on any decision. The fact that we quote Justice Scalia makes me stronger in my conviction that we must pass this.

This is not just any other symbol to my colleagues and brothers. I am sorry. This is not just any other symbol. This is the symbol of democracy, Mr. Speaker. We are here to uphold that symbol. I am proud to stand with those who support this resolution.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, at the end of this month I have a law review article coming out in a University of Arkansas at Little Rock Law Review on the congressional oath of office. It is a rambling discussion probably guaranteed to put the reader to sleep, but it pulls together some of the history of the Congressional oath of office. I intend to distribute it to all Members next month and seek out their thoughts and criticisms.

In the course of that research, I ran across some vignettes from history that I think are relevant to this debate today. Let me share with you some news stories taken from the New York Times in years of great strife worldwide.

The first one I would like to read is from April 7, 1917. Headline: Diners Resent Slight to the Anthem. Attack a Man and Two Women Who Refuse to Stand When It Is Played.

There was much excitement in the main dining room at Rector's last night following the playing of the ''Star Spangled Banner.'' Frederick S. Boyd, a former reporter on the New York Call, a Socialist newspaper, was dining with Miss Jessie Ashley and Miss May R. Towle, both lawyers and suffragists.

The three alone of those in the room remained seated. There were quiet, then loud and vehement protests, but they kept their chairs. The angry diners surrounded Boyd and the two women and blows were struck back and forth, the women fighting valiantly to defend Boyd. He cried out he was an Englishman and did not have to get up, but the crowd would not listen to explanation.

Boyd was beaten severely when Albert Dasburg, a head waiter, succeeded in reaching his side. Other waiters closed in and the fray was stopped. The guests insisted upon the ejection of Boyd and his companions, and they were asked to leave. They refused to do so and they were escorted to the street and turned over to a policeman who took Boyd to the West 47th Street Station, charged with disorderly conduct.

Before Magistrate Corrigan in Night Court Boyd repeated that he did not have to rise at the playing of the national anthem, but the court told him that while there was no legal obligation, it was neither prudent nor courteous not to do so in these tense times. Boyd was found guilty of disorderly conduct and was released on suspended sentence.

Another one, July 2, 1917. Headline: Boston ''Peace'' Parade Mobbed. Soldiers and Sailors Break Up Socialist Demonstration and Rescue Flag. Socialist Headquarters Ransacked and Contents Burned, Many Arrests for Fighting.

Riotous scenes attended a Socialist parade today which was announced as a peace demonstration. The ranks of the marchers were broke up by self-organized squads of uniformed soldiers and sailors, red flags and banners bearing socialistic mottos were trampled on, and literature and furnishings in the Socialist headquarters in Park Square were thrown into the street and burned.

At Scollay Square there was a similar scene. The American flag at the head of the line was seized by the attacking party, and the band, which had been playing ''The Marseillaise,'' with some interruptions, was forced to play ''The Star Spangled Banner,'' while cheers were given for the flag.

From April 5, 1912. Headline: Forced to Kiss the Flag. 100 Anarchists Are Then Driven from San Diego.

Nearly 100 industrial workers of the world, all of whom admitted they were anarchists, knelt on the ground and kissed the folds of an American flag at dawn today near San Onofre, a small settlement a short distance this side of the Orange County boundary line.

The ceremony, which was most unwillingly performed, was witnessed by 45 deputy constables and a large body of armed citizens of San Diego.

And the last one from March 26, 1918: Pro-Germans Mobbed in Middle West. Disturbances Start in Ohio and are Renewed in Illinois, Woman Among Victims.

Five businessmen of Delphos, a German settlement in western Allen County near here, accused of pro-Germanism, were hunted out by a volunteer vigilance committee of 400 men and 50 women of the town, taken into a brilliantly lighted downtown street and forced to kiss the American flag tonight under pain of being hanged from nearby telephone poles.

What do these stories have to do with this very important and heartfelt debate today so ably conducted by the chairman and ranking member?

The decision we make today, it seems to me, is a balancing, a weighing, of what best preserves freedom for Americans. There may well be a decrease in public deliberate incidents of flag desecration, acts that we all deplore, if this amendment becomes part of our Constitution, although they are already quite rare.

On the other side of the ledger, if this amendment becomes part of our Constitution, in my opinion it will become a constitutionally sanctioned tool for the majority to tyrannize the minority. As evidenced by these anecdotes from a time of great divisiveness in our Nation's history, a time much different from today, government, which ultimately is human beings with all of our strengths and weaknesses, will use this amendment to question the patriotism of vocal minorities, will use it to find excuses to legally attack demonstrations which utilize the flag in an otherwise appropriate manner, except for the fact that the flag is carried by those speaking for an unpopular minority.

Mr. Speaker, I do not think our Constitution will be improved nor our freedoms protected by placing within it enhanced opportunity for minority views to be legally attacked ostensibly because of their misuse of the flag, but in reality because of views that many consider out of the mainstream.

Mr. Speaker, I urge a ''no'' vote on this proposed amendment and for the same reasons a ''no'' vote on the substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I rise today in support of House Joint Resolution 36, which would outlaw the physical desecration of the American flag.

Our flag represents the cherished freedoms Americans enjoy to the envy of other Nations. To our Nation's veterans and military retirees, it is a constant reminder of the ultimate sacrifice they have made. Destroying our flag is an affront to all Americans, but to veterans and military retirees it is much more than that. Our veterans and military retirees have put their lives on the line for our country, and the American flag is one thing they can hold and say, ''This is what I have defended with my life.''

My father was a prisoner of war in World War II, captured at the Battle of the Bulge. He fought to protect our democratic freedoms. If I did not vote for this resolution today, he would whip me, and I am 54 years old.

Mr. Speaker, he did not fight to let Americans destroy the very symbol of

their very freedoms that he was willing to die for. Destroying the flag is tantamount to physically assaulting those heroes who would lay down their lives for their country. It is against the law for one American to assault another, and so should it be against the law for one American to assault an entire class of American heroes.

Mr. Speaker, we need to honor America's heroes and pass the resolution.

Mr. CONYERS. Mr. Speaker, I yield 8 minutes to the gentleman from New York (Mr. ACKERMAN).

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

Mr. ACKERMAN. Mr. Speaker, the Founding Fathers must be very puzzled looking down on us today. Instead of seeing us dealing with the very real challenges that face our Nation, they see us laboring again under this compulsion to amend the document that underpins our democracy. They see a house of dwarfs trying to give this government a great new power at the expense of the people and, for the first time, to stifle dissenters and the way in which they dissent.

The threat must be great, they must be saying, to justify changing the Bill of Rights for the first time and decreasing rather than increasing the rights of the people. They see our beloved Bill of Rights being eroded into the Bill of Rights and Restrictions.

What is the threat? What is the threat, Mr. Speaker? I ask again, what is the threat? Is our democracy at risk? What is the crisis to the Republic? What is the challenge to our way of life? Where is our belief system being threatened? Are people jumping from behind parked cars, waving burning flags at us, trying to prevent us from getting to work and causing America to grind to a halt?

Mr. Speaker, do we really believe that we are under such a siege because of a few lose cannons? Do we need to change our Constitution to save our democracy, or are we simply offended?

The real threat to our society is not the occasional burning of a flag, but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshipped as pagans would, rather than to be kept as the beloved symbol of our freedom that is to be cherished.

These rare but vile acts of desecration that have been cited by those who would propose changing our founding document do not threaten anybody. If a jerk burns a flag, America is not threatened. If a jerk burns a flag, democracy is not under siege. If a jerk burns a flag, freedom is not at risk and we are not threatened. My colleagues, we are offended; and to change our Constitution because someone offends us is in itself unconscionable.

Mr. Speaker, the courts have said that the flag stands for the right to burn the flag. The Nazis and the Fascists and the Imperial Japanese Army combined could not diminish the constitutional right of even one single American. Yet, in an act of cowardice, we are about to do what they could not.

Mr. Speaker, where are the patriots? Where are the patriots? Whatever happened to fighting to the death for the rights of someone with whom we disagree? We now choose, instead, to react by taking away the right to protest. Even a despicable low-life malcontent has a right to disagree, and he has the right to disagree in an obnoxious fashion if he wishes. That is the true test of free expression, and we are about to fail that test.

Real patriots choose freedom over symbolism. That is the ultimate contest between substance and form. Why does the flag need protecting? Is it an endangered species? Burning one flag or burning 1,000 flags does not endanger it. It is but a symbol. But change just one word of the Constitution of this great Nation, and it and we will never be the same.

We cannot destroy a symbol. Yes, people have burnt the flag, but, Mr. Speaker, it still exists. There it is, hanging right in back of us. It represents our beliefs.

Poets and patriots will tell us men have died for the flag, but that language itself is symbolic language. People do not die for symbols. They fight and they die for freedom. They fight and they die for democracy. They fight and they die for values. To fight and die for the flag is to fight and die for the cause in which we believe. Today some would have us change all of that.

We love and we honor and respect our flag for that which it represents. It is different from all other flags. I notice in the amendment that we do not make it illegal to burn someone else's flag in someone else's country, and that is because our flag is different.

□ 1345

No, not because of the colors or the shape or the design. They mostly have stars and some have stripes and scores and dozens are red, white, and blue.

Our flag is unique because it represents our unique values. It represents tolerance for dissent. This country was founded by dissenters that others found obnoxious.

What is a dissenter? In this case it is a social protester who feels so strongly about an issue that he would stoop so low as to try to get under our skin, to try to rile us up to prove his point, and to have us react by making this great Nation less than it was.

How do we react? Dictators and dictatorships make political prisoners of those who burn their Nation's flags, not democracies. We tolerate dissent and dissenters, even the despicable dissenters.

What is the flag, Mr. Speaker? The American flag? Yes, it is a piece of cloth. It is red, it is white and blue. It has 50 stars and 13 stripes. But if we pass this amendment and desecrators decide to start a cottage industry and make flags with 55 stars and burn them, will we rush to the floor to amend the Constitution again?

If they add a stripe or two and set it ablaze, surely it would look like our flag, but is it? Do we rush in and count the stripes before we determine whether or not we are constitutionally offended? What if the stripes are orange instead of red? How do we interpret that? What mischief do we do here? If it is a full color, full-sized picture of a flag that they burn, is it a crime to desecrate a symbol of a symbol? What are we doing?

Our beloved flag represents this great Nation, Mr. Speaker. We love our flag because there is a republic for which it stands, made great by a Constitution that we have sworn to protect, a Constitution given to our care by giants and about to be nibbled to death by dwarfs.

Mr. Speaker, I call upon the patriots of the House to rise and to defend the Constitution, to resist the temptation to drape ourselves in the flag and to hold sacred the Bill of Rights. Defend our Constitution. I urge the defeat of this ill-conceived amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished former chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, I do not intend to ascribe cowardice or lack of patriotism to people who disagree with me, although I listened to the last speaker ask, where are the patriots? I could direct him to some. Try BOB STUMP who lied about his age so he could enlist in the Navy in World War II. There are plenty of patriots around. I have earned the right to stand here and debate this issue because I fought in combat in the South Pacific in World War II. I like to think I am almost as patriotic as the gentleman named ACKERMAN.

I heard rights, rights, rights. Not one word about responsibility. Responsibility. But that is part of this debate. This is a good debate. We ought to once in a while look at our core principles and see if there is anything that distinguishes us from the rest of the world.

We look around this Chamber and we see the splendid diversity of America. We see men and women whose great grandparents came from virtually every corner of the globe. What holds this democratic community together? A common commitment to certain moral norms. That is the foundation of our democratic experiment.

Human beings do not live by abstract ideas alone. Those ideas are embodied in symbols. And what is a symbol? A symbol is more than a sign. A sign conveys information. A symbol is much more richly textured. A symbol is material reality that makes a spiritual reality present among us. An octagonal

piece of red metal on a street corner is a sign. The flag is a symbol. Vandalizing a No Parking sign is a misdemeanor, but burning the flag is a hate crime, because burning the flag is an expression of contempt for the moral unity of the American people that the flag symbolically makes present to us every day.

Why do we need this amendment now? Is there a rash of flag burning going on? Certainly not. But we live in a time of growing disunity. Our society is pulled apart by the powerful centrifugal force of racism, ethnicity, language, culture, gender, and religion. Diversity can be a source of strength, but disunity can be a source of peril. If you stop and think, the world is torn by religious and ethnic divisions that make war and killing and death and terror the norm in so many countries: Ireland, the Middle East, the Balkans, Rwanda. Look around the globe and see what hate can do to drive fellow human beings apart.

This legislation makes a statement that needs to be made, that our flag is the transcendent symbol of all that America stands for and aspires to be and hence deserves special protection of the law.

We Americans share a moral unity expressed so profoundly in our country's birth certificate, the Declaration of Independence. ''We hold these truths to be self-evident,'' Jefferson wrote. The truth that all are equal before the law. We share that, across race, gender, religion. The truth that the right to life and liberty is inalienable and inviolable. The truth that government is intended to facilitate and not impede the people's pursuit of happiness.

Adherence to these truths is the foundation of civil society, of democratic culture in America.

And what is the symbol of our moral unity amidst our racial, ethnic, and religious diversity? Old Glory, the stars and stripes.

In seeking to provide constitutional protection for the flag, we are seeking to protect the moral unity that makes American democracy possible. We have spent the better part of the last 30 years telling each other, shouting to each other, all the things that divide us. It is time to start talking about the things that unite us, that make us all, together, Americans. The flag is the embodiment of the unity of the American people, a unity built on those ''self-evident'' truths on which the American experiment rests, the truths which are our Nation's claim to be a just society.

Let us take a step toward national reconciliation, and toward constitutional sanity, by adopting this amendment. The flag is our connection to the past and proclaims our hopes and aspirations for the future.

Too many Americans have marched behind it, too many have come home in a box covered by the flag, too many parents and widows have clutched the flag to their hearts as the last remembrance of their beloved to treat that flag with anything less than reverence and respect.

One hundred eighty-seven years ago during the British bombardment of Baltimore, Francis Scott Key looked toward Fort McHenry in the early dawn and asked his famous question. To his joy he saw our flag was still there. And how surprised he would be to learn our flag is even planted on the Moon.

But, most especially, it is planted in the hearts of every loyal American. Four Supreme Court justices agreed with us. A ton of professors agree with us. This is not a settled issue. Five to four Supreme Court justices come down on the side of the flag.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. I thank the gentleman for yielding me this time.

Mr. Speaker, I do not think what we are doing here today is a contest between who is the most patriotic. I do not think that is it at all. Nobody here in the debate is unpatriotic. But I think the debate is possibly defining patriotism.

But I am concerned that we are going to do something here today that Castro did in Cuba for 40 years. There is a prohibition against flag burning in Cuba. And one of the very first things that Red China did when it took over Hong Kong was to pass an amendment similar to this, to make sure there is no desecration of the Red Chinese flag. That is some of the company that we are keeping if we pass this amendment.

A gentleman earlier on said that he fears more of what is happening from within our country than from without. I agree with that. But I also come down on the side that is saying that the threat of this amendment is a threat to me and, therefore, we should not be so anxious to do this. I do not think you can force patriotism.

I also agree with the former speaker who talked about responsibility. I agree it is about responsibility. But it also has something to do with rights. You cannot reject rights and say it is all responsibility and therefore we have to write another law. Responsibility implies a voluntary approach. You cannot achieve patriotism by authoritarianism, and that is what we are talking about here.

I think we all agree with respect to the flag and respect for our country. It is all in how we intend to do this. And also this idea about veterans, because you are a veteran that you have more wisdom. I do not think so. I am a veteran, but I disagree with other veterans. Keith Kruel, who was a past national commander of the American Legion had this to say:

''Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs, and ideals expressed in the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a 'golden calf.' A patriot cannot be created by legislation.''

He was the national commander of the American Legion. So I am not less patriotic because I take this different position.

Another Member earlier mentioned that this could possibly be a property rights issue. I think it has something to do with the first amendment and freedom of expression. That certainly is important, but I think property rights are very important here. If you have your own flag and what you do with it, there should be some recognition of that. But the retort to that is, oh, no, the flag belongs to the country. The flag belongs to everybody. Not really. If you say that, you are a collectivist. That means you believe everybody owns everything. Who would manufacture the flags? Who would buy the flags? Who would take care of them? So there is an ownership. If the Federal Government owns a flag and you are on Federal property, even, without this amendment, you do not have the right to go and burn that flag. If you are causing civil disturbances, that is handled another way. But this whole idea that there could be a collective ownership of the flag, I think, is erroneous.

The first amendment, we must remember, is not there to protect noncontroversial speech. It is to do exactly the opposite. So, therefore, if you are looking for controversy protection it is found in the first amendment. But let me just look at the words of the amendment. Congress, more power to the Congress. Congress will get power, not the States. That is the opposite of everything we believe in or at least profess to believe in on this side of the aisle.

To prohibit. How do you prohibit something? You would need an army on every street corner in the country. You cannot possibly prevent flag burning. You can punish it but you cannot prohibit it. That word needs to be changed eventually if you ever think you are going to get this amendment passed.

Physical desecration. Physical, what does it mean? If one sits on it? Do you arrest them and put them in jail? Desecration is a word that was used for religious symbols. In other words, you are either going to lower the religious symbols to the state or you are going to uphold the state symbol to that of religion. So, therefore, the whole word of desecration is a word that was taken from religious symbols, not state symbols. Maybe it harks back to the time when the state and the church was one and the same.

I urge a ''no'' vote on this amendment.

Mr. Speaker, loyalty and conviction are admirable traits, but when misplaced both can lead to serious problems.

More than a decade ago, an obnoxious man in Dallas decided to perform an ugly act: the

desecration of an American flag in public. His action violated a little-known state law prohibiting desecration of the flag. He was tried in state court and found guilty.

As always seems to be the case, though, the federal government intervened. After winding through the federal system, the Supreme Court—in direct contradiction to the Constitution's 10th Amendment—finally ruled against the state law.

Since then Congress has twice tried to overturn more than 213 years of history and legal tradition by making flag desecration a federal crime. Just as surely as the Court was wrong in its disregard for the Tenth Amendment by improperly assigning the restrictions of the First Amendment to the states, so are attempts to federally restrict the odious (and very rare) practice of Americans desecrating the flag.

After all, the First Amendment clearly states that it is Congress that may ''make no laws'' and is prohibited from ''abridging'' the freedom of speech and expression. While some may not like it, under our Constitution state governments are free to restrict speech, expression, the press and even religious activities. The states are restrained, in our federal system, by their own constitutions and electorate.

This system has served us well for more than two centuries. After all, our founding fathers correctly recognized that the federal government should be severely limited, and especially in matters of expression. They revolted against a government that prevented them from voicing their politically unpopular views regarding taxation, liberty and property rights. As a result, the founders wanted to ensure that a future monolithic federal government would not exist, and that no federal government of the United States would ever be able to restrict what government officials might find obnoxious, unpopular or unpatriotic. After all, the great patriots of our nation—George Washington, Thomas Jefferson, Patrick Henry, and Benjamin Franklin—were all considered disloyal pests by the British government.

Too often in this debate, the issue of patriotism is misplaced. This is well addressed by Keith Kruel, an Army veteran and a past national commander of the American Legion. He has said that, ''Our nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a 'golden calf.' . . . A patriot cannot be created by legislation.''

Our nation would be far better served that if instead of loyalty to an object—what Mr. Kruel calls the ''golden calf''—we had more Members of Congress who were loyal to the Constitution and principles of liberty. If more people demonstrated a strong conviction to the Tenth Amendment, rather than creating even more federal powers, this issue would be far better handled.

For more than two centuries, it was the states that correctly handled the issue of flag desecration in a manner consistent with the principle of federalism. When the federal courts improperly intervened, many people understandably sought a solution to a very emotional issue. But the proposed solution to enlarge the federal government and tread down the path of restricting unpopular political expression, is incorrect, and even frightening.

The correct solution is to reassert the 10th Amendment. The states should be unshackled from unconstitutional federal restrictions.

As a proud Air Force veteran, my stomach turns when I think of those who defile our flag. But I grow even more nauseous, though, at the thought of those who would defile our precious constitutional traditions and liberties.

Loyalty to individual liberty, combined with a conviction to uphold the Constitution, is the best of what our flag can represent.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the gentleman for yielding me this time.

Mr. Speaker, after surviving the bloodiest battlefield since Gettysburg, a brave platoon of Marines trudged up Mount Suribachi on Sulfur Island with a simple task, to raise the flag above the devastation below. When the flag was raised by Sergeant Mike Strank and his platoon, history records that a thunderous cheer rose from our troops on land and on sea, in foxholes and on stretchers. Hope returned to that field of battle when the American flag began flapping in the wind.

It is written that without a vision, the people perish. The flag, Mr. Speaker, was the vision that inspired and rallied our troops at Iwo Jima. The flag is still the vision for all Americans who still cherish those who stood ready to make the necessary sacrifices.

Mr. Speaker, by adopting this flag protection amendment, we will raise Old Glory yet again. We will raise her above the decisions of a judiciary wrong on both the law and the history. And in some small way, we will raise the flag above the cynicism of our times, saying to my generation of Americans those most unwelcome of words, ''There are limits.'' To say to my generation of Americans, out of respect for all those who serve beneath it and some who died within the sight of it, that there are boundaries necessary to the survival of freedom.

□ 1400

C.S. Lewis said, ''We laugh at honor, and we are shocked to find traitors in our midst.'' Leave us this day to cease to laugh at honor, to elevate to dishonor of our unique national symbol to some sacred right, and let us pass this amendment to restore Old Glory the modest protections of the law that those who venerate her so richly deserve.

Vote yes to the resolution and raise the American flag to her Old Glory again.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON) who, previous to her congressional experience, worked in the field of labor with my late father.

Ms. CARSON of Indiana. Mr. Speaker, I certainly thank the honorable gentleman from Michigan (Mr. CONYERS) for yielding me time. I did have the benefit of working for his father as an international representative when John was still running around trying to find out whether or not he was going to Congress. So it is a pleasure to come, Mr. Speaker, to the floor and benefit from all of this historic and intellectual dialogue that preceded me.

I come here today to exercise a constitutional right granted to me as a citizen of the United States, and that is freedom of speech. I have a great deal of reverence for the United States flag. I wave it at my residence every opportunity, and am very saddened by those flags that are often lowered over capitols and buildings in commemoration of some fallen hero, if you will.

My adoration and respect, however, does not exceed my commitment to the integrity of the first amendment of the United States Constitution. Many of us learned in our educational experience of Patrick Henry, who said, ''I may not agree with the words that you say, but certainly would defend your right to say it.'' As I recall, Patrick Henry was in fact one of the signers of the Constitution.

One of my first and foremost commitments as a Member here is on behalf of our country's veterans. My name, Julia Carson, is derived from a Korean War Marine, 100 percent service-connected veteran, who struggles now to even gain any type of mobility. I am very supportive of veterans and recognize their interests in preserving this flag. My son, Sam Carson, is a former member of the United States Marine Corps.

So, as a ranking member of the Committee on Veterans' Affairs Subcommittee on Oversight and Investigation, I am working hard to address the needs of our veterans, to assure that the fight for freedom does not go unappreciated or uncompensated.

Great Americans such as Vietnam veteran and former Senator Kerry, former head of the Joint Chiefs of Staff and our current Secretary of State, the Honorable Colin Powell, have expressed their opposition to this amendment. These are great men who served this country with distinction.

General Powell has stated, ''If they are destroying a flag that belongs to someone else, that is a prosecutable crime. But if it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.''

These men feel that in spite of their own commitment to the integrity of the American flag, they do not want their personal views to infringe on the rights of free speech of other Americans.

Francis Scott Key wrote, and we all recall that tune, ''O'er the ramparts we watch'd, were so gallantly streaming. And the rockets' red glare, the bombs bursting in air, gave proof through the night that our flag was still there. O

say, does that star spangled banner yet wave, o'er the land of the free and the home of the brave?''

It does still wave, Mr. Speaker, despite House Resolution 36. Our flag will still be there. The constitutional amendment proposed here today is totally unnecessary. That is why I am going to vote against it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks).

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a tremendous honor for me to be here today to support the protection of our American heritage, a symbol and a reminder of our cherished freedom, the American flag. The flag is a symbol of the birth of this great Nation and the many wars fought to win our freedom.

I spent 7 long years as a POW in Vietnam, half of that in solitary confinement. I think you heard the gentleman from California (Mr. CUNNINGHAM) relate earlier the story of Mike Christian, who was beaten for making a flag. He sewed that flag to remind himself of home and the freedom that it stands for. It was a symbol and great comfort to all of us. As POWs, we would pledge allegiance and salute it each day. That tiny, tiny flag sewn together meant so much to us, far, far away from home, more than words can describe.

I stand here today to honor all our military men and women who have fought throughout the years for this great Nation.

How about the Marine memorial, the Iwo Jima Memorial? Does that not mean something to you? I think that flag meant something to those boys that put it up there.

The Middlekauff Ford dealership in Plano, Texas built a huge flagpole and put an oversized flag on it. Do you know what? Some of the people said, It makes too much noise when the wind blows. It keeps us awake at night.

Do you know what Rick Middlekauff said? He said, ladies and gentlemen, that is the sound of freedom. And he left it up there, and they quit griping about it.

It is something that I think that we must respect. We must treat it with respect and protect it from desecration.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise today as a proud and patriotic American to oppose this resolution. Here is what some of the veterans have said about this amendment.

Jack Heyman, Fort Myers Beach, Florida, a Korean War veteran, said, ''I know of no American veteran who put his or her life on the line to protect the sanctity of the flag. That is not why we fulfilled our patriotic duty. We did so and still do to protect our country and our way of life and to ensure that our children enjoy the same freedoms for which we fought.''

Mr. Heyman's great grandfather was a Pennsylvania Regular during the Civil War; his father served in the Navy during World War I; his brother fought in World War II; and one of his children served in the Army following the Vietnam War.

Bill McCloskey, a Vietnam War veteran from Bethesda, Maryland, said, ''Ultimately, Americans and our representatives on Capitol Hill must realize that when a flag goes up in flames, only a multi-colored cloth is destroyed. If our freedoms are lost, the true fabric of our Nation is frayed and weakened.''

Brad Bustany, West Hollywood, California, a Gulf War veteran, said, ''My military service was not about protecting the flag; it was about protecting the freedoms behind it. The flag amendment curtails free speech and expression in a way that should frighten us all.''

And how will Congress begin defining what the flag and desecration even mean? Our flag is ubiquitous. It is found in such places as commerce, art and memorials. Will Congress bar display of the flag on brand-name apparel, defining it as desecration? Will flag bathing suits be desecration, and thus prohibited? How will Congress enforce such an amendment? Where will this begin and where will it end?

Freedom of speech, even when it hurts, and it does hurt many of us, is the truest test of our dedication to the principles that our flag represents. Punishing desecration of the flag deludes the very freedom that makes this emblem so precious, so revered, and worth revering.

I urge my colleagues to vote no on this amendment and yes to upholding our Constitution and our democracy.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I would like to thank the chairman of the Committee on the Judiciary for yielding me this time and for his leadership on this issue as we once again try to set the record straight.

This has been a great debate, but I have been appalled by some on the other side who have suggested that the flag amendment is going to change the Bill of Rights to our Constitution. It does nothing of the sort.

Our Founding Fathers wrote the Bill of Rights, including the first amendment, exactly right; and this amendment does not change that in any way. What did change the first amendment was a misinterpretation of that amendment by a 5 to 4 decision of the Supreme Court. One vote changed 200 years of American history. One vote changed 48 States' and the Federal Government's flag protection anti-desecration laws, and all we are trying to do is set the record straight. We have been asked to do that by 49 State legislatures; 80 percent of the American people in poll after poll show their support for this amendment, and this is a bipartisan effort.

The U.S. Supreme Court has historically shared our view. Such great champions of civil liberty and free expression as Hugo Black and Earl Warren when they served on the Supreme Court made clear their beliefs that flag desecration was not protected by the first amendment. As Justice Black stated, ''It passes my belief that anything in the Federal Constitution bars making the deliberate burning of the American flag an offense.''

So we are simply setting the record straight. As Chief Justice William Rehnquist said in his dissenting opinion, ''Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people, whether it be murder, embezzlement, pollution or flag burning.''

Burning the flag is not speech deserving protection. It is a despicable act. I urge my colleagues to support this constitutional amendment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I might say, the people of New York would be proud of you up there today.

Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) very much. The gentleman has served the State of Michigan in such an exemplary way for so many years. And I might say about him too, I used to live in the State of Michigan, even though it did not change my accent.

This bill is not about one's freedom of speech; it is about one's respect for our country and the rights provided by it.

As a veteran of the U.S. Army and serving 29 years in the Army National Guard, I do not have to be told about the need to respect our flag. But there are many out there who take this symbol for granted. It seems as though they fail to recognize what has been sacrificed over the past 225 years of our existence.

The flag not only serves as a sacred symbol of the principles upon which our Nation was founded, it also represents the many sacrifices our veterans have made throughout the history of our Nation to protect our precious freedoms and preserve our democracy.

I fully support one's right to express himself or herself freely, but when it comes to Old Glory and displaying such a gross disrespect for something as precious as our national symbol of freedom, I feel it is necessary for Congress to draw the line.

In this country, whatever idea a flag burner wants to communicate, can be expressed just as effectively in many other ways. Burning our flag communicates nothing but a lack of respect. We should not protect such horrendous behavior, when our forefathers, our

veterans and many patriotic citizens of our great land sacrificed and fought to protect the freedom it symbolizes.

This amendment to protect our flag is an appropriate and powerful ''thank you'' to every veteran who fought and died to defend this flag and the country for which it stands. This flag is a national asset.

The SPEAKER pro tempore (Mr. QUINN). The time of the gentleman from Tennessee has expired.

Mr. CONYERS. Mr. Speaker, I yield 1 additional minute to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, that is very gracious of the gentleman from Michigan (Mr. CONYERS), knowing the gentleman does not necessarily agree with my position totally, but he has always been fair as one of the great leaders in the House of Representatives.

□ 1415

This flag is a national asset, and I strongly believe it deserves our unquestioned respect and protection.

I pledge my full support for this amendment, and I hope that my colleagues will vote to support its passage.

I have heard from a lot of veterans at home, but not just veterans. I have heard from people from all walks of life. Mr. Speaker, we have a lot to be proud of in this country. We celebrated our 200th birthday in 1976. I would ask my colleagues, do they know what the average longevity of the great democracies of the past is? It is 200 years. We celebrated our 200th birthday in 1976. But if we want to celebrate our 300th birthday, we have to rededicate and recommit ourselves.

Mr. Speaker, what I said a while ago is the way I feel. Yes, one can protest. Yes, one can disagree. Yes, one can feel strongly on a particular issue. But one does not have to burn ''Old Glory.'' One can show one's protest, one can show one's frustration in other ways. Support this amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

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

Mr. PLATTS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, on behalf of my constituents and my late father, Judge Platts, an Army veteran who felt very strongly about protecting the American flag from desecration, I rise in full support of this proposal.

House Joint Resolution 36 is important for many reasons. The American flag is of great importance not only to the men and women of the United States of America but also to the citizens of the world.

Every time we raise or lower the many flags flown all over the world, we have given thanks and shown appreciation not only to our veterans who fought and gave their lives to ensure the freedoms we know today but to the many citizens who work daily to preserve those freedoms. Desecration of this commanding symbol, whether it is by burning, tearing, or other mutilation, undermines the powerful sense of patriotism that Americans feel whenever they see the red, white and blue. To many, desecrating the American flag not only destroys the cloth, it also destroys the memories and destroys the memories and devotion thousands of veterans and others carry with them throughout their daily lives.

In this day of world conflict, we must remember that the Stars and Stripes has been a force that holds communities together. Mr. Speaker, I agree with the gentleman from California (Mr. CUNNINGHAM) that ''The American flag is a national treasure. It is the ultimate symbol of freedom, equal opportunity, and religious tolerance. Amending our Constitution to protect the flag is a necessity.''

Mr. Speaker, I look to our Founding Fathers and how they treated the flag as to whether they thought the first amendment should protect burning the flag, desecrating the flag. When they went into battle, a soldier would carry the flag; and if that soldier fell, another soldier would put down their weapon and pick up the flag. That is a pretty clear indication that they did not intend the first amendment to protect desecration of the flag.

Mr. Speaker, I urge a ''yes'' vote and hope that we will have a very strong bipartisan vote in favor of this proposal.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this proposed constitutional amendment. The need for such an amendment arises from a Supreme Court that has persistently stated that we must tolerate flag desecration as protected speech. Clearly, I believe the Supreme Court has it wrong.

The flag is a unique symbol that merits our special recognition. I find it ironic that the Federal Government can compel men and women into the Armed Forces where they may die under the flag but, evidently, may not prohibit the desecration of the very symbol for which they fight.

This proposed amendment places the debate exactly where our framers intended for it to take place: in the town halls across America. It is the American people, not the Supreme Court, that have the ultimate responsibility to answer constitutional questions.

Mr. Speaker, I believe the flag is a unique symbol. When those who have given the last full measure of devotion are given the respect they deserve, we honor them by draping their coffin with the flag. They honor our country with their sacrifice, and we honor them with the flag.

Moreover, Mr. Speaker, I find the words of the Pledge of Allegiance telling. Just last week, President Bush had the opportunity to visit Ellis Island and to lead the crowd in the Pledge of Allegiance, just as so many immigrants have done before: ''I pledge allegiance to the flag of the United States of America, and to the Republic, for which it stands.'' I would underscore that this simple phrase recited every morning in this very Chamber pledges our allegiance to the flag itself, not only to the Republic. The ''and'' separates the two phrases so that we pledge our devotion both to the flag and to our Republic.

Mr. Speaker, some argue that the ideals of the flag are the only things that matter. I find the words of the pledge enlightening, and I respectfully disagree.

The flag itself occupies a unique place in our Republic. It is the one symbol that merits our allegiance. Why do we continue to pledge our devotion and support to a flag if we are not willing to protect it from desecration?

Mr. Speaker, I urge my colleagues to support the proposed amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of House Joint Resolution 36 proposing a constitutional amendment that would grant Congress the power to prohibit the physical desecration of the United States flag.

The American flag is a revered symbol of our country and of the principles of freedom and liberty we hold dear. I know for America's war veterans the flag is valued as a symbol of the sacrifices they and their fellow servicemen made to defend our land. Indeed, hundreds of thousands of servicemen gave their lives defending our country, and we must never forget the price they paid for the freedoms we enjoy.

As a member of the House Committee on Armed Services, it is our priority to restore our military's readiness and strength and also ensure that our veterans are treated with the respect and gratitude that is due them. That includes standing with them to defend the honor due to our national colors.

Mr. Speaker, I urge my colleagues to join me in support of this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I rise in support of this important piece of legislation and I applaud the gentleman from California (Mr. CUNNINGHAM) for his tireless advocacy on this issue.

Justice John Paul Stevens, speaking for the Supreme Court minority opinion in the United States v. Eichman in 1990 stated, ''Thus, the government may, indeed, it should, protect the

symbolic value of the flag without regard to the specific content of the flag burner's speech. It is, moreover, equally clear that prohibition does not entail any interference with the speaker's freedom to express his or her ideals by other means. It may well be true that other means of expression may be less effective in drawing attention to those ideas, but that is not itself a sufficient reason for immunizing rising flag burning. Presumably, a gigantic fireworks display or a parade of nude models in a public park might draw even more attention to a controversial message, but such methods of expression are nonetheless subject to regulation.''

There is a lot of talk about free speech, but passage of this will not prevent anyone from saying anything more than our law already does. If one does not like what the country is doing, or if one is upset about anything at all, one can stand on the street corner and say whatever comes to one's mind, and that right is protected. It is part of what makes this country great that we have this freedom; that, despite differences of opinion, we still manage to move on and respect what other people have to say.

But while we enjoy this freedom of speech today, there are still certain things we cannot do or say by law. We have laws against libel, slander, perjury, obscenity and indecent exposure in public. Just as it is within the realms of the Federal Government to limit this kind of conduct, it is also right for it to regulate a clear attack on its sovereignty and dignity by protecting our flag.

To me, our flag represents not only the sacrifices of those who came before us, but also the hope for our future generations. It is both the past and the present which makes us a great people and what so many Americans have fought so hard to preserve.

I am privileged to serve on the Veterans' Affairs Committee and to have such constructive interaction with so many current and retired members of our Armed Forces. We have more than 350,000 veterans in the State of South Carolina, many of whom are in my district. If I can go back home and tell them anything, I would say that I voted to make sure that their sacrifices were not forgotten. That the flag that serves as our national symbol of unity—and a symbol of what so many of their brethren gave their lives for—shall be revered, not desecrated.

Again, I urge you all to vote for this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I rise today as an original cosponsor of the flag protection amendment, and I ask all of my colleagues to join 250 cosponsors and support the passage of H.J. Res. 36, this important measure.

The American flag embodies the hopes, sacrifices, and freedoms of this great Nation and its people. The American flag is more than just a symbol, it is the fabric that binds our Nation, its citizens, and those brave individuals who have sacrificed to preserve our unity and our independence.

I remember June 29 of last year when I was joined by more than 75 Long Island veterans and high school students and we called upon our Federal officials to pass a similar measure. The meaning of the American flag could easily be seen in the eyes of these veterans. It is in the eyes of our children, who every day look upon our flag as they recite the Pledge of Allegiance as they start each and every school day.

There is not a place, a setting, or an event where the American flag is flown where its true meaning is not understood. To those in need, when they see the Stars and Stripes, they know America has arrived to help. To our neighbors around the world, the flag means an ally is not far away. Our flag is the symbol of America's compassion, perseverance, and values. The American flag is America. It is a part of the tapestry that makes America so great.

Mr. Speaker, I call upon my colleagues to, once again, in overwhelming numbers, support and pass H.J. Res. 36, the flag protection amendment.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

I rise today in opposition to H.J. Res. 36, which would amend the Constitution to allow Congress to pass laws banning the desecration of the flag. I find it absolutely abhorrent that anyone would burn our flag, and that is why I voted for the Flag Protection Act of 1989, which the Supreme Court overturned in a 5-to-4 decision in 1990.

If I saw someone desecrating the flag, I would do what I could to stop them at risk of personal injury or even incarceration. For me, that would be a badge of honor.

But I think this constitutional amendment is an overreaction to a nonexistent problem. Keep in mind, the Constitution has been amended 17 times since the Bill of Rights was passed in 1791. This is the same Constitution that eventually outlawed slavery, gave blacks and women the right to vote, and guarantees freedom of speech and freedom of religion.

Mr. Speaker, amending the Constitution is a very serious matter. I do not think we should allow a few obnoxious attention-seekers to push us into a corner, especially since no one is burning the flag now, without an amendment.

I agree with Colin Powell, who at the time was Chairman of the Joint Chiefs of Staff and is now the Secretary of State. General Powell wrote that it was a mistake to amend the Constitution, ''that great shield of democracy, to hammer a few miscreants.''

When I think about the flag, I think about the men and women who died defending it and the families they left behind.

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What they were defending was the Constitution of the United States and the rights it guarantees, as embodied by the flag.

I love the flag for all it represents, but I love the Constitution even more. The Constitution is not just a symbol, it is the very principles on which our Nation was founded. I urge my colleagues to vote against this resolution.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I think we have had a very vigorous debate that talks about the pros and cons of the flag protection constitutional amendment. I believe that all of the arguments that have been sincerely placed against this amendment really do not have merit and should be ignored, and this amendment should be passed.

First, we have had the argument that this amendment amends the Bill of Rights. It does no such thing. There is no statement in the text of the amendment that the first amendment is modified in any way, amended in any way, or repealed in any way.

Secondly, we have heard the argument that this should be protected free speech under the Constitution of the United States. But what we are talking about here is not speech, we are talking about actions and burning or otherwise desecrating the flag of the United States of America.

Nobody is right to express themselves on any issue facing our country, on any candidate for office, on the performance or voting record of any incumbent officeholder this way. No one is in any way diminished by this constitutional amendment. What this constitutional amendment does is to give Congress the power to prohibit actions, not speech, that desecrates the flag of the United States of America.

Some also believe that the right to free speech is unlimited as a result of the first amendment. That is not the case at all. No one can shout ''fire'' in a crowded theater. No one can issue defamatory statements, whether verbally or in writing, without being called to account. There are limits on free speech, and 80 percent of the American people believe that a flag desecration constitutional amendment is a limit that we ought to have, not on speech but on actions.

Then we have heard that the Supreme Court of the United States, on a five-to-four decision, has said that this is protected political expression. We have heard that we should not amend the Constitution because we disagree with a Supreme Court decision.

Our Constitution has been amended 17 times since the Bill of Rights was ratified in 1791. Three of those 17 amendments overturned Supreme Court decisions that two-thirds of the Congress and three-quarters of the

State legislatures decided were not good law.

The 11th amendment construing the judicial power of the United States overturned such a Supreme Court decision. The 14th amendment granting equal protection under the law in the eyes of both the Federal and State government overturned the Dred Scott decision. The sixteenth amendment, which allowed the Congress to impose an income tax, overturned a decision that said that the Federal income tax violated the constitutional prohibition on not having proportional allocation of taxes among the States.

So when the Supreme Court is wrong, one of the remedies that the Congress and the States have is to amend the Constitution of the United States to correct the errors of the Supreme Court.

Those nine people across the street, in a co-equal branch of government, are entitled deference to their decisions, but they are not infallible, and they do make mistakes. In the case of both the Johnson and the Eichman case, they have made a mistake.

One of the checks and balances that the Framers of the Constitution placed on the judicial branch of government is to authorize the Congress and the States to amend the Constitution of the United States. This should not be done lightly, and it has not been done lightly.

But given the fact that the Supreme Court twice has said that any statute, Federal or State, proposing criminal penalties for the physical desecration of the flag of the United States of America is unconstitutional, the only alternative we have as a nation is for us today, by a two-thirds vote, to approve this amendment for the other body to follow suit and three-quarters of the States to ratify this amendment.

Today we have an opportunity to correct a wrong of the Supreme Court. The House should do the right thing, Mr. Speaker, and pass this constitutional amendment.

Mr. GEPHARDT. Mr. Speaker, I would like to express my support in protecting the sanctity of our Nation's greatest symbol of freedom and liberty: the American flag. Regretfully, prior obligations to my constituents in St. Louis keep me from being present to debate this bill on the floor. I therefore submit this statement for the record.

In 1989, the U.S. Supreme Court struck down a Texas statute that provided criminal sanctions for the burning of an American flag. In a 5–4 decision, the Court provided that the desecration of the flag was an act of free expression, a freedom protected under the first amendment of our Constitution.

On behalf of all the men and women who fought and died for this nation, for their families, and for all Americans, I join my colleagues in supporting H.J. Res. 36, the Flag Protection Constitutional Amendment. My support of this amendment is consistent with my votes cast in favor of past successful attempts in the House of Representatives to protect this American treasure.

I often meet with the many veterans from my district, those who served our Nation courageously in World War II, Korea, and Vietnam. To them, the flag symbolizes their struggle and triumph, flying as a constant reminder of their bravery and our gratitude. I believe the desecration of our flag jeopardizes that symbolic value, and undermines the courage that we must forever salute.

I support this amendment not as a Republican or Democrat, but as an American. I call on all members, from both sides of the aisle, to join together in a bipartisan fashion to support this amendment and keep the symbol of our American dream alive.

Mr. BLUMENAUER. Mr. Speaker, the purpose of our constitution should be to establish the structure of government and to protect the fundamental rights of citizens. We have amended the constitution only 17 times since the establishment of the Bill of Rights in 1791. The proposed amendment is not a fundamental right or an alteration of the structure of government. Abandoning that principle leads us to a slippery slope, which potentially cheapens the process of amendments and could weaken the constitutional framework.

I also oppose this amendment because of the same reasons some of my friends support it: because I respect the flag of the United States of America. I find it abhorrent, distasteful, and sad when it is desecrated. Since I've been in Congress, to my knowledge, there has not been a single flag burning in my community, and probably in my whole state. Certainly no one has brought it to my attention. I will guarantee you the second we raise the act of expression of political protest by burning the flag to status of a crime, we will have explosion of instances where in fact the flag is burned. Perversely, the reaction to this amendment would lead to what supporters want to avoid, the desecration of the American flag.

Because its not needed, because it's contrary to the principles of the Constitutional action, and because, sadly, it would encourage desecration of our flag, I oppose the amendment and urge my colleagues to do likewise.

Mr. BARCIA. Mr. Speaker, once again, I rise today in support of the Constitutional Amendment prohibiting the physical desecration of the flag. I believe our Nation's flag is the centerpiece of our Nation's sovereignty and a symbol that separates the United States from other nations. It is important to remember the ideals our flag represents—freedom, democracy, and national pride. And one must also remember the men and women, who loved the freedom and liberty the flag represents so much, they were willing to risk their lives defending it and the values it embodies.

I am proud to once again to be an original cosponsor of this legislation to amend the Constitution to prohibit the desecration of the flag—which the brave men and women of our armed forces have repeatedly fought to defend. All too often desecration of the flag is used as a vehicle to voice differing opinions between American citizens and our government. Our brothers, fathers, sisters and mothers fought and died for our flag in the name of free speech. I believe the right to deface that symbol of freedom is not what they were fighting to protect. Let our nation be unified in the fact that there are some things too important to defile, too important to sully, and chief among them is our flag.

From the hands of Betsy Ross, through the eyes of Francis Scott Key during the bombardment of Fort McHenry, to the raising at Iwo Jima, our flag has represented the hopes and beliefs of generations of Americans. It symbolizes resolve. It symbolizes freedom. It symbolizes democracy. It symbolizes America, and it deserves to be protected.

Mr. Speaker, I urge my colleagues to support this Constitutional Amendment.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in support of House Joint Resolution 36, legislation I have cosponsored to amend the Constitution of the United States to authorize Congress to prohibit the physical desecration of the flag of the United States.

Ol' Glory has served to remind American citizens of our soldiers who fought for freedom, liberty, and democracy here on our own shores and throughout the world since the Continental Congress adopted the Flag Resolution of 1777. The very sight of the American flag flying high has the ability to rouse unparalleled pride and patriotism not only in the people of the United States of America but in freedom loving people throughout the world. Countless men and women have put the good of our country ahead of their own lives to protect the sanctity of liberty and democracy, which our flag represents. We must never allow ourselves to forget that the flag that flies here in this chamber, above this great building, and throughout our nation is a reminder of the enduring values for which these American service men and women fought and may have died.

Not only does our great flag symbolize the tireless struggle of our armed services for democracy both here and abroad, but it also serves as a bright beacon of hope to oppressed people throughout the world who dream of living under a democratic government as great and as resilient as out own. The American flag flies for all Americans, regardless of race, creed, or religion. It is a symbol of the American dream, of honor, justice, and equality. The flag is a commitment to our children and grandchildren that they will have the same freedoms, liberties, and opportunities that we have. The Stars and Stripes inspires pride in the accomplishments of our noble country, and it should be regarded with respect and admiration for the important role it plays in the lives of Americans. When the desecration of Ol' Glory is used as a protest, far more than a single flag is being violated. The devotion of American citizens to our great nation is being battered. Many Americans have died defending our flag and what it represents.

Mr. Speaker, may the American flag forever soar proudly above our glorious nation. May it always be a source of courage and inspiration for those who carry it into battle, a symbol of hope for the downtrodden of foreign lands, and a reminder that we are the land of the free only because we are the home of the brave.

Mr. SWEENEY. Mr. Speaker, I rise today in support of House Joint Resolution 36—The Flag Protection Constitutional Amendment.

In doing so, I rise to defend and protect the very symbol of our nation's unyielding promise of hope and opportunity.

I rise to defend the memory of countless Americans, both men and women, who sacrificed their lives fighting for their country in time of war so that the values and ideals represented by our nation's symbol could be protected.

I rise to defend the integrity and the mission of our men and women in the armed forces today, who stand in defense of our Nation's Flag on American * * * as well as foreign soil around the world, so that the very symbol of their commitment to those American values will not be compromised.

The desecration, destruction and disrespect of our nation's Flag are contemptible acts against our nation's principles.

The protection of our National Symbol from desecration is an essential part of preserving our Nation's sense of duty, citizenship and allegiance to a community fabric unlike that of any other nation.

We must protect our Constitution from those seeking to distort it while cloaking themselves in a disguise of free speech. The American people cry out for us to do so. Forty-nine state legislatures have appealed to this Congress to pass a Flag protection constitutional amendment.

In conclusion, Mr. Speaker, I remind my colleagues that this a nation that promises more than just life, liberty and the pursuit of happiness. It is a nation that offers as its foundation of principles the dignity, respect and self-sacrifice for the ideals upon which it was built.

I urge passage of this resolution because it is the right thing for the Flag, and because it is the right thing for the United States of America.

Mr. KLECZKA. Mr. Speaker, the American flag is a visible symbol of all the elements that make our nation great. A strong military, a system of checks and balances, a government by and for the people. Underlying these ideals is the Constuition and the Bill of Rights, perhaps the most perfect document yet created by man in pursuit of a fair and just government.

Central to the Constitution are the rights and freedoms delineated in the Bill of Rights, which has yet to be amended, although over 200 years have passed since these tenets were drafted. Every American is familiar with the first of these amendments, which states unequivocally that Congress shall make no law respecting an establishment of religion or abridge the freedom of speech.

As former Commander of the American Legion Keith A. Kreul states, ''Our nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and the Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a ''golden calf.'' Instead, they carried the banner forward with reverence for what it represents—our beliefs and freedom for all. Therein lies the beauty of our flag.''

The freedom to publicly voice one's dissent of their government is a quality that separates our great nation from others. The United States of America has a long and proud history of providing this right to its citizens, and I do not believe that the voice of freedom should be muzzled. The amendment to the Constitution before us today, which would allow Congress to prohibit the desecration of our flag, effectively says that we are afraid of a very small number of people who choose—under the rights granted them in the Constitution—to defile this cherished symbol.

While the desecration of our flag generates an almost universal reaction of disgust by Americans, we are strong enough as a nation to allow individuals to express themselves in this manner, and stronger still to resist the urge to stamp out free speech that challenges us.

There have been only a very small number of incidents of flag burning over the course of our history. In fact, between 1777 and 1989, there were only 45 reported incidents, and in the years since, fewer than 10 incidents have been reported annually. This hardly merits the first ever change to the Bill of Rights, much less any action that could restrict our most coveted freedom.

This resolution is essentially a solution in search of a problem. I oppose this proposed amendment, which diminishes the flag's value by taking away from the freedoms that it represents.

Mr. FILNER. Mr. Speaker, we all love, cherish and respect our flag. Our flag is a symbol of our great nation, a symbol of our fundamental values of freedom, liberty, justice and opportunity.

And it is those values we must protect.

I stand today with Jim Warner, a Vietnam veteran and former prisoner of war, who said: ''Rejecting this amendment would not mean that we agree with those who burned our flag, or even that they have been forgiven. It would, instead, tell the world that freedom of expression means freedom, even for those expressions we find repugnant.''

I stand today with the San Diego Union-Tribune, my hometown paper, which has editorialized against ''the drastic step of amending the Constitution because of the abhorrent conduct of that lone demonstrator and the handful of others who seek attention from time to time by burning the flag.''

Compromising the Bill of Rights, which has stood the test of time, is not the action needed to ensure the strength of our nation. We must do that through proper education of our children—nurturing their love and patriotism of our country—and respect for our flag and national symbols.

We can choose the easy path and simply make a law and outlaw an action. Or we can take the difficult and correct path of guiding our citizens back to the ideals of our founding fathers. The more difficult path puts true meaning back into our respect for the flag.

I choose the more meaningful path, the one that will guarantee that our flag will fly proudly—and our Bill of Rights will continue unchanged—for generations to come.

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Veterans' Affairs Committee, I rise today to join with the vast majority of American citizens who support an amendment to the Constitution to protect the Flag of the United States from physical desecration. It was just over 12 years ago that the Supreme Court, in a narrow 5-to-4 decision, ruled that all Federal and State statutes prohibiting the physical desecration of the flag were unconstitutional.

The flag of the United States of America needs to be protected as a sign of our freedom. I believe that flag desecration is a slap in the face to the millions of American veterans who fought and died to protect the flag, and the democracy and liberty for which it symbolizes.

Over the years of our Republic's existence, countless men have marched into battle under the banner of Old Glory. Many have died or risked their lives to prevent the flag of their unit from falling into enemy hands. The number of accounts of heroism to protect the flag in the heat of battle are so numerous that they cannot be counted. But let me recount just one true tale of such bravery.

Many of my colleagues have seen the movie, Glory, which tells the story of the 54th Massachusetts Colored Infantry—an African American unit which fought at Fort Wager, South Carolina, in July 1863. One soldier who saw action in this battle was Sergeant William Carney, a 23-year-old ex-slave. During the action, the color bearer of the 54th Massachusetts was wounded. Dropping his weapon, Sergeant Carney picked up the flag before it hit the ground. He marched forward with his unit. However, in the subsequent engagement, the 54th Massachusetts suffered staggering casualties in a frontal assault on a fortified position, and his unit was forced to pull back.

Sergeant Carney, at great risk to his safety, retrieved the flag so it would not fall into Confederate hands. Crossing a marsh in waist-high water, he was shot in the chest, and in his right arm. Yet still he held onto the flag. He was then shot in the leg. Still, he clenched the flag tightly to his chest, protecting it from harm and capture. Another bullet grazed his head. A passing soldier from a different unit offered to relieve him, but he refused, saying ''No one but a member of the 54th will ever carry these colors.'' Sergeant Carney, bleeding from multiple gunshot wounds, returned the flag to his camp, telling his comrades, ''Boys, I only did my duty. Our flag never touched the ground.''

William Carney was later awarded the Medal of Honor for his extraordinary heroism under enemy fire. He was the first African American in American history to earn the nation's highest honor for bravery in combat.

To this very day, military units still field a color guard to honor the flag.

The flag has served, and continues to serve, as a source of inspiration, courage, and purpose. I ask my colleagues: how can we justify allowing the flag to be blatantly desecrated or burned, when so many of our brave soldiers have died, been wounded, or took enormous risks to protect the flag from harm? What could we possibly say to these persons, now that the Supreme Court has allowed the flag to be desecrated? That their sacrifice was in vain? That they were stupid and silly to have ever taken such risks? That they sweated, ducked bullets, and bled to protect the flag from harm so some social miscreant could just trash it a few years later?

How can a symbol continue to be so enduring, and function to inspire such deeds of heroism, when we allow it to be desecrated? My colleagues, I submit that if we do not take action to protect our flag, it will simply become one more element in the ongoing coarsening of our society. If we do not respect the flag, it will send a subtle, yet powerful, message that nothing is worth respecting. Flag burning is not free speech. It is an act of hatred and nihilism. It is not a call for reform. It is a disgrace. The right to dissent does not include the right to desecrate. To desecrate the flag crosses a line of ugliness.

I know people the world over who cherish the American flag and the hope it has held for people in different crises around the globe. Freedom is not free. The cherished freedoms, rights, and liberties we all enjoy today were purchased only through the enormous sacrifices of the men and women in our military today—veterans, past and present. If we allow

our flag to be desecrated, and fail to protect it, we dishonor their sacrifice and their service.

Mr. Speaker, the Court was wrong in deciding the Texas v. Johnson case. It was wrong one year later when it reaffirmed this position in another 5-to-4 decision in United States v. Eichman. The amendment to the constitution we are now considering, H. J. Res. 36, will overturn both decisions of the Court and grant the Congress the authority to enact constitutionally-permitted language to protect the flag.

The Supreme Court's 5-to-4 rulings on flag burning were most unfortunate and an erroneous interpretation of what our forefathers, and we as a people, define as free speech. The opponents of this amendment have tried to depict this as an infringement on the first amendment rights of all Americans. This is simply false.

Mr. Speaker, I yield to no one in my support of the first amendment. As Vice Chairman of the International Relations Committee and Co-Chairman of the Helsinki Commission, I have continually fought for the expansion of these freedoms throughout the world. I have worked for the release of countless prisoners of conscience whose only crime has been that they wanted to express political or religious ideas that their governments opposed.

I have worked just as hard to insure that these same freedoms—freedom of conscience, freedom of speech, and freedom of religion—continue to be strongly protected here in the United States.

However, Mr. Speaker, no right is unlimited.

There are those who claim that any limitation of the right to free speech is an intolerable infringement upon our rights guaranteed to us in the Bill of Rights. Upon single examination this proves to be totally false.

In a unanimous 1942 Supreme Court decision, Chaplinsky v. New Hampshire, the Court said:

> . . . it is well understood that the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or ''fighting'' words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

Mr. Speaker, there is also an important distinction to be drawn between the freedom to express an idea and the freedom to use any method to express that idea. While one has a right to express virtually any idea in a public forum, the means of expression can be regulated. As Justice Stevens pointed out in his dissent:

> Presumably a gigantic fireworks display or a parade of nude models in a public park might draw even more attention to a controversial message, but such methods of expression are nevertheless subject to a regulation.

In his dissent in Texas v. Johnson, Justice Stevens said that the Court was wrong in asserting that the flag burner was prosecuted for expressing a political idea. Rather, Stevens went on to say, he ''was prosecuted because of the method he chose to express his [idea].''

And again, Justice Stevens stated:

> It is moreover, equally clear that the prohibition [against flag desecration] does not entail any interference with the speaker's freedom to express hie or her ideas by other means.

As Oliver Wendell Holmes asserted years ago, no one has the right to shout fire in a crowded movie theater.

Mr. Speaker, despite some of the claims made here today, it is constitutionally permissible to regulate both the content and the means of expression of free speech, provided that it is done only in certain very narrow and well-defined circumstances and only if an overriding public interest is threatened. Let me emphasize that the circumstances must be narrow, well defined and justified in the public interest.

Mr. Speaker, prohibiting the physical desecration of the flag is both a narrow and well-defined restriction. Despite arguments to the contrary, it is not the first step toward curtailing political dissent, nor is it impossible to define. This argument represents at best a gross distortion of the effect of this amendment.

This leaves only the question of whether the protection of the flag serves a purpose worthy of special consideration. On this point, as Chairman of the House Veterans' Affairs Committee, I join with the overwhelming majority of the American public who say, emphatically, yes.

Since the creation of the American flag, it has stood as a symbol of our sacred values and aspirations. Far too many Americans have died in combat to see the symbol of what they were fighting for reduced to just another object of public derision. Simply put, it is a gross insult to every patriotic American to see the symbol of their country publicly desecrated. They will not tolerate it, and neither will I.

Mr. Speaker, the amendment to the Constitution we are considering today will restore the flag to its proper position as a symbol of our Nation, without restricting the freedom of expression for any of our citizens. I would hope that all of my colleagues would join with me in support of this amendment.

Mr. MURTHA. Mr. Speaker, I'm proud to have joined with Congressman DUKE CUNNINGHAM in introducing this Constitutional Amendment to prohibit the desecration of the American Flag.

The American Flag is recognized around the world as a symbol of freedom, equal opportunity, and religious tolerance.

Many thousands of Americans fought and suffered and died in ways too numerous to list in order to establish and preserve the rights we sometimes take for granted, rights which are symbolized by our Flag. It is a solemn and sacred symbol of the many sacrifices made by our Founding Fathers and our Veterans throughout several wars as they fought to establish and protect the founding principles of our great Nation.

Most Americans, Veterans in particular, feel deeply insulted when they see our Flag being desecrated. It is in their behalf, in their honor and in their memory that we have championed this effort to protect and honor this symbol.

We are a free Nation. No one would disagree that free speech is indeed a cherished right and integral part of our Constitution that has kept this Nation strong and its Citizens free from tyranny. Burning and destruction of the flag is not speech. It is an act. An act that inflicts insult—insult that strikes at the very core of who we are as Americans and why so many of us fought—and many died—for this country.

There are, in fact, words and acts that we as a free Nation have deemed to be outside the scope of the First Amendment—they include words and acts that incite violence; slander; libel; and copyright infringement. Surely among these, which we have rightly determined diminish rather than reinforce our freedom, we can add the burning of our Flag—an act that strikes at the very core of our national being.

No, this is not a debate about free speech. Our flag stands for free speech and always will.

Over 100 years ago some words were written that most of us remember reciting in school. They sum up what we vote on today:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Let us join today in overwhelmingly passing this amendment to revere, preserve and protect our Flag, the symbol of our country, the embodiment of our principles, and the emblem of our people.

Mr. SIMMONS. Mr. Speaker, I rise today in strong support of House Joint Resolution 36, the Constitutional Amendment to prohibit flag desecration.

Our flag is the strongest symbol of the American character and its values. It tells the story of victories won—and battles lost—in defending the principles of freedom and democracy.

These are stories of real men and women who have selflessly served this nation in defending that freedom. Any many of them traded their lives for it. Gettysburg, San Juan Hill, Iwo Jima, Korea, Da Nang, Persian Gulf—our men and women had one common bond: the American flag.

The American flag belongs to them, as it belongs to all of us.

Supreme Court Justice Paul Stevens reminded us of the significance of our flag when he wrote:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas . . . . So it is with the American flag. It is more than a proud symbol of courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

Critics of the amendment believe it interferes with freedom of speech. I disagree. Americans enjoy more freedoms than any other people in the world. They have access to public television. They can write letters to the editors to express their beliefs, or call in to radio stations. Americans can stand on the steps of the nation's capitol building to demonstrate their cause.

They do not need to desecrate our noble flag to make their statement, and I do not believe protecting the flag from desecration deprives Americans of the opportunity to speak freely.

And let us be clear: speech, not desecration, is protected by the Constitution. Our

Founding Fathers protected free speech and freedom of the press because in a democracy, words are used to debate and persuade, and to educate. A democracy must protect free and open debate, regardless of how disagreeable some might find the views of others. Prohibiting flag desecration does not undermine that tradition.

The proposed amendment would protect the flag from desecration, not from burning. As a member of the American Legion, I have supervised the disposal of over 7,000 unserviceable flags. But this burning is done with ceremony and respect. This is not flag desecration.

Over 70 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations, including the Medal of Honor Recipients for the Flag, the American Legion, the American War Mothers, the American G.I. Forum, and the African-American Women's Clergy Association all support this amendment.

Forty-nine states have passed resolutions calling for constitutional protection for the flag. In the last Congress, the House of Representatives overwhelmingly passed this amendment by a vote of 310–114, and will rightfully pass it again this year.

Mr. Speaker, I am proud to be an original cosponsor of H.J. Res. 36 and ask that my colleagues join me in supporting this important resolution that means so much to so many.

Mr. COLLINS. Mr. Speaker, I rise today to offer my strong support for House Joint Resolution 36, which I have cosponsored, and thank my colleague, Mr. Cunningham, for his continued effort to protect this important symbol of our freedom, the United States flag.

The vast majority of my constituents in Georgia's Third District have contacted me and stated that they share this belief that among the countless ways to show dissent, the desecration of the flag should not be one of them.

Opponents of this amendment state that it would reduce our First Amendment freedoms. This is simply not so. Rather this amendment would serve to restore the protection our flag had been accorded over most of our nation's history.

The American flag represents not only our freedom but serves as a constant reminder of the ideals embodied in our Declaration of Independence that countless Americans have served to defend, preserve and protect over our nation's 225 year history.

In the Declaration of Independence, the founders acknowledged that we are created equal and that we have been endowed by our Creator with certain rights to life, liberty and the pursuit of happiness.

These are the ideals for which countless Americans have fought, bled and died and it is these ideals upon which our Constitution is founded. It is these ideals which we are elected to preserve. Today, we can renew our affirmation of these principles, so clearly stated in the Declaration of Independence, by preserving the most visible symbol of our Republic.

Upon three separate occasions, this House has rightfully voted to protect our nation's flag. Today, the United States House of Representatives will again affirm its commitment to protect this symbol of our great nation.

For the thousands of Americans who have fought and died for their country, the flag is more than a piece of cloth.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.J. Res. 36 ''The Flag Protection Constitutional Amendment.'' This constitutional amendment would undermine the very principles for which the flag stands—freedom and democracy.

The First Amendment to the Constitution reads as follows: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof: or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.''

By writing the First Amendment, our nation's founders made sure that the Constitution protected the right of all citizens to object to the workings of their government. Freedom of expression is what makes the United States of America so strong and great—it is the bedrock of our nation and has made our democracy a model for the rest of the world.

The Supreme Court has twice upheld a citizen's right to burn the flag as symbolic speech protected by the Constitution. If this Flag Protection Amendment were enacted, it would be the first time in our history that the Bill of Rights was amended to limit American's freedom of expression.

Whlie the idea of someone burning or destroying an American flag is upsetting, the consequences of taking away that right are far more grave. Once we start limiting our citizens' freedom of expression, we walk down a dark road inconsistent with our history and our founding principles. Our government's toleration of criticism is one of our nation's greatest strengths.

This amendment isn't a matter of patriotism, it is a matter of protecting the rights of all of our citizens, particularly the right to dissent. Let us uphold our commitment to freedom and democracy. Let us uphold our commitment to the principles upon which our nation has flourished for over 200 years. Vote no on this amendment.

Mr. GRAVES. Mr. Speaker, it is an honor to rise today to support House Joint Resolution 36. The flag protection Constitutional amendment. I also want to extend my appreciation to our veterans and the men and women in our armed forces for their service to our nation and their vigilance and sacrifice in both times of peace and war.

The American flag embodies many different things to different people. To me, the flag represents the many men and women in our Nation's history who have selflessly served and died defending our country and its freedoms. Mr. Speaker, it is our obligation as Americans to defend this nation, its heritage, and its honor. Our flag embodies the struggles, the victories, and the bonds that unite our Nation and its people. Today, I will continue to support a Constitutional amendment that will honor those men and women who have died in service to our country by prohibiting the physical desecration of our national colors.

Today, we have an opportunity to renew our allegiance to the American flag. Together, we stand collectively to honor its glory and its vibrant colors that continue to wave through the skies that blanket the dreams and hopes of our beloved America. America truly is the land of the free and the home of the brave, and I am honored that we can share and enjoy the peace and the prosperity of this great nation. Mr. Speaker, I ask my colleagues to join me in supporting House Joint Resolution 36.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the Flag Protection Amendment.

Why are we here today. The Congress of the United States has already acted to pass flag protection legislation. However, a majority of the Supreme Court—by the narrowest of margins—has ruled that Congress does not possess the authority to legislate in this important area. It has twice overturned laws that prohibit flag burning. In both cases, the decision has been handed down by a narrow margins of 5 to 4.

I happen to disagree with the Court. So do such distinguished constitutionalists as Justices Stevens and White. They hold that burning of the U.S. flag is not an expression protected by the First Amendment. Instead, they believe that flag burning is an action, and a repugnant one. Therein lies the distinction. Burning a flag is conduct, not speech.

Still, we need to pass this Constitutional amendment today and begin the process of ratification. Only then, can Congress honor its responsibility to protect this sacred national symbol.

I believe strongly in this amendment, although I believe it to be an issue on which patriotic Americans of good faith can, and do, have legitimate differences. Many assert that burning a flag endangers no one. Using that standard, one would then assume that we would not see the inherent violation of decency of throwing blood on the U.S. Capitol, painting a swastika on a synagogue, or defacing a national monument. These actions also endanger no one. And, yet, laws have been wisely enacted to prohibit these actions. How can we not protect our country's most treasured symbol from such actions?

The American flag was created to honor our country. Let us pass this Constitutional amendment created to protect the honor of our flag.

Support this joint resolution. Support the amendment. Protect the flag.

Mr. KIND. Mr. Speaker, again we are brought together to debate the rights of a free people against the honor and meaning of our national flag—to debate the necessity of providing legal protection to the most honored and recognized symbol of freedom in the world. This is not a matter to be approached carelessly, and I appreciate this opportunity to reaffirm my faith in the Constitution and the Wisdom of our Nation's founders.

If there is one bright shining star in our Constitutional constellation, it is the First Amendment of the Bill of Rights. That is the amendment that embodies the very essence upon which our democracy was founded because it stands for the proposition that anyone in this country can stand up and criticize this government and its policies without fear of prosecution. But here we are yet again in the 107th Congress debating an amendment that would seriously weaken the First Amendment and Freedom of expression in this country.

There are few things that evoke more emotion, passion, pride or patriotism than the American flag; I recognize that. But I am forced to question the need for a Constitutional amendment to remedy a problem that doesn't seem to exist, or provide legal protection to something that doesn't seem endangered. As a matter of occurrence, the recorded incidence of public flag desecration is extremely rare. While this explanation, on its

face, is not sufficient to oppose to this amendment, it illustrates an inherent respect for the flag and a recognition of what it means to American history and the individuals who gave their life in protection of the freedoms and way of life we cherish everyday. To attempt to enforce this understanding through legal means serves to undermine this self-realization and only encourage the proliferation of such acts because of the attention some people crave.

Now I want to be clear. I am going to oppose this amendment, not because I condone or I do not feel repulsed by the senseless act of disrespect that is shown from time to time against one of the most cherished symbols of our country, the American flag. But because I recognize that our constitution can be a pesky document sometimes. It challenges us, and it reminds us that this democracy of ours requires a lot of hard work. It was never meant to be easy. Our democracy, rather, is all about advanced citizenship. It is about the rights and liberties embodied in the Constitution that will put up a fight against what we believe and value most in our lives. We have to recognize that free speech means exactly that, free speech. It is the right of anyone in this nation to peaceably express his or her beliefs about the government directly to the government without fear of tyrannical retaliation. As stated by Vietnam veteran and former prisoner of war James H. Warner on this matter, ''rejecting this amendment would . . . tell the world that freedom of expression means freedom, even for those expressions we find repugnant.''

This protection of freedom is what advanced citizenship is about. This is the challenge of the Constitution, and yes, the Supreme Court has ruled on numerous occasions that the repulsive disrespect and the idiotic act of desecrating the American flag is freedom of expression protected under the First Amendment. As former Supreme Court Justice Jackson said in the Barnette decision, and I quote: ''Freedom to differ cannot just be limited to those things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the very heart of the existing order.''

On this matter, I also agree with the statements of former General and current Secretary of State Colin Powell. When asked for his views on the amendment before us, Secretary Powell stated, ''. . . the First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. This flag will be flying proudly long after they have slunk away. . . .''

In another opinion I urge my colleagues to hear, former Senator, and American hero, John Glenn stated in his opposition to this amendment before the Senate Judiciary Committee in the 106th Congress, ''That commitment to freedom is encapsulated and encoded in our Bill of Rights, perhaps the most envied and imitated document anywhere in this world. The Bill of Rights is what makes our country unique. It is what has made us a shining beacon of hope, liberty, of inspiration to oppressed peoples around the world for over 200 years . . .''

We must cherish the history and meaning of bill of rights and realize the impact of our actions here today. Are a few acts of senseless desecration the motivation for passing this amendment to the Constitution? There are other ways of dealing with content neutral acts. If someone steals my flag, they can be prosecuted for theft and trespassing. If they steal my flag and burn it, they can be prosecuted for theft, trespass, and criminal damage to property. If they burn it on a crowded subway station, they can also be prosecuted for inciting a riot, reckless endangerment, criminal damage to property and theft. There are other ways that this type of conduct can be prosecuted, but if someone buys a flag, goes down in their basement and, because they do not like the government, decides to desecrate it or burn it, are we going to obtain search warrants and arrest warrants to go in and arrest that person and prosecute them? We do not need to do that.

Make no doubt about it, this amendment will do nothing less than amend the First Amendment of the Bill of rights for the first time in our Nation's history. And it sets a precedent that the fundamental protections afforded to the American people, the freedoms that portray what America is, do not really protect all that is claimed. It is for these reasons that I encourage my colleagues to oppose this amendment and not change 212 years of history in this country.

Mr. HAYES. Mr. Speaker, America is the land of the free, home of the brave. But the liberty we enjoy did not come without a price. Many Americans have made the ultimate sacrifice so that we may live in peace and freedom. They died nobly for us. Now it is our responsibility as Americans to live nobly in their memory.

One of the first and foremost ways we can honor our fallen heroes is to protect the American flag. The brave men and women who died for the fight of freedom deserve to be honored by the flying of the stars and stripes. Our flag represents the freedoms we enjoy, the spirit of democracy, and the sacrifices of all those who have worked to make this nation what it is today. I am honored to support this measure that protects the great symbol of the United States of America.

Our nation's veterans, active duty and reserve forces draw their strength not from America's great material wealth. Rather, these individuals draw their strength from the belief that there are some causes that are worth dying for, a conviction rooted in principle and represented by our flag. The patriots that have fought for our freedoms knew in their hearts that their cause was righteous, that making the ultimate sacrifice for freedom, liberty, and justice was worth the risk.

Thus, we as a Congress have the opportunity to do what is right. We have a responsibility to honor the memory of those who have died for our freedom and to say to those who live, ''we will not let your sacrifice be in vain.'' The American flag and the principles for which it flies are deserving of honor and protection. Today we need to pass this legislation and send a clear message that we will not tolerate desecration of the American flag.

Mr. OXLEY. Mr. Speaker, I stand in strong support of H. J. Res. 36, which calls for a constitutional amendment to allow Congress to heed the overwhelming majority of our constituents and protect our nation's flag.

Old Glory is not just another piece of cloth—nor is it a political tool for one side or another to use in debate. Our flag is the most visible symbol of the nation, a unifying force in times of peace and war. Americans from both sides of the political spectrum back the action we are taking today in sending this issue to the states. Since the Supreme Court invalidated state flag protection laws in 1989, 49 state legislatures have passed resolutions petitioning Congress to propose this amendment.

Mr. Speaker, my hometown of Findlay, Ohio, is known as Flag City USA. Main Street and other major downtown thoroughfares are lined with flags in a patriotic salute to our great nation. Arlington, Ohio, which I am also privileged to represent, enjoys the designation Flag Village USA. The messages I receive from Findlay, Arlington, and throughout the Fourth Ohio District are clear: the American people favor the protection of Old Glory by staggering margins.

I am proud to be an original cosponsor of DUKE CUNNINGHAM's joint resolution, and recognize him for his longstanding, unwavering leadership on this issue. I urge my colleagues to support their constituents and vote in favor of sending this amendment to the states.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this resolution.

I am not in support of burning the flag. But I am even more opposed to weakening the first amendment, one of the most important things for which the flag itself stands.

As the Denver Post put it just last month,

> The American flag represents freedom. Many men and women fought and died for this country and its constitutional freedoms under the flag. They didn't give their lives for the flag; they died for this country and the freedom it guarantees under the Bill of Rights. Those who choose to desecrate the flag can't take away its meaning. In fact, it is our constitutional freedoms that allow them their reprehensible activity.

I completely agree. So, like Secretary of State Colin Powell, former Senator John Glenn, and others who have testified against it, I will oppose this resolution.

For the benefit of our colleagues, I am attaching the Denver Post's editorial on this subject:

FLAG AMENDMENT SHOULD DIE

Monday, June 25, 2001.—Although a proposed constitutional amendment to ban desecration of the American flag continues to lose steam, it nonetheless is once again being considered in the U.S. House.

The amendment, one of the most contentious free speech issues before Congress, would allow penalties to be imposed on individuals or groups who burn or otherwise desecrate the flag.

In past years, the amendment has succeeded in passing the House only to be killed, righteously, on the Senate floor.

The American flag represents freedom. Many men and women fought and died for this country and its constitutional freedoms under the flag. They didn't give their lives for the flag; they died for this country and the freedom it guarantees under the Bill of Rights. Those who choose to desecrate the flag can't take away its meaning. In fact, it is our constitutional freedoms that allow them their reprehensible activity.

American war heroes like Secretary of State Colin Powell and former Sen. John Glenn strongly oppose this amendment.

Glenn has warned that ''it would be a hollow victory indeed if we preserved the symbol of freedoms by chopping away at those fundamental freedoms themselves.''

In addition, the Supreme Court has ruled that desecration of the flag should be protected as free speech.

Actual desecration of the flag is, in fact, a rare occurrence and hardly a threat. There have been only a handful of flag-burnings in the last decade. It's not a national problem. What separates our country from authoritarian regimes is the guarantee of freed speech and expression. It would lessen the meaning of those protections to amend our Constitution in this way.

The amendment is scheduled to go before the House this week, although if it passes it would still have to face a much tougher audience in the Senate. The good news is that House support of the amendment has been shrinking in recent years. It is possible that if that trend continues, the amendment could not only die this year but fail to return in subsequent years. We urge House lawmakers to let this issue go.

Mr. BUYER. Mr. Speaker, I rise in support of this amendment to empower Congress to enact legislation to protect Old Glory from desecration.

This is not an issue about what people can say about the flag, the United States, or its leaders. Those rights are fully protected. The issue here is that the flag, as a symbol of our Nation, is so revered that Congress has a right and an obligation, to prohibit its willful and purposeful desecration. It is the conduct that is the focus.

I have seen our flag on a distant battlefield. I understand what it represents . . . the physical embodiment of everything that is great and good about our Nation. It represents the freedom of our people, the courage of those who have defended it, and the resolve of our people to protect our freedoms from all enemies, foreign and domestic.

It is no coincidence that when foreigners wish to criticize America, they burn the American flag. I am sure we all remember the searing images of the flag of our Embassy in Iran which was torn from its pole and burned on the street. They burned the flag because it is not just some piece of cotton or nylon with pretty colors. Old Glory is the embodiment of all that is America . . . the freedoms of the Constitution, the pride of her citizens, and the honor of her soldiers, not all of whom made it home.

Across the river from here is a memorial to the valiant efforts of our soldiers to raise the flag at Iwo Jima. It was not just a piece of cloth that rose on that day over 50 years ago. It was the physical embodiment of all we, as Americans, treasure . . . the triumph of liberty over totalitarianism; the duty to pass the torch of liberty to our children undimmed.

The flag is a symbol worth defending. I urge the adoption of the flag protection amendment.

Mr. CRENSHAW. Mr. speaker, I rise today in support of H.J. Res. 36, which would give the Congress the power to prevent the desecration of our Nation's flag.

The American flag is a national treasure and our Nation's ultimate symbol of freedom. The American flag represents all that unites us as one nation under God. It is a constant reminder of the ideals we share—patriotism, loyalty, love of country. Because of its significance, we should seek to provide the flag some measure of protection.

The measure we are considering today includes a simple phrase: ''Congress shall have the power to prohibit the physical desecration of the flag of the United States.'' This clear and concise statement will return to the American people a right and responsibility which the Supreme Court took away a little more than a decade ago. It will empower Congress to restore legal protection for the flag that existed under Federal law and the laws of 48 States prior to the Court's ruling.

Millions of Americans have fought and died in defense of the United States and the flag which represents our Nation. Allowing persons the legal protection to desecrate the flag dishonors our Nation's veterans who served defending our way of life. Many of the nearly 150,000 veterans which live in the five counties which make up my district have expressed their strong support for this measure.

I support this resolution for many reasons, including the fact that I want to make sure that we honor the sacrifice of veterans. I want our young people to know that with liberty comes civic responsibility. I want to restore a sense of pride in our Nation and its rich history. I urge my colleagues to join me in supporting this resolution.

Mr. DINGELL. Mr. Speaker, I rise today to express my outrage at a deplorable and despicable act which disgraces the honor of our country—the burning of the U.S. flag. Behind the Speaker hangs our flag. It is the most beautiful of all flags, with colors of red, white, and blue, carrying on its face the great heraldic story of 50 States descended from the original 13 colonies. I love it. I revere it. And I have proudly served it in war and peace.

However, today I rise in opposition to H.J. Res. 36, the flag amendment, which for the first time in over 200 years would amend our Bill of Rights.

Mr. Speaker, throughout our history, millions of Americans have served under this flag during wartime; some have sacrificed their lives for what this flag stands for: our unity, our freedom, our tradition, and the glory of our country. I have proudly served under our glorious flag in the Army of the United States during wartime, as a private citizen, and as an elected public official. And like many of my colleagues, I treasure this flag and fully share the deep emotions it invokes.

But while our flag may symbolize all that is great about our country, I swore an oath to uphold the great document which defines our country, the Constitution of the United States. The Constitution is not as visible as is our wonderful flag, and oftentimes we forget the glory and majesty of this magnificent document—our most fundamental law and rule of order. This document defines our rights, liberties and the structure of our government. Written in a few short weeks and months in 1787, it created a more perfect framework for government and unity, and defined the rights of the people in this great republic.

The principles spelled out in this document define how an American is different from a citizen of any other nation in the world. And it is because of my firm belief in these principles—the same principles I swore an oat to uphold—that I must oppose this amendment. If this amendment is adopted, it will be the first time in the entire history of the United States that we have cut back on our liberties as Americans as defined in the Bill of Rights.

Prior to the time the Supreme Court spoke on this matter, and defined acts of physical desecration to the flag under certain conditions as acts of free speech protected by the Constitution, I would have happily supported legislation which would protect the flag. While I have reservations about the propriety of these decisions, the Supreme Court is, under our great Constitution, empowered to define Constitutional rights and assure the protection of all the rights of free citizens in the United States.

Today, we are forced to make a difficult decision. There is regrettably enormous political pressure for us to constrain rights set forth in the Constitution to protect the symbol of this nation. This vote is not a litmus test of one's patriotism. What we are choosing today is between the symbol of our country and the soul of our country.

When I vote today, I will vote to support and defend the Constitution in all its majesty and glory, recognizing that to defile or dishonor the flag is a great wrong; but recognizing that the defense of the Constitution, and the rights guaranteed under it, is the ultimate responsibility of every American.

I urge my colleagues to honor our flag by honoring a greater treasure to Americans, our Constitution. Vote down this bill.

Mr. GEKAS. Mr. Speaker, it unifies our soldiers in the midst of battle and provides the direction and morale they need to protect our freedom. It unifies our citizens in times of trouble and gives us reason to reflect on and celebrate our freedom. It is our American flag and for these reasons and more it is a symbol—perhaps the ultimate symbol—of our freedom.

That freedom has not come easily and has not always grown peacefully, but throughout 200 years of history, our flag has always held the value and meaning of the United States and continues to command respect and admiration around the world.

Freedom is America's greatest and most recognized attribute. It is symbolized by our flag and evident in the way our flag is treated and handled. If we afford our flag our deepest respect, we are cherishing our freedom and praising our nation. When we fail to recognize the significance of our flag, we will fail to recognize the significance not only of our freedom, but also of the potential for freedom around the world.

Let us recognize the thoughtful objections of our opponents and their concern for such an amendment offending the first amendment freedoms. We note that protecting the flag—the symbol of our country—truly protects and respects all our freedoms.

We can not take our freedom for granted. We must teach our children and our future leaders the importance of our freedom and the American flag. Millions of soldiers have fought for our flag and for all that it symbolizes. Many of them have died and many more have been injured. We can not forget that their courage and sacrifice was not only to guarantee their freedom, but also to guarantee our freedom. Furthermore, they did not fight so that we could allow the flag to lose its symbolic importance and deserving respect—the opposite, in fact. They fought to strengthen the value that America holds and that the flag represents.

Some nations have a unifying symbol that originates from their royalty such as a crown or scepter. Other nations have a unifying symbol such as a crest, cross, or other religious symbol. The United States' unifying symbol is her flag, and that originates from nowhere but our unending desire to uphold our freedom

and to spread freedom to all peoples in all nations. From Fort McHenry to Iwo Jima, from Hawaii to Maine, from the Earth to the Moon and beyond the bounds of our solar system, this flag has always stood and continues to stand as our strongest unifying symbol—a symbol of history's greatest and freest nation.

It is time for the value we hold in the American flag to be reflected in our laws. By doing so, we are formally addressing the significance of the flag and the significance of denigrating our flag. Even more importantly, we are formally addressing the significance of freedom.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of our American flag, and as a proud original cosponsor of House Joint Resolution 36 to prohibit the physical desecration of our most cherished national symbol.

The American flag is probably the most recognizable symbol in the world. Wherever it flies, it represents freedom. Millions of Americans who served our nation in war have carried our flag into battle. They have been killed or injured just for wearing it on their uniform, because our flag represents freedom and liberty, the most feared powers known to tyranny. Where there is liberty, there is hope. And hope extinguishes the darkness of hatred, fear and oppression.

America is not a perfect nation. But to the world, our flag represents that which is right in our nation. To Americans, it represents what Chief Justice Charles Evans Hughes referred to as our ''National unity, our national endeavor, our national aspiration.'' It is a remembrance of past struggles in which we have persevered to remain as one nation under God, indivisible, with liberty and justice for all. Those who would desecrate our flag and all it represents show no respect for the brave men and women for whom the ideals and honor of this nation were dearer than life.

Mr. Speaker, this bill will not make individuals who desecrate our flag love our nation or those who sacrificed to secure the freedoms we have today. But, by protecting our flag, we will give Americans a unified voice for decrying these reprehensive acts.

I urge my colleagues to support this amendment.

Mr. FORBES. Mr. Speaker, I rise in strong support of Housing Joint Resolution 36, which would allow Congress to take action to protect the American flag from desecration.

In fact, one of my very first acts upon being sworn in just last month was to cosponsor this important resolution. Some very respected people have called the flag a mere piece of cloth. But, I have spoken to many of the men and women who fought and had comrades die for that piece of cloth and all that it symbolizes. To those patriots, it is much more than just another piece of cloth.

A quick review of America's history of jurisprudence indicates that our nation has a long tradition of protecting the flag. It was not until recently, in 1989, that a closely divided Supreme Court reinterpreted our Constitution to allow for the physical desecration of the flag. Congress has tried to restore the interpretation that gave some protection to the flag. But it is only through a Constitutional amendment that we will be able to do so without fear that the courts will again erase our good work.

It is important to note, Mr. Chairman, that this is simply a first step on a long road that we take today to protect the flag. Even once the Congress passes this resolution and it is ratified by the states, this language only gives Congress the authority to pass a law to protect the flag. That will be the appropriate time to debate the specifics of how we will protect the flag. Items such as what constitutes desecration and how do we prosecute the offenders will be better discussed then. Today, we merely seek to give Congress the authority to have that debate.

So, I urge my colleagues to stand with the men and women who have patriotically served their country under the American flag and to support this resolution. If for no other reason, we should protect the flag out of respect for those individuals who sacrificed so much so that we might even have this debate today. But, we should also do so out of our own sense of patriotism and pride.

Mr. GILMAN. Mr. Speaker, as a proud American, World War II Veteran, and as a Member of Congress; I rise in strong support of H.J. Res. 36, the Flag Protection Amendment of which I am a cosponsor.

Mr. Speaker, Texas v. Johnson, and its progeny decided by the United States Supreme Court in 5–4 decisions holds that it is permissible under the 1st Amendment to burn or desecrate our Flag, the symbol of our great nation. That is outrageous. Those cases present clear examples and beg for a Constitutional Amendment to preserve the honor and integrity of ''Old Glory.'' Let it be known by Constitutional Amendment that those who seek to desecrate or burn the American Flag will be required to suffer the consequences.

Mr. Speaker, in the 106th Congress, a resolution to propose an anti-desecration amendment to the United States Constitution passed in the House by a vote of 305 to 124. Regrettably our colleagues in the Senate failed to achieve the required ⅔ votes necessary to sustain the amendment.

Mr. Speaker, ''Old Glory,'' is more than a symbol of our great nation. It is the foundation of our great nation! Our flag, atop masts throughout our Nation and throughout the world is a beacon of liberty, freedom and democracy. It adorns the uniforms of our dedicated men and women of the Armed Services, we honor our flag by saluting it at sports events, we ''pledge allegiance to the flag of the United States of America . . .,'' we fly it at half-mast to show our respect for our fallen great Americans, and it adorns their caskets as well. We vividly recall a young John Fitzgerald Kennedy, Jr., saluting his slain father, President John Fitzgerald Kennedy, as the flag draped caisson made its way to Arlington National Cemetery, or our flag being placed on the moon, or atop the highest peaks in the world, that were conquered by proud Americans.

Mr. Speaker, to say that the desecration of our flag is protected by the First Amendment is to forget that freedom of expression is not absolute. As Chief Justice Rehnquist stated in his eloquent and patriotic dissent in Texas v. Johnson, which I urge my colleagues and all Americans to read, and which I will enter into the Congressional Record, there are the categories of the lewd and obscene, the profane, the libelous, and the ''fighting words''—those words which their very utterance inflict injury or tend to incite an immediate breach of the peace, that do not enjoy 1st Amendment protection. Just as one cannot yell 'fire' in a crowded theater, and claim immunity under the First Amendment's freedom of speech; one must never be able to desecrate our flag and claim immunity under the First Amendment!

Mr. Speaker, during World War II, when those courageous Marines placed our flag atop a makeshift flag pole atop Mt. Suribachi, Iwo Jima, at the cost of more than 6,000 lives of our brave Marines, President Roosevelt, in saluting their courage, stated, ''when uncommon valor was a common virtue.'' I urge that all those who believe that the American Flag can be desecrated in the name of the First Amendment go and walk through the hallowed grounds in Arlington, Virginia, where the Iwo Jima Memorial is situated honoring those brave Marines on that day. To see our flag flying in the breeze makes us all proud to be Americans!

Mr. Speaker, I urge my colleagues to fully support H.J. Res. 36, protecting the honor and integrity of our flag.

Mr. NETHERCUTT. Mr. Speaker, I rise to express my support for this proposed Constitutional Amendment.

Our founding fathers' war-time soliloquies championed freedom in opposition to tyranny and oppression. However, in deciding to revolt and in establishing a government based on liberal beliefs, the founding fathers were aware of the dangerous tendencies of excessive liberty—including freedom of expression. On numerous occasions the Supreme Court has maintained that certain forms of speech are not protected—that freedom and liberty are not license.

Those who desecrate the flag often claim they do so for at least one of two reasons. First, they are advocating the destruction of government. This argument makes it very easy to support the proposed amendment, and the Supreme Court has held that this is not protected speech.

Second, perpetrators of this act claim to be supporting ideals of America's past that have disappeared. This claim is also an invalid justification. The flag not only represents the current state of America, but it also represents the past. It is America in its totality. It is a symbol of the collective expression of all our policies, the wars we have fought and the justification for so many honorable deaths. These deaths were in defense of many ideals, one of which is not unrestricted freedom of speech. What the flag stands for cannot be divided in parts at one's convenience and used to protest something pertaining to one or even several areas of our society. It is an expression of the whole. When a flag is destroyed, the perpetrator destroys all the ideals the flag represents.

This Congress has the power to set a new precedent. There is substantial public support for this initiative. The Greek philosopher Plato wrote in his famous work Republic, ''Extreme freedom can't be expected to lead to anything but a change to extreme slavery, whether for a private individual or for a city.'' I believe that respect for our national symbol is a minimal restriction on excessive political and artistic expression in our nation. I urge my colleagues to support this Constitutional Amendment.

Mr. PUTNAM. Mr. Speaker, I rise today to request the support of this body for the passage of H.J. Res. 36—the Flag Protection Amendment. This legislation will clarify once and for all that the language of Title 4 United States Code, section 8, ''No disrespect should

be shown to the flag of the United States of America; the flag should not be dipped to any person or thing'' is the law of the land, as well as the sentiment of most Americans.

Some opponents of this legislation say that we cannot infringe on the First Amendment and the right to free speech. Others argue that the wording of the First Amendment is sacred, and we must not adjust the Bill of Rights to include this protection. But, I ask you to take a moment and think about the Founding Fathers. How could they have known that one day this would be in question? How could they have imagined that the flag of the country they pledged their lives, fortunes and sacred honor to bring into being would be burned as an act of ''speech'' by people who enjoy the protections of the Nation they sacrificed so much to build? There is no evidence they thought desecrating the flag would be speech, protected by the First Amendment. They would have known, and we must recognize, that destroying the flag is an action, not speech.

Mr. Justice White in the 1974 Supreme Court case of Smith v. Goguen said, ''There would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial or to prevent overlaying it with words or other objects. The flag is itself a monument, subject to similar protection.''

Mr. Speaker, I am fortunate to have many veterans residing in my district. While thinking of what I was to say to you today, my thoughts turned to them. We are a nation standing strong today because those heroes kept our flag flying in spite of the hardship and sacrifice of war. The flag gave them strength when they were far from home. Our history is full of testimony that the image that kept our troops moving forward and prisoners enduring their captivity was the red, the white, and the blue. Surely the flag is as much a monument to their sacrifice as any tablet of stone or plaque of bronze; and should it not, then, as Justice White suggested receive the same protection as other monuments?

By adding this amendment to the Constitution, we are not taking away the freedoms that our flag symbolizes, rather we are protecting our most compelling monument to those who died—and lived—to make those freedoms possible. I urge you to vote ''yes'' to H.J. Res. 36.

Mr. KERNS. Mr. Speaker, I rise today as we consider an important piece of legislation to protect the symbol of freedom known around the world—the United States flag. Our American flag is more than just fabric and stitching. It represents the sacrifices made by generations of Americans to ensure the liberties that we enjoy each day. The fundamental principles of freedom, opportunity, and faith are woven into old glory. On porches and main streets throughout Indiana and our great nation, Americans display the stars and stripes as a symbol of their patriotic pride for our country. From the revolutionary war to modern times, the United States flag has been and continues to serve as the primary symbol of freedom and justice in the world. As a national treasure, I believe that our flag deserves our highest respect. For this reason, I ask my colleagues to support this legislation to protect the great symbol of freedom—the United States flag.

Mr. HOLT. Mr. Speaker, I rise today in opposition to this amendment.

Just as everyone here today, I view the American flag with a special reverence, and I am deeply offended when people burn or otherwise abuse this precious national symbol.

When I was in school, not only did we pledge allegiance to the flag every morning, but we were also honored to be selected to raise or lower the flag in front of my school.

Each one of us took on this task with the utmost seriousness and respect.

I believe that we should still be teaching young people to respect the flag and what it represents.

Our Constitution is the document that provides the basis for our great country. For two centuries and a decade, the Constitution—the greatest invention of humans—has allowed our diverse people to live together, to balance our various interests, and to thrive.

It has provided each citizen with broad, basic rights.

It doesn't fly majestically in front of government buildings. We do not pledge allegiance to it each day. Yet, it is the source of our freedom.

It tells us that we are free to assemble peacefully. We are free to petition our government; we are free to worship without interference; free from unlawful search and seizure; and free to choose our leaders. It secures the right and means of voting.

It is these freedoms that define what it is to be an American.

In its more than 200 years, the Constitution has been amended only 27 times. With the exception of the Eighteenth Amendment, which was later repealed, these amendments have reaffirmed and expanded individual freedoms and the specific mechanisms that allow our self-government to function.

This Resolution before us today would not perfect the operation of our self-government. It would not expand our citizen's rights.

Proponents of this constitutional amendment argue that we need to respect our flag.

I believe that the vast majority of Americans already respect our flag.

The issue before us is whether our Constitution should be amended so that the Federal Government can prosecute the handful of Americans who show contempt for the flag.

To quote James Madison, is this a ''great and extraordinary occasion'' justifying the use of a constitutional amendment?

The answer is no; this is not such an occasion.

I oppose this amendment because I believe that while attempting to preserve the symbol of the freedoms we enjoy in this country, it actually would harm the substance of these freedoms.

Mr. LEVIN. Mr. Speaker, I do not approve of people burning the U.S. flag. The flag serves as a proud symbol of our country, denoting truth, freedom and democracy. But as offensive as flag desecration is, I do not believe we can protect the flag by weakening the constitution.

One of this country's most cherished principles is that of free speech as found in the First Amendment. As Justice Oliver Wendell Holmes once wrote, ''The Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought we hate, the conduct and action we seriously dislike.''

Should this amendment be approved, it could open a Pandora's box prohibiting other activities. Who is to say restrictions won't be placed on desecrating religious symbols or texts, or even the Constitution and Declaration of Independence? The possibilities are limitless and all would stand in opposition to what the founding fathers intended by giving citizens the right of freedom of speech.

Mr. Speaker, I would never condone burning the American flag. But carving out exceptions to the First Amendment is a slippery slope we should not venture down.

The SPEAKER pro tempore (Mr. QUINN). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTUTUTE OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. WATT of North Carolina:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

The SPEAKER pro tempore. Pursuant to House Resolution 189, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 30 minutes.

Is the gentleman from Wisconsin (Mr. SENSENBRENNER) opposed to the amendment in the nature of a substitute?

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) will be recognized in opposition.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), outside of the debate on this amendment, to speak on general debate.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague and classmate, the gentleman from North Carolina, for yielding time to me.

Like our system goes here in Congress, I have a markup going on in the Committee on Energy and Commerce on the energy bill, and have been running back and forth. I appreciate the courtesy of the gentleman, my colleague, in yielding time to me.

Mr. Speaker, I rise today in support of the resolution and as a proud cosponsor of the original resolution to

protect one of our Nation's most sacred and beloved symbols, our flag, from desecration.

This is the fourth consecutive Congress that we have taken up this resolution. I hope this time our colleagues in the Senate will join us in passing this amendment and sending it on to the States for ratification.

Our flag is a symbol of the men and women who have fought and died for our country. Their sacrifice is represented by that flag. To millions of Americans, the flag is more than just colored dye and cotton, it is the physical manifestation of our pride, our honor, and our dignity both here and around the world.

To see it stomped, burned, or otherwise desecrated is an affront to ordinary hardworking Americans. We cannot do anything about someone doing it in other parts of the world, but we can do something about it in our own country.

To those who argue that this sacred symbol is just a piece of cloth, I challenge them to remember some of the ways our flag is used: leading our athletes during opening ceremonies for the Olympics, flying at half staff to mark national tragedies, and covering the remains of our brave soldiers and service personnel who have given their lives for our country.

When the flag is desecrated, so, too, are the moments in these memories. I hope my colleagues will join me in voting for this resolution.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the underlying proposed constitutional amendment that is the subject of this debate, and which has been the subject of general debate for now almost 2 hours, reads: ''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''

The proposed amendment in the nature of a substitute, which I am offering to the underlying proposed constitutional amendment, reads: ''Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.''

We should be clear that many people think that the desecration, the burning of a flag, is a part of an expression against the United States, against some action of the United States, and is a protected means of speech. The Supreme Court has so held, and if the Supreme Court did not hold such, I think that we would be in a position where we could selectively decide who could burn a flag and who could not burn a flag based on whether we agreed with the expression that they were intending to make or whether we disagreed with the expression they intended to make.

As we will hear, I am sure, from the gentleman from Virginia (Mr. SCOTT), who has studied this issue at some length, there are many, many occasions, and many of us in this House have been invited to occasions where the United States flag is burned. It is part of the ritual for doing away with a flag in a graceful way. That is an expression of our respect for the flag, because we have a designated way to dispose of the flag.

On the other hand, when people rise and make a statement against the United States government, many of them, some of them, have chosen to make that expression against the United States by burning the flag.

So when we talk about desecration of a flag or burning of a flag, one means of burning the flag would be protected when we agreed or the majority agreed with the expression that was being made.

The other means, when we disagreed with the expression that the protester or person who was making a statement against the United States was making, then we would, in effect, be stopping that person from exercising their freedom of speech.

The problem comes that if we put the proposed constitutional amendment in our Constitution as it is written, the Supreme Court is going to come to a very serious fork in the road. One amendment would say that we prohibit the physical desecration of the flag, and the Supreme Court has already held that in some cases that is constitutionally protected free speech. The first amendment will still be on the books, so the Supreme Court will have to decide which one of these constitutional amendments, the first amendment or this proposed constitutional amendment which we are debating, will it give precedence to.

The amendment in the nature of a substitute resolves that dispute. It basically says that if one can do away with or if Congress can pass a law that prohibits the physical desecration of the flag of the United States in such a way that it does not impinge, does not discriminate against people who are expressing their views, then it can do so. But if the Congress passes a law which does impinge on the freedom of expression, then it should be clear that the first amendment to the Constitution, which has served this Nation well for low so many years, should be the controlling amendment to the Constitution.

□ 1445

And so it is in that context that we offer this substitute.

I wanted to give this opening statement so that everybody would understand that we are trying to resolve a potential dispute between two potentially conflicting provisions in the Constitution.

Mr. Speaker, having kind of framed the issue in that way, I reserve the balance of my time.

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

Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute by the gentleman from North Carolina (Mr. WATT). And so that the membership is clear what the gentleman from North Carolina (Mr. WATT) is trying to do, I would like to read his proposed constitutional amendment: ''Not inconsistent with the first article of amendment to this constitution, the Congress shall have the power to prohibit the physical desecration of the flag of the United States.''

Now, the only difference between the substitute of the gentleman from North Carolina and House Joint Resolution 36 is the phrase ''not inconsistent with the first article of amendment to this constitution.'' What the substitute does is to punt this issue right back to the Supreme Court of the United States, because the Court twice, in a 5 to 4 decision in the Johnson and Eichman cases, allowed flag desecration based on first amendment grounds.

This is kind of a not-so-subtle way of saying that the Supreme Court was right, because if we send this whole issue back to the Supreme Court, they will use the precedent that they established in 1989 and 1990 as controlling and allow flag desecration to go on. But I think there is a greater issue involved than just the issue of whether or not the Constitution should be amended to prohibit flag desecration, and that is whether or not this House of Representatives should go along with unraveling the elaborate system of checks and balances put into our Constitution by the framers in order to prevent one branch of government from becoming too powerful.

As I said during the general debate, Mr. Speaker, the amendment procedure for the Constitution of the United States was, in part, designed to prevent the courts from becoming too powerful. Three of the 17 amendments that were proposed following the Bill of Rights, and ratified by the States, overturned court decisions that were determined not to be good law by the Congress and by three-quarters of the State legislatures.

Now, if the gentleman from North Carolina and the supporters of his amendment want to toss this matter back to the courts, then just defeat the amendment that we are debating today. Because that will mean that the court decisions in Johnson and Eichman will be the controlling law until the Supreme Court changes its mind and either overrules or modifies its decisions.

I believe that the House of Representatives today should hit this issue head on. If my colleagues do not want a constitutional amendment to protect the flag from physical desecration, then vote it down on the merits on the floor, but do not put this House on record saying that if we agree with the Supreme Court decision then we should

amend the Constitution in order to ratify that Supreme Court decision, because that is what the substitute offered by the gentleman from North Carolina does.

Vote down the Watt substitute, pass the original amendment that has been reported by the Committee on the Judiciary.

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

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in support of the Watt amendment, and I thank the gentleman for yielding me this time.

Once again it is around the 4th of July, and we are discussing the current version of what is often referred to as the ''flag burning amendment.'' The gentleman from North Carolina has offered a meaningful alternative, one that will continue to protect the rights of free speech under the first amendment and is consistent with the opinions of former Senator John Glenn and Secretary of State Colin Powell, both of whom have spoken out in support of protecting the right of free speech and against the underlying amendment in its present form.

The Supreme Court has considered the restrictions which are permissible by the Government under the first amendment. For example, with respect to speech, time, place and matter may generally be regulated, while content cannot. So if a group or individual wishes want to have a protest march, the Government can restrict the particulars of the march: what time it is held, where it is held, how loud it can be. But it cannot restrict what people are marching about. We cannot allow some marchers and ban others just because we disagree with the message.

The only exception to the prohibition on regulation of content are situations, for example, where speech creates an imminent threat of violence. Burning a flag will not necessarily create an imminent threat of violence, particularly if someone is burning his own flag in his own back yard. Yet this is precisely the behavior prohibited by the underlying amendment.

We should all understand that flags are burned every day in this country. Indeed, flag burning is considered the proper way to retire a flag. And every year around Flag Day or the 4th of July, flags are burned en masse in order to retire them. When these flags are burned, those attending the ceremony or doing the burning say something respectful about the flag. Flag burning under those circumstances is considered appropriate and would remain legal under this amendment. However, when protestors burn a flag in exactly the same manner, but when accompanied by words of protest, well, the underlying amendment would make that instance of flag burning illegal.

So, if we say something nice while burning a flag, that is okay; but if something is said which offends the local sheriff as the flag is burned, then it would be illegal. This is nothing less than an attempt to suppress speech, and government officials should not be in the position of deciding which speech is good and which speech is bad. I believe the Watt amendment will help remedy this problem by requiring the criminalization of flag burning related to crimes must be consistent with the first amendment.

Now, there would still be other problems, like what is a flag? Is a picture of a flag, a flag? What is desecration and what does that mean? Who gets to decide when an expression constitutes desecration? And what other symbols, like Bibles or copies of the Constitution, should also be protected? Those problems still remain, but I ask my colleagues to join me in supporting this amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the substitute amendment of the gentleman from North Carolina (Mr. WATT).

The gentleman from Virginia (Mr. SCOTT) has, in essence, indicated that it is going to be difficult or perhaps impossible to differentiate between appropriate burning of the flag or proper burning of the flag and an inappropriate or desecrating of the flag. This argument has been made other times. How do we differentiate between the two? This is done by tradition and by practice. For 100 years, our courts and the American people were able to tell the difference between desecration and the proper disposal of worn flags.

In the absence of a provision of some way to dispose of American flags, we would have to maintain them into perpetuity. It did not present a problem before, it has not throughout our Nation's history, and there is no reason to think it would be a problem now. In 1989, Congress passed the Flag Protection Act and was able to define desecration and flag. Additionally, the U.S. Code defines the terms and it always has.

In any event, we trust the good common sense of the American people and the fairness of the courts to resolve any unforeseen problems. And, ultimately, that is what would happen if there was a disagreement on whether something was an appropriate disposal of a flag in one person's mind or desecration in the other. The courts could step in, as has happened in the past. We should be able to easily differentiate between a ceremony that many of us have gone to on Memorial Day, for example. Many of us go back into our districts and participate in those ceremonies. That is clearly different than a person who goes out and desecrates a flag or sets it on fire, as has happened.

Again, some have argued this does not happen any more. It has happened 86 times in the recent past, in 29 States and in the District of Columbia and in Puerto Rico, for example. We are able to differentiate, just as we are able to differentiate, for example, a surgeon who has a scalpel and operates on a person to assist them, to do something, to cure a disease or to cure some problem that person has from another person coming up with a knife and stabbing a person with it. It is easy to differentiate between the two, just as it is easy to differentiate between appropriate disposal of the flag and not appropriate disposal.

The gentleman's substitute amendment, again, says ''not inconsistent with the first article of amendment of this constitution.'' We already know what this Supreme Court, at least five of the justices of the Supreme Court, think about desecration of the flag. We know that they think that it amounts to expression and that that is protected by the first amendment in that 5 to 4 decision. And since this language would come first in the amendment, it would be controlling. So, in essence, if we would pass the substitute amendment of the gentleman from North Carolina as he proposes, it would appear that we are passing an amendment to protect the flag, to stop desecration of the flag in this country; but in essence, we would be passing absolutely nothing. It would be a sham. For that reason, I oppose the amendment.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this well-intentioned amendment. When I was first elected to the House, I cosponsored the flag burning amendment. I did so for many of the same reasons that proponents of the amendment have expressed today. It is disturbing to think of someone burning the flag of the United States. It is an action that holds in contempt the greatness of this Nation and all those who gave up their lives defending this symbol of freedom that our flag represents. It is an act for cowards.

And yet looking back, I was moved by my heart more than my head. History informs us that the strength of America is derived from its basic ideals, one of the most important of which is tolerance for the full expression of ideas, even the most obnoxious ones.

For more than 2 centuries, the first amendment to the Constitution has safeguarded the right of our people to write or publish almost anything without interference, to practice their religion freely and to protest against the Government in almost every way imaginable. It is a sign of our strength that, unlike so many repressive nations on earth, ours is a country with a constitution and a body of laws that accommodates a wide-ranging public debate. We must not become the first

Congress in U.S. history to chill public debate by tampering with the first amendment.

Mr. Speaker, H. L. Mencken once said, ''The trouble with fighting for human freedom is that one spends most of one's time defending scoundrels, for it is against scoundrels that oppressive laws are first aimed. And oppression must be stopped at the beginning if it is to be stopped at all.'' Flag burners are generally scoundrels. On that much we would agree. But we ought not give them any more attention than they deserve.

Mr. Speaker, former Senator Chuck Robb sacrificed his political career by doing such things as voting against this amendment in order to defend the very freedoms that the American flag represents.

□ 1500

In his Senate floor statement last year, he described how he had been prepared to give up his life in the Vietnam War in order to protect the very freedoms that this constitutional amendment would suppress. He did wind up giving up his political career by showing the courage to vote against this amendment.

Not having fought in a war, I should do no less than Senator Robb did in defense of the freedom he and so many of my peers were willing to defend with their lives.

This amendment should be defeated. I think the substitute amendment is appropriate. It should be supported. But this amendment should be defeated in our national interest, regardless of the consequences to our personal and political interests.

Mr. SENSENBRENNER: Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise against the substitute offered by the gentleman from North Carolina (Mr. WATT).

We have seen this debate before where our side has proposed the flag constitutional amendment and we have seen your side always provide a substitute. Generally, your substitute has been a method to give you the ability to vote for it and still go back to your constituents and say that you believe that the physical desecration of the flag of the United States is bad. That is what your amendment is, quite simply. Because if you were really sincere about this debate, you would not have this sentence in your substitute amendment: ''Not inconsistent with the first article of amendment to this Constitution.''

I am sure that my colleagues would be willing to explain why they would have that in if, in fact, they felt that the Congress should have the power to prohibit the physical desecration of the flag of the United States. But the fact that you put that in with a contingency would show that you do not really have your heart in this debate. This is really, in my opinion, just the opportunity for those who are in swing districts to have the opportunity to vote for something and vote against ours.

When we look at what we have offered in the original flag constitutional amendment, H.J.Res. 36, we are simply saying that our flag is not just a piece of cloth, we are saying it is something much more. To desecrate it is to desecrate the memory of thousands of Americans who have sacrificed their lives to keep that banner flying intact. So it is to desecrate everything this country stands for.

I would remind the Members who do not support our original amendment and support the substitute that we also note in our laws we protect our money from desecration, destruction. So if that is true for our money, why is that not true for the flag?

Obviously there is a debate on this all the time and we cannot get complete support on this, but I think in this case that we can talk and talk and talk about first amendment rights and everything but clearly that your amendment is just really subterfuge to try to protect Members who want to have it both ways.

Supreme Court Justice John Paul Stevens claims that the act of flag burning has nothing to do with disagreeable ideas, but rather involves conduct that diminishes the value of an important national asset. The act of flag burning is meant to provoke and arouse and not to reason. Flag burning is simply an act of cultural and patriotic destruction.

The American people revere the flag of the United States as a unique symbol of our Nation, representing our commonly held belief in liberty and justice. Regardless of our ethnic, racial or religious diversity, the flag represent oneness as a people. The American flag has inspired men and women to accomplish courageous deeds that won our independence, made our Nation great and, of course, advanced our values throughout the world which the rest of the country is adopting. Mr. Speaker, I say we should defeat this substitute.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me address the comments made by my colleague, the gentleman from Florida (Mr. STEARNS), and make it absolutely clear to him that for those of us who have different opinions about what the first amendment covers than yours, it does not mean that we do not have political heart. It just means we have a difference of opinion.

Those of us who have stood for the first amendment to the Constitution are people like myself who, in the practice of law, actively defended the right of the Ku Klux Klan to march.

Mr. Speaker, maybe my colleagues can say I do not have any heart. Maybe my colleagues can say I am looking for political cover. But when I go back into my community and stand up for the right of the KKK to march and express themselves, I think that gives some indication of what I feel about the first amendment and the right that all of us, I think, are fighting to protect, which is the right of people to express themselves, whether we agree with what they are saying or disagree with what they are saying.

This is not about seeking political cover. This is about protecting the very Constitution that we are operating under and have been operating under for years and years.

Mr. Speaker, I want to make that clear to the gentleman. This is not, as the gentleman characterized it, a political exercise. And the gentleman should also be clear that this is not the Republican side versus our side, that is the Democratic side. The last time I checked, there were people of goodwill, both Republicans and Democrats, on both sides of the aisle on this issue.

The one thing that I think we all agree on is that we believe in this country and the principles on which it was founded, and we will all fight and defend those principles. I finally got to that point with the gentleman from California (Mr. CUNNINGHAM), my good friend, who is in the Chamber. We got past that. Let us not call names.

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

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

Mr. STEARNS. Mr. Speaker, could the gentleman give me an example where in his mind the authors of this substitute give a specific example where the first amendment would be in conflict with physical desecration of the flag?

Mr. WATT of North Carolina. Reclaiming my time, I have a very limited amount of time. Had the gentleman been on the floor at the outset of this debate, he would have heard what this amendment is all about. The only way I can do that now is to go back and restate it. It is in the record, though. I will just stand on the record.

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

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time to close.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

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

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

Mr. SCOTT. Mr. Speaker, I ask the gentleman to yield so I can respond briefly to the gentleman from Florida (Mr. STEARNS) because I think it is important to know about the importance of the first amendment.

When we talk about some burning would be legal and some would not, if someone is being arrested because of the message, if someone is burning the flag and says something nice about the Vietnam War, would that be desecration? If someone says something in

protest of the Vietnam War, would that be desecration? It is the same act. If the local sheriff happens to be of a particular view on that, he would want to arrest the burner because he is offended.

Mr. Speaker, that is why it is important that we have the first clause in the Watt amendment. It would have to be consistent with the first amendment. The first amendment would say that one cannot restrict by virtue of the content. We can restrict the way the flag is burned, the time the flag is burned, but not the message delivered when the burning is going on.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for his intervention.

Mr. Speaker, in closing, first of all, I want to respond to the comments of the gentleman from Wisconsin (Mr. SENSENBRENNER) that he made in his opening statement, that the effect of this proposed substitute would be to punt this proposed issue back to the United States Supreme Court.

It is interesting that the chairman of the Committee on the Judiciary would say that, because, by passing the underlying proposal, we do not do away with the first amendment to the Constitution. The Supreme Court is going to have to reconcile this proposed constitutional amendment with the first amendment as it stands now; and so the notion that we are somehow, by not putting the language that we have proposed in the constitutional amendment, are going to save ourselves from the United States Supreme Court interpreting the first amendment is just not the case.

At some point this issue is going back to the Supreme Court, whether it goes back under my substitute or whether it goes back under the proposed constitutional amendment.

We can say to ourselves we have resolved this issue, but if in fact it is speech to burn a flag in the course of a demonstration or protest expressing one's self, if it was protected by the first amendment before this proposed constitutional amendment, then that act is still going to be protected by the first amendment unless the effect of this is to repeal the first amendment.

So it is not as if we are doing away with the first amendment. In any event, this all must be resolved. I do not think there is any credibility in that analysis. This issue is going back to the Supreme Court, and the Supreme Court will reconcile whatever amendment we make.

I am just trying to make it clear that in my order of priorities I want the first amendment to the Constitution, which has been on the books for all these years that our country has been around, to still be the preeminent amendment to the Constitution. I do not want something that this Congress has done in the heat of some political moment to supersede that.

Second, I want to close by just saying how much I have come to welcome this debate. When we first started doing this 5 or 6 years ago, I actually resented having to do this every year. Now I actually think that it is a good debate for our country.

Mr. Speaker, 5 or 6 years ago when I first started debating this, I used to think, as the gentleman from Florida (Mr. STEARNS) now thinks, that everybody on the opposite side of this issue was unAmerican because they did not believe in the first amendment.

Mr. Speaker, folks used to come in the Chamber and they would shout at me that I was unAmerican because I did not support what they wanted; and I would shout at them that they were unAmerican because they did not believe in what I believed in.

□ 1515

I think about 2 or 3 years into the debate, it became apparent to me that everybody on all sides of this issue is a patriot. And I think we finally got to that resolution last year or the year before last when we had a very, very dignified debate that allowed everybody to express their opinions on this proposed constitutional amendment, on the proposed substitute, and everybody went away understanding more fully what free speech and expression is all about and why we value our country as we do regardless of where we stand on this issue.

There is dignity in this debate. It is not a partisan debate. It is not a racial debate. It is not a philosophical debate. This is all about what you think this country stands for and what you think the first amendment stands for. I applaud my colleagues for engaging in this dignified debate.

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

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

Mr. Speaker, I am willing to stipulate that everybody who has debated this question today, on either side of the issue, is just as patriotic as everybody else. There is a legitimate difference of opinion on whether or not we should propose a constitutional amendment for the States to consider and ratify to protect the United States flag from physical desecration. I think that the case is overwhelming on why we ought to do that.

I would just like to cite one legal decision from my home State, in the case of the State of Wisconsin v. Matthew C. Janssen, Supreme Court of Wisconsin, decided on June 25, 1998, where the State Supreme Court, citing the Johnson and Eichman cases as precedent, declared unconstitutional the Wisconsin flag desecration statute in the case where the defendant defecated on the American flag. And there the court determined that because the defendant claimed that this disgusting act was a political expression, he could not be criminally prosecuted because the statute was unconstitutional.

Now, if there ever was a reason why we should overturn the Johnson and Eichman cases, this decision of the Wisconsin Supreme Court, I believe, is a case in point. I think that whether one supports or opposes House Joint Resolution 36 goes down to a question of values. We have heard those values spoken today very eloquently on both sides. But I think that protecting the flag should be one of our paramount goals, because the flag does stand for all Americans. The flag does stand for the principles that are contained in the Declaration of Independence and the Constitution. The flag does stand for the values that 700,000 young men and young women died for in the wars that this country has fought over the last 225 years. If we can say that it is a Federal crime to burn a dollar bill, we ought to be able to say it is a Federal crime to burn the American flag.

I urge the defeat of the substitute and the passage of the constitutional amendment.

Mr. CONYERS. Mr. Speaker, I strongly support the substitute offered by Mr. WATT.

This substitute goes to the heart of what we're debating. If the sponsors of H.J. Res. 36 really believe that the proposed amendments does not supersede the First Amendment, they ought to have no problem supporting this substitute.

And if H.J. Res. 36 does supersede the First Amendment, then the sponsors should have the courage to admit it—so the American people can make an informed decision about this issue.

In my view it is clear that H.J. Res. 36 directly alters the free speech protections of the First Amendment. There can be no doubt that "symbolic speech" relating to the flag falls squarely within the ambit of traditionally protected speech.

Our nation was born in the dramatic symbolic speech of the Boston Tea Party, and our courts have long recognized that expressive speech associated with the flag is protected under the First Amendment.

Also, as H.J. Res. 36 is currently drafted, it will allow Congress to outlay activities that go well beyond free speech. The amendment gives us no guidance whatsoever as to what if any provisions of the First Amendment, the Bill of Rights, or the Constitution in general that it is designed to overrule.

Some have suggested that the amendment goes so far as to allow the criminalization of wearing clothing with the flag on it. This goes well beyond overturning the Johnson case and indicates that the flag desecration amendment could permit prosecution under statutes that were otherwise unconstitutionally void of vagueness.

For example, the Supreme Court in 1974 declared unconstitutionally vague a statute that criminalized treating the flag contemptuously and did not uphold the conviction of an individual wearing a flag patch on his pants. So unless we clarify H.J. Res. 36, the legislation would allow such a prosecution despite that statute's vagueness.

Finally, it is insufficient to respond to these concerns by asserting that the courts can easily work out the meaning of the terms in the same way that they have given meaning to other terms in the Bill of Rights such as "due process."

Unlike the other provisions of the Bill of Rights, H.J. Res. 36 represents an open-

ended and unchartered invasion of our rights and liberties, rather than a back-up mechanism to prevent the government from usurping our rights.

I urge the Members to support the substitute and oppose altering the Bill of Rights.

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

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 189, the previous question is ordered on the joint resolution and on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 100, nays 324, not voting 9, as follows:

[Roll No. 231]

YEAS—100

Abercrombie
Allen
Baldwin
Barrett
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Capuano
Cardin
Clay
Clayton
Clyburn
Coyne
Cummings
Davis (IL)
DeFazio
Dicks
Engel
Etheridge
Evans
Fattah
Frank
Gonzalez
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kolbe
LaFalce
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lewis (GA)
Lowey
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Moran (VA)
Nadler
Neal
Obey
Olver
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Shadegg
Slaughter
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler

NAYS—324

Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kucinich
LaHood
Langevin
Largent
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Schakowsky
Schrock
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Bishop
Delahunt
Gephardt
Jefferson
Owens
Reyes
Riley
Schiff
Spence

□ 1557

Messrs. MCINTYRE, DEMINT, THOMPSON of California, PICKERING, STARK, MCDERMOTT, SERRANO, and Ms. LOFGREN, Ms. LEE, Mrs. NAPOLITANO, Ms. VELAZQUEZ, and Mrs. DAVIS of California changed their vote from ''yea'' to ''nay.''

Messrs. RANGEL, ALLEN, DICKS, MCGOVERN, and HILLIARD changed their vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LINDER). The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 298, nays 125, not voting 10, as follows:

[Roll No. 232]

YEAS—298

Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kucinich
LaHood

Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—125

Abercrombie
Ackerman
Allen
Baldwin
Barrett
Becerra
Berman
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Capuano
Cardin
Carson (IN)
Clay
Clayton
Conyers
Coyne
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Dreier
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank
Gilchrest
Gonzalez
Greenwood
Hall (OH)
Hastings (FL)
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McKinney
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Mink
Moore
Moran (VA)
Nadler
Oberstar
Obey
Olver
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Price (NC)
Rangel
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Shays
Slaughter
Snyder
Solis
Stark
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—10

Bishop
Delahunt
Gephardt
Jefferson
Kolbe
Owens
Reyes
Riley
Schiff
Spence

□ 1614

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETERSON of Minnesota. Mr. Speaker, during rollcall vote No. 232 on H.J. Res. 36, I mistakenly recorded my vote as "nay" when I should have voted "aye".

Stated against:

Mr. KOLBE. Earlier today, I was absent during the vote on final passage of H.J. Res. 36, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

Had I been present, I would have voted "nay" on this vote, No. 232.

ANNOUNCEMENT REGARDING PREPRINTING OF AMENDMENTS TO H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules plans to meet tomorrow on Wednesday, July 18, 2001, to grant a rule for the consideration of H.R. 2506, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002.

□ 1615

The Committee on Rules may grant a rule which would require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

The Committee on Appropriations filed its report on the bill today. Members should draft their amendments to the bill as reported by the Committee on Appropriations.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

PROVIDING FOR CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 192 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 192

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "Provided" on page 19, line 13, through "workyears:" on line 19. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. HASTINGS); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, H. Res. 192 is an open rule providing for the consideration of H.R. 2500, the FY 2002 Commerce, Justice, State, the Judiciary, and related agencies appropriations bill. Overall, this bill provides roughly $38 billion in funding for a variety of Federal departments and agencies, about $600 million over the President's budget request.

H. Res. 192 provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and all points of order are waived against consideration of the bill.

The rule also provides that the bill be considered for amendment by paragraph. H. Res. 192 waives clause 2 of rule XXI, prohibiting unauthorized or legislative provisions in an appropriations bill, against provisions in H.R. 2500, except as otherwise specified in the rule. The rule also authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Once H. Res. 192 is approved, the House can begin its consideration of the fiscal year 2002 Commerce, Justice, State, the Judiciary appropriations bill. A number of critically important Federal agencies receive their funding from this measure, including the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Drug Enforcement Administration, the Federal Communications Commission, the Securities and Exchange Commission, and the Small Business Administration, among others.

I want to commend my friend and colleague, the gentleman from Virginia (Mr. WOLF), for the manner in which he and his ranking minority member, the gentleman from New York (Mr. SERRANO) have crafted this bill. It is funded within the guidelines of FY 2002 Budget Resolution we passed earlier this year, and they have done so while still providing for some significant funding increases for certain departments and agencies within H.R. 2500.

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

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

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

First, Mr. Speaker, let me thank the gentleman from Georgia (Mr. LINDER) for yielding me this time. This seems to be my and his day for rulemaking here in the House.

Mr. Speaker, I rise in support of the Commerce, Justice, State, Judiciary, and related agencies appropriations bill for fiscal year 2002 and in support of the rule. I want to congratulate the gentleman from Virginia (Mr. WOLF), the chairman of this subcommittee, and the ranking member, the gentleman from New York (Mr. SERRANO), for their work on this bill and for their recognition of the importance to the entire country of the necessary departments and agencies it funds. In years past, this has been a very controversial bill. I am satisfied that this year we have a bill that is fair, balanced, and enjoys wide bipartisan support.

For a moment, let me just say how important to the American people this bill is. It funds programs like the Legal Services Corporation and the Immigration and Naturalization Service. It increases funding for the Equal Employment Opportunity Commission and the United States Commission on Civil Rights. Additionally, this bill funds the very critical programs that our embassies around the world carry out every day. These hardworking unheralded women and men work hard for the American people every day and everywhere. From Baku to Buenos Aires, and from Quito to Cairo, our foreign service personnel have some of the most difficult jobs in the world. The increases in funding in this bill for embassy and consular security are most needed and should, in my opinion, be increased.

Mr. Speaker, in addition to the programs of national interest that I alluded to above, this bill contains a number of significant projects important to my south Florida district that I would like to highlight briefly. I am pleased this bill contains more than $1.4 million for the continued restoration of the south Florida ecosystem. Funding for these projects includes important work being done at the National Coral Reef Institute in Dania Beach, Florida; and I am thrilled that Congress continues its commitment to this facility through this bill.

Protection of Florida's unique environment and the animals that inhabit it are aided by this bill. Specifically, this bill allocates $1.7 million for the Marine Mammal Commission for continuation of studies to further protect the endangered Florida manatee.

Additionally, this bill continues funding for the Caribbean Initiative, which provides added resources to the FBI, DEA, and the INS for the region that includes Puerto Rico, the Caribbean, and south Florida.

I am pleased to see that the bill before us includes significant funding for the Community Oriented Policing Services, the COPS program, administered by the Department of Justice. Specifically, the committee report recommends that funds be directed to the largest school district in my State, Miami-Dade County Public Schools, for technology equipment for school policing activities.

Finally, Mr. Speaker, let me mention that later in this debate I will offer an amendment for funding to an important project in a very small city in my district that is in desperate need, Pahokee, Florida. Looking ahead, I thank the ranking member for working with me on my amendment and for the thoughtful consideration of it.

Mr. Speaker, this is a good bill; and the rule is fine, as far as it goes. Again, Mr. Speaker, I thank the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for bringing an excellent bill to the House. This is a bipartisan bill that helps millions of Americans from coast to coast, and I urge passage of the bill and adoption of the rule.

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

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule and wish to talk specifically about one of the most impressive components of this piece of legislation we are going to be voting on in terms of the Justice appropriations.

As a proud original cosponsor of the COPS program and the only member of the Subcommittee on Crime from Congress, I want to take this time to applaud the efforts of the chairman, the gentleman from Virginia (Mr. WOLF), in reinstating the funding for the COPS program at $1 billion, which is $158 million more than the President requested. This is a critically important program to our law enforcement community and to the safety of our citizens.

In my community of central Florida, for example, we have added more than 500 police officers since 1994. We have added 110,000 police officers across the country. Over two-thirds of our police departments have benefited from this program. What happened? We saw a dramatic downturn in crime. Every year since 1994, the crime rate has gone down.

Recently, I held a roundtable in my community and invited all of the sheriffs and all the chiefs of police. Some were elected; some were appointed. Some were Republican; some were Democrat. Some headed up large police departments; some headed up small. They all had one common goal. Their number one criminal justice priority was to fully fund the COPS program because they saw it made a meaningful difference in the lives of citizens in Orlando.

I want to applaud the leaders in funding this program and let them know this will continue to make a meaningful difference in people's lives because of their leadership.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 6 o'clock and 31 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7, COMMUNITY SOLUTIONS ACT OF 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report

(Rept. No. 107–144) on the resolution (H. Res. 196) providing for consideration of the bill (H.R. 7) to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2500, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2500.

□ 1833

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

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

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I want to announce to Members that as we begin consideration of this very important appropriations bill that because of the heavy schedule for the floor this week, we would like to accomplish an agreement on limiting time on amendments, as we have done on other bills. In order to be fair to the membership, in order to do this, I would like to urge Members who have an amendment that they would like to have considered to this bill, that they present that as soon as they possibly can so that as we begin to create the universe of amendments that we will be considering, so that we will not leave anybody out.

The schedule for the balance of the evening will be announced at a later time by the majority leader, but at this point we are prepared to go into the general debate on the bill.

I want to say a word of congratulations to the gentleman from Virginia (Chairman WOLF) for the tremendous leadership that he has shown in this, his first year as chairman of this particular subcommittee, and also to the gentleman from New York (Mr. SERRANO), who is the ranking member. There has been a very cooperative effort between the gentleman and the chairman. They both have done a good job. Their staffs have worked diligently to present a good, fair bill.

Will it satisfy everybody? I know there are a lot of folks that would like to see more money appropriated by this bill; others think it appropriates too much. So it is probably just at about the right place.

So, again, I want to compliment the gentleman from Virginia (Chairman WOLF), who has done an outstanding job in providing the leadership for the subcommittee, and his partner in this effort, the gentleman from New York (Mr. SERRANO), who also has been a very constructive member of the subcommittee in getting us to this point.

I am hopeful that we can expedite this bill. We have four other appropriations bills, plus the conference report on the supplemental, awaiting consideration by the House, so the sooner we can expedite this business, the sooner we can get on to the rest of the appropriations business.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to begin consideration of H.R. 2500, the Departments of Commerce, Justice, State, the Judiciary, and related agencies. The bill provides funding for programs whose impact ranges from the safety of people in their homes and communities, to the conduct of diplomacy around the world, to predicting the weather from satellites in outer space.

The bill before the Committee and in the House today reflects the delicate balance of needs and requirements. We have drafted what I consider to be a responsible bill for fiscal year 2002 spending levels for the departments and agencies under the subcommittee's jurisdiction. We have had to carefully prioritize the funding in this bill and make hard judgments with regard to scarce resources.

Overall, the bill before the committee recommends a total of $38.5 billion in discretionary funding, of which $38.1 bill is general-purpose discretionary, and $440 million is for the discretionary conservation function. The bill is $972 million above the enacted level for fiscal year 2001, and $600 million above the President's request.

For the Department of Justice, the bill provides $21.5 billion in discretionary funding, $672 million above last year's level and $623 million above the President's request. This includes a $455 million increase to address critical detention requirements to house criminals and illegal aliens.

It also includes $5 million in support of the President's faith-based initiative at the Federal Bureau of Prisons, including a pilot program at Petersburg, Virginia, and Leavenworth, Kansas, Federal penitentiaries. I firmly believe that faith can have a positive impact on the lives of those incarcerated, and I know that we must provide prisoners with something more positive than just putting them in prison; and a faith-based initiative which will be open to all faiths I believe can make a big impact in reducing recidivism.

There is a $469 million increase for the Drug Enforcement Administration, the Federal Bureau of Investigation, and the U.S. Attorneys to enhance Federal law enforcement's ability to fight the war on violent crime and drugs and to combat cybercrime and national security threats.

We have also included report language that will ensure that the Inspector General at the Department of Justice will have the full authority, for the first time, to investigate allegations of employee misconduct within both the FBI and the DEA. Again, this will be the first time that the IG will have permission to look at the whole Department, including the FBI and DEA.

This move is significant, given the problems that have plagued the FBI, and the DEA to a lesser extent. Having this added measure of oversight will be a good thing for the FBI and the DEA, and it will hopefully begin to restore the American people's faith in these two valiant and extremely important organizations. There are good men and women who are in both agencies who serve the country very well; and by giving the IG having the ability to look, I think will be a good thing.

There is a $252 million increase for the Immigration and Naturalization Service to enforce our immigration laws, hire additional Border Patrol agents, and continue the interior enforcement effort. This funding level also includes the President's request for an additional $45 million to achieve a 6-month application processing standard. There is a $150 million increase to enforce Federal and State gun laws and distribute gun safety locks.

This also empowers local communities to fight crime by providing $4.3 billion for State and local law enforcement assistance. This includes funding for Violence against Women Act programs, victims of trafficking grants, the State Criminal Alien Assistance program, and local law enforcement block grant programs, COPS and juvenile justice programs.

For the Department of Commerce, the bill provides $5.2 billion, $21 million

above the request. It provides full funding for the U.S. trade agencies, Census, and the National Institute of Standards and Technology, an increase of $29 million over the President's request for the National Oceanic and Atmospheric Administration, including the National Weather Service.

The bill also includes $440 million on the conservation category as negotiated in the fiscal year 2001 Interior appropriations bill.

The National Weather Service has been diligent in its pursuit of a new National Severe Storm Laboratory building in Norman, Oklahoma. The gentleman from Oklahoma, Mr. WATTS has been vigilant in his pursuit to provide the required capabilities of this laboratory. Beginning in 1998, he has obtained funding to establish the National Severe Storms Laboratory.

This year, through the efforts of the chairman of the Subcommittee on Treasury, Postal Service and General Government, the gentleman from Oklahoma (Mr. ISTOOK), there is an agreement with the General Services Administration to actually construct this building. This committee has agreed to provide the above-standard GSA costs specific to the requirements for NOAA. This facility will allow NOAA to improve the detection of tornadoes nationwide. The bill also includes the full $440 million, as I said, under the conservation category program as negotiated in the fiscal year 2001 Interior appropriations bill. So this I think will help the gentleman from Oklahoma Mr. (WATTS) and the gentleman from Oklahoma (Mr. ISTOOK) and the University of Oklahoma to deal with that issue dealing with NOAA.

For Judiciary, $63 million will begin the renovations at the U.S. Supreme Court, about half the amount needed to protect the life, safety and security of the millions of people who use that building. Also a cost-of-living increase to the attorneys who ensure the fairness of our criminal justice system by representing indigents in criminal cases.

For the State Department and the Broadcasting Board of Governors, the bill provides $7.7 billion, $837 million above last year's appropriations, per the request of the Bush administration and per the request of Secretary Powell.

It includes a programming increase of $419 million for diplomatic readiness and reform, including 360 new positions and major technology modernization, $1.3 billion, the full request, the full request, because of embassy security problems, for urgent embassy security needs, including the construction of new secure replacement embassies and consulates.

Just last week, on July 12, the State Department released its first annual report on sexual trafficking in persons. The Congress ought to know that at least 700,000 individuals a year, many women and children, are trafficked each year across international borders for sexual purposes. These victims are often subject to threats and violence and horrific living conditions. We must not tolerate this equivalent of modern-day slavery.

The bill includes $3.8 million for important new initiatives to combat trafficking, including the cost of an office within the State Department to coordinate interagency anti-trafficking activities, and an international conference to develop systematic international solutions to the problem. Fifty thousand people are brought to this country alone every year for that purpose, and the subcommittee plans on holding a hearing, in-depth hearings on this, when we come back after the Labor Day break.

The bill also includes $479 million for the Broadcasting Board of Governors, $9 million above the request, which includes funding for broadcasting initiatives in East Asia and the Middle East, and also making sure that the broadcasts get to the country of Sudan, where we know that they have slavery.

For the miscellaneous and related agencies, the bill includes $2.1 billion, $300 million above the current year level; $728 million for the Small Business Administration, an increase of $186 million above the President's request for important lending and assistance programs for the Nation's entrepreneurs; $232 million for the Maritime Administration, an increase of $128 million above the President's request, including funding for the Maritime Security Program, the title 11 loan program and the important efforts to dispose of the backlog of obsolete merchant vessels, which we hope we can finally put to rest once and for all.

$438 million, the requested amount for the Securities and Exchange Commission. I strongly support the SEC's recent effort to strengthen their enforcement of disclosure rules. Foreign corporations doing business in Sudan and other places playing a direct role in human rights abuses in Sudan have been able to offer securities to American investors; and as a result, these investors are unwittingly helping to subsidize these atrocities. American investors are helping to subsidize terrorism. American investors are helping to subsidize slavery.

We appreciate what the SEC did, and we will continue to insist on the full exercise of existing authorities to inform and protect American investors in this area, and this message goes out to the new chairman of the SEC when he takes over. But I appreciate the acting chairman's efforts in this regard.

□ 1845

Mr. Chairman, this bill provides funding of $3 million for the Commission on International Religious Freedom to monitor violations of religious freedom abroad and make policy recommendations to the State Department. I am particularly concerned about the denial of equal treatment to Coptic Christians by the government of Egypt. Funding for this Commission will help to ensure that such violations are given the attention they deserve by our foreign policymakers, whether being Egypt, whether being China, or wherever it may be.

This is a very quick summary of the recommendations before the House today. The bill gives no ground on the ongoing war against crime and drugs and provides the resources to State and local law enforcement that has helped bring the violent crime rate down to its lowest level since the Justice Department began tracking it. It includes major increases for the State Department to allow the Secretary, Secretary Powell, to rejuvenate and reform the Department and to continue the important, ongoing efforts to improve embassy security. It represents our best take on matching the needs with scarce resources.

I want to thank the gentleman from New York (Mr. SERRANO), the ranking member, who has been very effective and, I might say, these get to be sort of pro forma things, but, really, the gentleman is a good friend and someone we have worked very, very closely with. I want him to know that I appreciate his principal commitment, his thorough understanding of the programs in this bill, and I like sitting next to him with his great sense of humor, so I just wanted to thank him.

I also would like to thank all of the members of the subcommittee for their help. The gentleman from Kentucky (Mr. ROGERS), who had been the chairman of this committee for 6 years, has helped me with regard to a number of issues. I would also like to thank the gentleman from Arizona (Mr. KOLBE), the gentleman from North Carolina (Mr. TAYLOR), and the gentleman from Ohio (Mr. REGULA), the gentleman from Iowa (Mr. LATHAM), the gentleman from Florida (Mr. MILLER), the gentleman from Louisiana (Mr. VITTER), the gentleman from West Virginia (Mr. MOLLOHAN), the gentlewoman from California (Ms. ROYBAL-ALLARD), the gentleman from Alabama (Mr. CRAMER), and the gentleman from Rhode Island (Mr. KENNEDY).

Finally, I want to thank the gentleman from Florida (Mr. YOUNG), the full committee chairman, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for their help in moving this bill forward.

I would also be remiss if I failed to mention how much I appreciate the professionalism and the cooperation of both the minority staff and the majority staff.

I would like to thank the majority staff, Mike Ringler, who handles the budgets of the State Department and the United Nations; Leslie Albright, who ably works the Justice Department law enforcement programs, including the DEA, the U.S. Marshal Service and the FBI; Christine Ryan, a former FBI professional who oversees the Commerce Department budget and who is marrying a Marine Corps officer

in a few short weeks when we finally finish this bill.

I also want to thank Julie Miller, an extremely professional OMB official, who may even stay with the committee if we can get the approval, who has been detailed to the committee; and Carrie Hines, another top-notch professional who has been detailed to the committee.

I appreciate the top-notch efforts of Gail Del Balzo, whose experience on the Senate Budget Committee, as assistant parliamentarian of the Senate and as general counsel of CBO, has prepared her well for the position of clerk of this subcommittee.

These young professionals put in countless hours working weekends and late into the night. It is time spent away from their families and their friends, and yet they are dedicated to doing what is best for the American people, and we really appreciate them very much.

On the minority side, I want to say exactly the same thing. In particular, I would like to thank Sally Chadbourne, Lucy Hand, Nadine Berg, Rob Nabors and Christine Maloy from the democratic staff who were willing to pitch in during all the long hours spent putting this bill together. It has been a unique experience. It has been more bipartisan than I have seen, quite frankly, for a long, long while.

With that, I will just end by saying we tried hard to produce the best bill possible. It probably is not like the Ten Commandments. It is not perfect. I am sure there could be some changes here. While there cannot be any changes to the Ten Commandments, there can be in this bill, but we did not have that vision that the good Lord has, so we will be taking some amendments and doing some things, but I do hope Members will support the bill.

APPROPRIATIONS BILL, 2002 (H.R. 2500)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	88,518	93,433	91,668	+3,150	-1,765
Joint automated booking system	15,880	15,957	15,957	+77	.....
Narrowband communications	204,549	104,606	104,615	-99,934	+9
Counterterrorism fund	4,989	4,989	4,989	.....	.....
Telecommunications carrier compliance fund	100,488	.....	.....	-100,488	.....
Defense function	100,488	.....	.....	-100,488	.....
Administrative review and appeals:					
Direct appropriation	160,708	178,499	178,751	+18,043	+252
Detention trustee	998	1,718	1,721	+723	+3
Office of Inspector General	41,484	45,495	50,735	+9,251	+5,240
Total, General administration	718,102	444,697	448,436	-269,666	+3,739
United States Parole Commission					
Salaries and expenses	8,836	10,862	10,915	+2,079	+53
Legal Activities					
General legal activities:					
Direct appropriation	534,592	566,822	568,011	+33,419	+1,189
Vaccine injury compensation trust fund (permanent)	4,019	4,028	4,028	+9	.....
Antitrust Division	120,838	140,973	141,366	+20,528	+393
Offsetting fee collections - carryover	-25,000	-51,550	-36,000	-11,000	+15,550
Offsetting fee collections - current year	-95,838	-89,423	-105,366	-9,528	-15,943
Direct appropriation	.....	.....	.....	.....	.....
United States Attorneys:					
Direct appropriation	1,247,631	1,346,289	1,353,968	+106,337	+7,679
United States Trustee System Fund	125,997	154,044	145,937	+19,940	-8,107
Offsetting fee collections	-119,997	-147,044	-138,937	-18,940	+8,107
Interest on U.S. securities	-6,000	-7,000	-7,000	-1,000	.....
Direct appropriation	.....	.....	.....	.....	.....
Foreign Claims Settlement Commission	1,105	1,130	1,136	+31	+6
United States Marshals Service:					
Direct appropriation	571,435	619,818	622,646	+51,211	+2,828
Construction	18,088	6,621	6,628	-11,460	+7
Justice prisoner and alien transportation system fund	13,470	.....	.....	-13,470	.....
Total, United States Marshals Service	602,993	626,439	629,274	+26,281	+2,835
Federal prisoner detention	596,088	724,682	724,682	+128,594	.....
Fees and expenses of witnesses	125,573	156,145	148,494	+22,921	-7,651
Community Relations Service	8,456	9,269	9,269	+813	.....
Assets forfeiture fund	22,949	22,949	21,949	-1,000	-1,000
Total, Legal activities	3,143,406	3,457,753	3,460,811	+317,405	+3,058
Radiation Exposure Compensation					
Administrative expenses	1,996	1,996	1,996	.....	.....
Payment to radiation exposure compensation trust fund	10,776	10,776	10,776	.....	.....
Total, Radiation Exposure Compensation	12,772	12,772	12,772	.....	.....
Interagency Law Enforcement					
Interagency crime and drug enforcement	325,181	338,106	340,189	+15,008	+2,083
Federal Bureau of Investigation					
Salaries and expenses	2,791,795	3,050,472	3,042,606	+250,811	-7,866
Counterintelligence and national security	436,687	455,387	448,467	+11,780	-6,920
Direct appropriation	3,228,482	3,505,859	3,491,073	+262,591	-14,786
Construction	16,650	1,250	1,250	-15,400	.....
Total, Federal Bureau of Investigation	3,245,132	3,507,109	3,492,323	+247,191	-14,786
Drug Enforcement Administration					
Salaries and expenses	1,443,669	1,547,929	1,543,083	+99,414	-4,846
Diversion control fund	-83,543	-67,000	-67,000	+16,543	.....
Total, Drug Enforcement Administration	1,360,126	1,480,929	1,476,083	+115,957	-4,846
Immigration and Naturalization Service					
Salaries and expenses	3,118,999	3,388,001	3,371,440	+252,441	-16,561
Enforcement and border affairs	(2,541,453)	(2,737,341)	(2,738,517)	(+197,064)	(+1,176)
Citizenship and benefits, immigration support and program direction	(577,546)	(650,660)	(632,923)	(+55,377)	(-17,737)

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Fee accounts:					
Immigration user fee	(494,384)	(591,866)	(591,866)	(+97,482)	.....
Land border inspection fund	(1,670)	(1,714)	(2,944)	(+1,274)	(+1,230)
Immigration examinations fund	(969,851)	(1,258,088)	(1,376,871)	(+407,020)	(+118,783)
Breached bond fund	(80,600)	(120,763)	(139,935)	(+59,335)	(+19,172)
Immigration enforcement fines	(1,850)	(5,510)	(12,994)	(+11,144)	(+7,484)
H-1b Visa fees	(1,125)	(16,000)	(16,000)	(+14,875)	.....
Subtotal, Fee accounts	(1,549,480)	(1,993,941)	(2,140,610)	(+591,130)	(+146,669)
Construction	133,009	128,410	128,454	-4,555	+44
Total, Immigration and Naturalization Service	(4,801,488)	(5,510,352)	(5,640,504)	(+839,016)	(+130,152)
Appropriations	(3,252,008)	(3,516,411)	(3,499,894)	(+247,886)	(-16,517)
(Fee accounts)	(1,549,480)	(1,993,941)	(2,140,610)	(+591,130)	(+146,669)
Federal Prison System					
Salaries and expenses	3,500,172	3,829,437	3,845,971	+345,799	+16,534
Prior year carryover	-31,000	.....	-15,000	+16,000	-15,000
Direct appropriation	3,469,172	3,829,437	3,830,971	+361,799	+1,534
Buildings and facilities	833,822	833,273	813,552	-20,270	-19,721
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,421	3,429	3,429	+8	.....
Total, Federal Prison System	4,306,415	4,666,139	4,647,952	+341,537	-18,187
Office of Justice Programs					
Justice assistance	417,299	407,677	408,371	-8,928	+694
(By transfer)	(6,632)	(6,632)	(6,632)	.....	.....
State and local law enforcement assistance:					
Direct appropriations:					
Local law enforcement block grant	521,849	400,000	521,849	.....	+121,849
Boys and Girls clubs (earmark)	(60,000)	.....	(60,000)	.....	(+60,000)
Police athletic league (earmark)	.....	.....	(6,000)	(+6,000)	(+6,000)
Grants, contracts, and other assistance (earmark)	(19,956)	(19,956)	(19,956)	.....	.....
State prison grants	684,990	.....	.....	-684,990	.....
Tribal prison construction	.....	35,191	35,191	+35,191	.....
State criminal alien assistance program	399,120	265,000	565,000	+165,880	+300,000
Cooperative agreement program	.....	35,000	35,000	+35,000	.....
Indian tribal courts program	7,982	7,982	7,982	.....	.....
Indian grants	4,989	4,989	4,989	.....	.....
Byrne grants (formula)	498,900	500,000	500,000	+1,100	.....
Byrne grants (discretionary)	68,898	.....	70,000	+1,102	+70,000
Juvenile crime block grant	249,450	249,450	249,450	.....	.....
Drug courts	49,890	50,000	50,000	+110	.....
Violence Against Women grants	288,044	309,665	309,665	+21,621	.....
State prison drug treatment	62,861	73,861	73,861	+11,000	.....
Stalking and domestic violence grants program	.....	3,000	3,000	+3,000	.....
Violent Crimes Against Women on Campus	.....	10,000	10,000	+10,000	.....
Legal assistance for victims	.....	40,000	40,000	+40,000	.....
Protection for older and disabled women	.....	5,000	5,000	+5,000	.....
Safe Havens for Children pilot program	.....	15,000	15,000	+15,000	.....
Parental kidnapping laws report	.....	200	200	+200	.....
Forensic exams of domestic violence study	.....	200	200	+200	.....
Education and training to end violence against and abuse of women with disabilities	.....	7,500	7,500	+7,500	.....
Other crime control programs	5,687	5,688	5,688	+1	.....
Assistance for victims of trafficking	.....	.....	10,000	+10,000	+10,000
Total, State and local law enforcement	2,842,660	2,017,726	2,519,575	-323,085	+501,849
Weed and seed program fund	33,925	58,925	58,925	+25,000	.....
Community oriented policing services:					
Direct appropriations:					
Public safety and community policing grants	533,823	271,856	421,856	-111,967	+150,000
Management administration	31,755	32,812	32,994	+1,239	+182
Crime identification technology	129,714	255,404	213,611	+83,897	-41,793
Safe schools initiative	(17,462)	(17,000)	(17,000)	(-462)	.....
Upgrade criminal history records	(34,923)	(35,000)	(35,000)	(+77)	.....
DNA identification/crime lab	(29,934)	(70,000)	(75,000)	(+45,066)	(+5,000)
Methamphetamine	48,393	48,393	48,393	.....	.....
Community prosecutors	99,780	99,780	99,780	.....	.....
Crime prevention	46,897	46,864	46,864	-33	.....
COPS technology	139,692	100,000	150,000	+10,308	+50,000
Total, Community oriented policing services	1,030,054	855,109	1,013,498	-16,556	+158,389
Juvenile justice programs	297,940	297,940	297,940	.....	.....

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Public safety officers benefits program:					
Death benefits	33,224	33,224	33,224	.....	.....
Disability benefits	2,395	2,395	2,395	.....	.....
Total, Public safety officers benefits program	35,619	35,619	35,619	.....	.....
Total, Office of Justice Programs	4,657,497	3,672,996	4,333,928	-323,569	+660,932
Total, title I, Department of Justice	21,029,475	21,107,774	21,723,303	+693,828	+615,529
(By transfer)	(6,632)	(6,632)	(6,632)	.....	.....
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative					
Salaries and expenses	29,452	30,097	30,097	+645	.....
International Trade Commission					
Salaries and expenses	47,994	51,440	51,440	+3,446	.....
Total, Related agencies	77,446	81,537	81,537	+4,091	.....
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	336,702	332,590	347,654	+10,952	+15,064
Offsetting fee collections	-3,000	-3,000	-3,000	.....	.....
Direct appropriation	333,702	329,590	344,654	+10,952	+15,064
Export Administration					
Operations and administration	57,477	61,643	61,643	+4,166	.....
CWC enforcement	7,234	7,250	7,250	+16	.....
Total, Export Administration	64,711	68,893	68,893	+4,182	.....
Economic Development Administration					
Economic development assistance programs	410,973	335,000	335,000	-75,973	.....
Salaries and expenses	27,938	30,557	30,557	+2,619	.....
Total, Economic Development Administration	438,911	365,557	365,557	-73,354	.....
Minority Business Development Agency					
Minority business development	27,254	28,381	28,381	+1,127	.....
Total, Trade and Infrastructure Development	942,024	873,958	889,022	-53,002	+15,064
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	53,627	62,515	62,515	+8,888	.....
Bureau of the Census					
Salaries and expenses	156,881	168,561	169,424	+12,543	+863
Periodic censuses and programs	275,798	374,835	350,376	+74,578	-24,459
Total, Bureau of the Census	432,679	543,396	519,800	+87,121	-23,596
National Telecommunications and Information Administration					
Salaries and expenses	11,412	14,054	13,048	+1,636	-1,006
Public telecommunications facilities, planning and construction	43,404	43,466	43,466	+62	.....
Information infrastructure grants	45,400	15,503	15,503	-29,897	.....
Total, National Telecommunications and Information Administration	100,216	73,023	72,017	-28,199	-1,006
United States Patent and Trademark Office					
Current year fee funding	782,119	856,701	846,701	+64,582	-10,000
(Prior year carryover)	(254,889)	(282,300)	(282,300)	(+27,411)	.....
Total, Patent and Trademark Office	(1,037,008)	(1,139,001)	(1,129,001)	(+91,993)	(-10,000)
Offsetting fee collections	-782,119	-856,701	-846,701	-64,582	+10,000
Total, Economic and Information Infrastructure	586,522	678,934	654,332	+67,810	-24,602
SCIENCE AND TECHNOLOGY					
Technology Administration					
Under Secretary for Technology/ Office of Technology Policy					
Salaries and expenses	8,062	8,238	8,094	+32	-144

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Institute of Standards and Technology					
Scientific and technical research and services	311,929	347,288	348,589	+36,660	+1,301
Industrial technology services	250,285	119,266	119,514	-130,771	+248
Construction of research facilities	34,802	20,893	20,893	-13,909	.....
Total, National Institute of Standards and Technology	597,016	487,447	488,996	-108,020	+1,549
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	1,865,058	2,009,309	1,893,298	+28,240	-116,011
Conservation	.....	168,000	304,000	+304,000	+136,000
(By transfer from Promote and Develop Fund)	(67,850)	(68,000)	(68,000)	(+150)	.....
(By transfer from Coastal zone management)	3,193	3,000	3,000	-193	.....
Total, Operations, research and facilities	1,868,251	2,180,309	2,200,298	+332,047	+19,989
Procurement, acquisition and construction	681,397	738,861	723,000	+41,603	-15,861
Conservation	.....	26,000	26,000	+26,000	.....
Total, Procurement, acquisition and construction	681,397	764,861	749,000	+67,603	-15,861
Coastal and ocean activities	419,076	.....	.....	-419,076	.....
Pacific coastal salmon recovery	73,837	20,000	25,000	-48,837	+5,000
Conservation	.....	90,000	110,000	+110,000	+20,000
Coastal zone management fund	-3,200	-3,000	-3,000	+200	.....
Fishermen's contingency fund	950	952	952	+2	.....
Foreign fishing observer fund	191	191	191	.....	.....
Fisheries finance program account	287	287	287	.....	.....
Environmental improvement and restoration fund	.....	10,000	10,000	+10,000	.....
Total, National Oceanic and Atmospheric Administration	3,040,789	3,063,600	3,092,728	+51,939	+29,128
Total, Science and Technology	3,645,867	3,559,285	3,589,818	-56,049	+30,533
Appropriations	(3,645,867)	(3,275,285)	(3,149,818)	(-496,049)	(-125,467)
Conservation	.....	(284,000)	(440,000)	(+440,000)	(+156,000)
Departmental Management					
Salaries and expenses	35,841	37,652	37,843	+2,002	+191
Office of Inspector General	19,956	21,176	21,176	+1,220	.....
Total, Departmental management	55,797	58,828	59,019	+3,222	+191
Total, Department of Commerce	5,152,764	5,089,468	5,110,654	-42,110	+21,186
Total, title II, Department of Commerce and related agencies	5,230,210	5,171,005	5,192,191	-38,019	+21,186
Appropriations	(5,230,210)	(4,887,005)	(4,752,191)	(-478,019)	(-134,814)
Conservation	.....	(284,000)	(440,000)	(+440,000)	(+156,000)
(By transfer)	(67,850)	(68,000)	(68,000)	(+150)	.....
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,698	1,698	1,808	+110	+110
Other salaries and expenses	35,814	40,416	40,258	+4,444	-158
Total, Salaries and expenses	37,512	42,114	42,066	+4,554	-48
Care of the building and grounds	7,513	117,742	70,000	+62,487	-47,742
Total, Supreme Court of the United States	45,025	159,856	112,066	+67,041	-47,790
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	2,021	2,021	2,079	+58	+58
Other salaries and expenses	15,874	18,425	17,208	+1,334	-1,217
Total, Salaries and expenses	17,895	20,446	19,287	+1,392	-1,159
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,525	1,525	1,633	+108	+108
Other salaries and expenses	10,907	11,587	11,440	+533	-147
Total, Salaries and expenses	12,432	13,112	13,073	+641	-39
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	248,000	250,000	250,434	+2,434	+434
Other salaries and expenses	3,104,879	3,485,774	3,381,506	+276,627	-104,268
Direct appropriation	3,352,879	3,735,774	3,631,940	+279,061	-103,834
Vaccine Injury Compensation Trust Fund	2,596	2,692	2,692	+96	.....
Defender services	434,043	521,517	500,671	+66,628	-20,846
Fees of jurors and commissioners	59,436	50,131	48,131	-11,305	-2,000

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Court security	199,136	228,433	224,433	+25,297	-4,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,048,090	4,538,547	4,407,867	+359,777	-130,680
Administrative Office of the United States Courts					
Salaries and expenses	58,212	63,029	60,029	+1,817	-3,000
Federal Judicial Center					
Salaries and expenses	18,736	20,323	20,235	+1,499	-88
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	35,700	37,000	37,000	+1,300	.....
United States Sentencing Commission					
Salaries and expenses	9,909	12,400	11,575	+1,666	-825
General Provisions					
Judges pay raise (sec. 304)	8,782	8,000	.....	-8,782	-8,000
Total, title III, the Judiciary	4,254,781	4,872,713	4,681,132	+426,351	-191,581
TITLE IV - DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	2,758,076	3,217,405	3,166,000	+407,924	-51,405
Worldwide security upgrade	409,098	487,735	487,735	+78,637	.....
Total, Diplomatic and consular programs	3,167,174	3,705,140	3,653,735	+486,561	-51,405
Capital investment fund	96,787	210,000	210,000	+113,213	.....
Office of Inspector General	28,427	29,264	29,264	+837	.....
Educational and cultural exchange programs	231,078	242,000	237,000	+5,922	-5,000
Representation allowances	6,485	9,000	6,485	.....	-2,515
Protection of foreign missions and officials	15,433	10,000	9,400	-6,033	-600
Embassy security, construction and maintenance	416,059	475,046	470,000	+53,941	-5,046
Worldwide security upgrade	661,541	815,960	815,960	+154,419	.....
Emergencies in the diplomatic and consular service	5,465	15,500	10,000	+4,535	-5,500
(By transfer)	(3,991)	(4,000)	(4,000)	(+9)	.....
Commission on Holocaust Assets in U.S. (by transfer)	(1,397)	.....	.....	(-1,397)	.....
Repatriation Loans Program Account:					
Direct loans subsidy	590	612	612	+22	.....
Administrative expenses	603	607	607	+4	.....
(By transfer)	(998)	(1,000)	(1,000)	(+2)	.....
Total, Repatriation loans program account	1,193	1,219	1,219	+26	.....
Payment to the American Institute in Taiwan	16,309	17,044	17,044	+735	.....
Payment to the Foreign Service Retirement and Disability Fund	131,224	135,629	135,629	+4,405	.....
Total, Administration of Foreign Affairs	4,777,175	5,665,802	5,595,736	+818,561	-70,066
International Organizations and Conferences					
Contributions to international organizations, current year assessment	868,917	878,767	850,000	-18,917	-28,767
Contributions for international peacekeeping activities, current year	844,139	844,139	844,139	.....	.....
Total, International Organizations and Conferences	1,713,056	1,722,906	1,694,139	-18,917	-28,767
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	7,126	7,452	24,705	+17,579	+17,253
Construction	22,900	25,654	5,520	-17,380	-20,134
American sections, international commissions	6,726	10,311	10,311	+3,585	.....
International fisheries commissions	19,349	19,780	19,780	+431	.....
Total, International commissions	56,101	63,197	60,316	+4,215	-2,881
Other					
Payment to the Asia Foundation	9,230	9,250	9,250	+20	.....
Eisenhower Exchange Fellowship program trust fund	499	500	500	+1	.....
Israeli Arab scholarship program	374	375	375	+1	.....
East-West Center	13,470	13,500	9,400	-4,070	-4,100
National Endowment for Democracy	30,931	31,000	33,500	+2,569	+2,500
Total, Department of State	6,600,836	7,506,530	7,403,216	+802,380	-103,314
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	398,093	428,234	453,106	+55,013	+24,872
Broadcasting to Cuba	22,046	24,872	.....	-22,046	-24,872
Broadcasting capital improvements	20,313	16,900	25,900	+5,587	+9,000
Total, Broadcasting Board of Governors	440,452	470,006	479,006	+38,554	+9,000
Total, title IV, Department of State	7,041,288	7,976,536	7,882,222	+840,934	-94,314
(By transfer)	(6,386)	(5,000)	(5,000)	(-1,386)	.....

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V - RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Maritime security program	98,483	.....	98,700	+217	+98,700
Operations and training	86,719	89,054	89,054	+2,335	.....
Ship disposal	.....	10,000	10,000	+10,000	.....
Maritime Guaranteed Loan (Title XI) Program Account:					
Guaranteed loans subsidy	29,934	.....	30,000	+66	+30,000
Administrative expenses	3,978	3,978	3,978	.....	.....
Total, Maritime guaranteed loan program account	33,912	3,978	33,978	+66	+30,000
Total, Maritime Administration	219,114	103,032	231,732	+12,618	+128,700
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	489	489	489	.....	.....
Commission on Civil Rights					
Salaries and expenses	8,880	9,096	9,096	+216	.....
Commission on International Religious Freedom					
Salaries and expenses	.....	3,000	3,000	+3,000	.....
Commission on Ocean Policy					
Salaries and expenses	998	.....	.....	-998	.....
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,367	1,499	1,499	+132	.....
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	499	500	500	+1	.....
Equal Employment Opportunity Commission					
Salaries and expenses	303,195	310,406	310,406	+7,211	.....
Federal Communications Commission					
Salaries and expenses	229,494	248,545	238,597	+9,103	-9,948
Offsetting fee collections - current year	-200,146	-218,757	-218,757	-18,611	.....
Direct appropriation	29,348	29,788	19,840	-9,508	-9,948
Federal Maritime Commission					
Salaries and expenses	15,466	16,450	15,466	.....	-984
Federal Trade Commission					
Salaries and expenses	147,154	156,270	155,982	+8,828	-288
Offsetting fee collections - carryover	-1,900	.....	.....	+1,900	.....
Offsetting fee collections - current year	-145,254	-156,270	-155,982	-10,728	+288
Direct appropriation	.....	.....	.....	.....	.....
Legal Services Corporation					
Payment to the Legal Services Corporation	329,274	329,300	329,300	+26	.....
Marine Mammal Commission					
Salaries and expenses	1,696	1,732	1,732	+36	.....
National Veterans Business Development Corporation					
Salaries and expenses	.....	4,000	4,000	+4,000	.....
Pacific Charter Commission					
Salaries and expenses	.....	.....	2,500	+2,500	+2,500
Securities and Exchange Commission					
Current year fees	127,519	109,500	109,500	-18,019	.....
2000 fees	294,351	328,400	328,400	+34,049	.....
Direct appropriation	421,870	437,900	437,900	+16,030	.....
Small Business Administration					
Salaries and expenses	367,824	321,219	303,581	-64,243	-17,638
Office of Inspector General	11,927	11,927	11,927	.....	.....
Business Loans Program Account:					
Direct loans subsidy	2,245	1,500	1,500	-745	.....
Guaranteed loans subsidy	162,801	.....	77,000	-85,801	+77,000
Administrative expenses	128,716	129,000	129,000	+284	.....
Total, Business loans program account	293,762	130,500	207,500	-86,262	+77,000

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Disaster Loans Program Account:					
Direct loans subsidy	75,972	.....	84,510	+8,538	+84,510
Administrative expenses	108,116	75,354	120,354	+12,238	+45,000
Gainsharing	.....	3,000	.....	.....	-3,000
Total, Disaster loans program account	184,088	78,354	204,864	+20,776	+126,510
Total, Small Business Administration	857,601	542,000	727,872	-129,729	+185,872
State Justice Institute					
Salaries and expenses 1/	6,835	15,000	6,835	.....	-8,165
Total, title V, Related agencies	2,196,632	1,804,192	2,102,167	-94,465	+297,975
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
Drug Enforcement Administration					
Drug diversion fund (rescission)	-8,000	.....	.....	+8,000	.....
DEPARTMENT OF COMMERCE					
Departmental Management					
Emergency oil and gas guaranteed loan program account (rescission)	.....	-115,000	-115,000	-115,000	.....
Emergency steel guaranteed loan program account (rescission)	.....	-10,000	-10,000	-10,000	.....
RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Maritime Guaranteed Loan (Title XI) Program Account:					
Guaranteed loans subsidy (rescission)	-7,644	.....	.....	+7,644	.....
Total, title VII, Rescissions	-15,644	-125,000	-125,000	-109,356	.....
TITLE IX					
Wildlife conservation and restoration planning	49,890	.....	.....	-49,890	.....
Grand total:					
New budget (obligational) authority	39,786,632	40,807,220	41,456,015	+1,669,383	+648,795
Appropriations	(39,802,276)	(40,648,220)	(41,141,015)	(+1,338,739)	(+492,795)
Conservation	.....	(284,000)	(440,000)	(+440,000)	(+156,000)
Rescissions	(-15,644)	(-125,000)	(-125,000)	(-109,356)	.....
(By transfer)	(80,868)	(79,632)	(79,632)	(-1,236)	.....

1/ The President's budget proposed $6.85 million for State Justice Institute.

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

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2500.

I must begin by expressing my appreciation to the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee, and his great staff for the fair and bipartisan way they have handled this bill, with full consultation with our side. While we do not agree with every recommendation in the bill, we believe that, on balance, it is worthy of wide support on both sides of the aisle.

I have sat in hearings and markups with the gentleman from Virginia (Mr. WOLF) for the last 3 years, but this is my first with him at the helm of the Subcommittee on Commerce, Justice, State, and Judiciary. Having similarly landed at the top of the subcommittee with no prior service on it, I know how hard he has had to work to master the many and varied agencies and issues now under his jurisdiction, and I admire how well he has done.

Staff on both sides of the aisle have made tremendous contributions to this process. They are Gail and Mike, Christine, Leslie, Julie and Carrie for the majority, as well as Jeff from the personal staff of the gentleman from Virginia (Mr. WOLF); on our side, Sally, Rob, Christine; and from my own staff, Lucy and Nadine. These are folks who are professionals, who do their job well and who make us look good all the time and, therefore, serve our country and its citizens very well.

Mr. Speaker, the budget request was troubling, with deep cuts to important programs and questionable assumptions about congressional actions on fees and program changes. This bill is a great improvement on that budget request. Perhaps most important, the bill restores many of the unreasonable cuts proposed in the President's budget for State and local law enforcement and COPS. The budget request was almost $1 billion below fiscal year 2001 levels for these programs, but the bill restores $661 million, including $150 million for COPS hiring. We are not all the way back, but we are moving in the right direction.

The bill supports the Secretary of State's initiatives to invest in diplomatic readiness as well as the security, technology and infrastructure requirements of the State Department. The bill includes $7.4 billion for the State Department, an increase of $802 million, or 12 percent above the current year. For core diplomatic activities under the Administration of Foreign Affairs account, the bill is 17 percent above fiscal year 2001. A significant investment is needed to ensure that the Secretary has adequate resources, both people and technology, to carry out our foreign policy and national security objectives and to ensure that our employees overseas work in the most secure environment.

In contrast to bills in past years from this subcommittee, the bill fully funds the request for international peacekeeping. Peacekeeping, as we all know, can advance U.S. policy goals at a fraction of the cost of sending U.S. forces into trouble spots.

While the funding provided for assessed contributions to the U.N. and other international organizations is close to the amount requested, there are no funds for rejoining UNESCO as proposed in the House-passed State Department authorization bill, which could create a problem down the line. The fence around $100 million of U.N. dues, pending certification that the U.N. is not exceeding its budget, has raised administration concern. But, unlike similar provisions in past House bills, it draws attention to the need for budget discipline but should not lead to any new arrears.

Our side, Mr. Chairman, is quite pleased with the overall level of funding for NOAA whose activities in coastal and ocean conservation, the management and preservation of our Nation's fisheries, the weather forecasting activities, as well as the satellites and data systems that support them, plus critical research into global climate change and other oceanic and atmospheric phenomena are so important to our economy and environment as well as to the health and safety of our people. Within NOAA, Conservation Trust Fund activities are fully funded.

We are also delighted to see the Legal Services Corporation funded at the requested level, avoiding the exercise on the House floor we have had to go through for the last 6 years to restore cuts made in committee that are not supported by a majority in Congress.

I want to take special occasion to thank the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee, for the ability to get this program funded this way. We always put an amendment on the floor, and it passes with bipartisan support and a lot of votes, and I have always wondered why we had to do it this way. Well, this bills speaks to that issue right away, without having to go through that exercise.

The full requests for the EEOC and the Civil Rights Commission are included, and the Justice Department's Civil Rights Division is funded above current services, supporting not only the administration's initiatives on voting rights and the rights of the disabled but also an initiative to investigate and prosecute civil rights abuses against inmates in prisons or other institutions.

The largest concern we have, however, with this bill is with the Small Business Administration, SBA. The administration sent up a budget based on unrealistic assumptions about Congress's willingness to increase fees for important loan programs and to shift disaster funding to a new government-wide emergency fund, neither of which is going to happen. The chairman of the subcommittee has done a good job in partially restoring these funds, but more needs to be done, and we will work with him to be sure the smallest and neediest small businesses are not left behind.

Again, Mr. Chairman, this is a good bill. If our colleagues read the minority views in the report, which every subcommittee Democrat signed, they will see that we all believe that as long as no harmful floor amendments are adopted this bill deserves to pass with a strong bipartisan vote.

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

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. REGULA).

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

Mr. REGULA. Mr. Chairman, I rise today in support of the fiscal year 2002 Commerce, State, Justice bill. I do especially want to commend the chairman and the ranking member for crafting a fair and balanced bill that takes into account the priorities of the President and the Congress.

I have a special interest in trade issues, and the bill provides full funding for the trade agencies which carry out several important functions. The trade laws, in view of our economic situation, become even more important so that we get not only free trade but fair trade in our economy.

We provide the full funding request for embassy security. I can remember as a member of this committee when we were very concerned about embassy security, and we traveled to a number of places. It was a serious problem. I think the chairman is trying to address that, and it is important that he do so.

We do have full funding for the Legal Services Corporation. I refer to that as the equivalent of the Medicaid program in the area of legal matters. I know that the new president of the system, one of our former colleagues, former Congressman John Erlenborn, will do a great job of giving leadership to the Legal Services Corp.

I especially want to thank the chairman for providing $2.5 million for the continuation of the partnership between the JASON project and the National Oceanic and Atmospheric Administration. The JASON project is a state-of-the-art education program that brings scientists into classrooms through advanced interactive telecommunications technology. The program is really designed to excite students about the sciences and to encourage them to pursue higher education in the sciences.

We have had many speeches on this floor about the importance of science and science education. The JASON project benefits from the scientific information and expertise available from NOAA that can be incorporated into the JASON curriculum and the annual

expedition. It extends benefits by encouraging students to become future scientists.

Finally, I would like to mention the Ohio WEBCHECK program. This innovative and award-winning program allows for quick and convenient background checks to be completed over the Internet.

□ 1900

The Ohio system allows fingerprint images of two fingers and two thumbs to be electronically transmitted for a criminal background check through the Ohio Bureau of Criminal Identification. This is especially important for people who are hiring counselors, who are hiring adults that deal with children. It avoids a lot of problems.

Last year, we provided $5 million of Federal funding to hook WebCheck into the FBI fingerprint system for a more comprehensive national check. I want to thank the chairman for recommending additional funding for this project so that it can be completed in a manner that will make it possible for all States to set up similar programs and hook them into the FBI system.

Having a quick, convenient, and comprehensive national background check system will provide a safer environment for our children and the elderly. I strongly urge my colleagues to support this appropriations bill.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 2500, the appropriations measure funding the Departments of Commerce, Justice, State, the Judiciary, and related agencies.

I want to compliment the chairman, who has done a terrific job, the gentleman from Virginia (Chairman WOLF), and the ranking member, the gentleman from New York (Mr. SERRANO), who has done an equally terrific job in putting this bill together. By and large, it restores many of the cuts proposed in the President's budget request.

In his budget request, President Bush asked the Congress to rescind $10 million from the remaining unobligated balances in the Emergency Steel Guarantee Loan Program Account. In response to the President's request to rescind the steel loan guarantee money, the committee has indeed rescinded it.

As my colleagues will recall, the Emergency Loan Guarantee Act was established in 1999 to assist American steel producers who have been battling an onslaught of illegally-dumped foreign steel which has crippled the U.S. steel industry.

Our domestic steel industry is in crisis. There simply is no other way to describe it. Approximately 23,000 steelworkers have lost their jobs as a result of this crisis, and 18 steel producers have filed for bankruptcy. Current import levels still remain well above precrisis levels.

President Bush recently requested that the International Trade Commission initiate a 2001 investigation on the impact of steel imports on our U.S. steel industry.

Given all of these facts, now is not the time to rescind monies from the very fund established to help our domestic steel industry weather the storm. I recognize that unobligated balances exist in the account created for this program. Changes were needed to make the program more accessible to American steel companies without imposing significant additional costs on the Federal Government.

Under the leadership of Senator BYRD, changes to the Emergency Steel Loan Guarantee Act were recently approved by the other body. Hopefully, these changes will make the program more accessible to more of our steel producers.

That being the case, it seems unwise at this time to rescind funds from this important program. I am hopeful that during conference, this rescission can be eliminated.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to begin by thanking our chairman, the gentleman from Virginia (Mr. WOLF), for the excellent leadership he provided in this subcommittee, and also my ranking member, the gentleman from New York (Mr. SERRANO), for his work in this important piece of legislation and all that this legislation is going to do to fund important projects.

As a member of the subcommittee, and a new Member, I know very difficult decisions had to be made. While I was pleased with many of the decisions that were made, I would like to take this opportunity to raise a few of the issues that I believe deserve even greater attention.

First and foremost is the Office of Juvenile Justice and Delinquency Prevention, which was funded at the same level as last year's request. In particular, I want to bring this House's attention to title V of OJJTP, which was also held at last year's level.

There are few areas in government where programs work more effectively and we get more of a return on our dollar than in the area of title V, which funds critically successful initiatives such as the Safe Schools and Healthy Students Program. This helps keep kids out of trouble, and it also helps provide flexible resources to our districts. Mr. Chairman, I requested a greater allocation in this area.

In other areas, let me briefly touch upon the area of economic development. I think we should not have reduced funding for the EDA, the Economic Development Administration, or eliminated funding for the New Markets Initiative.

In addition, I think we should also have pushed more for trade agreements and globalization adjustment assistance through the EDA that I think will be even more important as we move into a global economy. I pointed that out to Secretary Evans and Ambassador Zoellick.

For our efforts in Native American country, let me say that with even modest increases, I believe we could have accomplished much more, particularly on Native American reservations where the alcoholism rate occurs at 950 percent times the non-native communities .

With violent crime on the rise on native reservations, and with 90 percent of it attributed to alcohol-related crime, I think we should be putting more resources in this effort.

Finally, as a Representative of the ''Ocean State,'' Rhode Island, I would like to support all those initiatives that go into the National Oceanographic and Atmospheric Administration. The administration's request in the committee's bill offers funding for programs like Sea Grant and Coastal Zone Management, but does not offer enough funding for those critical areas like nonpoint source pollution. This is the runoff from our highways every time it rains a great deal, and all the runoff pollutes our bays. It also affects our fishing stock.

Let me conclude by once again congratulating the chairman for his important leadership, thank the ranking member for his great leadership, and say that I look forward to working with both of them on continued funding for these priorities that I have just outlined, as well as many others that I have not had time to delineate.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman very much for yielding time to me. I also want to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for the fine work they have done on this bill. I do plan to support it.

I rise now to indicate my concern over a provision mentioned by my colleague, the gentleman from West Virginia, a few minutes ago about the rescission of $10 million from the $145 million Steel Loan Guarantee Program.

The problems that the steel industry faces are manyfold, but one is the complete collapse of the ability to get financing, as well as the number of companies now that find themselves in bankruptcy in the United States of America.

Since December 31, 1997, we have now had 18 companies declare bankruptcy, and one of the concerns that the industry faces is securing financing. We have a loan guarantee program in place. It took a period of time to get up and

running with it. There were initially some problems as far as the bureaucracy contained therein, and the problem continues to persist as far as securing the guarantees for private investment firms to loan the industry money. Today those guarantees are at 85 percent.

Given the fact that 21 percent of all steel capacity in the United States of America today is in bankruptcy, I think the provision in this bill sends a very negative and very bad signal to those financial institutions as far as reduction in the monies that will be available for those guarantees for the fiscal year. We are not only talking about tonnage in bankruptcy, we are not only talking about companies in bankruptcy, we are talking about people.

The fact is, we have 42,556 Americans working for those 18 companies, some of which may not make it without this loan guarantee program. We have to couple that with the 23,000 people who, over the last 2½ years, have also lost their jobs in this industry.

I am concerned that this program has a rescission attached to it. I would hope that it can be rectified in conference with the Senate at some future date.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to clarify something. There were a number of questions by Members with regard to the gun safety lock issue. I would like to make a clarification for the RECORD in the interest of this.

Regarding the distribution of gun safety locks, the report accompanying this bill expresses the committee's support for the use of gun safety locks, and would encourage the distribution of these locks to handgun owners.

The report also expresses the committee's concern regarding reports that some of these safety locks have failed or do not work on certain handguns. We understand that the Department of Justice is reviewing the availability of standards for gun safety locks, and private industry groups have also sought the promulgation of such standards.

The report directs the Department of Justice to develop national standards for gun safety locks. The committee intends for the Department to consult with private industry groups and other interested parties in the development of these standards.

Further, we understand the interim standard for gun safety locks could be in place in 6 months.

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

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. Dicks).

Mr. DICKS. Mr. Chairman, I rise in very strong support of this important legislation. I want to first of all thank the chairman, the gentleman from Virginia (Mr. WOLF), in his first year as Chairman of this important appropriations subcommittee, and the gentleman from New York (Mr. SERRANO), the ranking Democratic member and his staff. I particularly want to tell them how much I appreciate their cooperation in funding the so-called ''conservation amendment.''

Last year, the Congress adopted a provision that started at $1.6 billion last year and will increase up to $2.4 billion by 2006 based on the Violent Crime Trust Fund model, which keeps the authority for spending for these important conservation programs, of which there are $443 million in this bill, within the jurisdiction of the Committee on Appropriations, and allows us to have annual oversight.

But what it has done is double and now even more than double the amount of money that is available for conservation spending.

There were some last year who were advocating an entitlement that would have taken this off the budget. I just want to compliment the chairman and the ranking member for helping us keep our commitment and telling the people of the country that we, the appropriators, are just as interested in conservation. We have programs like coastal zone management, the Pacific salmon recovery initiative, and they go on and on and on, that will be benefited by this important provision. I am pleased that, when we add this up, it is $1.76 billion for conservation this year between the Interior appropriations bill and State, Justice, and Commerce.

Out in my part of the world, we are fighting to try and restore the salmon runs in Washington, Oregon, Idaho, California, and in Alaska that have been severely hurt.

This money, 110 million for the Pacific Salmon Recovery program, goes back to our Governors and then through programs for habitat recovery which is absolutely essential. The bill also provides an additional 25 million to the U.S. Canada Pacific Salmon Treaty program. I want to say how much I support this bill. I urge the House to give overwhelming support for this important legislation.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today's bill provides funding for many critical priorities. I believe that the gentleman from Virginia (Chairman WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO), have produced a bill that is an improvement over the past years. I thank them for their hard work on this legislation, which benefits many.

Unfortunately, I am afraid their hard work has fallen short for one of the most productive forces for America today, our small businesses. This bill will severely cut the Small Business Administration's funding level.

□ 1915

The recent ''long boom,'' our greatest in history, came as a direct result of the productivity of American small companies and entrepreneurs. Small businesses employ half our workers, account for half our GDP, and grow almost 60 percent faster than large corporations.

Mr. Speaker, much of this success has been made possible through the programs of the Small Business Administration. But this bill will cut SBA's tap that currently provides capital liquidity to small business across the country. It will, I fear, dry up assistance just when we most need to give our economy a boost.

This bill proposes to cut funding for the SBA from $860 million this year to $728 million next year. Ten programs will be zeroed out and another half dozen or more will be so severely underfunded as to render them ineffective.

Later today, my colleague, the gentlewoman from New York (Mrs. KELLY), and I will offer an amendment to restore $17 million in funding for SBA. While still short of last year's level, our amendment will maintain the very successful 7(a) general long guarantee program and two small business assistance programs, PRIME and BusinessLinc.

Our amendment is important because small business is big business in America. We aim to support the SBA's mission of providing technical assistance and guarantees to today's entrepreneurs, who are often tomorrow's Intel, Apple, or FedEx. Most importantly, we want to provide the tools that help so many better themselves, their families and their communities. That is the point, after all, of a strong economy.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to my long-time colleague, the gentleman from New York (Mr. CROWLEY).

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

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Commerce, Justice, State bill, and would like to express my gratitude to the chairman, the gentleman from Virginia (Mr. WOLF), for his hard work in crafting this bipartisan bill. I would also like to recognize my good friend, the gentleman from the Bronx, New York, (Mr. SERRANO), who has worked tirelessly for his constituents, for all of New York City, and for all of America from his position on the Committee on Appropriations and throughout his many, many years in Congress.

With regard to international issues, as both the representative of one of the most diverse congressional districts in the Nation and a member of the Committee on International Relations, I

would like to applaud this committee for recognizing the value inherent in the United States playing a key role in the international community and in particular supporting international peacekeeping operations.

Here at home, this legislation also provides important funding for a number of community service and anti-crime programs, effective programs that have helped our Nation, especially my hometown of New York City, experience the lowest crime rate in decades. We need to continue to invest in our people, both here in the U.S. and abroad. This bill does that, and I congratulate the chairman and the ranking member for their work and for their dedication.

The CHAIRMAN. The Chair would advise the Members that the gentleman from Virginia (Mr. WOLF) has 10½ minutes remaining, and the gentleman from New York (Mr. SERRANO) has 10 minutes remaining.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), our ranking member.

Mr. OBEY. Mr. Chairman, I simply would like to do two things: first of all, congratulate the gentleman for the bill he has brought to us. I obviously do not agree with all of it, but I certainly intend to support it unless some surprises occur on the House floor. I think he has done a good job.

Having said that, I would like to try to determine whether or not we can reach a reasonable understanding about what our plans are for this evening. The problem we face is that at this point we have some 31 amendments filed, we have other amendments that are being faxed to the leadership on both sides of the aisle, and the longer that this process goes on, the more amendments we are going to have to deal with for the remainder of consideration of this bill.

I would simply rise at this point to say that I would like to see us reach an agreement under which we could ask all Members to have their amendments in tonight so that we would be able tomorrow to try to work out time agreements on all these subsequent amendments. And if we can do that, we can have some chance of finishing the bill either tomorrow or early the next day.

The problem we face, as I understand it, is that this committee is not going to be allowed back on the floor tomorrow morning. We are going to be superceded by another bill, and I am told by majority staff that that means we are not likely to get to the floor until 2:30 or 3 p.m. tomorrow afternoon. If that is the case, and if we have 60 amendments pending, there is no way on God's green earth we will even finish this bill tomorrow.

So it seems to me if we want to accelerate our opportunity to finish this bill, we would first of all try to get an agreement that Members, if they want amendments considered, would have to get them in tonight; and then we can try tomorrow, while the other bill is being worked on, the gentleman from Virginia and the gentleman from New York can try to work out a time agreement on whatever amendments we have remaining.

I just want the House to understand that I am perfectly willing to try to work out these arrangements, but we have been in committee since 10 a.m. this morning. We did not start this bill until 7 p.m. That was not our call; it was the majority that did the scheduling, and it seems to me that we ought to know that we will get out of here at a reasonable time tonight. I do not enjoy the prospect of having amendments being debated here and Members coming in in the middle of the night having no idea what we have been debating and voting on the fly. I do not think that serves the interest of this institution.

So I want to notice the House that if we cannot get an agreement on a reasonable time to get out of here tonight, I will begin a series of motions; and we are not going to get very far on this bill.

With that, I thank the gentleman for yielding me this time.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, in 1998 this House passed landmark legislation. We passed legislation trying to get the Justice Department under control. Some of my colleagues may remember Joe McDade, who was a personal friend to many of us and who went through 8 years of the Justice Department investigating him and indicting him; and then, in about 4 hours of deliberation by a jury, he was found not guilty.

We passed legislation then saying that the Justice Department would have to reimburse out of their money anybody that was indicted and not convicted. That still stands today. We also passed legislation that said any prosecutor, meaning any U.S. Attorney, must practice under the State laws, the ethics of the State laws. Well, the Justice Department, some U.S. Attorneys, have fought us all during this period of time. Matter of fact, in this legislation, prosecutors from all over the country came to this body, lobbied against us, the White House lobbied against us, and we beat them 350 to 50. Why? Because there was no confidence in the Justice Department. No confidence in the FBI.

During that trial, Joe McDade, where they charged him as a subcommittee chairman with racketeering, they charged him with illegal gratuities, meaning campaign contributions; they charged him with bribes, meaning honorariums. They leaked information during this entire 6 years. I sat by Joe McDade when I was chairman of the committee and he was the ranking member on the Subcommittee on Defense, and every day he deteriorated in health and emotional stability, and it ruined his life for 8 years. He was acquitted, but he still has not gotten over this.

Now, the point I am making today is that I was prepared to introduce legislation, because two of the things that were introduced that were thrown out in conference, and it was an omnibus bill, is that there would be an independent counsel investigate the Justice Department and then it would publicize what happened to the people that did wrongdoing. Those two things were thrown out. Now, I have hesitated since that time because the Justice Department kept saying we are going to get it under control. Well, I find the new Deputy Attorney General has said some things that give me confidence that he is going to try to get the FBI and the Justice Department under control. I have confidence the new FBI director realizes that the public has lost confidence in the FBI.

As a matter of fact, this House would not have voted 350 to 50 to condemn or to put controls on the Justice Department and the U.S. Attorneys if it had not been for the lack of confidence of the public throughout this great country. But I am not going to offer that amendment, those two amendments, because I believe the new Attorney General and the Deputy Attorney General and the FBI director are moving in the right direction. But I hope by this time next year that this subject will be a subject of the past and people will regain confidence in the FBI and the Justice Department.

Mr. SERRANO. Mr. Chairman, I yield myself 2 minutes. I just wanted to tell the chairman, the gentleman from Virginia (Mr. WOLF), that the comments of the gentleman from Wisconsin (Mr. OBEY) are well taken by this ranking member.

We want to work out the best possible situation to work in the proper manner and in the way that we will do justice to the bill and to the amendments and to the Members. I will agree also to a time limit on amendments. However, I must say once again, as I did last year, and in a loud voice, that I cannot understand why it is that we put a rule on the floor that is open-ended and then we immediately move to curtail.

So next year, if I am still around in this situation, I assure my colleague that I will oppose any rule that is open-ended, because it is really not an open-ended rule. But I will support time limitations to make the process move forward.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER) for a colloquy.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to engage in this colloquy regarding the Congressional Executive Commission on the People's Republic of China.

As the chairman knows, the Congressional-Executive Commission on the

People's Republic of China is being created pursuant to P.L. No. 106–286. This Member is pleased to note the distinguished gentleman from Virginia (Mr. WOLF) is also a member of this important commission designed to report on human rights development and the rule of law in the People's Republic of China.

Because it was expected to take considerable time to bring the commission's operations into being, including the actual naming of the congressional and executive branch members, the fiscal year 2001 appropriation was set at only $.5 million. We expect the commission will begin functioning in the coming weeks. Therefore, in anticipation of a full active commission, this Member had earlier suggested an amount of $1.5 million to cover the commission's operations for the full fiscal year of 2002.

This Member would ask the chairman about his willingness to seek adequate funding for the commission, as we would certainly trust the chairman's judgment in seeking such adequate funding in conference.

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

Mr. BEREUTER. I yield to the gentleman from Michigan.

Mr. LEVIN. I thank the gentleman for yielding. Mr. Chairman, I would strongly support what the gentleman from Nebraska has proposed.

□ 1930

As relating to the appropriations for the Congressional Executive Commission on China, currently half a million is appropriated for that Commission. We understand that the gentleman's staff is in agreement that the Commission needs $1.5 million for fiscal year 2002 and that the gentleman, the distinguished chairman, will pursue $1.5 million for fiscal year 2002 in conference.

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

Mr. BEREUTER. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the gentleman from Michigan is absolutely correct, quite frankly, if they needed $2 million to do a good job, particularly with regard to China, but we will agree and make sure that that $1.5 million is in there as per the request of the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Michigan (Mr. LEVIN).

Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I would like to thank the chairman for the inclusion of funding for marine protected areas in this bill.

In the Chesapeake Bay we are already using marine protected areas to ensure the recovery of species such as oysters and blue crabs. We are finding that with the involvement of recreational and commercial fishermen as well as Federal, State and local governments, marine protected areas will play a critical role in restoring overexploited fish species.

As chairman of the subcommittee on this issue, I am a strong proponent of using a variety of types of marine protected areas to ensure conservation and sustainable use of our marine resources in the Chesapeake and throughout our Nation's waters.

The President's funding request for marine protected areas is based upon this principle as described in Executive Order 13158, which reads, in part, ''An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for the future generations.''

We feel that including the President's executive order in this colloquy is fundamental to sound marine resources.

I would like to conclude, is it the intent of the chairman that the National Oceanic and Atmospheric Administration may use funds appropriated for implementation of the Marine Protected Areas Executive Order 13158, as supported by the Secretary of Commerce on June 4, 2001, and in accordance with the President's budget request?

Specifically, in addition to direction given in the committee report for NOAA to develop a marine protected atlas, is it the intent of the chairman that funds may be used to implement the full scope of the Executive Order 13158, including the implementation of the Marine Protected Area Federal Advisory Committee, the development of a framework for communication amongst agencies and programs that utilize marine protected areas, and the consultation with State and local partners in preparation for expanding the scope of the Nation's marine protected areas?

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

Mr. GILCHREST. I yield to the chairman.

Mr. WOLF. Mr. Chairman, I thank the gentleman for his interest in the Chesapeake Bay. Quite frankly, no one has done more for the bay than the gentleman from Maryland (Mr. GILCHREST).

The committee does not intend to limit the ability of NOAA to implement the Executive Order 13158 on marine protected areas. Furthermore, the committee fully supports the President's budget request for marine protected areas.

Mr. GILCHREST. Mr. Chairman, I would like to thank the chairman for his help in this issue.

Mr. SERRANO. Mr. Chairman, I will yield myself whatever time I may consume in closing.

Notwithstanding the fact that there are some things, mechanics, that we have to work out as to the debate and how we handle amendments and everything else, I just wanted to close on this side by saying, as I said before, that this is a good bill, that Chairman WOLF has done a great job with both staffs in putting together a bill that we can support, as we heard from our ranking member, the gentleman from Wisconsin, Mr. OBEY.

As I said, notwithstanding whatever other problems we have, he intends to support the bill. I am hoping after all is said and done no harmful amendments have hurt the bill in any way. In that case, at this moment I would ask for all Members in bipartisan fashion to support the bill.

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

Mr. WOLF. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I will thank the gentleman. This will be the last time I thank him for his comments. I think there will be no negative amendments like that, and I ask Members on final passage to support the bill.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I rise in support of the legislation. As the chairman of the Subcommittee on Environment, Technology and Standards, which has jurisdiction over NOAA and NIST programs within the Department of Commerce, I wish to commend the new chairman of the Subcommittee on Commerce, Justice and State on crafting this appropriations bill.

Most Americans do not realize that NOAA makes up over 65 percent of the Department of Commerce's budget, covering a wide range of programs from studying our climate to mapping the ocean floor.

I am pleased to see that the subcommittee has recognized the importance of NOAA and has funded the agency at a level slightly above the President's request for fiscal year 2002.

I am also pleased that the appropriations bill increases funding for labs inside of the National Institute of Standards and Technology. Over the past 100 years, NIST and its employees have not let us down. It is all but impossible to name a major innovation which has improved our quality of life with which NIST has not had some involvement. NIST Federal laboratories have partnered with industry to initiate innovations for safer and more fuel-efficient automobiles, biomedical breakthroughs like breast cancer diagnostics, refrigerant and air conditioning standards, analysis of DNA, and calibrations for wireless telecommunication systems, among numerous others.

Mr. Chairman, I strongly support the increase for NIST labs, and I hope that the chairman will be able to preserve this funding during conference negotiations with the Senate.

Mr. Chairman, let me highlight a few key programs that are funded by this bill: the Sea Grant program, which provides grants supporting vital marine research and education programs at universities all across the country; the Great Lakes Environmental Lab, which has a solid history of important scientific contributions and ensures continued high-quality coastal science. It also fully funds the ARGO Float Program, which is crucial to global climate studies which have taken on increased importance to us.

In addition, it provides National Weather Service forecasts and warnings which more than pays for itself, monitors the water levels of the Great Lakes, and plays a major change in climate change research. This bill will help ensure that NOAA is able to fulfill its many missions, and that NIST will continue to serve our country well.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. WATTS of Oklahoma, Mr. Chairman, today I rise to support H.R. 2500, the Commerce Justice State Appropriations Act. Mr. Chairman, by passing this bill the House will take an important stand against methamphetamine production across this country.

The drug, Methamphetamine, has become one of the most dangerous items on our streets. This drug is composed of products like rat poison, Comet, bleach, and lighter fluid. This drug can be injected, inhaled, or smoked. People around this country are spending their hard earned money to inject into their veins rat poison and bleach that was mixed in somebody's toilet. The negative effects of this on the human body are horrendous: insomnia, depression, malnutrition, liver failure, brain damage, and death.

This terrible drug not only affects those who use it but can also be deadly to innocent Americans whose homes are near these labs. In my home state of Oklahoma in 2000, we had over 1,000 methamphetamine labs explode and need to be cleaned up by the Oklahoma State Bureau of Investigation. In 1994, there were eleven meth labs, let me repeat that six years ago there were 11 meth labs in my home state of Oklahoma, now there are over 1,000. And, every time one of these labs explodes families are exposed to toxic and lethal fumes that are disbursed to the surrounding neighborhood. Innocent young children and seniors are rushed to the emergency room to be treated for inhalation of these toxic and deadly fumes.

By passing H.R. 2500, the House will fund $48.3 million dollars to state and local law enforcement agencies to help combat methamphetamine production and meth lab cleanup. This money will start to turn back the tide against these labs, and protect our families and neighborhoods. This money will be used to train officers to find these labs and most importantly clean the toxic remains of these labs.

Mr. Chairman, I commend you and your committee for including the people of Oklahoma in this Methamphetamine HotSpots program. This money is desperately needed to keep Oklahoma neighborhoods safe.

Mr. Chairman, I urge my colleagues to stand with me today against this dangerous, deadly drug and support H.R. 2500 the Commerce Justice State Appropriations Act.

Mr. KILDEE. Mr. Chairman, I want to thank CJS Subcommittee Chairman FRANK WOLF and Senior Democratic Member JOSE SERRANO for working hard to provide adequate funding for the Department of Justice's portion of the Indian Country Law Enforcement initiative. I am pleased that the subcommittee funded the Indian Programs that are included in the Indian Country Law enforcement initiative at the levels contained in the President's fiscal year 2002 budget request.

I, however, hope that as this bill makes its way through the legislative process, that you will support funding increases for the following items:

1. Cops grant set aside for Indians.
2. Tribal Courts.
3. Indian alcohol and substance abuse programs.
4. Title V Grants that support tribal juvenile justice systems.
5. Grants to fund the construction of detention facilities in Indian Country.
6. Tribal criminal justice statistics collection.

Mr. Chairman, each of those programs are critical to the tribal justice systems. While national crime rates continue to drop, crime rates on Indian lands continue to rise. What is particularly disturbing is the violent nature of Indian country crime: violence against women, juvenile and gang crime, and child abuse remain serious problems.

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. That American Indians suffer the nation's highest rate of child abuse. Since 1994, Indian juveniles in federal custody increased by 50%. Even more troubling is that 55% of violent crime against American Indians, the victims report that the offender was under the influence of alcohol, drugs or both. That figure represents the highest rate of any group in the nation.

Mr. Chairman, the Department of Justice and the Department of Interior developed the Indian country law enforcement initiative to improve the public safety and criminal justice in Indian communities.

Let us work together to increase the funding levels in conference and provide the tribal justice systems with the funding necessary to combat criminal activity in Indian country.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $91,668,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,451,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2001: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,997,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding proviso: *Provided further*, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further*, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

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

(Ms. CARSON of Indiana asked and was given permission to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Chairman, I rise today in support of the Boys and Girls Clubs of America. I support its continued funding, which equals last year's level.

The Commerce-Justice-State appropriations bill gives the National Institute of Justice authority to use Local Law Enforcement Block Grants to support the Boys and Girls Clubs.

The Boys and Girls Clubs offer young people the ability to know that someone cares about them. Club programs and services promote and enhance the development of boys and girls by instilling a sense of competence, usefulness, belonging, and influence.

These clubs give young people a chance to go during their free time where they can interact with others in a positive social environment.

The clubs serve over 3.3 million boys and girls. This is in over 2,800 locations around the world. About one half of those are from single parent families and almost two-thirds are from minority families.

The challenges these children must cope with outstrip problems faced by previous generations. Drug, gang, and gun-related violence has risen to previously unimaginable heights. But their place of refuge has not changed, because Boys and Girls Clubs continue to do what they do best—using proven programs and caring staff to save lives.

The Boys and Girls Clubs teaches young people in many areas of life. These include: character and leadership, education and career, health and life skills, the arts, sports, fitness and recreation, and specialized programs.

Most important is the Boys and Girls Clubs is neighborhood based—an actual place for the children to go—designed solely for youth programs and activities.

Support the Boys and Girls Clubs of America.

AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRADY of Texas:

Page 2, line 7, after the dollar amount insert the following: ''(increased by $2,500,000)''.

Page 57, line 14, after the dollar amount insert the following: ''(decreased by $5,000,000)''.

Page 71, line 4, after the dollar amount insert the following: ''(increased by $2,500,000)''.

Mr. BRADY of Texas. Mr. Chairman, my amendment is simple. I want to ensure that the Department of State and the Department of Justice have the resources they need to start the process to close safe havens around the world for fugitives who commit crimes in America and flee our justice.

We can do this by updating and modernizing extradition treaties, as well as negotiating new ones. This problem is growing. The world is getting smaller; and whereas in the past criminals would flee to the county or State line to flee justice, today they flee the country and even the continent. We have more than 3,000 indicted criminals who have fled America and are out of our reach. The crimes they have committed or are charged with are serious. They include murder, terrorism, drug trafficking, child abduction, money laundering, financial fraud, and the new growing area of cybercrime.

Currently, America has international extradition agreements with only 60 percent of the world's countries. Unfortunately, it is important to note that nearly half of these were enacted before World War II, so they are hopelessly outdated. Even the others, State Department officials tell us those enacted prior to 1970 are basically ineffective because only specific crimes are listed in the treaties as extraditable, and crimes have changed a lot in the last three decades.

Mr. Chairman, we have crimes that are growing and criminals who are fleeing more and more, with criminal justice tools that are more outdated and less effective. This is not justice. It is not fair to the victims of these crimes, and it is not acceptable any longer.

Mr. Chairman, I am always cautious about how and where the hard-earned dollars of the American taxpayer are spent. More funding is necessary to help close these safe havens. Furthermore, this is something that can only be done by our Federal Government. It will not happen overnight. It will take many years, but we are capable of doing it.

Mr. Chairman, I had a provision inserted in the State Department fiscal year 2000 authorization bill requiring them to report back to us on our extradition agreements. I must say I was disappointed in the report. They seemed to gloss over the problems, perhaps to put politics over justice.

I am hopeful that the new administration will take a stronger position on closing these safe havens. This amendment is strictly designed to urge the new leadership of the Justice Department and State Department to let Congress know that we are serious about closing these safe havens, that we want both agencies to work together and with Congress to update our treaties and to work toward the day where there is nowhere on this world to hide for those who commit crimes against America.

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

Mr. BRADY of Texas. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the gentleman from Texas has played a leading role in trying to close safe havens abroad, and I share his desire to do that.

In response to the gentleman's concerns, the committee has included report language for the Department of State to work with the Department of Justice to bolster our efforts to negotiate extradition treaties.

We expect that the Department of Justice and Department of State will use increased funding in fiscal year 2002 for this purpose. Let me add, if the gentleman from Texas would like, after we move beyond debate and pass the bill, we can have a meeting with Department of Justice and Department of State to make sure that they know the intensity that both of us feel with regard to this.

Mr. BRADY of Texas. Mr. Chairman, I thank the gentleman from Virginia for his efforts. With his commitment to ensure that the Department of Justice and Department of State are being provided with the necessary resources and that these agencies understand that Congress expects them to put a greater emphasis on negotiating and enforcing extradition treaties, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $15,957,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $104,615,000, to remain available until expended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $4,989,000, 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.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $178,751,000.

DETENTION TRUSTEE

For necessary expenses of the 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, $1,721,000: *Provided*, That the Trustee shall be responsible for overseeing 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, $50,735,000; 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, $10,915,000.

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, $568,011,000; 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, $18,835,000 shall remain available until expended only for office automation systems for the legal divisions covered by

this appropriation, and for the United States Attorneys, the Antitrust Division, the United States Trustee Program, 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: *Provided further*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' 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.

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, $105,366,000: *Provided*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $105,366,000 of offsetting collections derived from fees collected in fiscal year 2002 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 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,353,968,000; of which not to exceed $2,500,000 shall be available until September 30, 2003, 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 not to exceed $2,500,000 for the operation of the National Advocacy Center 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 9,571 positions and 9,776 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), $145,937,000, 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, $145,937,000 of offsetting collections 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 2002, so as to result in a final fiscal year 2002 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, $1,136,000.

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, $622,646,000; 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 4,128 positions and 3,993 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, $6,628,000 to remain available until expended.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, $724,682,000, to remain available until expended.

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, $148,494,000, 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, $9,269,000 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, $21,949,000, 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, $1,996,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund of claims covered by the Radiation Exposure Compensation Act as in effect on June 1, 2000, $10,776,000.

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, $340,189,000, 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 set forth 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, $3,491,073,000; 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, 2003; of which not less than $448,467,000 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 24,935 positions and 24,488 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

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; $1,250,000, 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, $1,476,083,000; 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, 2003; 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 7,654 positions and 7,515 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

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

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,165 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 Buffalo Detention Facility, $2,738,517,000; of which not to exceed $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, 2002: *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 20,465 positions and 20,066 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'', $632,923,000, 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 appropriations 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, 2002: *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 3,146 positions and 3,523 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 2002, 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.

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, $128,454,000, 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 685, of which 610 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, $3,830,971,000: *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 $50,000,000 shall remain available for necessary operations until September 30, 2003: *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 the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

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

I understand we have come to the amendment of the gentleman from Virginia (Mr. SCOTT), and I know he is on the House floor somewhere. I take that back. He is on the House floor, but his amendment is not.

Mr. SCOTT. Mr. Chairman, if the gentleman will yield, we have had a discussion with the gentleman from Virginia (Mr. WOLF); and I think we are going to be able to work the amendment out without going through the process of considering it on the floor. I think we have worked things out. It involves a prison study. I appreciate the cooperation of the gentleman from Virginia.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; 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, $813,552,000, 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

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (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, $187,877,000, 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).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, $220,494,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $2,519,575,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account), to remain available until expended as follows:

(1) $521,849,000 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 subparagraphs (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, of which:

(A) $60,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers,

(B) $6,000,000 shall be for the National Police Athletic League pursuant to Public Law 106–367, and

(C) $19,956,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) $565,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) $35,000,000 for the Cooperative Agreement Program;

(4) $48,162,000 for assistance to Indian tribes, of which:

(A) $35,191,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act,

(B) $7,982,000 shall be available for the Tribal Courts Initiative, and

(C) $4,989,000 shall be available for demonstration grants on alcohol and crime in Indian Country;

(5) $570,000,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $70,000,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(6) $11,975,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(7) $2,296,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(8) $998,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(9) $184,537,000 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, of which:

(A) $1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for a domestic violence Federal case processing study,

(B) $5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women,

(C) $10,000,000 shall be for 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, and

(D) $5,000,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research on family violence;

(10) $64,925,000 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;

(11) $39,945,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(12) $4,989,000 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;

(13) $3,000,000 for grants to States and units of local government to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(14) $10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106–386;

(15) $40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106–386;

(16) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(17) $15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106–386;

(18) $200,000 for a report of effects of parental kidnapping laws in domestic violence cases, as authorized by section 1303 of Public Law 106–386;

(19) $200,000 for the study of standards and processes for forensic exams of domestic violence, as authorized by section 1405 of Public Law 106–386;

(20) $7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of P.L. 106–386;

(21) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(22) $73,861,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act: *Provided*, That States that have in-prison drug treatment programs, in compliance with Federal requirements, may use their residential substance abuse grant funds for treatment, both during incarceration and after release;

(23) $898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(24) $50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(25) $1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(26) $1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(27) $249,450,000 for Juvenile Accountability Incentive Block Grants, of which $38,000,000 shall be available for grants, contracts, and other assistance under the Project ChildSafe Initiative, 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 2002, 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, 1997; and

(28) $1,298,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That funds made available in fiscal year 2002 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.

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, $58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government 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 the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $1,013,498,000, to remain available until expended: *Provided*, That no funds that become available as a result of deobligations from prior year balances, excluding those for program management and administration, may be obligated except in accordance with section 605 of this Act: *Provided further*, That section 1703 (b) and (c) of the 1968 Act shall not apply to nonhiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): *Provided further*, That all prior year balances derived from the Violent Crime Trust Fund for Community Oriented Policing Services may be transferred into this appropriation.

AMENDMENT OFFERED BY MR. LUCAS OF OKLAHOMA

Mr. LUCAS of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUCAS of Oklahoma:

Page 33, line 18, insert after the dollar amount the following: ''(increased by $11,700,000)''.

Page 34, line 7, insert after the first dollar amount the following: ''(increased by $11,700,000)''.

Page 34, line 16, insert after the dollar amount the following: ''(increased by $11,700,000)''.

Page 81, line 24, insert after the dollar amount the following: ''(reduced by $11,700,000)''.

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise to offer the following amendment to increase the funding for the methamphetamine enforcement and cleanup under the COPS program by $11.7 million. This increase is equal to the amount requested earlier this year by the Congressional Caucus to Fight and Control Methamphetamines, of which I am a member.

Mr. Chairman, meth is arguably the fastest growing drug threat in America today, with my home State of Oklahoma ranking number one, unbelievable as it may be, per capita in the Nation in the number of meth lab seizures. Over the past 7 years, the number of Oklahoma meth lab seizures has increased by an unbelievable 8,000 percent. With an average cleanup cost per lab of $3,500, that equals a substantial financial strain on Oklahoma as well as the Nation.

Since 1994, DEA seizures of meth labs have increased more than sixfold nationwide. We are halfway through the year, and already there have been more DEA and State and local meth lab cleanups than in the entirety of the last year.

Mr. Chairman, an increase in funding is vital for State and local enforcement programs in their struggle to combat meth production and distribution and to remove and dispose of hazardous materials at meth labs.

I urge Members' support for our amendment and their help in our fight against this extremely destructive and addictive synthetic drug.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

This amendment would take $11 million from the Broadcasting Board of Governors, International Broadcasting Operations account. A reduction of this magnitude would trigger a significant reduction-in-force affecting up to 100 employees; it would silence the Voice of America in at least a dozen foreign language services around the globe; and it would force reductions of worldwide broadcast hours.

In fact, it goes just the opposite. We are trying to broadcast in the Sudan where there is slavery, terrorism, and this would take us back the other way.

The amendment would also eliminate funding for a new program initiative already under way to improve and expand broadcasting to the Middle East and Sudan in Arabic. This new program is designed to give the U.S. a voice in a very, very critical area.

U.S. broadcasting to the region is now ineffective, and the U.S. is not playing a role to counterbalance hate radio that is prevalent in the Middle East. This amendment would prevent this revamping of current programming and transmission strategies from moving forward.

The amendment would cause a rollback of efforts to fight jamming of U.S. broadcasts by governments such as China. When I was in Tibet, everyone I spoke to in Tibet listened to Radio Free China. Also, Vietnam that denies their citizens access to information. This jamming cuts off what for many is the only available source of objective news and information.

These offsets that the gentleman has chosen are simply unacceptable and would pretty much wipe out what the committee did. I strongly urge the rejection of the amendment.

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

There is a way that the gentleman could get a lot of support on this side for his amendment; and that is, if he directs the cut to broadcasting to Cuba. So my question to him is, would he be willing to take the full amount out of broadcasting to Cuba?

Mr. LUCAS of Oklahoma. Mr. Chairman, will the gentleman yield?

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

Mr. LUCAS of Oklahoma. Mr. Chairman, I am not sure at this particular time that I am in a position necessarily to agree to that. I would say this, though, in regards to both the outstanding chairman and the ranking member, that looking at this budget, clearly there is a $32 million increase for International Broadcasting Operations. I acknowledge that there is 7.8

percent increase in this particular fund and that my reduction would lower that increase to 5 percent. But the bottom line remains to me, we have a huge methamphetamine problem that is consuming our society here at home. I think we have an obligation to try and respond to that. I wish I could respond favorably to the gentleman, but I cannot.

Mr. SERRANO. Reclaiming my time, I guess that by that statement that is a ''no,'' but I just want to make sure before I sit down that I made it clear to him that he had a great opportunity to pick up a lot of support on this side if he directs that fine amendment to a cut in Cuba broadcasting. If he did that, I would support him and he would be surprised how many Members on this side would support him. But I guess the answer is no, so in general terms, we would oppose cutting broadcasting because it would hurt areas of the world that need the support.

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

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

Mr. LUCAS of Oklahoma. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. LUCAS) will be postponed.

Mr. WOLF. Mr. Chairman, earlier I had promised the gentleman from Utah (Mr. CANNON) that his amendment could be in order and be offered and he was not here. I know there is at least one Member on the other side.

Mr. Chairman, I ask unanimous consent that the gentleman from Utah (Mr. CANNON) be permitted to go back and offer his amendment and that the gentleman from New York (Mr. HINCHEY) be permitted to do the same.

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

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, and I am not going to object, but I make this reservation in order to have just a minute to say that we will agree to this, but Members have an obligation to be here as the bill is being presented if they have an amendment. We will agree to it on this particular unanimous consent request. We will not agree to it for any further UCs to go back to anyplace in the bill.

Mr. Chairman, I withdraw my reservation of objection.

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

Mr. OBEY. Mr. Chairman, reserving the right to object, I do so only to emphasize my total agreement with the comment of the gentleman from Florida. We will in this instance agree to go back because there is one Member from each party who would otherwise not be able to offer their amendments. But I think Members need to understand it is hard enough for the committee to manage a bill. We try our level best to accommodate Members. And we try to help them shape their amendments if they need help, but Members need to be here when those amendments come up in the regular bill. If they are not here, the committee cannot be expected to jump through hoops in the future.

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So I think Members need to understand from here on out on this bill, if you want to offer an amendment, you have to be here at that point in the bill when the amendment is eligible; or else they will not be eligible for offering. We are trying to help Members get out at a reasonable time tonight and make certain that Members' amendments are going to be dealt with tomorrow, but we need the cooperation of Members.

So, again, I want to repeat what was said earlier. I also would urge any Member who is talking about filing an amendment to get that amendment filed in the RECORD tonight so that we know what universe of amendments we are going to be dealing with tomorrow, because the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) are going to have a lot of things to do tomorrow, and they will have an opportunity to put together some kind of an agreement in the morning. But we need to know which amendments Members are going to offer. So if they are going to offer amendments, they need to get them filed in the RECORD tonight to facilitate the committee business.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia (Mr. WOLF) that the gentleman from Utah (Mr. CANNON) and the gentleman from New York (Mr. HINCHEY) be permitted to have their amendments considered out of order?

There was no objection.

AMENDMENT OFFERED BY MR. CANNON

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

The Clerk read as follows:

Amendment offered by Mr. CANNON:

On page 12, line 21, strike ''as in effect on June 1, 2000''.

Mr. CANNON. Mr. Chairman, I would like to first thank the gentleman from Florida (Chairman YOUNG), the gentleman from Virginia (Chairman WOLF), and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for their condescension in this matter.

Mr. Chairman, this amendment would simply eliminate a distinction in classes of people that Congress has already decided should be considered as one class. We recognize that there is not enough money available for the whole trust fund or to fund all of the claims under the Radiation Exposure and Compensation Act, and I would just like to maintain a group, instead of making a distinction between groups.

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

Mr. Chairman, we accept the amendment. We sympathize with the gentleman's concerns regarding individuals not receiving their compensation payments. The bill includes $10,766,000 to make payments to individuals who qualify for compensation under the original Radiation Exposure Act.

The gentleman has a very, very good point. This program has now become in effect an entitlement program, with little or no discretionary funds available to pay for it. Both the administration and the budget resolution propose to convert this to a mandatory activity.

I strongly support this proposal. I think the gentleman has a very good point. I read the article in the newspaper the other day about the elderly lady in Maryland whose husband died of radiation. Most of these people are getting very old, so I think it is important to provide it so everyone can be involved.

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

Mr. WOLF. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I have in fact introduced a bill in the House that would make this a mandatory expenditure instead of discretionary. My colleague from Utah in the other body has also introduced a bill. I suspect that the likelihood that this will pass this Congress is very high, and that I think it would eliminate the concern and the problem we have here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The amendment was agreed to.

AMENDMENT NO. 2 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. 2 offered by Mr. HINCHEY:

In title I, in the item relating to ''FEDERAL PRISON SYSTEM—BUILDINGS AND FACILITIES'', after the aggregate dollar amount, insert the following: ''(reduced by $73,000,000)''.

In title II, in the item relating to ''ECONOMIC DEVELOPMENT ADMINISTRATION—ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS'', after the aggregate dollar amount, insert the following: ''(increased by $73,000,000)''.

Mr. HINCHEY. Mr. Chairman, this amendment would increase funding for the Economic Development Administration by $73 million. This would simply level-fund EDA at what it had last year.

Since 1965, the EDA has been helping communities build their infrastructure, develop their business base, rebuild their economies in the wake of natural disasters, plant closings and military base realignments, and also address persistent unemployment and underemployment problems.

Over the years, EDA has invested more than $16 billion all across the

country. It has been a good investment, generating almost three times as much supporting private investment. EDA public works programs help fund locally developed infrastructure projects that are critical to attracting private sector businesses to local communities. Every dollar of EDA public works money generates an additional $10 in private investment results. It is clear, I think, that in each and every one of our districts, we have seen the effects of EDA.

We offset this $73 million by decreasing the prison construction account by a like amount, $73 million. The bill provides $813.5 million for prison construction. With this reduction, there is still more than $740 million left in this account to build new Federal prisons.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to thank the gentleman from New York for introducing this amendment to increase funding for EDA.

A program close to my heart within EDA, and I know the gentleman from Virginia would appreciate this, is the Trade Adjustment Assistance for Firms program administered by the Department of Commerce. This program has been incredibly successful in the State of New Jersey.

We need this help in the Garden State. It has not seen many benefits from the unfair trade agreements, such as NAFTA. John Walsh has done a tremendous job in New Jersey with the little resources that he has. This bill merely provides TAA level funding which is wholly unacceptable at this point.

The response for TAA is overwhelming, Mr. Chairman. The implementation of NAFTA and the globalization we see under WTO has only highlighted the demands for firms for this assistance. In New Jersey last year, 4,000 jobs were retained or created with the help of the TAA. This is critical.

It is interesting that in this country, many times the only way we can get health care is if you go to prison. What we are saying to the displaced workers in this globalization of trade, and the gentleman from Virginia knows this is quite true, these people have no place to go. We need this money best spent for our own workers.

That is not to say that Federal prisons do not need to be built; but we need to take care of our own workers first that are being displaced by the trade agreements, the plethora of trade agreements that we see before us.

We know that this is an unfair trade agreement that is to be before us in a few weeks. It destroys firms. It sends jobs overseas. I have witnessed that in my own district. By saving companies in peril, the TAA has created and saved jobs in communities around this country.

There is nothing worse, Mr. Chairman, than the displaced worker who has been displaced by a job overseas that he should have had retained. TAA has averted the need for millions of dollars in unemployment compensation, Dislocated Workers' Compensation, welfare cash assistance, food stamps and other programs. This is money within the economy itself.

The entire New Jersey delegation contacted this subcommittee in a bipartisan manner to support increased funding for the TAA to a level of no less than $24 million. This amendment will help us come close to adequately addressing the needs of American manufacturers and our changing global economy.

I thank the gentleman from New York (Mr. HINCHEY); I thank the gentleman from Virginia (Mr. WOLF); and I thank the chairman, for our workers need no less.

Mr. WOLF. Mr. Chairman, I rise in very strong opposition to this amendment. A reduction in funding for the buildings and facilities program will delay construction of seven partially funded projects.

One should go to a prison and see the conditions in the prison. One of the biggest problems in prison is prison rape, where the men are double and tripled bunked and have no place to go.

The Bureau of Prisons is currently operating at 33 percent above the rate of capacity, system-wide. Crowding at medium-security facilities is 58 percent above the rate of capacity, and 48 percent at high-security penitentiaries.

While the gentleman has some merit to the concept of what he wants to do, he should not take money from the prisons. You cannot put a man or woman in prison for 15 years with terrible conditions and no rehabilitation and expect them to come out and be decent citizens. Higher levels of crowding potentially endanger staff, inmates, and the community. In fact, as you can almost say, to do this could bring about riots in the prisons.

Further, the Bureau of Prisons is experiencing its third consecutive year of record population growth in fiscal year 2000, of over 11,400 inmates; and all indications are that it will continue to grow. The projections are inmate population will increase by 36 percent by the fiscal year 2008.

Infrastructure at existing Bureau of Prisons facilities is severely taxed by over-utilization, which causes maintenance problems, premature deterioration of physical plants. Of the Bureau of Prisons' 98 facilities, a third are over 50 years old and over half are over 20 years old. These facilities were not designed to operate at this level.

Finally, reducing the new construction funds means there will be no additional capacity for female inmates. The Bureau of Prisons female population is expected to increase 50 percent by the end of fiscal year 2008, resulting in a critical shortage of bed space for female inmates. Since 1994, only one facility has been added to provide female capacity, and that was accomplished with the conversion of a male facility for female use.

Delaying the secure facilities for female offenders would also increase the system-wide crowding levels, since male institutions cannot be returned to housing male offenders as planned.

Before I got elected to Congress, I worked in a program called Man-to-Man down at Lorton Reformatory. This amendment would be a terrible thing to do. Had the gentleman been able to find some other money some other place, we could look at it, but to take it out of the construction of prisons, where the conditions in the prisons are so miserable. In fact, I am going to be introducing a bill with a Member from your side with regard to asking for an investigation and study of prison rape. If you could see the number of men who are raped in prisons around this country, it would be a worldwide disgrace. We want people to see it so we can do something about it.

Mr. Chairman, I strongly urge my colleagues to vote against this amendment. This would be bad, and I think it would create conditions that I think, frankly, would be unfortunate for the prisons.

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

Mr. Chairman, do we want to build bigger jails, or do we want to build a better economy? No one is saying on this floor that we do not need to build more Federal prisons. No one is saying that. But this administration is asking us to listen to them on the issue of trade.

The gentleman from Virginia has spoken on this floor many times about displaced workers, about human rights; and I have followed the gentleman's point and been in support. If one listens to those who want to trade and open up the floodgates, because nothing is free, this trade is a cure that will increase employment, which will increase productivity and end human rights abuses. It will promote democracy, we hear, democracy, and do just about everything one wants. These are all unproved theories.

It seems to me we could take some money from that large pool of building prisons. There is no debate about the need, Mr. Chairman, but the question is, what about our own workers? The TAA has been a responsible agency. The gentleman has supported it, and we have all supported it, to help those people who have been displaced as we have exported our jobs all over the world, to countries that do not respect us and do not respect human rights. Yet we stand here on the brink of another debate on trade, a few of those dollars, a few of those dollars, to TAA.

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

Mr. PASCRELL. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we cannot take it out of the prisons. The conditions there, I agree, I will be with the

gentleman tomorrow or the next day on not granting MFN or PNTR to China, but I just do not think you can take it out of the prisons. The conditions in the prisons are so difficult and so bad.

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So that is the problem that I have with the amendment. We just cannot take it out of the prisons.

Mr. PASCRELL. Mr. Chairman, reclaiming my time, this is 10 percent. We are not talking about the prisoners, we are talking basically about construction. This bill only talks about construction.

Retaining and creating jobs, the TAA, has generated Federal and State revenues, tax revenues, at a ratio of $12 for every dollar appropriated by this Congress. It has been a bipartisan program. We know the errors of NAFTA as well as the other trade agreements. To me, the American worker and the American working family is more important, if I have to make a priority. Now, when we have all priorities, we have no priority.

All we are asking for is a few dollars in the TAA program, which the gentleman knows has worked and has been successful, to help the workers in America that have been displaced by our trade agreements.

Mr. Chairman, our manufacturers and fabricators and dye shops all over America ask for our support. Will we turn our backs on them? We have an opportunity in this legislation with this amendment for a few dollars to help those dislocated workers. Otherwise, we will be into the empty words of the trade debate in a few weeks, and what will we have accomplished?

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 clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

The Clerk will read.

The Clerk read as follows:

Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $470,249,000 as follows: $330,000,000 for the hiring of law enforcement officers, including school resource officers; $20,662,000 for training and technical assistance; $25,444,000 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 (''the 1968 Act''); $31,315,000 to improve tribal law enforcement including equipment and training; $48,393,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in ''drug hot spots''; and $14,435,000 for Police Corps education, training, and service under sections 200101–200113 of the 1994 Act;

(2) for crime technology, $363,611,000 as follows: $150,000,000 for a law enforcement technology program; $35,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); $40,000,000 for DNA testing as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546); $35,000,000 for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and for improvements to State and local forensic laboratories' general science capacity and capability; and $103,611,000 for grants, contracts and other assistance to States under section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training;

(3) for prosecution assistance, $99,780,000 as follows: $49,780,000 for a national program to reduce gun violence, and $50,000,000 for the Southwest Border Prosecutor Initiative;

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $46,864,000 as follows: $14,967,000 for Project Sentry; $14,934,000 for an offender re-entry program; and $16,963,000 for a police integrity program; and

(5) not to exceed $32,994,000 for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (''the Act''), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $278,483,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $6,832,000 shall be available for expenses authorized by part A of title II of the Act, $88,804,000 shall be available for expenses authorized by part B of title II of the Act, and $50,139,000 shall be available for expenses authorized by part C of title II of the Act: *Provided*, That $26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $94,791,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $14,967,000 shall be available for the Safe Schools Initiative including $5,033,000 for grants, contracts, and other assistance under the Project Sentry Initiative; and of which $37,000,000 shall be available for grants, contracts and other assistance under the Project ChildSafe Initiative: *Provided further*, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance, $10,976,000 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, $8,481,000, 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); and $2,395,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

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 effective date of a subsequent Department of Justice Appropriation Authorization Act.

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:

Page 39, strike lines 18 through 24 (and make such technical and conforming changes as may be appropriate).

Ms. DEGETTE. Mr. Chairman, the amendment I am offering here tonight is very straightforward. It removes the language of the bill that prohibits the use of Federal funds for abortion services for women in Federal prison.

Unlike other American women who are denied Federal coverage of abortion

services, most women in prison are indigent. They have little access to outside financial help, and they earn extremely low wages in prison jobs.

They are also often incarcerated in prisons that are far away from their support system of family and friends and, as a result, inmates in the Federal Prison System are completely dependent on the Bureau of Prisons for all their needs, including food, shelter, clothing, and all on their 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, and most of them do not have the support of families to pay for those services.

The overwhelming majority of women in Federal prisons work on the general pay scale and earn from 12 cents to 40 cents an hour, which equals roughly $5 to $16 a week. Let me repeat that. The average woman inmate in prison earns $5 to $16 per week. The average cost of an early outpatient abortion ranges from $200 to $400, and it goes up from there.

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 are not able to do, she would not earn enough in 12 weeks to pay for an abortion in the first trimester if she so chose, and, of course, after that, the cost and risks of an abortion go up dramatically.

So, the woman in prison is caught in a vicious cycle. Even if she saved her entire income, every single penny, she could never afford an abortion on her own. Therefore, women in prison do not have any choice at all.

Congress's continued denial of coverage of abortion services for Federal inmates has effectively shut down the only avenue these women have to pursue their constitutional right to choose.

Let me remind my colleagues, for the last 28 years, women in America have had a constitutional right to choose abortion as a reproductive choice. This right does not disappear when a woman walks through the prison doors. The consequence of the Federal funding ban is that inmates who have no independent financial means, which is most of them, are foreclosed from their constitutional choice of an abortion in violation of their rights under the Constitution.

With the absence of funding by the very institution prisoners depend on for the rest of their health services, many pregnant women prisoners are, in fact, forced to carry unwanted pregnancies to term. Motherhood is mandated for them.

I think it is important to point out that the anti-choice movement in Congress has denied coverage for abortion services to women in the military, denied coverage for women who work for the government, for poor people, and for all women insured by the Federal Employees Health Benefits Plan.

I vehemently disagree with all of these restrictions. I think they are wrong, and I think they are mean-spirited. But frankly, this restriction is the worst of all, and here is why: it targets the people who have the fewest resources and the least number of options. It effectively denies these women their fundamental right to choose. It is not just coercive, it is downright inhumane.

Now, let me talk for a moment about the types of women in the Federal Prison System. Many are victims of physical and sexual abuse. That is how they got pregnant, oftentimes. Two-thirds of the women who are incarcerated are incarcerated for nonviolent drug offenses. Many of them are HIV-infected, and many of them have full-blown AIDS. Congress thinks that it is in our country's best interest to force motherhood on these women? It is simply not our place to make this decision.

Mr. Chairman, what will happen to these children? What will happen to the children of mothers who have unwanted babies in prison? Frankly, I think this is the worst kind of government intrusion into the most personal of decisions. I wholeheartedly support the right of women in prison to bring their pregnancy to term if they so choose. They, not me, not anyone here, should make that decision for them.

I want to make it perfectly clear what this amendment is really about. It is about forcing some women, against their will, to bear a child in prison, when that child will be shortly taken away from them at birth, and then, to have that child raised heaven knows where. It is cruel and it is unfair to force them to go through this pregnancy and, therefore, I urge my colleagues to vote for the DeGette amendment.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The provision in the bill the amendment seeks to strike does only one thing: it prohibits Federal tax dollars from paying for abortions for Federal prison inmates, except in the case of rape or the life of the mother.

This is a very longstanding provision, one that has been carried in 12 of the last 13 Commerce, State, Justice, and Judiciary appropriation bills. The House has consistently, year after year, rejected this amendment. Last year, this very amendment was rejected by a vote of 254 to 156. Time and again the Congress has debated this issue of whether Federal tax dollars should be used for abortion, and the answer has been no.

Mr. Chairman, I urge the rejection of the gentlewoman's amendment.

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

Mr. Chairman, I rise in strong support of the DeGette amendment. In recent years, a woman's access to abortion has been restricted bill by bill, vote by vote. The DeGette amendment seeks to correct one of these unjust restrictions.

Women in Federal prisons should not be made to check all of their rights at the door. Women have a constitutional right to choose, which should not be denied even if they are incarcerated.

Facing an unintended pregnancy is a tough situation for any woman, but a woman in prison is faced with very few choices. These women will have very limited prenatal care. Some women in prison will choose to carry the pregnancy to term, and I support this choice. But without the right to choose, their only option is to go through childbirth while incarcerated, and then to give their child up.

Mr. Chairman, I urge my colleagues to support this amendment which removes the ban on the use of Federal funds for abortion services for women in Federal prisons. These women have little or no access to outside financial or even family assistance and earn extremely low wages from prison jobs. Women in prison deserve the same choices they would receive for any other medical condition. We need equity in reproduction services.

The ban on abortion assistance denies them of their constitutional rights. Women in prison must not be denied their right to choose when these prisons cannot guarantee a safe delivery or treatment while pregnant. The right to choose is meaningless without the access to choose.

Mr. Chairman, I urge a ''yes'' vote on 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.

For women in prison, this amendment projects their constitutional right to reproductive services, including abortion. Without this amendment, women in prison are denied the right to health care benefits that every other woman has available to them. We are not saying women in prison cannot choose to have a child, we are simply saying they have a right to choose not to have a child.

Once again, the anti-choice movement is targeting their efforts on women who have limited options. Most women in prison have few resources and little outside support. Denying abortion coverage to women in Federal prisons is just another direct assault on the right of all women to have reproductive choice.

Mr. Chairman, it is time to honor the Supreme Court decision in Roe v. Wade and acknowledge that every woman has a right to have access to safe, reliable abortion services. We must stop these piecemeal attempts to roll back women's reproductive freedom and we must provide the education and the resources needed to prevent unwanted pregnancies.

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Mr. Chairman, I ask my colleagues, vote for the DeGette amendment and

protect a woman's right to reproductive choice.

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

Mr. Chairman, this is not a common occurrence, but it does happen. When it happens, it is under tragic circumstances. For this Congress to prevent a woman from being able to make reasonable choices that influence the rest of her life is just unconscionable.

Women do get arrested and are incarcerated while pregnant. Some women are impregnated by guards. For whatever reason, some women find themselves in untenable positions in prison. To deny them the constitutional rights that women fortunately have in the United States because they are imprisoned is wrong. For us to be the vehicle that denies those rights is unconscionable.

Think of the child that is born into a situation where its mother is incarcerated in prison. Children need to be born into a loving, nurturing, wanted situation. What could be worse than to be forced to give birth to a child that might be the result of a rape in prison that would be a child that one could not care for, that one could not raise in the way all of us were raised?

The woman deserves the right to choose. She should not be denied that. This amendment should be supported.

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

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 access to reproductive care.

Abortion is a legal option for women in America. The ban for women in Federal prisons is unconstitutional because freedom of choice is a right that has been protected under our Constitution for more than 25 years.

Furthermore, the great majority of women who enter our Federal prison system are impoverished and often isolated from family, friends, and resources.

We are dealing with very complex histories that often tragically include drug abuse, homelessness, HIV/AIDS and physical and sexual abuse.

To deny basic reproductive choice would only make worse the crisis faced by the women and the Federal prison system.

The ban on the use of Federal funds is a deliberate attack by the antichoice movement to ultimately derail all reproductive options.

Limiting choice for incarcerated women puts other populations at great risk. This dangerous slippery slope erodes the right to choose little by little.

We are denying these women the right to health care benefits that every other woman has readily available to them.

Women in prison receive limited prenatal care, have limited resources, and must endure the fear of losing custody of their infant upon birth. These circumstances make it an extremely difficult situation for pregnant prisoners.

It is my belief that freedom of access must be unconditionally kept intact.

Therefore, I strongly urge my colleagues to protect this constitutional right for women in America and vote 'yes' on the DeGette amendment.

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

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

Earning the maximum rate of wages, a female prisoner would need to work 40 hours a week for 12 and ½ weeks just to be able to afford the lowest cost of a first trimester abortion ($200), but by that time she is no longer in the first trimester and, therefore, the cost of the abortion would be higher. So she would need to work even more to pay for the higher cost and more dangerous abortion. However, she will never make enough money in prison to pay for a timely, safe abortion even if she saves every penny she earns from the moment of conception. Why? Because the cost of later and later term abortions (from $200 to $700 to $1200) increases faster than her ability to earn money. So the legislation essentially bans abortion services for women in prison.

Remember, 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?

Even worse, prison health services are inadequate for pregnant women. A 1999 report by Amnesty International USA revealed that gynecological services for women in prisons are inadequate and of poor quality. So, not only are we forcing women to carry pregnancies to term, but we are forcing them to do so in an environment where medical conditions are notoriously bad. We, therefore, increase the risk of late-term miscarriages and other potentially life threatening complications. That is dangerous and unnecessary.

Furthermore, we ought to keep this debate in perspective. This ban on abortions does not stop thousands of abortions from taking place, rather it places an unconstitutional burden on a few women facing a difficult situation. Statistics show that there are approximately 10,448 women in federal prison, that only 4 had abortions in FY 1998 and only 2 had abortions in FY 1999. There were only 56 births in FY 1998, and 24 births in FY 1999. So this is a very small group of people.

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

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

I urge my colleagues to support the DeGette amendment.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as an advocate for Women's Choice I strongly support Representative DEGETTE's amendment. Representative DEGETTE's amendment will strike the language in the Commerce Justice State Appropriations bill which would prohibit federal funds from being used for abortions in prison.

Abortion is a legal health care option for American women, and has been for over 20 years. Because Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons, the ban, in effect will prevent these women from seeking the needed reproductive health care that should be every women's right—the right to choose an abortion.

We know that most women who enter prison are poor. Many of them are victims of physical and sexual abuse, and some of them are pregnant before entering prison. An unwanted pregnancy is a difficult issue in even the most supportive environs. However, limited prenatal care, isolation from family and friends and the certain custody loss of the infant upon birth present circumstances which only serve to worsen an already very dire situation.

In 1993, Congress lifted the funding restrictions that since 1987 had prohibited the use of federal funds to provide abortion services to women in federal prisons except during instances of rape and life endangerment. Women who seek abortions in prison must receive medical religious and/or social counseling sessions for women seeking abortion. There must be written documentation of these counseling sessions, and any staff member who morally or religiously objects to abortion need not participate in the prisoner's decision making process.

There was a 75 percent growth in the number of women in Federal prisons over the last decade. Currently, the growth rate for women is twice that of men in prison. Yet, the rate of infection for HIV and AIDs in women exceeds the rate of infection for men in prison, and pregnant women are of course at risk of passing on this disease to their unborn children.

This ban on federal funds for women in prison is another direct assault on the right to choose. This ban is just one more step in the long line of rollbacks on women's reproductive freedoms. We must stop this assault on reproductive rights.

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.

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The CHAIRMAN. Pursuant to clause 6 of rule XVIII, 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 do so to engage in a friendly filibuster on behalf of the House, because what we are trying to do is to bring to the House floor a unanimous consent agreement so that Members will understand what the intention is in terms of proceeding for the rest of the evening.

The staff is in the process of writing the changes to that agreement right now, so to prevent this from getting into another protracted debate on another amendment this evening, I am simply taking this time in the hopes that by the time I sit down, we will have the required paperwork so the Committee can proceed.

I am looking around with great expectation, hoping that the staff in fact has the paperwork ready, but I think they have all fled to the cloakrooms.

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

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

Mr. SERRANO. Mr. Chairman, I just wanted to tell the gentleman that as he was pondering where everything was, the paper was reaching the gentleman. I think he is a much happier man now.

Mr. OBEY. Mr. Chairman, I am happy we do not have to ask the Sergeant to bring in the absent staff.

If the gentleman is ready to proceed, I am happy to yield back my time so that he can propound the unanimous consent request.

Mr. WOLF. 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. REYNOLDS) 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. 2500), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2500 in the Committee of the Whole, pursuant to House Resolution 192, no further amendment to the bill may be offered except

1. Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; and amendments printed in the portion of the CONGRESSIONAL RECORD of the legislative day, July 17, 2001 or any RECORD before that date, designated for the purpose specified in clause 8 of rule XVIII, 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 the Committee of the Whole;

And

2. The Clerk shall be authorized to print in the portion of the CONGRESSIONAL RECORD of the legislative day July 17, 2001 designated for that purpose in clause 8 of rule XVIII all amendments to H.R. 2500 that are at the desk and not already printed by the close of this legislative day.

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

Mr. SERRANO. Mr. Speaker, reserving the right to object, I will not object, but I just want to clarify something from the chairman.

It is clear to the gentleman from Wisconsin (Mr. OBEY), the ranking member and I the content of the unanimous consent. However, I want to make clear that there is an understanding that whatever discussions will take place on limitation on times are in no way referred to in this unanimous consent.

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

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

Mr. WOLF. Mr. Speaker, I would tell the gentleman, that is correct.

Mr. SERRANO. That may or may not be a discussion later on in this process.

Mr. WOLF. That is correct.

Mr. SERRANO. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

□ 2037

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open for amendment from page 39, line 18, through page 39, line 24.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Oklahoma (Mr. LUCAS); amendment No. 2 offered by the gentleman from New York (Mr. HINCHEY); 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 OFFERED BY MR. LUCAS OF OKLAHOMA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. LUCAS) 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 vote was taken by electronic device, and there were—ayes 187, noes 227, not voting 19, as follows:

[Roll No. 233]

AYES—187

Aderholt	Davis (CA)	Hilleary
Andrews	Davis (FL)	Hilliard
Baca	Davis, Jo Ann	Hinchey
Baird	Deal	Holden
Baldacci	DeFazio	Hooley
Barcia	DeGette	Hostettler
Barrett	Dicks	Hulshof
Barton	Doggett	Hutchinson
Becerra	Dooley	Inslee
Bentsen	Doolittle	Israel
Berkley	Duncan	Istook
Berry	Dunn	Jefferson
Blagojevich	Edwards	John
Blumenauer	Emerson	Johnson (CT)
Bonior	Etheridge	Johnson (IL)
Bono	Evans	Kelly
Boswell	Fattah	Kennedy (MN)
Boyd	Filner	Kerns
Brady (PA)	Foley	Kind (WI)
Brown (SC)	Ford	LaFalce
Bryant	Gallegly	Lampson
Burr	Goodlatte	Langevin
Camp	Gordon	Largent
Capito	Graves	Larsen (WA)
Carson (OK)	Green (WI)	Lee
Chabot	Gutierrez	Lewis (GA)
Clay	Gutknecht	Lewis (KY)
Clayton	Hansen	LoBiondo
Clement	Harman	Lucas (OK)
Coble	Hart	Luther
Condit	Hastings (WA)	Maloney (CT)
Costello	Hayworth	Maloney (NY)
Cummings	Hefley	Manzullo
Cunningham	Hill	Matheson

Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McInnis
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Mica
Miller, Gary
Miller, George
Mink
Moore
Moran (KS)
Nethercutt
Ney
Norwood
Osborne
Ose
Pascrell
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Sensenbrenner
Sessions
Shows
Slaughter
Smith (WA)
Solis
Souder
Stark
Stearns
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Toomey
Turner
Udall (NM)
Upton
Velazquez
Walden
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Weller
Wicker
Wilson
Woolsey

NOES—227

Abercrombie
Ackerman
Akin
Allen
Armey
Bachus
Baker
Baldwin
Barr
Bartlett
Bass
Bereuter
Berman
Biggert
Bilirakis
Boehlert
Bonilla
Borski
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Cantor
Capps
Capuano
Cardin
Carson (IN)
Castle
Clyburn
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Davis (IL)
Davis, Tom
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doyle
Dreier
Ehlers
Engel
English
Eshoo
Everett
Farr
Ferguson
Flake
Fletcher
Forbes
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goss
Graham
Granger
Green (TX)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Horn
Houghton
Hoyer
Hunter
Hyde
Isakson
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Markey
Mascara
McCollum
McCrery
McGovern
McKeon
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pitts
Portman
Pryce (OH)
Rangel
Regula
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Scarborough
Schakowsky
Schiff
Schrock
Scott
Serrano
Shadegg
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spratt
Stenholm
Stump
Sweeney
Tancredo
Tauzin
Taylor (NC)
Tiahrt
Tiberi
Tierney
Towns
Traficant
Udall (CO)
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Ballenger
Bishop
Blunt
Boehner
Callahan
Cannon
Chambliss
Delahunt
Ehrlich
Gephardt
McHugh
Myrick
Neal
Reyes
Riley
Rogers (KY)
Shaw
Sherwood
Spence

□ 2102

Messrs. HUNTER, DEUTSCH, McKEON, DAVIS of Illinois, JACKSON of Illinois, NADLER, KINGSTON, WAXMAN, KLECZKA, Ms. McCOLLUM and Mrs. NAPOLITANO changed their vote from ''aye'' to ''no.''

Messrs. RADANOVICH, PRICE of North Carolina, KERRY, SAXTON, WICKER, Mrs. MALONEY of New York, Ms. McKINNEY and Ms. HARMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment 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 172, noes 244, not voting 17, as follows:

[Roll No. 234]

AYES—172

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doyle
Emerson
Engel
English
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frost
Gilman
Gonzalez
Goode
Gordon
Graves
Grucci
Gutierrez
Hart
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (KS)
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Rahall
Rangel
Rivers
Rodriguez
Rothman
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Shaw
Sherman
Slaughter
Smith (NJ)
Solis
Stark
Strickland
Stupak
Tanner
Thompson (MS)
Thune
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson
Woolsey
Wynn

NOES—244

Aderholt
Akin
Armey
Bachus
Baird
Baker
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bonilla
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Cardin
Castle
Chabot
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (VA)
Morella
Nethercutt
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Roemer

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—17

Ballenger
Bishop
Blunt
Boehner
Boucher
Chambliss
Delahunt
Ehrlich
Gephardt
McDermott
McHugh
Meeks (NY)
Myrick
Reyes
Riley
Sandlin
Spence

□ 2113

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

Messrs. ENGLISH, BECERRA, HULSHOF and BACA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

(Mr. ARMEY asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, in just a minute I will yield time to the distinguished chairman of the Committee on Appropriations to complete this announcement, but for the moment let me say, Mr. Chairman, that after this next vote there will be no further business in the House tonight.

□ 2115

I should say, Mr. Chairman, if I may, we will begin in the morning with the rule for the faith-based initiative. We will complete the work on the faith-based initiative, after which we will return to work on the existing Commerce-Justice-State appropriations with the goal of finishing the bill tomorrow night.

While that may sound foreboding to some people, I believe the distinguished chairman of the Committee on Appropriations can share with us insight that will help us to understand that even tomorrow night I think the committee will have been able to work this out to where we will be able to retire from our work tomorrow evening at a decent hour.

I yield to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I would remind Members that the gentleman from Wisconsin (Mr. OBEY) and I have both made an announcement that was followed up by a unanimous-consent agreement that the only amendments to be considered further in this bill tomorrow are ones that will have been printed up to and including today. By the time we get to the consideration of this bill again tomorrow, hopefully soon rather than late, we expect to have a unanimous-consent proposal to offer that would place realistic time limits on those amendments and hopefully expedite our business so that we can leave at a reasonable hour tomorrow evening.

That pretty much sums up where we are on the schedule. A lot of it will depend on that unanimous-consent agreement that we will propound tomorrow.

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

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

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. I would just like to emphasize two things: as the gentleman from Florida indicated, if Members want to have their amendments considered, those amendments need to be filed tonight. If Members have already submitted those amendments to the Clerk, then the Clerk will see to it that they are printed. But Members need to know that if they want consideration of amendments, they need to be filed tonight.

I would also ask another favor of Members. We, on several occasions now, have had the bill read past the point where Members were eligible to offer their amendments. If Members have amendments that they intend to have offered, they need to be on the floor when we reach that point in the bill for consideration of their amendments, because there is no intention on either side of the aisle to go back into the bill to make an opportunity for amendments to be offered if Members have not been here at the proper time to offer their amendments.

We will, as the gentleman indicates, try to take all the amendments that we know of and put them in reasonable order with a reasonable time limit. We need the cooperation of every Member to do that.

Mr. ARMEY. Mr. Chairman, if I could just make one final comment. The program is clearly announced. All Members who will have amendments can expedite the proceedings on the remainder of this bill if they will work with the chairman and the ranking member to work out those time arrangements. I am confident that we will have a productive and happy conclusion of this bill tomorrow evening. I thank the Members for their time.

AMENDMENT OFFERED BY MS. DEGETTE

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 253, not voting 11, as follows:

[Roll No. 235]

AYES—169

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank
Frelinghuysen
Frost
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick
Kind (WI)
Kirk
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—253

Aderholt
Akin
Armey
Bachus
Baker
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Ganske
Gekas

Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Ballenger
Bishop
Blunt
Delahunt
Gephardt
Hoyer
McHugh
Myrick
Reyes
Riley
Spence

□ 2135

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WOLF. 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. SHIMKUS) 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. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN HONOR OF MAISIE DEVORE AND THE PEOPLE OF ESKRIDGE, KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening in honor of one of my constituents, Maisie DeVore, of Eskridge, Kansas. Her story, that I want to describe here in a few moments, demonstrates what one determined person can do to make a difference in the lives of others and in the life of her community.

Maisie DeVore is 82 years old. Thirty years ago, Maisie decided that her community of Eskridge, population 530, needed a swimming pool; and she set about raising the funds to build one.

Over the course of 3 decades, Maisie earned a few dollars at a time by collecting aluminum cans, selling homemade jelly, and auctioning off her homemade afghans. Over the years, Maisie's hard work earned her more than $100,000, which, coupled with a $73,000 granted from the State of Kansas, provided the funds necessary to make her vision a reality.

The Eskridge Community Pool officially opened this past Saturday, July 14, 2001. Maisie was telling me this past Saturday that when she started this project, her kids were 7 and 12. They are now adults living in another community; but, still, the pool was opened.

Fittingly, Maisie was the first person in the pool. She was soon followed by about 50 of the younger residents of Eskridge. I was fortunate to be in Eskridge to share this city-wide celebration that was declared Maisie DeVore Day.

At the completion of her many years of work, Maisie's accomplishment has drawn the attention of State and national media and will be featured this Sunday on the CBS Sunday Morning Show.

Maisie's commitment to the welfare of her community and neighbors is a great example of service and leadership. More than the accomplishment of a personal goal, Maisie's success is a uniting theme for an entire community. Her story demonstrates that one individual, one individual, can bring a community together and truly make a difference in the lives of others.

The completion of this project marks a major achievement for Maisie DeVore and for the community of Eskridge. This facility promises to be a tremendous asset and a source of pride for this small community.

This story is about small-town America and what the life of one individual can do to benefit his or her neighbors.

So I rise tonight on the floor of the House of Representatives to commend Maisie DeVore for her unending work, her vision, and her completion of this community project. I salute Maisie DeVore and the community of Eskridge.

EXPLAINING THE DANGERS OF FAST TRACK TRADE PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I rise this evening first of all to thank my colleague, the gentleman from Ohio (Mr. BROWN), for arranging a discussion this evening on the important issue of trade, especially the fast track procedure that is making its way through this community. It is essential for the American people to truly understand what this fast track trade proposal is all about and how damaging it can be to each and every one of our individual lives.

Now, the procedure that is known as fast track puts our trade laws and everything that is associated with them on a rush course through Congress. It limits the time we can spend on important issues that deal with food safety, with agriculture, with the environment, and worker laws and worker protections. It allows only an up-or-down vote, and no amendments, on huge trade bills, like the GATT bill in 1995 or the NAFTA bill in 1993. It leaves Congress with little power to stop the bad parts of trade legislation from becoming law.

I would remind my colleagues, Mr. Speaker, that this whole idea of fast track is something that is relatively new. It was only in 1974 when Richard Nixon first proposed it. It has only been used five times. In fact, during the last administration, the Clinton administration, we did 200 trade deals around the world successfully without fast track.

This is a huge usurpation of the authority given to the United States House of Representatives and the Congress by the Constitution of the United States. By doing so, it not only threatens the work that we do here on behalf of the American people on food safety, on labor law, on the environment and all kinds of other important issues; but it also affects what happens to the activity at the local level, in the village, in the city, in the township or at the State level. Those laws are in jeopardy as well.

Now, let me say this, Mr. Speaker: we have worked very hard over the last 100 years in this country to put into law these protections. There was a time that we did not have food safety laws. Upton Sinclair wrote the wonderful novel called ''The Jungle,'' and it alerted the American people to what was happening in food safety and food spoilage. There was a movement called the Progressive Movement, and a lot of things flowed from that.

The labor movement flowed at the beginning of the century, so people

could have workmen's comp, unemployment comp, good pay, pensions and overtime protection and all of those things we have in law today.

All of that is at risk with these trade laws. If we continue on the path that we are on, or we have been on, we are spiraling down to the least common denominator in our law. We are going into the valley where countries who have no protections for their workers simply live today.

When we fail to meet these standards, workers in Bangladesh remain in sweatshops. When we fail to meet these standards of worker safety and the environment, children in the Ivory Coast are forced into slave labor. At home, workers lose their jobs because companies relocate to areas with fewer safety and environmental standards.

We have seen the great exodus out of many of our communities. Manufacturing concerns get up and go. They do not want to pay the $12 an hour, the $14 an hour. They go down to Mexico where they pay less than $1 an hour.

□ 2145

They manufacture and assemble what they have to, ship it right back across the border, often on trucks that are not safe, moving through our country, with no protection for the Mexican workers down there. So the Mexican worker loses, our worker loses. The only people that profit are basically the wealthy multinational corporations and the CEOs, particularly at the top of those corporations.

Mr. Speaker, we simply cannot afford the negative consequences that come along with bad trade deals. Too much is at stake. I would just urge my colleagues tonight, as we proceed on this debate on fast track, to be very careful and very thoughtful in how we approach it.

This is a very important issue for the future of this country and for the future of our children. We need to have environmental safety laws into all of our trade deals, and we need to also make sure we have worker rights embodied in the core agreements of our trade deals so that our workers are not punished here at home and the workers abroad and in developing countries as well have a chance to earn a decent wage so that they can buy the products that they are making.

SUPPORT EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, Della Mae is a wonderful, loving, 79-year-old woman totally debilitated by Alzheimer's disease. Joey was a promising young man in his early 20s who died a horrible death; a cruel, tragic death from diabetes.

Mr. Speaker, Della Mae is my mother. Joey was my first cousin. On behalf of my beloved mother and my first cousin, I plead with the President and the Congress to accept the NIH report on the medical value of embryonic stem cell research and to not block Federal funding for this promising, life-saving research; on behalf of not only my mother and my first cousin, but 100 million other Americans suffering from Parkinson's Disease, Alzheimer's disease, diabetes, juvenile diabetes, multiple sclerosis, as well as spinal cord injuries resulting in paralysis.

Mr. Speaker, I have watched several close friends devastated by Parkinson's Disease and spinal cord injuries, conditions that could also be aided by embryonic stem cell research. Who amongst us, who amongst us has not been profoundly moved by the sight of former President Ronald Reagan, that giant of a man, now reduced to a mere shadow of his former self by Alzheimer's disease.

Mr. Speaker, the scientific evidence is overwhelming that stem cells collected from surplus embryos have great potential to regenerate specific types of human tissues and offer hope for millions of Americans devastated by these and other cruel, fatal diseases. According to research doctors I have talked to at the Mayo Clinic as well as NIH, a vaccine to prevent the onset of Alzheimer's is less than 5 years away, thanks in large part to stem cell research.

Yes, Mr. Speaker, using surplus embryos from in-vitro fertilization that would otherwise be discarded has the potential to save lives and prevent terrible human suffering. Members and the President need to listen to respected colleagues like Senators Orrin Hatch and Connie Mack, as well as Secretary Tommy Thompson, when they tell us this is not an abortion issue. The President and Members need to be clear, Mr. Speaker, that abortion politics should not enter into this decision and certainly should not influence this critical decision.

Embryonic stem cell research, in fact, will prolong life, will improve life, and give hope of life for millions of American people suffering the ravages of Alzheimer's, Parkinson's, diabetes, and multiple sclerosis, not to mention spinal cord paralysis.

So, Mr. Speaker, on behalf of millions of Americans with debilitating, incurable disorders, I respectfully urge the President and the Congress to approve crucial Federal funding for this life-saving medical research. In approving such funding, Mr. Speaker, we can also adopt the same model of accountability and oversight that is used in fetal tissue transplantation research which allows the best possible science to progress.

Mr. Speaker, it is too late for my dear mother and my decreased cousin, but it is not too late for 100 million other American people counting on the President and the Congress to give them hope. Let us give them hope. Let us give them life. Let us support funding for life-saving and life-extending embryonic stem cell research. It is clearly, clearly the right thing to do.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

(Ms. JACKSON LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

(Mr. LANGEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

(Mr. TANCREDO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

(Mr. BUYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THOUGHTS ON THE U.S. FLAG AND A CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I was unable to come over today for the discussion of the flag amendment because of meeting with some of my constituents and because of an important markup in the Committee on Resources. However, I would like to tell my colleagues and

others about an article or a column that was written in the July 9 issue of Newsweek Magazine by a woman named Joan Jacobsen.

She told that she was an antiwar protestor in the late 1960s and early 1970s and had many very bitter arguments with her father who was a brigadier general in the Army. Then she wrote a few days ago about her father's passing. She said this: ''Two days after my father died, as the visiting hours at the funeral home ended and we were putting on our coats, there was one last visitor. He was a stooped, solitary man who walked slowly to the open coffin and gazed down at my father, lying in his military dress uniform. Suddenly, the visitor stood up straight, and still looking at his Army comrade, gave the brisk salute of the spirited young GI that he must have been 55 years ago. Then he slowly lowered his arm and became an old man once more, turning and shuffling out the door. His gallant gesture has come to symbolize a profound shift in my feelings toward the United States military.''

Ms. Jacobsen continued: ''The following day at the funeral service, the soldiers draped the American flag over the coffin and accompanied it from the church to the cemetery. As we gathered at my father's grave site under a light December rain, four members of the honor guard stood at attention. One soldier raised his rifle and fired three shots while the bugler played Taps. The flag was removed from the coffin and slowly and meticulously folded into a triangular shape. After one soldier inserted the empty casings into the flag's angled pocket, the rest of the guard lined up in formation behind the highest-ranking officer, who approached my teenage son. The officer, holding the folded flag on his outstretched palms and looking straight at my boy, said, 'Please accept this flag on behalf of a grateful Nation.'

''And so it was, at the end, the United States Army that provided my family and me with a noble conclusion to my father's life. I began to realize that the military traditions I had once considered unquestionably rigid endure because they serve a purpose. Every morning, as long as he was able,'' and I want everyone to hear this, especially. ''Every morning, as long as he was able, my father raised the American flag on the pole outside his house, observed a moment of silence, then stood at attention and saluted. I had always thought this exercise sweetly eccentric,'' Ms. Jacobsen said, ''but also meaningless. Now, I envy the ritual.''

Mr. Speaker, I think in at least a small way, this lady has explained what this flag means to so many people in this country, and that this flag is a whole lot more than just a simple piece of cloth.

In the great song of the ''Battle Hymn of the Republic,'' Mr. Speaker, it says, ''In the beauty of the lilies, Christ was born across the sea, with a glory in his bosom that transfigures you and me. As he died to make men holy, let us live to make men free.''

That is what so much of what we do today is all about. The battle or the struggle for freedom is ongoing. It is never ending. There are always tyrants and dictators from abroad who would take our freedom away if they had the slightest chance to do so, and there are always liberal elitists and bureaucrats from within who want to live our lives for us and spend our money for us and take away our freedom, slowly but surely.

I think of this in relation to a hearing before the Subcommittee on National Parks this morning. We talked about the Antiquities Act. Mr. Speaker, one can never satisfy government's appetite for money or land. We talked in the hearing this morning about how 70 million acres have been locked up, almost all of it just in the last few years, and that 70 million acres does not even count what we have in the national parks, in the national forests and all of that.

Mr. Speaker, if we do not wake up and realize that we are slowly, very slowly doing away with private property in this country, we are about to lose a very important element of our freedom and our prosperity, and we are about to lose the freedom that this man fought for and supported all of those years and why so many people have given their lives for this country and in defense of that flag. I am very pleased that this Miss Jacobsen realized that and wrote such a moving column in Newsweek. I just wanted to call that to the attention of my colleagues tonight.

SAY NO TO H.R. 7, PRESIDENT'S FAITH-BASED INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, tomorrow this House will vote on H.R. 7, the President's faith-based initiative.

The question before the House is not whether faith is a powerful force; it is. The question is not whether faith-based groups do good works; they do. The question is not even whether government can assist faith-based groups in their social work. The government does and has so for years.

Rather, the vote on this bill boils down to two fundamental questions. First, do we want American citizens' tax dollars directly funding churches and houses of worship, as this bill does; and, second, is it right to discriminate in job hiring when using Federal dollars.

I would suggest the answer to both of those questions is no, emphatically so.

The question of using tax dollars to fund churches is not a new one. It was debated at length by our Founding Fathers over two centuries ago. They not only said no to that idea; they felt so strongly about it that they embedded the principle of church-State separation into the first 16 words of the Bill of Rights by keeping government funding and regulations out of our churches for over 200 years.

Mr. Speaker, America has become the envy of the world when it comes to religious freedom, tolerance, and vitality. I challenge the proponents of this bill to show me tomorrow one nation in the world, one nation where government funding of churches has resulted in more religious liberty or tolerance or vitality than right here in the United States. All of human history proves that government involvement in religion harms religion, not helps it.

□ 2200

Our Founding Fathers understood that fact, and today's world proves that fact. Just look around. In China, citizens are in prison for their religious beliefs. In the Middle East, religious differences have perpetrated conflict and death. In Afghanistan, religious minorities are being branded with Nazi-like tactics. In Europe, government-funding of churches has led to low church attendance.

As a person of faith, I thank God that our Founding Fathers understood that religious liberty is best preserved by keeping government funding and regulations out of our churches.

To my conservative colleagues, and to those across this country, I would suggest that they should be the first to fear the government regulation of religion that would inevitably result from billions of taxpayer dollars going directly to our churches and houses of worship.

Surely it was one significant reason why over 1,000 religious leaders, from Baptists to Jews to Methodists, have signed petitions opposing H.R. 7. These people of faith understand that direct Federal funding of our churches would not only be unconstitutional, it would result in government regulation, audits, and yes, even prosecutions against our churches and religious leaders.

Mr. Speaker, I have great personal respect for President Bush, but on the question of Federal funding using tax dollars to fund our churches, I must stand with Madison, Jefferson, and the Bill of Rights. The principle of church-State separation has protected Americans' religious freedom magnificently for over 200 years. We tamper with that sacred principle at our own peril.

Mr. Speaker, now let me address a second question I raised regarding this legislation: Is it right to discriminate in job hiring when using Federal tax dollars for those jobs? I believe the vast majority of Americans would say no.

Under H.R. 7, citizens could be denied or fired from federally-funded jobs because of no other reason than their personal religious faith. I would suggest that having the government subsidize religious job discrimination would be a huge step backwards in our march for civil rights.

No American citizen, not one, should have to pass anyone else's religious test in order to qualify for a federally-funded tax-supported job.

Under H.R. 7, a church associated with Bob Jones University could put out a sign ''Paid for by taxpayers. No Catholics need apply here for a federally-funded job.'' That is wrong.

Under H.R. 7, federally-funded jobs could be denied to otherwise qualified workers simply because of their personal faith being different from that of their employers. That is wrong.

Under H.R. 7, churches that believe women should not work which use Federal dollars could put out a sign saying, ''No women need apply here for a federally-funded job.'' That is wrong.

Mr. Speaker, we all understand why churches, synagogues, and mosques could hire people for their own religious faith with their own private dollars. But it is altogether different, altogether different as night to day to allow tax dollars to be used to subsidize job discrimination for secular jobs.

There is also something ironic about a bill that is supposedly designed to stop religious discrimination but actually ends up not only allowing but subsidizing religious discrimination.

Mr. Speaker, this is also a bill built on a false foundation, the premise that not sending tax dollars to our churches and houses of worship is somehow discrimination against religion.

Nothing could be further from the truth. In the Bill of Rights, our Founding Fathers wisely built this sacred wall of separation to protect religion from government and politicians. This bill would obliterate that wall and ultimately put at risk our religious liberty, the crown jewel of America's experiment in democracy.

To Members who genuinely want to help religious charities do good work, I would say that present law already allows Federal funding of faith-based groups if they agree not to proselytize with those Federal dollars or to discriminate with Federal funds. This bill is thus a solution in search of a problem.

Should we have Federal funding of our churches? The answer is no. Should we discriminate in job hiring based on religion when using Federal dollars? The answer is no.

And if Members' answers to these two questions is no as well, they should vote no on H.R. 7. Protecting our churches from government regulation and our citizens from religious discrimination are fundamental principles. They deserve our support today, tomorrow, and every day.

By voting no on H.R. 7, we in this House can defend the principles embedded in the Bill of Rights that have protected our religious freedom so magnificently well for over two centuries.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 2356, THE BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. NEY) is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, House Rule XIII 3(c)(2) requires that a cost estimate prepared by the Congressional Budget Office be filed with a committee report. When the committee report for H.R. 2356 was filed, this cost estimate was not yet available.

Attached for inclusion in the RECORD is the completed cost estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 11, 2001.

Hon. ROBERT W. NEY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2356, the Bipartisan Campaign Reform Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz (for federal costs) and Paige Piper/Bach (for the private-sector impact).

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 2356—Bipartisan Campaign Reform Act of 2001

Summary: H.R. 2356 would make numerous amendments to the Federal Election Campaign Act of 1971. In particular, the bill would:

Raise the amounts that individuals can contribute to federal campaign each year;

Prohibit national committees of political parties from soliciting, receiving, directing, transferring, or spending so-called ''soft money'';

Require numerous additional filings and disclosures by political committees with the Federal Election Commission (FEC) for certain expenditures;

Strengthen the prohibition on foreign contributions to federal campaigns, and increase fines for violations of election laws.

Direct the General Accounting Office (GAO) to conduct a study of recently publicly financed campaigns in Arizona and Maine; and

Restrict the advertising rates charged by television broadcasters to candidates for public office.

CBO estimates that implementing H.R. 2356 would cost about $5 million in fiscal year 2002 and about $3 million a year thereafter, subject to appropriation of the necessary funds. Those amounts include administrative and compliance costs for the FEC, as well as costs for GAO to prepare the required report.

Enacting the bill also could increase collections of fines, but CBO estimates that any increase would not be significant. Because the bill would affect direct spending and receipts, pay-as-you-go procedures would apply.

H.R. 2356 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 2356 would impose several private-sector mandates as defined in UMRA. CBO estimates that the direct costs to the private sector of complying with those mandates would exceed the annual statutory threshold in UMRA ($113 million in 2001, adjusted annually for inflation) primarily as a result of new mandates on national political party committees and television, cable, and satellite broadcasters. Moreover, CBO estimates that they net direct costs to the private sector could exceed $300 million in a Presidential election year.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2356 is shown in the following table. The costs of this legislation fall within budget function 800 (general government).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending for FEC under current law:						
Estimated authorization level[1]	40	42	43	45	47	48
Estimated outlays	41	42	43	45	47	48
Proposed changes:						
Estimated authorization level	0	5	3	3	3	3
Estimated outlays	0	5	3	3	3	3
Spending under H.R. 2356:						
Estimated authorization level	40	47	46	48	50	51
Estimated outlays	41	47	46	48	50	51

[1] The 2001 level is the amount appropriated for that year. The estimated authorization levels for 2002 through 2006 reflect CBO baseline estimates, assuming adjustments for anticipated inflation.

Basis of Estimate: Based on information from the FEC, CBO estimates that the agency would spend about $2 million in fiscal year 2002 to reconfigure its information systems to handle the increased workload from accepting and processing more reports, to write new regulations implementing the bill's provisions, and to print and mail information to candidates and election committees about the new requirements.

In addition, the FEC would need to ensure compliance with the bill's provisions and investigate possible violations. CBO estimates that conducting those compliance activities would cost $2 million to $3 million a year, mainly for additional enforcement and litigation staff.

CBO estimates it would cost GAO less than $500,000 in fiscal year 2002 to complete the report required by the bill.

Enacting H.R. 2356 could increase collections of fines for violations of campaign finance law. CBO estimates that any additional collections would not be significant. Civil fines are classified as governmental receipts (revenues). Criminal fines are recorded

as receipts and deposited in the Crime victims Fund, then later spent.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act specifies pay-as-you-go procedures for legislation affecting direct spending and receipts. These procedures would apply to H.R. 2356 because it would affect both direct spending and receipts, but CBO estimates that the annual amount of such changes would not be significant.

Estimated impact on State, local, and tribal governments: H.R. 2356 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimated impact on the private sector: H.R. 2356 would make changes to federal campaign finance laws that govern activities in elections for federal office. The bill would amend the Federal Election Campaign Act of 1971 by revising current-law restrictions on contributions and expenditures in federal elections. H.R. 2356 would impose mandates on many private-sector entities, including: national party committees, state and local party committees, candidates for federal office, federal officeholders, television, cable and satellite broadcasters, persons who pay for election-related communications, labor unions, corporations, persons who contribute to political campaigns for federal office, and Presidential inaugural committees. The two most costly mandates in the bill would prohibit the use of soft money by national political party committees, and change the rules that television, cable and satellite broadcasters apply to set rates for political advertisements. At the same time, the bill would reduce existing requirements governing election-related contributions and expenditures.

The mandate on national political party committees prohibiting the use of soft money would impose direct costs that equal the forgone amount of soft-money contributions offset by savings in the bill. According to the FEC, national party committees raised approximately $400 million in 2000, $95 million in 1999, $150 million in 1998, and 475 million in 1997 in soft money. Historically, soft-money contributions increase significantly in Presidential election years. During the 2000 election cycle, for example, soft-money contributions for national political parties totaled approximately $495 million, which represented an increase in soft-money contributions of 475 percent over the 1992 election cycle. CBO, therefore, estimate that the losses as a result of prohibiting soft money would be at least $400 million in a presidential election year and at least $75 million in an other election years.

H.R. 2356 also would provide savings as defined in UMRA. The bill would reduce some existing mandates by allowing higher contributions by individuals and thus offset some of the losses resulting from the soft-money prohibition. The bill would increase the following annual limits:

Individual contributions to Senatorial and Presidential candidates from $1,000 to $2,000,

Individual contributions to national political parties from $20,000 to $25,000,

Individual contributions to state parties from $5,000 to $10,000,

Aggregate limit on all individual contributions from $25,000 to $37,500, and

National party committee contributions to Senatorial candidates from $17,500 to $35,000 in an election year.

Further, the bill would provide for future indexing for inflation of certain limitations on annual contributions. The bill would also raise limits on individual and party support for Senate candidates whose opponents exceed designated level of personal campaign funding.

The increased contributions limits would allow candidates and national and state party committees to accept larger campaign contributions. Based on information from the FEC and other experts, CBO expects that the increment in such contributions could be as much as $200 million in a Presidential election year. Thus, such savings would only partially offset the losses from the ban on soft-money contributions.

Additional mandates in H.R. 2356 would impose costs on television, cable, and satellite broadcasters by requiring the lowest unit rate broadcast time to be nonpreemptible for candidates (with rates based on comparison to prior 180 days) and requiring the rates to be available to national party committees. The bill also would also require broadcasters to maintain records of requests of broadcast time purchases. Based on the latest figures from the National Association of Broadcasters and the FCC, affected political advertising would bring in revenues of $400 million to $500 million in Presidential election years and $200 million to $250 million in other election years. CBO does not have enough information to accurately estimate the effects of the requirements in the bill on those revenues. Based on information from industry experts, however, CBO concludes that such losses could exceed $100 million in a Presidential election year.

H.R. 2356 would also impose private-sector mandates in several additional areas. These areas include: restricting the use of soft money by candidates and state political parties; additional requirements to report information to the FEC about political contributions and expenditures by individuals and political parties; restricting contributions from minors and foreign nationals; restricting disbursements for election-related communications by individuals, labor unions, corporations, and political parties; and prohibiting certain campaign fundraising.

The direct costs associated with additional reporting requirements would not be significant. In general, most entities involved in federal elections must submit reports to the FEC under current law. New requirements in H.R. 2356 also would impose some costs for individuals and organizations who pay for certain election-related communications associated directly and indirectly with federal elections. Finally, mandates that restrict the ability of individuals and organizations to make certain contributions or expenditures would impose additional administrative costs.

Previous estimate: On July 9, 2001, CBO transmitted a cost estimate for H.R. 2360, the Campaign Finance Reform and Grassroots Citizen Participation Act of 2001, as ordered reported by the Committee on House Administration on June 28, 2001. That bill contained some of the provisions in H.R. 2356 and CBO estimated that it would cost the federal government $2 million annually, subject to the availability of appropriated funds. Neither bill contains intergovernmental mandates.

Both bills would impose private-sector mandates by placing new restrictions on contributions and expenditures related to federal elections. The mandates in H.R. 2360 would not impose costs above the statutory threshold. The primary mandate in H.R. 2360 would limit the use of soft-money contributions in certain federal election activities. The primary mandates in H.R. 2356 would impose costs above the threshold by banning the use of soft money for national committees and changing the rules that apply to broadcast rates for political advertisements.

Estimates prepared by: Federal costs: Mark Grabowicz, impact on State, local and tribal governments: Susan Seig Thompkins; impact on the private sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

THE UNIQUE QUALITIES OF THE AMERICAN WEST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I come before my colleagues this evening to discuss one of my favorite topics, of course, the American West. I plan to spend the next few minutes talking about the differences between the western United States and the eastern United States.

I talk quite regularly about these issues because, of course, being a native of the wonderful State of Colorado, I believe very strongly, very strongly in the American West and the virtues and the values of the American West.

I think it is important, because of our small population out there, that we continue to be heard in this country; that our way of life in the American West somehow be preserved and not trod upon.

I had a wonderful experience this last weekend. I was in Buena Vista, which in Spanish stands for ''good view,'' Buena Vista, Colorado. I and a couple of friends and my wife, Laurie, we went to Buena Vista for one purpose: We wanted to hear a singer, somebody who I had known, a person of great character, a gentleman named Michael Martin Murphy.

This is an individual who is not only able to sing in such a way that it warms your heart, but also has the very canny ability of passing on and communicating through his music about the values of the American West. Not only can Michael Martin Murphy communicate about the values of the American West, he also communicates about the need and the necessity of character, of real character; of the standards that we as Americans ought to live up to.

When we went to Buena Vista and we heard some of the discussions, we had an opportunity not only to listen to the music of Michael Martin Murphy, who I pay tribute to today; not only to meet his good friend, Karen Richie, but also to listen to some of the background and some of the values and the future that people like Gene Autry, Roy Rogers, and Marty Robbins saw about the American West.

I can say that Michael Martin Murphy in my opinion rises to the level of those legends, the legends of Marty Robbins, the legend of Gene Autry, the legend of Roy Rogers; that he rises to their level, because in my opinion he is able to communicate the message as those people did for their generation, and Michael Martin Murphy does that for this generation. I think his music will carry that message to future generations.

It was a wonderful experience. We were up on the mountain plain, Chalk Mountain right in the distance, of course among 14,000-plus foot peaks. The wind was blowing slightly, the sun was going down, not until about 9 o'clock. It was cool. The mountains can get awful cold this time of year; not like winter, obviously, but very, very cool.

It was just the perfect setting. It was the perfect setting to let one's mind rest for a few minutes and to go back in history and remember the values upon which this great Nation was built, upon the individual characters that stepped forward to settle the West, to stand strong for the West, to make sure that the wrongs were righted, because we know there were wrongs that were committed in the acquisition of the West.

It is interesting, when we look back in history, our history professors tell us, Mr. Speaker, that history often repeats itself, and that if we look upon the strong values of this country, the foundation that made this country the greatest country known in the history of the world, when we look back we see certain characteristics that I think have been represented in music, at least in the West, by the legends of the Gene Autrys, the Marty Robbins, and Roy Rogers, and in my opinion, Michael Martin Murphy.

I intend here in the next few days to issue a tribute for Michael Martin Murphy, because I think it is so important for the generation, for our generation, the obligation of our generation to pass on to the next generation what life in the American West really is about; how wonderful it is and how important it is to preserve that independence, that love of nature, that mountain area way of life.

There are several ways we can do it. Of course, we can put it in history books. We can teach it in our classes. Those are all important. But it seems to me one of the most effective ways to pass the message from one generation to the next generation is through music. Michael Martin Murphy does exactly that.

I was not enthralled, so do not get me wrong, I was not starstruck by Michael Martin Murphy. I was impressed, because I felt that I had met an entertainer who was much more than an entertainer, but an individual who really cared about the American West, an individual who understood the land values and the need for open space and the beauty of the Rocky Mountains, yet firmly believed that people had a right to live in those areas; that people have a right to enjoy that.

In Michael Martin Murphy I saw not a superstar, but I saw a star kind of different than like a Hollywood set. What I saw was a superstar in character, a person who spoke about the characters that are necessary for our new generations; about the obligations we have, the obligations that were fulfilled by previous generations.

We live in a great country, wherever one lives in this country. I just happen to have a prejudice towards the mountains, whether it is in Virginia or in the Missouri flats or up in Montana, up in those areas, Idaho, Jackson Hole, Wyoming, and of course my district, the Third District of Colorado, which is essentially the mountains of Colorado, whether one is in Durango, Buena Vista, Walsenburg, Steamboat Springs, Meeker, Colorado, Glenwood Springs, Beaver Creek, all of these communities.

What is important is that there are a lot of generations that have come ahead of us, including multiple generations on my side of the family and multiple generations on my wife's side of the family.

It is a way of life. It is a way of life that I think we can preserve. It is a way of life that we should not allow the elitists to come out and destroy. It is a way of life of those people who come out and buy property in the mountains, or come out to the West and buy land, whether it is in the prairie or in the mountains. It is a responsibility that kind of runs with the land. It does not disappear from one owner to the other, it is a responsibility that should go with everybody who touches the land. It runs with the land, and it should run with the land for all future generations.

A part of getting that message out is through the music of the likes of Michael Martin Murphy. So for that, I intend to issue a tribute, because I consider him in that bracket, having met that standard of a legend, not just for the music, which by the way is beautiful, whether it is Wildfire, or his rendition of the Yellow Rose of Texas, or I could go through a number of different songs; but most importantly, what Michael Martin Murphy says and what he practices and what he encourages other people to do in regard to the preservation of the American West.

Let me point out some differences in why life in the West requires some special attention, why it really does. I am not trying to preach to my colleagues this evening, but I am trying to say that out in the West we have a unique situation. It is not found in the East, or very rarely in the East. It is unique to the West. We have to have a good understanding of it if we really want to comprehend the challenges that we face out West.

It all started years ago with the founding of this country. As we all know, the country was not founded on the west coast. It was not founded in the mid country, it was founded on the east coast, out in this area. The population was up and down the coastline.

As our forefathers decided to expand this wonderful dream of theirs to build a country of freedom, a country that was free from the king, a country where we would have no king, a country which allowed for a representative and democratic type of government, to do that they in to expand, so they purchased land. They needed to encourage people to occupy that land.

What happened back then, just because one had a deed, they had a piece of paper that said you owned this piece of property, that did not mean much.

□ 2215

What meant something was for an individual to be actually placed on the land with both their feet. Possession of the land. And frankly, not only possession of the land, it also probably required in a lot of cases, a six-shooter strapped to one's side. This was a new frontier for us, and it was a frontier we wanted to build into the country.

And thank goodness they had the raw courage and the persistence to go out west. Despite the illness, despite the fact that there were no maps, despite the fact that they had to break the trails and hunt for their food and negotiate with the Native Americans, we still had people that did it. That is where, by the way, the saying came from, ''possession is nine-tenths of the law.'' That is where that came from.

So let us go back to this map. We know we have people settled on the East Coast. We know that the Government wants them to move to the West. Now remember, to the West could be simply getting them out to Missouri. Somehow we have got to get the American people out into this new land that we want to expand into a country, the United States of America. So they tried to figure out ways and incentives for the American people to move west. Interestingly, they came up with an idea. In 1776, what the Government did, and this is very interesting, by the way, for those who are history buffs, in 1776, the Continental Army decided, hey, let us offer free land to people. Let us allow, in effect, homesteads to soldiers that will defect from the British Army. If they are defectors, we will reward them in our new country with free land.

Well, years later, as our expansion began to take place, and remember our expansion was delayed somewhat because of the ongoing battles between the North and the South. The North and the South, neither one of them wanted to have the other get an advantage over this new land, an advantage that would allow slavery or an advantage that would not allow slavery. So the expansion and the possession of these lands was somewhat delayed. But when they got finally to a position where the Government could really encourage it and take it as a serious effort to go out and settle the American West, they decided that the incentive should be to give away land, and they called it homesteading.

Again, that idea originated in 1776. Now, maybe if there is a history professor amongst my colleagues, they may have a date preceding that, but my reading shows about 1776 with the defections from the British Army.

So now we speed up again back here where we are possessing the country.

How do we get people out there? So we decide to homestead. They offer people to go out into Missouri, into Tennessee, out west to Kansas and to Colorado. Go out there and farm, set up their families, and be given 160 acres. If they would go out there and work it for a fee of like $12 and a closing fee of like $5, they could have this land, 160 acres.

And every American, even today, every American dreams of owning their own piece of land. That is one of the beauties of the United States of America, one of the things that sets our country apart from other nations throughout the entire world is the right of private property. It is deep in our heart. It is deep in our heart to own a piece of property. So the Government encouraged families to go out west and be given ownership to 160 acres. They had to go out and work it. They need to put their family on it. The Government wanted it to be farmed, to be productive land. And if a family would make it productive land, if they were dedicated to the cause, meaning that they persevered through all the tough conditions, after a period of time, a few years, they got to own that land free and clear.

However, there was a problem; and the problem is clearly demonstrated by this map that I have to my left, and that was that the frontiersmen, and I say that generically, because clearly it was families that took on this challenge, not just the men of the country but families. And back then the conditions were harsh. Think of women in childbirth, the death rate of women in childbirth. It was horrible. The sacrifices were enormous that these people made to expand our country and in part to go out and find the American Dream.

But as I said, there was a problem; and it is demonstrated by this map. Take a look at this map very carefully. The western United States has lots of color on it on this map. The eastern United States, with the exception of the Appalachians, a little shot down there in the Everglades, a little shot up there in the northeast. With those exceptions some of these States hardly have any color in them at all. Why? The color denotes government lands.

Now, my colleagues might say, well, gosh, there are hardly any government lands in some of these States. And the lands that have very little government land, what we call public lands, are in the East. They are not in the West. Why? Why would be a logical question on this map to my left. Why would all the West be in color or public lands and very little in the East, comparatively speaking? Private property is held by private individuals. That was the problem they ran into. What happened was, as the frontiersmen began to hit the Rocky Mountains, they discovered that 160 acres not only would not support a family, it would not even feed a cow.

So word got back to Washington, and it kind of put a stop in the expansion plans. They said, hey, we are having a problem. This Homestead Act has worked very, very well getting people halfway across the country, because 160 acres in eastern Colorado, unlike 160 acres in western Colorado, can support a family. 160 acres in Missouri can support a family. Same thing in Kansas. Same thing in some of these other States. But when they hit the mountains, it was a lot different.

So how did we resolve this? What do we do? How did we encourage people to go into those mountains and take the sacrifice that was necessary for us to expand this great country of ours? One of the answers was, well, to get people into this area of the western United States, if 160 acres does not do it, let us give them 3,000 acres. Let us give them whatever amount of land it takes to be comparable to that family in Kansas or Nebraska that can make do on 160 acres. But somebody said, well, we cannot do that. Politically we could never give that much land away to an individual.

So somebody else, one of the other policymakers, came up and said, well, let us do this. In the West, where we meet the mountains, let us just go ahead and keep the land titled, the actual ownership of the property, let us keep it in the name of the Government but let us allow the people to use it as if it were their own. And, in fact, let us encourage them to go out there and use it. And let us call this land that is owned by the Government, it is not a title that fits here in the East, it is a title that was designed for this block of color in the West, let us define it by a land of many uses, public lands.

This was a title held by the Government but described as a land of many uses; a land that will allow people to support families, land that will allow people a sense of freedom, land that will allow people the enjoyment and, in my opinion, the absolute pure pleasure of being able to live in the Rocky Mountains or go up into the plateaus of the Grand Mesa or down into the San Juan Mountains and see the fresh water streams and the waterfalls. It allows this to be a land of many uses.

What we have seen, though, recently is that we have more radical environmental organizations. Now, I think some of the strongest environmentalists are the people who have had to put their hands in the ground, the people like my family who, for generations, next to their family, their deepest appreciation was for where we lived and they loved the land. It is like Michael Martin Murphy. His deepest appreciation was being a part of the American West and a big part of the American West, as he very ably described in his comments and in his music, is the beauty of the land, the ability to get on a horse and ride and not see other people for a long ways. And yet the ability to take that horse back to a barn where hay can be grown to support it, grain to support that horse, and to have a family that could enjoy that horse.

As of late, some of the more radical environmental groups in our country have decided that the Government, what they want to do is go to the populations, and remember most of the populations, when we look at this map to my left, most of the populations, with the exception right here, and again we see the private property, the big white section here in California, that big white section, and the East, that is where the population in the country really is. Here in the West, that is sparsely populated land. So what has happened is some of the more radical environmental organizations, groups like Earth First, groups like, the National Sierra Club, they are trying to educate people in the east that this land in the West is unfit for human occupancy, unfit in their description so that humans should have minimal contact with these public lands; that the design of these public lands was not in fact the concept of multiple use, or a land of many uses.

They use it as one of their priorities to destroy what we knew the land to be, a land of many uses or, in short, multiple use. Their belief is that multiple use should be eliminated or at least minimized in many, many areas, vast amounts of areas out here in the West, regardless of the impact that it has on the generations of people who started back in the homestead days.

So there is a big difference between the East and the West. And we who live in the West feel very strongly about the fact that we, like our friends in the East, like Virginia, for example, when I go into Virginia, my good friend Al Stroobants, he lives in Lynchburg, Virginia. He came from Belgium, but the pride he shows in being an American and the pride he has for Virginia and the Virginia mountains. There is a very strong dedication to our States, and I see it in my friend Al and all his friends down there in Lynchburg, Virginia. Well, we feel the same way as our Virginia colleagues or as our Kentucky or Florida colleagues, or some of these other States. We feel the same way about the American West. We feel very strongly that our way of life should have as much opportunity to be preserved as the way of life in Virginia or Kentucky or Tennessee or Maine or Vermont.

We are lucky. We have 50 of the greatest States in the world. We have probably the most beautiful land mass. We have not only the strongest country economically, education-wise, militarily; but we also have perhaps the most beautiful geography in the world. When we take it all together, we have to come out on top, especially when we add in our little bonuses like Alaska and Hawaii.

But my point here this evening is this: I ask my good friends from the East to understand the differences that we in the West face. And it is not just the geographic differences as a result of public lands, but it is also the fact that we are totally dependent in the

West, we are totally dependent, completely, 100 percent, I do not know any other way to say it to describe our dependency, on public lands.

The concept of multiple use is the foundation for the utilization of public lands. If we do not have multiple use, if my colleagues buy into some of the more radical organizations in our country, that the way to eliminate multiple use, for example, is to burn down the lodges in Vail or go to Phoenix, Arizona, and burn down homes, luxury homes. That is sometimes the kind of tactics that they revert to to eliminate multiple use; that is wrong.

And one of the other more legitimate ways, although I disagree with it, is to try to educate the mass population in the East that life in the West is kind of like life in the East; not to educate the people on the need for multiple use. If I went down the street here in Washington, D.C., I bet I could stop 100 people; and of those 100 people, I bet I could not find two, maybe not even one, maybe not even one who could tell me what the concept of multiple use and what public lands really means.

□ 2230

Now, I will bet also out of those 100, based on the educational efforts of some of these more radical environmentalists over the last few years, I bet the perception of a lot of those people out of that 100 is that in the West we are destroying the lands; that Yellowstone is being drilled upon; that we are cutting down all of the forests. It could not be further from the truth, colleagues.

Most of you probably vacation in my particular district because of the resorts. I would hope that you take an opportunity, especially during our August recess, to go out into these public lands. Take a close look at them. Put all the propaganda aside and go out and see it for yourself. Go out to Jackson Hole. Go out to Beaver Creek. Go over to Durango. Go to Buena Vista and see just how well that land is cared for.

If you have an opportunity, which should be a basic requirement of your visit, just go stroll on down to the coffee shop. Go talk to a cowboy or cowgirl and ask them a little about the lands. You know what you will get? You will get the same kind of feeling I get out of Michael Martin Murphy and a lot of people, millions of people get out of Michael Martin Murphy.

You get a sense of belief out of the American West. You get a sense of the love that these people have for the land upon which they live and upon which they thrive. You get a sense of our inherent responsibilities to protect this land while at the same time enjoying the use of the land, but to protect it in such a way that we can pass on this gem, and that is what it is. It is a gem. It is a diamond in the rough. Pass this on to future generations.

That vision for future generations, as I just mentioned, we consider it an inherent obligation, a part of our heart. Out in the West it is a part of our heart. We need your support here in the East to help us in the West to continue to thrive and continue to enjoy the type of life-style that our forefathers upon the founding of this country intended for us to have.

That does not mean, by the way, that we turn our face the other way if we sense abuse out there. I think you will find the first people to crack down on abuse are the people that are most closely impacted by it. The people that are most closely impacted by abuse of the lands are the people that live on that land.

I have zero tolerance for people that leave decimated trails and tear up the terrain. I have zero tolerance whether it is mountain bikes, whether it is SUVs, whether it is a canoe or a kayak or a sloppy hiker. I have zero tolerance for people that drop litter, for people who do not properly care for the lands, for people that do not leave the land as much as they found it, for people who do not have respect for that land.

If we allow that to occur we then dilute our obligation and our vision for the next generation. So we do feel very strongly about enforcement, but we also believe in balance. We do not think balance is by burning down the lodge at Vail on top of the mountain. We do not believe that balance is going out into a subdivision just because some people who are building these homes have money and burn their homes into the ground. We do not believe you ought to put spikes in trees. We do not think that is necessary.

We have a lot of different projects. I will talk to you about the Colorado National Monument and our special conservation areas.

In our community we felt that we really needed to instill some vision for this generation. To take the Colorado canyons and the Colorado National Monument and come up with some kind of plan, some kind of strategy to preserve those lands in a special way for the future.

Do you know where that inspiration came from? It did not come from Washington, D.C. That inspiration did not come from some radical organization like Greenpeace or Earth First. That inspiration came from the hearts of the people that lived on the land, from the hearts of the people that listen to the music of people like Michael Martin Murphy, from the hearts of the people like David or Sue Ann Smith or Cole and Carol McInnis who lived there and had their family there for generations. That is where that inspiration came from.

Do you know what we were able to put together? We have people like the Gore family up on top of the monument in Glade Park. We have people like the King family, Doug and Cathy, from the King ranches. We have people like Mr. Stroobants from his ranch up in Glenwood Springs to sit down with people from our active environmental community, with people from our chamber of commerce, with locally elected officials like our county commissioners in the various counties, with our State representatives and our State senators.

You know what? We were able to put together a vision that helped preserve this land but at the same time allowing multiple use. We put tens of thousands of acres in the wilderness. That is the most extreme management tool you can use out there. That truly does exclude most of the population from touching that land.

At the same time, we have put in special conservation areas so that people could continue to enjoy their horses for their horseback riding. People could take their hikes. People could spot wildlife. People could go down to the mighty Colorado River and sit on its bank and wonder about the millions and millions of lives and the environment and the heritage of that river.

All of this was done as a result of people who lived on that land coming together, not as a result of a coalition out of Washington, D.C., who thought they knew better about how to describe life out here in the West.

We can do it. We are not a bunch of numbskulls out there or rambling cowboys as some people have the image. In fact, we are pretty proud of ourselves. We think we are pretty thoughtful. We think we are thoughtful in that we understand your concerns here in the East.

There are a lot of people in the East who are justifiably concerned that, regardless of where you live in this country, whether it is the beautiful mountains in Virginia, whether it is the hills of Tennessee, whether it is the coastal areas of Florida, we all as a Nation should be concerned about the preservation of these lands and about the life people lead.

A basic and fundamental part of that concern should be a communication, an expression and participation from the people that live on the land or live on the shore or live on the hills or farm on the plains. Those people ought to have a strong voice at the table. Why? Once you sit down with them as we did with the Colorado Canyon Lands Project, once you sit down with them you will find out that that old geezer has something to say. There is a little history there.

You sit down with somebody like a David Smith and you find out more about water than you ever thought you would know in just a few minutes and about the importance of water in the West and why life in the West is written in water. It is so dry out there that water is fundamentally important.

Mr. Speaker, my real concern this evening, I think I have ably expressed, and I want to deeply again express my appreciation to the communicators in the West, the people who are able to communicate the balance that is necessary so that we can come together as a team to preserve our way of life in

the West. Amongst those communicators are the people like the locally elected officials, the State representatives, the State senators, our local county commissioners, our Chamber of Commerce, our local environmental organizations. Those are communicators, ordinary people that love the land, that know the history of the land in the West, that are proud to be a part of the American West.

Also, as I have mentioned several times, I pay special tribute to one of the finest communicators of today's modern day through music, and that is Michael Martin Murphy. It is obvious I have a bias towards his music, but when one goes beyond the music and looks at the message and looks at the intent and deep dedication and the focused love of the communicator, one understands that this is a good way to communicate the word of the importance of the American West.

Not long ago I heard somebody say, ''You better get used to it. Your days in the American West are limited. That is something in the past. We have moved on. The old frontier is out of here. There are no more great, vast areas.'' These are the kinds of people who want to destroy our open space. These people want to come out and tell people they are not allowed to farm and ranch the land. They are not allowed to do this and do that, the big brother out of Washington, D.C., knows best for the West. And that somehow they reinterpret or reinvent the history of why this block of color is located in the West, while there is hardly any color in the East.

Mr. Speaker, they want to educate and use propaganda to say this was intended to be kind of off limits to people. Here in the East, we already have our piece of land. We already have what we want. But out here in the West, we want to control your lives. We have no use for that type of philosophy. We think at the local level, at the regional level, with input at the national level, because it is one Nation, that we can put together a plan, a blueprint so that the next generation can experience the West as we have experienced it.

Fortunately, because of the visions of people like Teddy Roosevelt and others, in the communication of Gene Autry, as Michael Martin Murphy pointed out so well, or Roy Rogers, they were able to in that generation figure out a blueprint so that the appreciation of the West could continue to my generation.

Mr. Speaker, I hope that I have laid out a blueprint or been a participant, whether it is the Colorado Canyonlands, whether it is Sand Dunes National Monument which last year we put into a national park, whether it is the Black Canyon National Park which Senator CAMPBELL and I created about 4 years ago, we hope that we have somehow participated in that blueprint to pass on the dreams and the life of the West.

Mr. Speaker, it is not something that needs to be eliminated. It is not something that in the East you have to force your way of life upon. It is something that you, too, as American citizens or as visitors to our great country can enjoy. But when you come out there, do not come out with earplugs in your ears, and do not come out thinking that you know it all or trying to impose your values, which may be good values, but for your area. Do not come out and try to impose your values on us in the West. Do not listen to all of this propaganda that you hear.

And I can tell you the propaganda machine about what ought to happen in the West is a well-oiled, well-moneyed machine in the East. I am not saying totally discount what the other side has to say. Listen to that propaganda, but take the time to look up what the other side of the story is. You know the old saying: ''There are two sides to every story.''

That is why I take this microphone tonight, colleagues. I am asking take a look at the other side of the story. Because. When you do, you will understand why we are so proud of our heritage in the West, why we think that we take pretty good care of the Rocky Mountains and the Dakotas and Utah, Montana, and the Colorado River. It is our lifeblood. We care about it. I want you to care about it and care about it in such a way that the next generation and the next generation can live on it, enjoy it, preserve it and respect it because, if we do that, we will have accomplished a great deal for the next generation and for the future of our country.

Mr. Speaker, the rest of this week looks like it is going to be very busy, and it looks like we are going to be working quite late nights. I was hoping to make some comments tomorrow evening and go into specific detail on missile defense. So break away those 40 minutes about which I have spoken to you about the American West, and let us shift our mind into missile defense and talk for just a few minutes. I will not be able to brief Members this evening like I intended to brief Members tomorrow or Thursday evening, but it looks like I will not have that opportunity.

Mr. Speaker, we had a pretty remarkable success with the missile defense this weekend. We had a targeted missile coming under our scenario, a missile aimed at the United States traveling at 4½ miles per second. And we had an intercept missile coming in at 4½ miles. The two of them had to hit. Remember they could not miss by more than three feet. It is like hitting a bullet with a bullet, the effect of shooting a basketball in California and making it through the hoop in Washington, D.C. It is a tremendous success.

Now some would say, oh, especially the Chinese and the Russians, how terrible. Who could imagine the American people ever agreeing to protect themselves from incoming missiles.

Mr. Speaker, most American citizens believe that we have some kind of protection from American missiles. They have heard of Cheyenne Mountain in Colorado Springs, the home of NORAD. Do my colleagues know what NORAD does, NORAD detects?

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It is a huge complex, built within the granite mountain of Cheyenne Mountain. They can detect missile launches anywhere in the world. There are a lot of things that they can do for our security. But once they make that detection, that is about all they can do. They can call you on the phone and say to you, hey, look, despite all of the treaties, despite all of the promises made, we have just had a foreign country launch a missile against the United States, against the people that you are sworn to protect. That missile is going to land in about 30 minutes, and we believe it is carrying a nuclear warhead. What else can we tell you?

What are we going to do?

There is not much we can do. We can repeat what we just told you, where it is going to land, the nuclear warhead that we think is on top of it. I think that there is a responsibility for the leaders of this country, not only for this generation and the future generation, but for the people of the world, to provide missile defense so that we do not end up in some kind of horrible, horrible situation, with a world at war, because a missile, an incoming missile, was not stopped before it hit a city like Los Angeles or New York City or Washington, D.C. We can stop that.

The best way to stop a war from happening, the best way to maintain peace is to disarm your neighbor, especially if it is an unfriendly neighbor. Think about it. Why on earth would you say we should not defend ourselves against incoming missiles? It does not make sense. It is kind of like your neighbor having a gun, and your neighbor deciding that he wants your watermelons. And the neighbor is known to sometimes use that gun against you. Do you think it is crazy to set up some kind of defense, maybe a big fence that your neighbor cannot get over to come use his gun? That is exactly what we need to do here.

At some point in time in the future, and mark this, Members who are opposing some kind of missile defense network, at some point in the future, somebody will launch a missile against the United States of America. For those of you who oppose a defensive system, not an offensive system, a defensive system, for those of you who will cast a vote against a defensive missile system, you, I hope, will be around to answer to the survivors of a missile attack against this country. I hope that you will never have to do that. I hope that the idea that a missile would be launched against the United States does not happen.

But I think every one of us has to be realistic here. The fact is, the odds are

that somebody at some point will launch a missile against the United States of America and that the United States of America is fooling itself. There is a saying out there. The last person you want to fool is yourself. The last person that the United States of America wants to fool ought to be itself. Kudos to the President. Kudos to our defense and our military operational heads to say, look, we cannot afford to put blinders on and pretend. Look, nobody is going to fire a missile against us. Look, nothing is going to happen against us by these rogue countries.

Take a look at how many rogue countries now have missiles. Take a look at how many of these rogue countries have nuclear warheads on those missiles. Do you think that the United States of America by patting them on the back is going to get them to destroy those missiles, or to disarm? No way. These countries are not going to disarm. They could care less what the United States of America tells them. Having a nuclear missile or any type of missile, that is a pretty macho thing in some of these countries. In some of these Third World countries, having the ability to simply reach over and push a button and take on the strongest country in the history of the world and destroy one of their cities or, even worse, it makes them feel pretty good. We play right into their card game; we play right into their game if we do not build some kind of defense.

We need to have a defense. We use it everywhere else, not missile defense, but we use defenses everywhere. Take a look at highways. We put speed bumps to slow you down. Why? Because we do not want an incoming car. We want to slow them down. Every one of my colleagues could think of example after example after example where we deploy a defensive mechanism to protect our health and well-being or the health and well-being of our children. That is why we have speed zones at schools. That is why we have crossing guards. That is why we have tough law enforcement, so that we can preserve those things that are special to us. Now, for us not to put out a defense that protects a country that is special to us is foolish.

Now, because I cannot go into the details, but I will in the next week, I hope, I am going to have some diagrams and some charts and show you why this system will work. Now, remember that the critics of this system will tell you, first of all, we have offended China and Russia. Do not offend China and Russia. And our European colleagues, they are upset about this because of the fact we might offend Russia and China.

Who do you think is likely to use a missile against the United States? Not only those rogue countries, but do not discount China and do not discount Russia. I hope it never happens. I hope we become allies with these people. And if we do become allies, then we do not need to use a defensive missile system. You just have it in place. You never have to engage it. But the reality is somewhere in the future there is going to be a difference of opinion, a professional difference with these two countries. A rogue nation, a rogue Third World nation may not need a reason to fire a missile against us. People have been willing to blow up our airplanes, they have been willing to shoot athletes at the Olympics, they have been able to set off a bomb at the Olympics. Do you not think that someday somebody may want to launch a missile against the United States?

Now, the critics, as I was saying earlier, will say, well, the system has had too many failures. How many failures did we have before we came up with penicillin? How many failures did we have before we mastered the car? Of course you are going to have failures. The technological requirement, the expertise to have two objects that are traveling 4½ miles a second, to be able to bring them together and to be able to intercept right on the spot, you cannot afford to miss. You do not get two shots; you get one shot on that intercept over the weekend. It worked. I can assure you that our European colleagues and that the people, the leadership in Russia and China are saying, wow, American technology.

By gosh, we may disarm Russia and China simply by coming up with a defensive mechanism. Why put all your money in an offensive missile system if the country that you are concerned about, the United States, has the ability to stop them? You want to know what is going to stop missile growth in this world? It is the ability to make them an ineffective weapon. But how do you make them an ineffective weapon if you do not have some type of shield against them? What we are talking about with our missile defense system is a shield, a shield that not only protects the United States but a shield that we would share with our allies. Frankly, a shield that the more it is shared, the less likely that there will ever be a missile attack because the missiles, which are very expensive and the technology that is required is substantial, those missiles become pretty darn ineffective. How could somebody legitimately argue that we should not deploy a strategy that will make missiles less effective?

Mr. Speaker, we have a heavy burden on our shoulders. That heavy burden requires that we protect. We have an inherent responsibility to protect the citizens of this country from somebody who decides they want to launch a missile against us. This is not starting a war. It is not starting an arms race. That is rhetoric. And even if it was not rhetoric, are we going to let them bully us into not defending our citizens? Members, we are elected to the United States Congress in part to not only protect the Constitution but to protect the people of this country.

We have deep, running obligations to the people and the safety and the welfare of this country. It is in every bill we pass. A part of doing that requires us to deploy, in my opinion, a missile defense system so that the United States and its allies, 20 years from now, I want them to look back and say, gosh, those missiles, that is what used to scare them back then. Today, nobody could fire a missile anywhere because you could stop it in flight or better yet you could stop it on the launching pad.

So there is a lot to think about with the missile defensive system. But the basic philosophy, the basic thought ought to receive a ''yes'' vote from everybody in these Chambers. Everybody in the Chambers, every one of my colleagues ought to be in support of a missile defense system. I think you owe it to the constituents that you represent.

In summary, we need a missile defensive system for this country. Technologically we are going to be able to do it. Sure it is going to be expensive. The airplane was expensive when we deployed it. Landing a person on the Moon was expensive. Sending a ship to Mars was expensive. There are lots of things the technology requires is expensive. Conservation is going to be expensive for us but it works. And this missile technology worked this weekend, and we have years of testing left; but it will work and it will be a lifesaver for hundreds of millions of people in this world.

Mr. Speaker, I hope my colleagues had an opportunity to listen to my comments on the American West. I am proud to be an American citizen, but I am deeply proud of being able to have been born and raised in the American West. I hope all of my colleagues have that opportunity to experience what I have been able to spend an entire lifetime experiencing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP (at the request of Mr. GEPHARDT) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

(The following Members (at the request of Mr. KERNS) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. BUYER, for 5 minutes, today and July 18 and 19.

Mr. DUNCAN, for 5 minutes, today.

Mr. NEY, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 360. An act to honor Paul D. Coverdell.

S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 18, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2925. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Gypsy Moth Generally Infested Areas [Docket No. 01–049–1] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2926. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Richard A. Nelson, United States Navy, and his advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

2927. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Bruce B. Knutson, Jr., United States Marine Corps, and his advancement to the grade of Lieutenant General on the retired list; to the Committee on Armed Services.

2928. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Lawson W. Magruder III, United States Army, and his advancement to the grade of Lieutenant General on the retired list; to the Committee on Armed Services.

2929. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William M. Steele, United States Army, and his advancement to the grade of Lieutenant General on the retired list; to the Committee on Armed Services.

2930. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–85, ''Fiscal Year 2002 Budget Support Act of 2001'' received July 17, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2931. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–89, ''Independence of the Chief Financial Officer Establishment Act of 2001'' received July 17, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2932. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200 Series Airplanes [Docket No. 2001–NM–87–AD; Amendment 39–12200; AD 2001–08–23] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2933. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 97–NM–276–AD; Amendment 39–12205; AD 2001–08–28] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2934. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L–1011 Series Airplanes [Docket No. 2001–NM–82–AD; Amendment 39–12204; AD 2001–08–27] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2935. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes [Docket No. 2000–NM–15–AD; Amendment 39–12160; AD 2001–06–13] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2936. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes [Docket No. 98–NM–326–AD; Amendment 39–12163; AD 2001–06–16] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2937. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200 and –300 Series Airplanes [Docket No. 2000–NM–296–AD; Amendment 39–12199; AD 2001–08–22] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2938. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 10 Series Airplanes [Docket No. 2001–NM–191–AD; Amendment 39–12291; AD 2001–13–11] (RIN: 2120–AA64) received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2939. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–300 Series Airplanes [Docket No. 2000–NM–339–AD; Amendment 39–12288; AD 2001–13–08] (RIN: 2120–AA64) received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2001–NM–12–AD; Amendment 39–12290; AD 2001–13–10] (RIN: 2120–AA64) received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2941. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–700IGW Series Airplanes Modified by Supplemental Type Certificate ST09100AC–D, ST09104AC–D, ST09105AC–D, or ST09106AC–D [Docket No. 2000–NM–242–AD; Amendment 39–12323; AD 2001–14–12] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–500 Series Airplanes [Docket No. 2001–NM–66–AD; Amendment 39–12174; AD 2000–23–04 R1] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes [Docket No. 2000–NM–41–AD; Amendment 39–12198; AD 2001–08–21] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2000–CE–61–AD; Amendment 39–12139; AD 2001–05–03] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Luftfahrt GMBH Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 Airplanes [Docket No. 99–CE–19–AD; Amendment 39–12122; AD 2001–04–04] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ Series Airplanes [Docket No. 2000–NM–253–AD; Amendment 39–12119; AD 2001–04–01] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2947. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–301, –321, –322, and –342 Series Airplanes and Airbus Model A340 Series Airplanes [Docket No. 2000–NM–182–AD; Amendment 39–12202; AD 2001–08–25] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; DG Flugzeugbau GmbH Model DG–500MB Sailplanes [Docket No. 99–CE–89–AD; Amendment 39–12137; AD 2001–05–01] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; DG Flugzeugbau

GmbH Model DG–800B Sailplanes [Docket No. 99–CE–67–AD; Amendment 39–12166; AD 2001–07–01] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; VALENTIN GmbH Model 17E Sailplanes [Docket No. 2001–CE–05–AD; Amendment 39–12145; AD 2001–05–08] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KOLBE: Committee on Appropriations. H.R. 2506. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–142). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Concurrent Resolution 62. Resolution expressing the sense of Congress that the George Washington letter to Tuoro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; with an amendment (Rept. 107–143). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 196. Resolution providing for consideration of the bill (H.R. 7) to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets (Rept. 107–144). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. HYDE, Mr. STUMP, Mr. SKELTON, Mr. COX, Mr. HOEFFEL, Mr. KING, Mr. TANCREDO, Mr. SHERMAN, Mr. FALEOMAVAEGA, Mr. CUNNINGHAM, Mr. MENENDEZ, Mrs. JO ANN DAVIS of Virginia, and Mr. ROHRABACHER):

H.R. 2507. A bill to prohibit payment by the United States Government of any request or claim by the Government of the People's Republic of China for reimbursement of the costs associated with the United States Navy EP–3 aircraft that was forced to land on Hainan Island, China, on April 1, 2001; to the Committee on International Relations.

By Mr. SMITH of Michigan:

H.R. 2508. A bill to authorize a plant pathogen genomics research program at the Department of Agriculture to reduce the economic impact of plant pathogens on commercially important crop plants; to the Committee on Agriculture.

By Mr. KING (for himself and Mrs. MALONEY of New York) (both by request):

H.R. 2509. A bill to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States of the United States, or any political subdivision thereof, on a reimbursable basis; to the Committee on Financial Services.

By Mr. KING (for himself and Mrs. MALONEY of New York) (both by request):

H.R. 2510. A bill to extend the expiration date of the Defense Production Act of 1950, and for other purposes; to the Committee on Financial Services.

By Mr. MCCRERY:

H.R. 2511. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage energy conservation, energy reliability, and energy production; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. FROST, Mr. FILNER, Mr. REYES, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. GONZALEZ, and Mr. PASTOR):

H.R. 2512. A bill to authorize additional appropriations for the United States Customs Service for personnel, technology, and infrastructure to expedite the flow of legal commercial and passenger traffic along the Southwest land border, and for other purposes; to the Committee on Ways and Means.

By Mr. ALLEN (for himself, Mr. BALDACCI, and Mr. SANDERS):

H.R. 2513. A bill to amend title XI of the Social Security Act to clarify that the Secretary of Health and Human Services has the authority to treat certain State payments made in an approved demonstration project as medical assistance under the Medicaid Program for purposes of a rebate agreement under section 1927 of the Social Security Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ALLEN:

H.R. 2514. A bill to provide for burdensharing contributions from allied and other friendly foreign countries for the costs of deployment of any United States missile defense system that is designed to protect those countries from ballistic missile attack; to the Committee on International Relations, and in addition to the Committees on Armed Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself and Mr. SCHROCK):

H.R. 2515. A bill to amend title 32, United States Code, to remove the limitation on the use of defense funds for the National Guard civilian youth opportunities program, to lessen the matching funds requirements under the program, and for other purposes; to the Committee on Armed Services.

By Mr. BARRETT (for himself, Mr. BOUCHER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. DINGELL, Mr. DOYLE, Mr. ENGEL, Mr. LUTHER, Ms. MCCARTHY of Missouri, Mr. MARKEY, Mr. PALLONE, Mr. RUSH, Mr. STRICKLAND, Mr. TOWNS, and Mr. WAXMAN):

H.R. 2516. A bill to enhance the Federal Government's leadership role in energy efficiency by requiring Federal agencies to acquire central air conditioners and heat pumps that meet or exceed certain efficiency standards; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself and Mr. SANDERS):

H.R. 2517. A bill to reauthorize the Export-Import Bank of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. BOEHLERT (for himself and Mr. UDALL of Colorado):

H.R. 2518. A bill to establish a pilot program within the Department of Energy to facilitate the use of alternative fuel school buses through grants for energy demonstration and commercial application of energy technology, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself and Mr. DELAHUNT):

H.R. 2519. A bill to allow media coverage of court proceedings; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. RANGEL, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. BECERRA, Mrs. THURMAN, Mr. ALLEN, Mr. BONIOR, Mr. HINCHEY, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Ms. SANCHEZ, Ms. SCHAKOWSKY, Mr. TIERNEY, and Mrs. JONES of Ohio):

H.R. 2520. A bill to amend the Internal Revenue Code of 1986 to curb tax abuses by disallowing tax benefits claimed to arise from transactions without substantial economic substance, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEMENT (for himself and Mr. HILLEARY):

H.R. 2521. A bill to permit States to place supplemental guide signs relating to veterans cemeteries on Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. COBLE (for himself and Mr. BERMAN) (both by request):

H.R. 2522. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Mrs. JONES of Ohio, Mr. WYNN, Ms. NORTON, Mr. STUPAK, Mr. LATOURETTE, Ms. MCKINNEY, Mr. GREEN of Texas, Mr. OWENS, Mrs. MINK of Hawaii, Mr. KUCINICH, Mr. DAVIS of Illinois, and Mr. JEFFERSON):

H.R. 2523. A bill to eliminate certain inequities in the Civil Service Retirement System and the Federal Employees' Retirement System with respect to the computation of benefits for law enforcement officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Supreme Court and Capitol police, and their survivors, and for other purposes; to the Committee on Government Reform.

By Mr. DICKS:

H.R. 2524. A bill to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772–71, 773–71, 774–71, and 775–71, and for other purposes; to the Committee on Resources.

By Mr. LINDER (for himself, Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. HALL of Texas, Mr. LEWIS of California, Mr. BARCIA, Mr. BONILLA, and Mr. CONDIT):

H.R. 2525. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself, Mr. BOUCHER, and Mr. COX):

H.R. 2526. A bill to make permanent the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. ISAKSON, Mrs. MCCARTHY of New York, Mrs. BIGGERT, Mr. ANDREWS, Mr. PETRI, and Mr. KLECZKA):

H.R. 2527. A bill to provide grants for training of realtime court reporters and closed captioners to meet the requirements for closed captioning set forth in the Telecommunications Act of 1996; to the Committee on Education and the Workforce.

By Mr. KOLBE:

H.R. 2528. A bill to modernize the legal tender of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. NEAL of Massachusetts (for himself and Mr. MATSUI):

H.R. 2529. A bill to amend the Internal Revenue Code of 1986 to provide a revenue-neutral simplification of the individual income tax; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. SMITH of New Jersey, Mr. TANCREDO, Ms. MCKINNEY, Mr. CHABOT, and Mr. BROWN of Ohio):

H.R. 2530. A bill to prohibit issuance of a visa to any citizen of the People's Republic of China who participates in or otherwise supports the harvesting, transplantation, or trafficking of organs of executed Chinese prisoners, and for other purposes; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. SANDERS, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mrs. CLAYTON, Mr. HINCHEY, Ms. NORTON, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. MCKINNEY, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. DEFAZIO, Ms. WATERS, Mr. JEFFERSON, and Mr. FILNER):

H.R. 2531. A bill to amend the Truth in Lending Act, the Revised Statutes of the United States, the Home Mortgage Disclosure Act of 1975, and the amendments made by the Home Ownership and Equity Protection Act of 1994 to protect consumers from predatory lending practices, and for other purposes; to the Committee on Financial Services.

By Mr. SMITH of Michigan:

H.R. 2532. A bill to provide for the establishment of regional plant genome and gene expression research and development centers; to the Committee on Agriculture.

By Mr. SMITH of Michigan:

H.R. 2533. A bill to amend the Federal Election Campaign Act of 1971 to reduce the influence of political action committees in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Ms. SOLIS (for herself and Mr. SCHIFF):

H.R. 2534. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Lower Los Angeles River and San Gabriel River watersheds in the State of California, and for other purposes; to the Committee on Resources.

By Mr. STEARNS:

H.R. 2535. A bill to permit wireless carriers to obtain sufficient spectrum to meet the growing demand for existing services and ensure that such carriers have the spectrum they need to deploy fixed and advanced services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 2536. A bill to amend the Communications Act of 1934 to reduce restrictions on media ownership, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself, Mr. FLAKE, Mr. WU, Ms. HART, Mr. BONIOR, Mr. MOORE, Mr. WEINER, and Mr. UDALL of Colorado):

H.R. 2537. A bill to provide for the appointment of an Assistant United States Attorney for each judicial district for the purpose of prosecuting firearms offenses; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

H.R. 2538. A bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians; to the Committee on Small Business.

By Mr. WATKINS:

H.R. 2539. A bill to amend the Internal Revenue Code of 1986 to allow the low-income housing credit without regard to whether moderate rehabilitation assistance is provided with respect to a building; to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Mr. SPRATT):

H. Res. 195. A resolution commending the United States military and defense contractor personnel responsible for the successful in-flight ballistic missile defense interceptor test on July 14, 2001, and for other purposes; to the Committee on Armed Services. considered and agreed to.

By Ms. PRYCE of Ohio:

H. Res. 196. A resolution providing for consideration of the bill (H.R. 7) to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets.

By Mr. BARRETT (for himself, Mr. BARR of Georgia, Mr. HILLEARY, Mr. HOSTETTLER, Mr. REHBERG, Mr. PAUL, Mr. REYNOLDS, Mr. ADERHOLT, and Mr. SCHAFFER):

H. Res. 197. A resolution urging the President to reject any decree, proclamation, or treaty adopted by the United Nations Conference on Small Arms and Light Weapons which would infringe on the right of United States citizens under the 2nd amendment to the Constitution; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H. Res. 198. A resolution congratulating Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

156. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 201 memorializing the United States Congress to take appropriate action to prevent further desecration of the SS *Leopoldville* or any of its contents; to the Committee on Armed Services.

157. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 143 memorializing the United States Congress to assist the Federal Trade Commission in preventing the sale of crawfish and catfish imported from Asia and Spain at prices with which Louisiana producers cannot complete; to the Committee on Energy and Commerce.

158. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 8 memorializing the United States Congress to increase funding for research by the National Institutes of Health for the treatment and cure of Duchenne and Becker muscular dystrophy; to the Committee on Energy and Commerce.

159. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 34 memorializing the United States Congress to support the Minerals Management Service plan to proceed with the Outer Continental Shelf Lease Sale 181 for the eastern Gulf of Mexico scheduled for December 5, 2001; to the Committee on Resources.

160. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 12 memorializing the United States Congress to authorize an additional 18 federal judges and commensurate staff to handle the current and anticipated caseloads along the United States-Mexico border and to fully reimburse local governments for the costs incurred in prosecuting and incarcerating federal defendants; to the Committee on the Judiciary.

161. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 152 memorializing the United States Congress to adopt legislation authorizing states to opt out of the federal-aid highway program; to the Committee on Transportation and Infrastructure.

162. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 188 memorializing the United States Congress to support House Resolution 527 making changes to Section 527 of the Internal Revenue Code to exempt certain state and local political committees which are required to report contributions and expenditures pursuant to local or state law; to the Committee on Ways and Means.

163. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 140 memorializing the United States Congress to act at once to provide for advanced and increased funding of the Weatherization Assistance Program for Low-Income Persons and the Low-Income Home Energy Assistance Program, so as to enable the programs to engage in planning their work more efficiently and engaging and retaining qualified employees; jointly to the Committees on Energy and Commerce and Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. BASS.

H.R. 28: Mr. LARSON of Connecticut and Mr. LANTOS.

H.R. 31: Mr. WALDEN of Oregon.

H.R. 41: Mr. NUSSLE and Mr. SIMPSON.

H.R. 64: Mr. BARTLETT of Maryland.

H.R. 68: Mr. THORNBERRY, Mr. TANCREDO, Mr. BLAGOJEVICH, Mr. FRANK, Mr. DEUTSCH, and Mr. BRADY of Pennsylvania.

H.R. 91: Mr. KILDEE and Mr. CALVERT.

H.R. 163: Mrs. MALONEY of New York.

H.R. 175: Mr. TOOMEY.

H.R. 218: Mrs. CAPPS and Mr. BACHUS.

H.R. 261: Mrs. DAVIS of California.

H.R. 267: Mr. THOMPSON of California, Mr. SHUSTER, and Mr. CROWLEY.

H.R. 281: Mr. KLECZKA, Ms. ESHOO, and Mr. LAMPSON.
H.R. 288: Mr. PRICE of North Carolina.
H.R. 303: Mr. DEMINT.
H.R. 326: Mr. INSLEE.
H.R. 356: Mr. WAMP
H.R. 394: Ms. SANCHEZ, Ms. BERKLEY, Mr. MASCARA, Mr. PICKERING, and Mr. RILEY.
H.R. 429: Mr. LEVIN.
H.R. 436: Mr. PAYNE and Mr. NADLER.
H.R. 491: Mr. EVANS, Mr. SCHROCK, Mrs. MINK of Hawaii, Mr. INSLEE, and Ms. BROWN of Florida.
H.R. 527: Mrs. MORELLA.
H.R. 572: Mr. TIERNEY and Mr. JEFFERSON.
H.R. 602: Mr. TOM DAVIS of Virginia.
H.R. 612: Mr. BARRETT.
H.R. 619: Ms. JACKSON-LEE of Texas and Ms. DELAURO.
H.R. 649: Mr. BROWN of South Carolina.
H.R. 656: Mrs. THURMAN and Mr. JEFFERSON.
H.R. 664: Ms. SANCHEZ, Mr. HONDA, Mr. BOYD, Mrs. NAPOLITANO, Mr. CARDIN, and Mr. UNDERWOOD.
H.R. 668: Mrs. WILSON and Mr. KENNEDY of Minnesota.
H.R. 677: Mr. MCKINNEY, Mr. MCDERMOTT, and Mr. BOUCHER.
H.R. 686: Mr. CONYERS.
H.R. 690: Mr. JACKSON of Illinois and Mrs. CLAYTON.
H.R. 702: Mr. SMITH of Washington.
H.R. 710: Mr. PETERSON of Pennsylvania.
H.R. 717: Mr. WATT of North Carolina.
H.R. 737: Mr. PLATTS.
H.R. 751: Mr. PASTOR.
H.R. 752: Mr. JEFFERSON.
H.R. 778: Mr. HOYER.
H.R. 781: Mr. THOMPSON of California, Mr. JEFFERSON, Mr. LUTHER, and Mr. UDALL of Colorado.
H.R. 792: Ms. ROS-LEHTINEN, Mr. CRAMER, Mr. GRAHAM, Mr. BROWN of South Carolina, Mr. BISHOP, Mr. WELLER, and Mr. SOUDER.
H.R. 817: Mr. FARR of California.
H.R. 822: Mr. BLAGOJEVICH, Mrs. MINK of Hawaii, Ms. KAPTUR, and Mr. UDALL of New Mexico.
H.R. 840: Ms. LEE, Mr. NADLER, and Mr. DEFAZIO.
H.R. 862: Mr. SAWYER.
H.R. 870: Ms. JACKSON-LEE of Texas.
H.R. 903: Mr. ENGLISH and Mr. GREENWOOD.
H.R. 964: Mr. OLVER.
H.R. 967: Mr. HONDA.
H.R. 981: Mr. LUCAS of Oklahoma.
H.R. 986: Mrs. THURMAN and Mr. SMITH of Michigan.
H.R. 1013: Mr. POMEROY.
H.R. 1014: Mr. BORSKI, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. LANGEVIN, Ms. ROYBAL-ALLARD, Mr. SHERMAN, and Mr. WYNN.
H.R. 1060: Mr. STARK.
H.R. 1070: Mr. KUCINICH.
H.R. 1073: Mrs. JO ANN DAVIS of Virginia, Mr. HONDA, Mr. BOYD, and Mrs. NAPOLITANO.
H.R. 1077: Mrs. CLAYTON.
H.R. 1089: Mrs. MALONEY of New York.
H.R. 1090: Mr. BLAGOJEVICH, Mr. LAHOOD, Mr. GEORGE MILLER of California, Mr. SANDLIN, and Mr. UDALL of Colorado.
H.R. 1093: Mr. UDALL of New Mexico.
H.R. 1094: Mr. UDALL of New Mexico.
H.R. 1110: Mr. LATHAM, Mr. BARTLETT of Maryland, Mr. DEMINT, Mr. FLETCHER, and Mrs. WILSON.
H.R. 1112: Ms. ROYBAL-ALLARD.
H.R. 1134: Mr. MCHUGH.
H.R. 1152: Mr. FARR of California and Ms. LOFGREN.
H.R. 1170: Mr. SMITH of Washington, Mr. ISRAEL, Mr. BENTSEN, and Mr. LAMPSON.
H.R. 1182: Mr. LEWIS of Kentucky and Mr. NEAL of Massachusetts.
H.R. 1186: Mr. HORN and Mr. HONDA.
H.R. 1198: Mr. MATSUI.
H.R. 1265: Mr. HONDA.
H.R. 1266: Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. SAWYER, Mr. SCOTT, Mr. SMITH of Michigan, Mr. KENNEDY of Rhode Island, Mr. LAHOOD, and Mr. NEAL of Massachusetts.
H.R. 1274: Mrs. DAVIS of California.
H.R. 1304: Mr. SESSIONS and Mr. KING.
H.R. 1316: Mr. LARGENT.
H.R. 1338: Mr. CANTOR.
H.R. 1340: Mr. BRADY of Pennsylvania and Mrs. MALONEY of New York.
H.R. 1348: Mr. VISCLOSKY.
H.R. 1366: Ms. WATSON.
H.R. 1367: Mr. MCDERMOTT.
H.R. 1377: Mr. HASTINGS of Washington, Mr. STRICKLAND, Mr. HALL of Ohio, Mr. LANGEVIN, Mr. HANSEN, and Mr. HILLEARY.
H.R. 1383: Mr. ENGLISH, Mr. PASCRELL, Mr. TIAHRT, Ms. HARMAN, and Mrs. MALONEY of New York.
H.R. 1401: Mr. LANTOS and Mr. ROGERS of Kentucky.
H.R. 1406: Mr. BALDACCI.
H.R. 1433: Mr. MCDERMOTT.
H.R. 1436: Mr. REYES, Mr. DICKS, Mr. NADLER, Ms. ROYBAL-ALLARD, Mr. LATOURETTE, Mr. SHIMKUS, Mrs. CHRISTENSEN, Mr. LEVIN, Mr. BRADY of Pennsylvania, Mr. SAXTON, and Mr. LAMPSON.
H.R. 1490: Mr. FARR of California, Mr. MURTHA, Mr. CHAMBLISS, Mr. DEAL of Georgia, Ms. MCKINNEY, Mr. BISHOP, and Mr. MCGOVERN.
H.R. 1509: Mr. TURNER, Mr. TOM DAVIS of Virginia, Mr. TERRY, Mr. FROST, Mr. KUCINICH, and Mr. PLATTS.
H.R. 1510: Mr. PETERSON of Pennsylvania, Mr. NUSSLE, Mr. MILLER of Florida, Mr. CANTOR, and Mr. CRENSHAW.
H.R. 1520: Mr. WU, Mrs. CAPPS, and Mr. LAMPSON.
H.R. 1522: Mr. BONILLA, Mr. CARDIN, and Mr. TIERNEY.
H.R. 1524: Mr. KELLER.
H.R. 1556: Ms. RIVERS, Mr. GORDON, Mr. LAHOOD, Mr. GUTIERREZ, Mr. WAXMAN, Mr. BLAGOJEVICH, Mr. HASTINGS of Florida, Mr. SAXTON, Mr. HOUGHTON, Mr. LAMPSON, Mrs. CLAYTON, Mr. HOLT, Ms. BALDWIN, Mrs. THURMAN, and Mr. SHAYS.
H.R. 1581: Mr. NUSSLE.
H.R. 1592: Mr. TANCREDO.
H.R. 1609: Mr. BONILLA, Mr. SCHAFFER, Mr. LAHOOD, Mr. STUPAK, and Mr. FATTAH.
H.R. 1624: Mrs. MINK of Hawaii, Mr. HONDA, and Mr. MORAN of Kansas.
H.R. 1629: Ms. HART, Ms. BERKLEY, Ms. MCKINNEY, Mr. GEORGE MILLER of California, Mrs. CAPITO, Mr. MATHESON, Mr. LANTOS, Ms. NORTON, Ms. SCHAKOWSKY, and Mr. JEFFERSON.
H.R. 1636: Mr. WELLER.
H.R. 1645: Mr. MORAN of Virginia, Mr. BONIOR, Mr. LARSON of Connecticut, and Mr. LIPINSKI.
H.R. 1650: Mr. ENGLISH and Mrs. MALONEY of New York.
H.R. 1673: Mr. MEEKS of New York.
H.R. 1675: Mr. CALVERT and Mr. KOLBE.
H.R. 1700: Ms. BROWN of Florida, Mr. BLAGOJEVICH, Mr. OBEY, Ms. MCKINNEY, Mr. MCDERMOTT, Mr. ALLEN, and Mr. COSTELLO.
H.R. 1701: Mr. GOODLATTE, Mr. GILLMOR, and Mr. JOHN.
H.R. 1707: Mr. HONDA.
H.R. 1708: Mr. MCGOVERN, Mr. STUPAK, Mr. STRICKLAND, and Mr. BRADY of Pennsylvania.
H.R. 1718: Mr. ABERCROMBIE, Mr. DEUTSCH, Mr. TIERNEY, Mr. WEXLER, Ms. ESHOO, Mr. LANGEVIN, Mr. PASTOR, Mr. LEVIN, Mr. BENTSEN, Mr. SKELTON, Mr. UNDERWOOD, and Mr. PETERSON of Minnesota.
H.R. 1733: Mr. FILNER and Mrs. CLAYTON.
H.R. 1744: Mr. HOLDEN, Mr. TIERNEY, and Mr. BONIOR.
H.R. 1775: Mr. BRADY of Texas.
H.R. 1779: Mr. SHAYS, Mr. FILNER, Ms. ROYBAL-ALLARD, and Mr. OWENS.
H.R. 1795: Mr. FLAKE, Mr. WEXLER, Mr. FRANK, Mr. REYNOLDS, Ms. WOOLSEY, Mr. HOLT, and Mr. SANDLIN.
H.R. 1810: Mr. NADLER.
H.R. 1822: Mr. MEEKS of New York, Mr. BLAGOJEVICH, and Mr. MURTHA.
H.R. 1835: Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. TERRY, Mr. FILNER, and Ms. ROYBAL-ALLARD.
H.R. 1839: Mr. STUPAK and Mr. KIND.
H.R. 1856: Mr. JEFFERSON.
H.R. 1861: Mr. MCDERMOTT.
H.R. 1862: Mr. HINCHEY and Mr. KILDEE.
H.R. 1864: Mr. CASTLE, Mr. PICKERING, and Mr. BLAGOJEVICH.
H.R. 1882: Mr. KILDEE.
H.R. 1911: Mr. SANDERS.
H.R. 1928: Mr. KILDEE.
H.R. 1949: Mr. CALVERT and Mr. FRANK.
H.R. 1975: Mr. TOOMEY and Mr. RYUN of Kansas.
H.R. 1990: Mr. TIERNEY and Mr. CUMMINGS.
H.R. 1996: Ms. DELAURO.
H.R. 2005: Mr. KILDEE.
H.R. 2023: Mr. LAHOOD, Mr. KOLBE, Mr. TOM DAVIS of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. BARR of Georgia, Mrs. CUBIN, Mr. POMBO, Mr. BONILLA, Mr. ISAKSON, and Mr. DREIER.
H.R. 2073: Ms. MCKINNEY, Mr. PAUL, and Ms. ROYBAL-ALLARD.
H.R. 2074: Mr. SANDERS and Ms. SOLIS.
H.R. 2098: Mr. ENGEL.
H.R. 2110: Mr. KILDEE.
H.R. 2117: Mr. MORAN of Virginia and Mr. HAYWORTH.
H.R. 2121: Mr. FALEOMAVAEGA, Ms. KAPTUR, Mr. SHERMAN, Mr. FROST, Mr. HOEFFEL, and Mr. HILLIARD.
H.R. 2125: Mr. HINCHEY, Mr. MEEKS of New York, Ms. NORTON, and Mr. CRAMER.
H.R. 2134: Mr. KILDEE.
H.R. 2145: Mr. KUCINICH and Mr. CONYERS.
H.R. 2147: Mr. RANGEL, Mr. WATKINS, and Mr. HERGER.
H.R. 2157: Mr. HINCHEY and Mr. UDALL of New Mexico.
H.R. 2160: Mrs. JONES of Ohio and Mr. BALDACCI.
H.R. 2165: Mr. MCGOVERN, Mr. SCHROCK, Mr. BRADY of Texas, Mr. LAHOOD, Ms. MCKINNEY, Mr. BARTLETT of Maryland, Mr. BALLENGER, Mr. BILIRAKIS, Mr. BRYANT, Mr. BUYER, Mr. COBLE, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. GRAHAM, Mr. HILLEARY, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. OXLEY, Mr. PITTS, Mr. RYUN of Kansas, Mr. SAXTON, Mr. SIMMONS, and Mr. SPRATT.
H.R. 2166: Mr. MATSUI, Mr. LEVIN, Mr. KILDEE, Mr. JEFFERSON, and Mr. MCGOVERN.
H.R. 2173: Mr. WEINER, Mrs. THURMAN, and Mr. BLAGOJEVICH.
H.R. 2178: Ms. MCKINNEY.
H.R. 2211: Mr. SOUDER and Mr. SANDERS.
H.R. 2222: Mr. FALEOMAVAEGA, Mr. GUTIERREZ, and Mr. MEEKS of New York.
H.R. 2223: Mr. GEORGE MILLER of California, Mr. FROST, Mr. SCHIFF, and Mr. SANDLIN.
H.R. 2229: Mr. FOLEY and Mr. COOKSEY.
H.R. 2235: Mr. BAKER and Mr. GRAHAM.
H.R. 2240: Mr. PUTNAM, Mr. DAVIS of Florida, Ms. BROWN of Florida, Ms. ROS-LEHTINEN, and Mrs. THURMAN.
H.R. 2243: Mr. JEFFERSON, Mr. MEEKS of New York, and Ms. NORTON.
H.R. 2259: Mr. WATTS of Oklahoma.
H.R. 2272: Mr. HILLIARD, Mr. EHLERS, and Mr. CAPUANO.
H.R. 2281: Ms. ROYBAL-ALLARD, Mr. COSTELLO, Mr. HILLIARD, and Mr. LAMPSON.
H.R. 2293: Mr. KELLER.
H.R. 2294: Mrs. DAVIS of California, Mr. HINCHEY, Mr. KILDEE, Mr. BONIOR, and Ms. MCKINNEY.
H.R. 2310: Mr. SANDERS and Mr. MALONEY of Connecticut.

H.R. 2326: Mr. UDALL of Colorado, Mr. ISAKSON, Ms. MCCARTHY of Missouri, Mr. SCHIFF, and Mr. GRUCCI.
H.R. 2327: Mr. TERRY and Mrs. CUBIN.
H.R. 2328: Ms. NORTON.
H.R. 2329: Mr. SANDERS, Mr. MCDERMOTT, Mr. JEFFERSON, Mr. CHAMBLISS, Mr. MCINTYRE, Mr. WEINER Mr. HONDA, Mr. ENGEL, and Mr. MEEHAN.
H.R. 2339: Mr. ISAKSON and Mr. KILDEE.
H.R. 2340: Mr. BONIOR.
H.R. 2348: Mr. WEXLER, Mr. WYNN, Ms. KILPATRICK, Mr. KENNEDY of Rhode Island, Mr. UDALL of Colorado, Mr. BACA, Mr. LAMPSON, and Mr. LANGEVIN.
H.R. 2349: Mr. CARDIN, Ms. NORTON, Mr. WYNN, Mr. JEFFERSON, Ms. SOLIS, and Mr. PRICE of North Carolina.
H.R. 2378: Mr. WEXLER.
H.R. 2379: Mr. HINCHEY, Mr. OXLEY, Mr. MEEKS of New York, and Ms. NORTON.
H.R. 2390: Mr. PITTS.
H.R. 2413: Mr. SANDERS, Mr. MINK of Hawaii, and Mr. SCHROCK.
H.R. 2417: Mr. MCGOVERN, Ms. MCKINNEY, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. LUCAS of Kentucky, and Mrs. MINK of Hawaii.
H.R. 2435: Ms. HARMAN and Mr. TERRY.
H.R. 2438: Mr. BORSKI and Mr. KIRK.
H.R. 2453: Ms. MCKINNEY and Mr. HILLIARD.
H.R. 2459: Mr. NADLER.
H.R. 2494: Mr. BLAGOJEVICH, Ms. MCKINNEY, and Mr. THOMPSON of California.
H.R. 2505: Mr. WU.
H.J. Res. 6: Mr. ENGEL.
H. Con. Res. 17: Mr. HOLT and Mr. LAMPSON.
H. Con. Res. 36: Mr. LIPINSKI, Mr. BAIRD, Mr. DOGGETT, Mr. STUPAK, and Mr. DIAZ-BALART.
H. Con. Res. 42: Mrs. CAPPS.
H. Con. Res. 58: Mr. SHERMAN.
H. Con. Res. 61: Mr. RUSH.
H. Con. Res. 97: Mrs. ROUKEMA.
H. Con. Res. 102: Mr. SWEENEY, Mr. WATT of North Carolina, Mr. HOEFFEL, Mr. BERMAN, Mr. LEWIS of Kentucky, Mr. OLVER, Mr. ENGEL, and Mr. BONIOR.
H. Con. Res. 166: Mr. FOLEY, Mr. GREEN of Wisconsin, Mr. HINCHEY, Ms. MILLENDER-MCDONALD, Mr. CARSON of Oklahoma Ms. ROS-LEHTINEN, Mr. HONDA, Ms. NORTON, Mr. HILLIARD, Mr. SANDERS, and Ms. HOOLEY of Oregon.
H. Res. 152: Mr. INSLEE and Mr. MCHUGH.
H. Res. 173: Ms. SLAUGHTER.
H. Res. 191: Mr. SHERMAN, Mr. HOLT, and Mr. SOUDER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2500

OFFERED BY: MR. BARTLETT OF MARYLAND

AMENDMENT NO. 14: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement any recommendation or requirement adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (July 2001), except to the extent authorized pursuant to a law enacted after the date of the enactment of this Act.

H.R. 2500

OFFERED BY: MR. CONYERS

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice to propose, issue, consider, analyze, or implement any revision, of Office of Management and Budget Circular No. A–102.

H.R. 2500

OFFERED BY: MR. DELAHUNT

AMENDMENT NO. 16: At the end of the bill, insert after the last title (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used after December 15, 2001, for any operation of the Office of Independent Counsel in the investigation designated ''In re: Henry G. Cisneros''.

H.R. 2500

OFFERED BY: MR. DELAY

AMENDMENT NO. 17: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used to negotiate or pay any request or claim by the Government of the People's Republic of China for reimbursement of the costs associated with the detention of the crewmembers of the United States Navy EP–3 aircraft that was forced to land on Hainan Island, China, on April 1, 2001, or for reimbursement of any of the costs associated with the return of the aircraft to the United States.

H.R. 2500

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 18: Page 45, line 21, after the dollar amount, insert the following: ''(reduced by $250,000)''.

Page 46, line 16, after the dollar amount, insert the following: ''(increased by $250,000, for a grant to the City of Pahokee, Florida to assist in the dredging on the City Marina)''.

H.R. 2500

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 19: Page 72, line 5, immediately before the period insert the following:

: *Provided further*, That, notwithstanding any other provision of law, of the amount made available under this heading, $7,800,000 shall be available to provide funds for legal representation for parents who are seeking the return of children abducted to or from the United States under the Hague Convention on the Civil Aspects of International Child Abduction

H.R. 2500

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 20: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in title I of this Act may be used to prohibit states from participating in voluntary child safety gun lock programs.

H.R. 2500

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 21: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to remove, deport, or exclude any alien from the United States under the Immigration and Nationality Act for conviction of a crime if the alien——

(1) before April 1, 1997, entered into a plea agreement under which the alien pled guilty to the crime that renders the alien inadmissible or deportable; and

(2) after June 25, 2001——

(a) requests discretionary relief under section 212(c) of the Immigration and Nationality Act (as in effect at the time of the alien's plea agreement) on the ground that the opinion of the Supreme court of the United States rendered in Immigration and Naturalization Service v. St. Cyr, 533 U.S. ——(2001) renders the alien eligible to seek such relief; and

(B) has not received a final order of removal, deportation, or exclusion upon denial of such request.

H.R. 2500

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 22: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Of the amount appropriated for ''Department of Justice, Juvenile Justice Programs'', $2,000,000 shall be available only for the City of Houston At-Risk Children's Program of the At-Risk Children's Program under title V of the Juvenile Justice and Delinquency Prevention Act of 1974.

H.R. 2500

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 23: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Salaries and Expenses, General Administration, Department of Justice'', and increasing the amount made available for ''Salaries and Expenses, Community Relations Service, Department of Justice'', by $1,000,000.

H.R. 2500

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 24: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Of the amounts made available under the heading ''Immigration and Naturalization Service, Enforcement and Border Affairs'', not less than $3,000,000 shall be used to make legal orientation presentations to aliens being held in detention in order to improve deserving aliens' access to relief, to increase the efficiency of the immigration system, and to reduce the overall cost of detaining aliens.

H.R. 2500

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 25: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Of the amounts made available under the heading ''Immigration and Naturalization Service, Enforcement and Border Affairs'', $20,000,000 may be used for a program of alternatives to detention for aliens who are not a danger to the community and are not likely to abscond.

H.R. 2500

OFFERED BY: MR. KERNS

AMENDMENT NO. 26: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in connection with any system to conduct background checks on persons purchasing a firearm that provides for the retention of any information

submitted under the system by, or on behalf of, each person determined under such system not to be prohibited from receiving a firearm.

H.R. 2500

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 27: Page 47, line 22, after the dollar amount, insert the following: ''(reduced by $2,500,000)''.

Page 48, line 11, after the dollar amount, insert the following: ''(increased by $2,500,000)''.

H.R. 2500

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 28: Page 48, line 3, after the dollar amount, insert the following: ''(increased by $2,000,000)''.

Page 48, line 14, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

H.R. 2500

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 29: Page 48, line 1, after the dollar amount, insert the following: ''(increased by $500,000)''.

Page 48, line 14, after the dollar amount, insert the following: ''(reduced by $500,000)''.

H.R. 2500

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 30: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to destroy any record of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act, within 90 days after the date the record is created.

H.R. 2500

OFFERED BY MS. NORTON

AMENDMENT NO. 31: Page 88, line 11, after the dollar amount, insert the following: ''(increased by $1,000,000) (reduced by $1,000,000)''.

H.R. 2500

OFFERED BY: MR. OBEY

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Federal Communications Commission to implement changes in the Commission's rules, or the policies established to administer the rules, relating to media cross-ownership and multiple ownership as set forth at section 73.3555 of title 47, Code of Federal Regulations.

H.R. 2500

OFFERED BY: MR. OLVER

AMENDMENT NO. 33: Page 107, beginning on line 21, strike section 623 (relating to Kyoto Protocol).

H.R. 2500

OFFERED BY: MR. OXLEY

AMENDMENT NO. 34: Page 94, beginning on line 9, strike '': *Provided further,* That fees'' and all that follows through line 20 and insert a period.

H.R. 2500

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 35: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

H.R. 2500

OFFERED BY: MR. STEARNS

AMENDMENT NO. 36: Page 83, after line 22, insert the following:

SEC. 404. (a) Congress finds the following:

(1) Linda Shenwick, in the performance of her duties, informed the Congress of waste, fraud, and mismanagement at the United Nations.

(2) Linda Shenwick's findings of waste, fraud, and mismanagement led to the creation of the Office of Inspector General at the United Nations.

(3) Department of State officials retaliated against Linda Shenwick by removing her from her position at the United Nations, withholding her salary, downgrading her performance reviews, and ultimately terminating her employment with the Department of State.

(4) The Whistleblower Protection Act of 1989 (Public Law 101–12) protects the disclosure of information to the Congress and prohibits reprisal against an employee for such disclosure.

(b) It is the sense of Congress that Linda Shenwick, a dedicated Federal employee who, in the performance of her duties, informed the Congress of waste, fraud, and mismanagement at the United Nations, should be reinstated to her former position at the Department of State.

H.R. 2500

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 37. Page 108, after line 7 insert the following:

SEC. . None of the funds made available by this Act shall be used to house prisoners in a Federal prison facility that is deemed overcrowded by Bureau of Prisons standards.

H.R. 2500

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 38. Page 108, after line 7, insert the following new section:

SEC. ____. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

H.R. 2500

OFFERED BY: MS. VELÁQUEZ

AMENDMENT NO. 39. Page 59, line 13, after the dollar amount insert the following: ''(reduced by $2,000,000)''.

Page 71, line 4, after the dollar amount insert the following: ''(reduced by $8,000,000)''.

Page 73, line 3, after the dollar amount insert the following: ''(reduced by $7,000,000)''.

Page 95, line 3, after the dollar amount insert the following: ''(increased by $7,000,000)''.

Page 95, line 19, after the dollar amount insert the following: ''(increased by $10,000,000)''.

H.R. 2500

OFFERED BY: MR. WU

AMENDMENT NO. 40. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to process an application under the Immigration and Nationality Act, or any other immigration law, submitted by or on behalf of an alien who has been directly or indirectly involved in the harvesting of organs from executed prisoners who did not consent to such harvesting.

H.R. 2506

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 1: In title II of the bill under the heading ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', insert before the period at the end the following: '': *Provided further,* That of the amount made available under this heading for HIV/AIDS, $5,000,000 shall be for assistance for sub-Saharan Africa and India to prevent mother-to-child HIV/AIDS transmission through effective partnerships with nongovernmental organizations and research facilities pursuant to section 104(c)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(5))''.

H.R. 2506

OFFERED BY: MR. OLVER

AMENDMENT NO. 2: Strike section 566 (relating to Kyoto Protocol).